

## **CHAPTER X. POLICE**

- Article 1. Police Department
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- Article 3. Property in Police Custody

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### **ARTICLE 1. POLICE DEPARTMENT**

- 10-101. **POLICE DEPARTMENT.** The police department shall consist of a chief of police, assistant chief of police, regular and part-time law enforcement officers, dispatchers, auxiliary police, and such other members as shall be deemed necessary. (Code 1998)
- 10-102. **LAW ENFORCEMENT PERSONNEL; GENERAL DUTIES.** It shall be the general duty of the chief of police and all sworn law enforcement personnel to the best of their ability to preserve good order, peace and quiet throughout the city as provided by law or ordinance.  
The chief of police and all sworn law enforcement personnel shall at all times have power to make arrest under proper process or without process on view of any offense against the laws of the State of Kansas or laws of the city and to keep all persons so arrested, unless admitted to bail, in the city jail, county jail or other proper place to prevent their escape until their trial can be had before the proper officer.  
All persons arrested for violation of any law of the state and who shall not be charged with an offense under any law of the city shall be released to the custody of the sheriff of the county and such arrest shall be reported to the county attorney. (Code 2015)
- 10-103. **RULES AND REGULATIONS.** The chief of police shall have power to make such rules and regulations as may be necessary for the proper and efficient conduct of the department. Such rules and regulations shall be approved by the governing body. (Code 2015)
- 10-104. **PRIVATE, UNMARKED VEHICLES; PLAIN CLOTHES.** (a) The chief of police and other police officers shall at all times have power to use a private and unmanned vehicle for police business in an emergency, or when off-duty while in sight of a violation of the law, and to apprehend and make arrests therefore. Provided, however, that any such car so used shall be equipped with proper lights and a siren, and such officer shall be properly armed.  
(b) The chief of police and all members of the police force are hereby authorized to perform their duties in plain clothes if and when it is for the best interest and welfare of the citizens of the city, and for proper law enforcement. (Ord. 867, Sec. 1:2; Ord. 94-16, Sec. 4; Code 1998)
- 10-105. **EQUIPPING AND USE OF VEHICLES.** (a) Police officers may equip their private, unmarked cars with emergency equipment such as lights, sirens, and radios at their own expense but the city shall have no liability to pay any part of the cost of the equipment or the cost of insuring the vehicle and its equipment or the

cost of liability insurance for the vehicle and its driver. Further there is no obligation on the part of any police officer to equip his or her private vehicle with emergency equipment.

(b) In the event any police officer, whether full-time, part-time, or auxiliary, equips his or her private vehicle with emergency equipment, he or she must previously have passed a course in emergency vehicle operation, the course being approved by the chief of police, and he or she must file with the police department a copy of his or her emergency vehicle insurance in a form and in amounts approved by the chief of police and the governing body.

(c) No police officer may make a traffic stop in his or her private vehicle, even if the vehicle is equipped with emergency equipment.

(d) No police officer shall exceed the posted speed limits when driving a private vehicle, even if it is equipped with emergency equipment, and no police officer shall exceed the posted speed limits by more than 15 miles per hour when driving a city vehicle equipped with emergency equipment.

(Ord. 94-16, Sec. 5:8; Code 1998)

10-106. ASSISTANT CHIEF OF POLICE. There is hereby created the position of assistant chief of police.

(a) The position shall be under the supervision of the chief of police and shall be that of a hired employee.

(b) The duties shall include any tasks deemed necessary by the chief of police.

(c) The pay of the assistant police chief will be established by the governing body. The holder of this position shall be entitled to all other benefits available to full-time employees.

(Ord. 91-6, Sec. 1:4; Ord. 95-7, Sec. 2; Code 1998)

10-107. PART-TIME POLICE OFFICER. (a) The position of part-time police officer is hereby created.

(b) Part-time police officers shall not be full-time employees of the city, shall not be entitled to any of the benefits of full-time employment, shall not work over 1,000 hours during any 12 consecutive months, shall only work when necessary, shall be appointed by the mayor, after consultation with the police chief and police committee, and shall be compensated at an hourly rate established by the governing body.

(Ord. 94-16; Code 2015)

10-108. CHAIN OF COMMAND. The police department is under the control and direction of the chief of police. In the absence of the chief of police, the next position in the chain of command will assume control and direction of the police department. The chain of command is chief of police, assistant chief of police, lieutenant, and sergeant. In the event any of the positions in the chain of command do not exist or have no one currently appointed to the position, they will be disregarded for purposes of following the chain of command.

(Ord. 94-16, Sec. 3; Code 1998)

## **ARTICLE 2. AUXILIARY POLICE**

- 10-201.       **CREATED.** An auxiliary police force of not more than eighteen (18) persons is hereby established for the city for the better and more efficient police protection of the city. (Ord. 87-2, Sec. 1; Code 1988)
- 10-202.       **QUALIFICATIONS.** The members of the auxiliary police force shall be residents of a 10 mile radius of the city shall be appointed by the mayor, after consultation with the police chief and police committee, and shall be compensated at an hourly rate established by the governing body. Auxiliary police shall hold their office for a term of one year or until their successors are appointed and qualified. No person shall be eligible to serve as a member of the auxiliary police force unless he or she shall have attained the age of 21 years at the time of his or her appointment and confirmation and have a high school diploma or equivalent. No member of the city council shall be eligible to so serve.  
(Ord. 87-2, Sec. 2; Code 1988)
- 10-203.       **CONTROL.** The auxiliary police force shall be under the general supervision of the mayor and chief of police and shall not draw any compensation for their services except for such time as they shall be on duty as a regular officer or assigned to a special duty, in which case their compensation shall be equivalent to the patrolman they replace. (Ord. 87-2, Sec. 3; Code 1988)
- 10-204.       **AUTHORITY.** The members of the auxiliary police force shall have no greater authority to make arrests than the ordinary citizen, except when they shall be serving as a regular or special officer under the orders and direction of the mayor or chief of police or their delegate. (Ord. 87-2, Sec. 4; Code 1988)
- 10-205.       **VOLUNTEER STATUS.** The officers of the Galena auxiliary police shall serve strictly as volunteers without pay, and the officers shall not be compensated in any manner at any time for their duties as auxiliary police officers.  
(Ord. 94-10, Sec. 1; Code 1998)

### ARTICLE 3. PROPERTY IN POLICE CUSTODY

- 10-301. REGULATIONS. The police department is required to establish regulations detailing the collection, storage, and inventory of property which may come under its control by any manner. (Code 1988)
- 10-302. DISPOSITION. Any property which has been acquired or turned over to the police department and has been classified in accordance with procedures existing in the police department as unclaimed or for which the proper owner cannot be ascertained shall be kept for a minimum of 90 days. After a period of 90 days, such property, except as provided in section 10-303, shall be sold at public auction to the highest bidder and the proceeds after expenses shall be paid to the city general fund. (Ord. 83-17; Code 1988)
- 10-303. SAME; EXEMPT PROPERTY. The following classes of property shall be considered exceptions to section 10-302 and shall be dealt with in the following manner:
- (a) Cash money shall be turned over to the city general fund unless it shall be determined to have collector's value, in which case it shall be auctioned according to the provisions in section 10-302.
  - (b) Except as provided in subsections (c) and (d), any weapon or ammunition, in the discretion of the court having jurisdiction of the property, shall be:
    - (1) Forfeited to the law enforcement agency seizing the weapon for use within such agency, for sale to a properly licensed federal firearms dealer, for trading to a properly licensed federal firearms dealer, for trading to a properly licensed federal firearms dealer for other new or used firearms or accessories for use within such agency or for trading to another law enforcement agency for that agency's use;
    - (2) Forfeited to the Kansas bureau of investigation for law enforcement, testing or comparison by the Kansas bureau of investigation forensic laboratory;
    - (3) Forfeited to a county regional forensic science center, or other county forensic laboratory for testing, comparison or other forensic science purposes; or
    - (4) Forfeited to the Kansas department of wildlife, parks and tourism for use pursuant to the conditions set forth in K.S.A. 32-1047, and amendments thereto.
  - (c) Except as provided in subsection (d), any weapon which cannot be forfeited pursuant to subsection (b) due to the condition of the weapon, shall be destroyed.
  - (d) If a weapon is seized from an individual and the individual is not convicted of the violation for which the weapon was seized, then within 30 days after the declination or conclusion of prosecution the case against the individual, including any period of appeal, the law enforcement agency that seized the weapon shall verify that the weapon is not stolen, and upon such verification shall notify the person from whom it was seized that the weapon may be retrieved. Such notification shall include the location where such weapon may be retrieved.
  - (e) If weapons are sold as authorized by subsection (b), the proceeds of the sale shall be credited to the asset seizure and forfeiture fund of the seizing agency.

(f) For purposes of subsections (b), (c), and (d), the term "weapon" means any:

(1) bludgeon, sand club, metal knuckle, or throwing star;  
(2) dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged razor, stiletto, or any other dangerous or deadly weapon or instrument of like character;

(3) spring gun; or  
(4) firearm.

(g) Homemade weapons or weapons of a contraband nature shall be destroyed.

(h) Any items determined to be contraband such as explosives, narcotics, etc., shall be destroyed.

(i) Items of a pharmaceutical nature, which, while not contraband when properly dispensed, or which are of an over-the-counter-variety, shall be destroyed.

(j) Foodstuffs, if sealed and undamaged may be turned over to any appropriate social service agency or destroyed, but shall not be auctioned.

(k) Alcohol products such as beer, wine, whiskey, etc., shall be destroyed.

(l) Items with a value in excess of \$500 may be sold after advertising said item in a general circulation newspaper on at least two occasions. Such sales shall be by closed bid.

(Code 2015)

10-304. CLAIMING PROPERTY. The police department shall be required to make reasonable attempts to locate the owner of any property in storage. However, the responsibility for claiming and identifying any such property shall rest solely with the owner. (Code 1988)

10-305. PROOF OF OWNERSHIP. Claimants to any property in police storage shall be required to present reasonable proof of ownership and no property shall be released unless such reasonable proof is presented. (Code 1988)

10-306. MOTOR VEHICLE IMPOUNDMENT FEE. Whenever the Galena Police Department shall come into the possession of a motor vehicle or other similar property, and shall cause the same to be placed in the city impoundment lot, a storage fee of \$10 per day shall be charged the owner thereof for every day the vehicle remains in the impoundment lot. (Ord. 02-03A, Code 2015)

10-307. AUCTION. At such time as it has been determined that an auction is necessary to dispose of unclaimed property, an inventory listing all property to be disposed of shall be prepared and kept on file in the police department. Notice of an auction shall be published at least twice in a general circulation newspaper prior to the date of the auction. The notice shall specify the date, time and place of the auction and shall also notify prospective buyers or potential claimants that a list of items to be auctioned is available at the police department and any claims on property must be made prior to the start of the auction.  
(Ord. 83-17, Sec.2; Code 1988)