

**CHAPTER X  
POLICE**

Article 1. Police Department  
Article 2. Property in Police Custody

**ARTICLE 1  
POLICE DEPARTMENT**

10-101 POLICE DEPARTMENT. The law enforcement department shall consist of a chief of police and such number of regular law enforcement officers as shall be appointed as provided by K.S.A. 14-501. (Code 1999)

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 1993, 15-104, 15-106; Code 1999)

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.

10-104 POLICE OFFICERS; NUMBER, APPOINTMENT, SPECIAL POLICY, QUALIFICATIONS. The police department of the city shall consist of the chief of police and such number of regular police officers, not exceeding six, as shall be hired by the chief of police as hereinafter provided. Additional police officers may be appointed by the mayor for special service when necessary. All applicants applying for the position of patrol officer with the police department shall possess the following minimum qualifications:

- (a) Is a United States citizen;
- (b) Has been fingerprinted and a search of local, state and national fingerprint files has been made to determine whether the applicant has a criminal record;
- (c) Has not been convicted, does not have an expunged conviction, and on and after July 1, 1995, has not been placed on diversion by any state or the federal government for a crime which is a felony or its equivalent under the uniform code of military justice;
- (d) Has not been convicted, does not have an expunged conviction, has not been placed on diversion by any state or the federal government for a misdemeanor crime of domestic violence or its equivalent under the uniform code of military justice, when such misdemeanor crime of domestic violence was committed on or after the effective date of this act;

- (e) Is the holder of a high school diploma or furnishes evidence of successful completion of an examination indicating an equivalent achievement;
- (f) Is of good moral character;
- (g) Has completed a psychological test approved by the commission;
- (h) Is free of any physical or mental condition which might adversely affect the applicant's performance of a police officer's or law enforcement officer's duties;
- (i) Is at least 21 years of age;
- (j) Resident of the State of Kansas for at least six months prior to the filing of his or her application for employment.

The provisions of this section shall not apply to the applicants to the positions of chief of police and assistant chief of police or reserve police officer. The chief shall be appointed by the mayor, by and with the consent of the council, pursuant to K.S.A. 14-201. (Code 1993, 15-101)

10-105 REMOVAL OF CHIEF OF POLICE; POLICE OFFICERS. Upon complaint made to the mayor, or president or acting president of the council, that the chief of police or a police officer has been intoxicated, on duty, or has been gambling, on duty, or has abused the power of his or her office, or been guilty of a brutal or indecent act, or has taken or received any money, property or valuable thing whatever, other than his or her legal salary or fees, as a consideration for doing or omitting to do any particular act, or has refused to make an arrest in a proper case, or consented to or connived at the escape of any person legally arrested and in custody, the officer so receiving such complaint shall lay the same before the governing body at their first meeting thereafter. The governing body shall carefully and honestly inquire as to the truth of such complaint, and if they find the accused guilty, they shall cause forthwith, by order, to be entered on their journal, remove him or her from office; and he or she shall not be again appointed to such office unless two-thirds of the councilpersons-elect consent thereto. (Code 1993, 15-109)

10-106 MAYOR; SUPERVISION OF POLICE. The chief of police, in the discharge of his or her duties, shall be subject to the orders of the mayor only. The police officers, in the discharge of their duties, shall be subject to the order of the mayor and chief of police only. (Code 1993, 15-103)

10-107 POWERS AND DUTIES; APPEARANCE BOND AUTHORITY. When any person shall be arrested, such person shall be forthwith taken to the police station and such person shall be required to enter into an appearance bond. Such appearance bond shall be conditioned that the accused person appear in the municipal court at the time as endorsed on the bond. Upon failure to enter into such appearance bond, the accused person shall be committed to jail and taken before the municipal judge. (Code 1993, 15-105)

10-108 POWERS AND DUTIES; TRAFFIC AND PARKING ORDINANCE VIOLATIONS. Whenever any person is arrested for any violation of a traffic ordinance for which a parking ticket, or a written notice to appear, a written promise to appear and a cash appearance bond is authorized and provided by ordinance and such a person is not given an immediate hearing before the municipal judge, the arresting officer shall prepare a parking ticket or written notice to appear and except when only a parking ticket is issued, shall require such person to sign a

written promise to appear before the municipal judge at a time stated in the notice to answer the charge made against him or her in the manner as provided by ordinance. The arresting officer may also require any person arrested for any such violation under the circumstances to post a cash bond in the manner and in the amount and for the offense as prescribed by such ordinance. Whenever such person shall be issued a parking ticket or shall have given his or her written promise to appear upon the written notice to appear and shall have posted a cash bond, if required, the arresting officer shall forthwith release the arrested person from custody. (Code 1993, 15-107)

10-109 ASSISTANCE. Whenever any additional police force is necessary to quell any riotous or disorderly conduct, or to secure any person or persons accused of crime or violation of the laws or ordinances of the city, any member of the department is hereby authorized to call on any inhabitant or other person in the city for assistance; and any person who shall refuse or neglect to render assistance in any case, when called upon to the best of his or her ability, shall be subject to a fine in any sum not exceeding \$100.00. (Code 1993, 15-108)

10-110 SEARCHES. It shall be the duty of any member of the department to search any person arrested by them, before committing him or her to the city jail, which search shall be made in the presence of another member of the department, if possible, and all articles taken from any such prisoner shall be accounted for upon the receipt given the prison. The articles shall be returned to the prisoner upon his or her release from custody, or upon order of the court. (Code 1993, 15-110)

10-111 REPORT ARRESTS TO CITY ATTORNEY. It shall be the duty of every member of the department to report all arrests made to the city attorney, with all facts connected with the arrest and the offense for which the arrest was made. (Code 1993, 15-111)

10-112 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 1993, 15-102; Code 1999)

10-113 BEATS; RULES; REPORT CONDUCT. The chief of police shall establish duties and beats for police officers so as to best protect the persons and property of the city. He or she shall report to the mayor in writing any member of the department who shall be found intoxicated or asleep during the hours of duty, or absent from his or her beat, or guilty of any dereliction of duty, or improper conduct or insubordination, with the circumstances connected with the same. (Code 1993, 15-102)

## **ARTICLE 2 PROPERTY IN POLICE CUSTODY**

10-201 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 1999)

10-202 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 10-203, shall be sold at public auction to the highest bidder and the proceeds after expenses shall be paid to the city general fund. (Code 1999)

10-203 SAME; EXEMPT PROPERTY. The following classes of property shall be considered exceptions to section 10-202 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 10-202.
- (b) Firearms which are available for disposition may be dealt with in the following manner:
  - (1) If compatible with law enforcement usage, they may be turned over to the police department inventory.
  - (2) They may be sold to a firearms dealer who maintains the appropriate federal firearms license.
  - (3) They may be destroyed.
  - (4) In no case shall firearms be sold at public auction.
- (c) Other weapons such as knives, etc., which are deemed to have a legitimate value may be sold at auction, however, homemade weapons or weapons of a contraband nature shall be destroyed.
- (d) Any items determined to be contraband such as explosives, narcotics, etc., shall be destroyed.
- (e) Items of a pharmaceutical nature, which, while not contraband when properly dispensed, or which are of an over-the-counter-variety, shall be destroyed.
- (f) Foodstuffs, if sealed and undamaged may be turned over to any appropriate social service agency or destroyed, but shall not be auctioned.
- (g) Alcohol products such as beer, wine, whiskey, etc., shall be destroyed.
- (h) Items with a value in excess of \$500.00 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 1999)

10-204 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 1999)

10-205 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 1999)

10-206 RELEASE OF PROPERTY.

- (a) Once property which has been acquired or turned over to the police department as evidence or as part of any investigation has been deemed no longer necessary, the Chief of Police and the City Prosecutor shall sign a release form, stating that said property may be turned over to the owner of said property, if the owner has claimed the property or can

be ascertained.

(b) Once ownership of any property in police storage has been established, said property shall be returned to the owner, after said owner has signed a release form stating that he or she has received said property.

(c) any such property for which the ownership cannot be established, may be disposed of according to the provisions of this Article 2. (Code 2007)

10-207 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. (Code 1999)