

POLICE POWERS

- 71.010 Generally: This chapter consists of the rules and relations for the operation of a Police Department of the Town of Loma Linda, Missouri. To the extent that this chapter conflicts with the provisions of Chapter 23 (Relating to Personnel), this chapter shall prevail. To the extent that regulations promulgated by the Chairman of the Board of Trustees or by the Town Marshall under the authority of this chapter, conflict with the provisions of Chapter 23 (Relating to Personnel) then Chapter 23 shall prevail.
- 71.015 The Board of Trustees shall have the option of contracting for law enforcement, or to appoint a Town Marshall who shall be the Chief of Police and hire patrolmen within the Town budget, as needed. If the latter option is selected, the Town Marshall shall be the chief law enforcement officer of the Town and shall have the police powers provided for in RSMo, Section 80.410, and the power granted in RSMo, Section 80.400 as may be amended from time to time and are presently set out as the Missouri Statutes exists in 71.270 of this Ordinance. The following Ordinance Sections shall apply in as far as they do not conflict with any Missouri Statutes and shall apply to the execution of police duties within the Town of Loma Linda.
- 71.020 Town Marshall Authority: The Town Marshall is the director of the police department. He shall have immediate and direct control of the department subject to the supervision of the Board of Trustees, and subject to other rules, regulations and orders as they may prescribe. He shall promulgate and enforce orders, rules and regulations (consistent with the Code and with the rules, regulations and orders of the Board of Trustees) for the efficient operation of the police department.
- 71.030 Town Marshall- duties: The Town Marshall shall devote himself to the discharge of his office duties as specified in the various sections of this Ordinance, and as directed from time to time by the Board of Trustees. He shall not be absent from the Town except as required by the performance of his official duties, or when granted vacation or leave of absence by the Board of Trustees.
- 71.040 Patrolmen Assignments: The Town Marshall shall recommend the selection of additional patrolmen. Assignment of work schedules and patrol area is at the discretion of the Town Marshall. For the purpose of this chapter, all police (including the Town Marshall) are considered patrolmen.

- 71.050 Patrolmen Duties: Each patrolman shall:
1. Be familiar with every part of Town, observing anything unusual to assist in the prevention of crime.
 2. Not leave the Town limits while on duty, except in case of an emergency or to attend Court and in such cases must file a report of the same with the Town Marshall who shall make the report available to the Chairman of the Board of the Trustees.
 3. Enforce all traffic Ordinances in addition to his other duties.
 4. Observe and report all violations of Town Ordinances and State Laws.
 5. Be responsible for the care and operation of the vehicle assigned to him.
- 71.060 Standard of Conduct: The following is sufficient cause for the suspension or discharge of any member of the police department:
1. For neglect of duty or lack of courtesy.
 2. Abuse of alcohol or other controlled substances, whether on or off duty.
 3. Proven guilty in Court of Law of any felony.
- 71.070 Right of Appeal: Any patrolman who is suspended by the Chairman of the Board shall have the right of appeal to the Board of Trustees.
- 71.080 Conduct and Deportment: All members of the department shall be quiet, civil and orderly in their conduct and deportment and shall at all times be attentive and zealous in the discharge of their duty, controlling their temper and exercising the utmost patience and discretion. They shall answer any questions put to them with all possible correctness and courtesy (not in a short or careless manner), avoiding at all times unnecessary conversation or argument.
- 71.090 Disturbances: Any member of the department shall go instantly to the scene of any disturbance or breach of the peace occurring within his vicinity use his best effort to restore peace and quiet, making such effects as may be necessary, and notify and make necessary reports to the appropriate governing body.
- 71.100 Truthfulness of Members: All members of the department are required to speak the truth at all times and under all circumstances, whether under oath or not. If forbidden by the rules of the department to divulge information, they will state "No Comment."
- 71.110 Members to Give Name: Any member of the department when called upon to do so by any person under any circumstances shall give his badge number and name in a respectful and courteous manner.
- 71.120 Bearing: No member of the department shall lean upon or place his foot upon a car while issuing a summons.

- 71.130 Cooperation: Every member of the department is expected to discharge his duties with coolness and firmness in all cases. In times of extreme peril all available officers shall act together and assist and protect each other in restoring peace and order. Anyone shirking his duty in case of danger or responsibility in an emergency shall be considered unworthy of a place in the department and may be discharged.
- 71.140 Members to use Judgment: All members of the department shall be particularly careful not to interfere officiously or unnecessarily in the private business of any person, but when required to act in the discharge of their duty they are to do so with energy and decision, and in the proper exercise of their authority they will receive the fullest support of the department and the Board of the Trustees.
- 71.150 Testimony: Officers shall appear in court on any case in which they are witnesses. If duty demands their absence from Court, they shall report the matter to the Town Marshall in order that the case may be continued. Officers on the witness stand, in response to questions asked, will state in clear and distinct words, truthfully, all they know regarding a matter, without fear or reservation and without any desire or design to influence the result.
- 71.200 Uniform, when not worn: No member of the department shall ever wear his uniform or any part of it when off duty, except with the express permission of the Town Marshall.
- 71.210 Uniform and Equipment, care of: All members of the department will be required to be neat in appearance and keep their uniform and equipment in good condition, order and repair.
- 71.220 Restrictions applying to suspended patrolmen: No member of the department shall wear his uniform or carry a pistol while under suspension for any cause; and such member shall immediately surrender his badge and police identification to the Town Marshall or the Chairman of the Board when notified of his suspension.
- 71.230 Hours of Duty: Although certain hours are required for the performance of duty on ordinary occasions, members must be prepared at all times to act immediately upon notice that their service is required. Members of the department shall be considered as always on duty for the purpose of discipline. The hours of duty will be regulated by the Board of Trustees.
- 71.240 Police Vehicles: Patrolmen are not to use police vehicles except in the discharge of their duties. Police vehicles are not available for personal use.
- 71.250 Duty to serve Peace: Although regular hours of duty shall be assigned to all members of the department, it shall be the duty of every officer of the department at all times, day or night, within the Town, to preserve the public peace, protect the rights

of persons and property, guard the public health, preserve order at all election and public assemblies; prevent and remove, if possible, nuisances on and in all streets, highways, areas, alleys, and other places, and enforce the criminal law of the State of Missouri and the Ordinances of the Town.

71.260 Use of unnecessary violence toward prisoners: No officer shall willfully mistreat or use unnecessary violence toward any person, prisoner, or otherwise. He shall not strike a prisoner except as a last resort in an effort to overcome resistance or prevent escape. An officer shall not shoot at a fleeing person or any escaping prisoner unless he has probable cause to believe that such person has committed a felony.

71.270 Sections 80.400 and 80.410 RSMo provide:

80.400 – Marshall – Powers The Marshall appointed by the Trustees of the inhabitants of such Towns, giving Bond and ample security for the performance of his duties, is hereby authorized to execute orders and process, arising under the Ordinances of said Town, and who, within the corporate limits of said Town, shall have concurrent power with the Sheriff of the County in which said Town is situated and to execute all orders, notices, writs and other effect.

80.410 – Marshall – Police Powers: The Town Marshall shall be Chief of Police, and shall at all times have power to make or order all arrests, with proper process, for any offenses against the Laws of the State, of the Town, by day or by night, and bring the offender to trial before the proper Court, and he shall have power to arrest without process in all cases where any such offense shall be committed, or attempted to be committed, in his presence.

This supersedes Ordinance No.: 01-005

1. It shall be unlawful for any person to knowingly and willfully obstruct, resist or oppose any officer or public official of the Town of Loma Linda, Missouri in the service or execution, or in the attempt to serve or execute any writ, warrant or process, original or judicial, or in the discharge of any other duty which said police officer or public official of the Town of Loma Linda, Missouri may have.
2. For the purposes of the above section, the term obstruct shall include physical obstruction and the giving of false information to a police officer or a public official of the Town of Loma Linda, Missouri.
3. Any person who shall, in the Town of Loma Linda, Missouri, without authority, exercise or attempt to exercise the functions of or hold himself out to any other person as an officer or public official of the Town of Loma Linda, Missouri or as a law enforcement officer or public official of any other government shall be guilty of violating this Ordinance.
4. Whoever shall refuse or neglect to give aid or assistance to any peace officer or public official of the Town of Loma Linda, Missouri, while such peace officer or public official is in the discharge of their official duties, after being called upon by such peace officer or public official for aid or assistance, shall be guilty of a violation of this Ordinance.
5. Every person who shall knowingly and willfully assault, batter or wound any police officer or public official of the town of Loma Linda, Missouri while engaged in the service or execution or attempt to serve or execute any writ, warrant or process, original or judicial, or any order or rule of Court, or while in the discharge of any other official duty shall, upon conviction be guilty of a violation of this Ordinance.
6. A person commits the offense of resisting or interfering with arrest, detention, or stop if, knowing that a law enforcement officer is making an arrest, or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, that person is guilty of resisting arrest if they resist the arrest, stop or detention, by using or threatening the use of violence, physical force or by fleeing from such officer or by interfering with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference. This section applies to arrest, stops or detentions with or without warrants and to arrests, stops, or detentions for any violation of the Town of Loma Linda, Missouri's Ordinance. It is no defense to prosecution under this Ordinance that the law enforcement officer or the public official was acting unlawfully in making the arrest, stop, or detention.
7. Any person pleading guilty to a violation of the Ordinance or who shall be convicted of a violation of this section shall be guilty of a misdemeanor and punishable as provided:

13.010 Upon conviction of a violation of any such provision of the Code or any other Ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding Five Hundred Dollars and No Cents (\$500.00) or by imprisonment in the county jail not exceeding thirty (30) days or both such fine and imprisonment; provided that in any Ordinance wherein the penalty for an offense is fixed by a statute of the state, the statutory penalty, and no other, shall be imposed for such an offense.

13.020 Every day a violation: Every day any violation of this Code or any other Ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.

13.030 Responsibility: Whenever any act is prohibited by this Code, by an Amendment thereof, or by any rule or regulation adopted hereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

8. This Ordinance shall be effective immediately upon passage.