

CHAPTER X: POLICE

Article

- 1. POLICE DEPARTMENT**
- 2. PROPERTY IN POLICE CUSTODY**
- 3. POLICE FEES**

ARTICLE 1: POLICE DEPARTMENT

Section

- 10-101 Police Department
- 10-102 Chief of Police
- 10-103 Law enforcement personnel; general duties
- 10-104 Rules and regulations
- 10-105 Control of officers
- 10-106 Prohibited conduct

' 10-101 POLICE DEPARTMENT.

The law enforcement department shall consist of a Chief of Police, Police Sergeant and such number of regular law enforcement officers as shall be appointed as provided by K.S.A. 14-201.

' 10-102 CHIEF OF POLICE.

(a) The Chief of Police shall have supervision of the Police Sergeant, all police officers, the police records clerk and the animal control officer of the city in the discharge of their duties and shall be responsible to the Mayor therefor.

(b) The Chief of Police shall be responsible for the proper discipline and discharge of the duties of the police officers of the city. The Chief may assign beats or duties to be performed by officers to best protect the persons and property of the city and he or she may establish rules and regulations for the government of the Department as shall be approved by the Mayor. He or she shall report in writing to the Mayor any member of his or her Department who, during the hours of the duty of a member, shall fail to perform his or her duties in a proper manner with the circumstances connected with the same. The Chief shall be responsible for the safekeeping of prisoners committed to his or her custody.

(c) It shall be the duty of the Chief of Police to make such daily, monthly and annual reports as may be required by the Mayor. Such reports shall be made on a form prepared for the purpose and shall include, among other things, the names of all persons arrested, the charge alleged against any such person, the names of the prisoners held in the city jail, both awaiting trial, and in the custody under commitment of the Municipal Court, and the final disposition of all arrests and proceedings concerning any and all persons coming within the custody of the police officers of the city.

Burlington - Police

(d) The Chief of Police shall make all reports of traffic accidents or violations of the traffic laws occurring in the city as may be required by the safety division of the State Highway Commission. He or she shall be empowered to cooperate with the Kansas Bureau of Investigation, the Federal Bureau of Investigation and all other state and federal agencies pertaining to the supplying, exchanging or preservation of criminal identification records and crime statistics. He or she shall render such aid to all such offices in the performance of their duties as shall not be contrary to the provisions of this article.

10-103 LAW ENFORCEMENT PERSONNEL; GENERAL DUTIES.

(a) 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.

(b) The Chief of Police and all sworn law enforcement personnel shall at all times have power to make arrests under proper process or without process on view of any offense against the laws of the state 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.

(c) 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.

10-104 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.

10-105 CONTROL OF OFFICERS.

All members of the Police Department shall be in subordination to and under the control of the Mayor and the Chief of Police and shall conform to the rules and regulations of the Department.

10-106 PROHIBITED CONDUCT.

No member of the Police Department shall enter any house or place in the city in which shall be carried on any business, activity or profession in violation of the ordinances of the city or the state laws, except in discharge of his or her duties. No member of the Department shall accept any gratuity of any kind from any person arrested. Police officers shall not leave the city for the purpose of making arrests for rewards, except with the consent of the Mayor, but shall devote their full time to the duties of their office, except as might be otherwise required in the service of process outside the city or by attendance at any hearing before the District or County Court of the county.

ARTICLE 2: PROPERTY IN POLICE CUSTODY

Section

- 10-201 Regulations
- 10-202 Disposition
- 10-203 Same; exempt property
- 10-204 Claiming property
- 10-205 Proof of ownership
- 10-206 Auction

' 10-201 REGULATIONS.

The Police Department is required to establish regulations detailing the collection, storage and inventory of property that may come under its control by any manner.

' 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 ' 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.

' 10-203 SAME; EXEMPT PROPERTY.

The following classes of property shall be considered exceptions to ' 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 ' 10-202.

(b) Except as provided in divisions (c) and (d) below, any weapon or ammunition, in the discretion of the court having jurisdiction of the property, shall be:

Burlington - Police

(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 State 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 division (d) below, any weapon which cannot be forfeited pursuant to division (b) above 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 division (b) above, the proceeds of the sale shall be credited to the Asset Seizure and Forfeiture Fund of the seizing agency.

(f) For purposes of divisions (b), (c) and (d) above, 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 and the like 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 and the like 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.
(K.S.A. 22-2512)

' 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.

' 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.

' 10-206 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 before 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 before the start of the auction.

ARTICLE 3: POLICE FEES

Section

- 10-301 Fee for police responses to party
- 10-302 Initial police responses to parties, gatherings or events
- 10-303 Subsequent police responses to parties, gatherings or events; liability
- 10-304 Cost; collection

' 10-301 FEE FOR POLICE RESPONSES TO PARTY.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HOST. The person who owns or is in possession of the property where the party, gathering or event takes place, or the person in charge of the premises, or the person who organized the event. If the ***HOST*** is a minor, then the parents or guardians of that minor will be jointly and severally liable for the fee incurred for police services.

PARTY, GATHERING or EVENT. An event involving a group of persons who have assembled or are assembling for a social occasion or for a social activity.

POLICE SERVICES FEE. The cost to the city of any special security assignment, including, but not limited to, salaries of police officers while responding to or remaining at the party, gathering or event; the pro rata cost of equipment; the cost of repairing city equipment and property; the cost of any medical treatment of injured police officers; and the cost of reasonable attorney=s fees.

SPECIAL SECURITY ASSIGNMENT. The assignment of police officers, services and equipment during a second or subsequent response to the party, gathering or event after the delivery of a written notice to the host that a fee may be imposed for costs incurred by the city for any subsequent police response.

' 10-302 INITIAL POLICE RESPONSES TO PARTIES, GATHERINGS OR EVENTS.

When any police officer responds to any party, gathering or event and that police officer determines there is a threat to the public peace, health, safety or general welfare, the police officer shall issue a written notice to the host or hosts that a subsequent response to that same location or address within 24 hours of the first response shall be deemed a special security assignment rendered to provide security and order on behalf of the party, gathering or event and that the host may be liable for a police services fee as defined in this article.

' 10-303 SUBSEQUENT POLICE RESPONSES TO PARTIES, GATHERINGS OR EVENTS; LIABILITY.

(a) If, after a written notice is issued pursuant to ' 10-302, a subsequent police response or responses is necessary to the same location or address within 24 hours of the first response, such response or responses shall be deemed a special security assignment. Persons previously warned shall be jointly and severally liable for a police services fee as defined in this article.

(b) The amount of the fee shall be a debt owed to the city by the person or person warned, and if he or she is a minor, his or her parents or guardians shall be jointly and severally liable for the debt.

' 10-304 COST; COLLECTION.

The Chief of Police shall notify the City Clerk=s Office/City Treasurer in writing of the performance of a special security assignment, of the name and address of the responsible person or persons, the date and time of the incident, the services performed, the costs and such other information as may be required. The City Treasurer shall thereafter cause appropriate billings to be made.