

## **CHAPTER X. POLICE**

Article 1. Organization of Police Department

Article 2. Mutual Emergency Police  
Protection Compact

Article 3. Property in Police Custody

Article 4. Law Enforcement Trust Fund

---

### **ARTICLE 1. ORGANIZATION OF POLICE DEPARTMENT**

10-101. **POLICE DEPARTMENT.** The police department of the city shall consist of the chief of police and such other law enforcement officers as may be employed by the city. (K.S.A. 12-4111; Code 1977, 9-101; Code 1986; Code 1998)

10-102. **DUTIES OF CHIEF OF POLICE AND LAW ENFORCEMENT OFFICERS.** It shall be the duty of the chief of police and other law enforcement officers to see that the laws of the State of Kansas and of the city and all resolutions of the governing body are properly enforced and obeyed within the police jurisdiction of the city. Whenever arrest is made they shall attend all trials in municipal court unless excused by the municipal judge. They shall promptly serve all process papers, notices or orders required by law or as directed by the mayor. They shall also perform such other duties as may be required by the mayor, or by laws of the city. (Code 1986)

10-103. **POWERS OF CHIEF OF POLICE.** The chief of police shall at all times have power to make or order an arrest, with proper process, for any offense against the laws of the state or of the city, and bring the offender for trial before the proper officer of the city, and to arrest without process in all cases where any such offense shall be committed, or attempted to be committed, in his or her presence. 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. (Code 1977, 9-102:103; Code 1986)

10-104. **ARRESTS BY LAW ENFORCEMENT OFFICERS.** The law enforcement officers of the city shall have power to arrest all offenders against the laws of the state, or of the city, by day or night, in the same manner as the chief of police, and keep them in the Johnson County jail, or other place to prevent their escape, until a trial can be had before the proper officer of the city. (Code 1977, 9-104; Code 1986)

## **ARTICLE 2. MUTUAL EMERGENCY POLICE PROTECTION COMPACT**

- 10-201.           **CENTRAL AUTHORITY.** (a) The sheriff of Johnson County, Kansas, upon notice or knowledge of any civil violence, riot or civil disobedience or existing condition which in the sheriff's opinion may tend to support such disruption of authority, may declare the County of Johnson under emergency police protection and shall have the authority to direct all county and participating law enforcement officers and the use of law enforcement equipment and facilities during and until the time the sheriff declares the period of emergency terminated.
- (b) The mayor or police chief of each participating municipality upon notice of the declaration by the Johnson County Sheriff is under emergency police protection shall make available the law enforcement personnel, equipment and facilities under his or her direction and upon request of the sheriff, order such personnel to duty and to submit to the authority of the sheriff until the period of emergency is declared at an end.  
(Code 1977, 9-201)
- 10-202.           **RESPONSIBILITY OF EACH MUNICIPALITY.** Johnson County, Kansas, and each participating municipality shall be fully responsible, individually, for the care and maintenance of their own personnel, equipment and facilities while under the temporary control of the Johnson County Sheriff during the declared emergency period. (Code 1977, 9-202)
- 10-203.           **AUTHORITY OF LAW ENFORCEMENT OFFICERS.** All law enforcement officers under the direction of the Johnson County Sheriff, during a declared period of emergency police protection, shall have the full authority to make arrests and act in any affected area to enforce all state laws, city ordinances and resolutions.  
(Code 1977, 9-203)
- 10-204.           **TERM OF AGREEMENT.** This agreement shall continue in effect until it is rescinded or terminated by mutual resolution of all parties; provided, however, that any party hereto may terminate its obligations hereunder and may cause its withdrawal of all contributions of personnel, equipment and facilities upon 30 days written notice to all other parties, of the party's intent to withdraw.  
(Code 1977, 9-204)

### 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 1986)
- 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. (Code 1986)
- 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) 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 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 1986)
- 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 1986)

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 1986)

10-306. 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 1986)

#### **ARTICLE 4. LAW ENFORCEMENT TRUST FUND**

- 10-401. ESTABLISHMENT. There is hereby established a fund of the city treasury entitled the Special Law Enforcement Trust Fund established in accordance with the provisions of K.S.A. 60-4117, as amended. (Ord. 506, Sec. 1; Code 1998)
- 10-402. USE OF FUND. The Special Law Enforcement Trust Fund shall not be considered a source of revenue to meet normal operating expenses. All monies contained in said fund shall be expended by the police department through the normal city appropriation system and shall be used for such special, additional law enforcement purposes as the chief of police deems appropriate. Neither future forfeitures nor the proceeds therefrom shall be used in planning or adopting the police department budget. (Ord. 506, Sec. 1; Code 1998)
- 10-403. ANNUAL REPORT. The police department shall compile and submit annually a Special Law Enforcement Trust Fund report to the governing body which report shall specify, for such period, the type and approximate value of the forfeited property received, the amount of any forfeiture proceeds received, and how any of those proceeds were expended. (Ord. 506, Sec. 1; Code 1998)