

## **CHAPTER X. POLICE**

- Article 1. Police Department
- Article 2. Property in Police Custody
- Article 3. Reserve Police Force

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### **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. Supp. 15-204. (Code 1996)
- 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 1996)
- 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 1996)

## 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 1996)
- 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 1996)
- 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) 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 2016)

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 1996)

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 1996)

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 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 1996)

### **ARTICLE 3. RESERVE POLICE FORCE**

- 10-301.        **CREATION.** There is created within the police department a reserve police force, the members of which shall be appointed by the mayor and approved by the city council. (Code 1976)
- 10-302.        **MEMBERS; TERM.** The term of each reserve officer shall expire on December 31st of each year. (Code 1976)
- 10-303.        **MEMBERS; VOLUNTARY SERVICE.** Members of the reserve police force shall serve on a voluntary basis and without pay unless the pay is approved by the governing body. (Code 1976)
- 10-304.        **COMMANDING OFFICER DESIGNATED.** The chief of police shall be the commanding officer of the reserve police force, and subject to the rules and regulations approved by the city governing body, shall have control of the assignment training, stationing, and direction in work of the members thereof. Members of the reserve police force shall have all police powers, subject to the rules and regulations and shall perform only such duties as are specifically assigned to them by the chief of police. (Code 1976)
- 10-305.        **REGULATORY AUTHORITY.** The city governing body shall prescribe rules and regulations for the conduct, training and control of the reserve police force. (Code 1976)