Chapter 13

LAW ENFORCEMENT

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ARTICLE I. POLICE

Section 13.1 Police Department–Composition; Officer Rank; Arms and Uniforms.

a. Composition: The Police Department shall consist of the Chief of Police and such other officers and personnel as the Mayor and Council shall prescribe.

b. Rank: Following the Police Chief in rank may be captains, lieutenants, and the subordinate police officers, in order of seniority in each group.

c. Arms and uniforms: Each officer and member of the Police Department shall be furnished with such uniform and police equipment as provided for by the City Council. Uniforms shall be kept clean and pressed and shall be worn on duty at all times, unless otherwise ordered by a superior officer. The equipment and uniforms furnished by the City shall be and always remain the property of the City and shall be, when a change is ordered or on retirement from office, returned to the City. The members of the Police Department shall be liable on their bonds for any loss or careless destruction of or damage to their arms and other equipment and uniforms.

Section 13.2 Same–Police Chief.

a. Appointment and powers: The Police Chief shall be appointed by the Mayor, by and with the advice and consent of City Council, and shall be the chief executive officer of the Police Department, subject always to the orders and regulations of the Mayor and Council. In the exercise of official duties, the Police Chief shall have the power to establish and enforce rules and regulations for the government of the members and employees of the department, which rules shall, however, be consistent with the ordinances of the City and the laws of the state.

b. Bond and oath: Prior to entering upon the discharge of official duties, the Police Chief shall execute a bond in the amount of $1,000 and is required to take an oath, which shall be taken and subscribed before some officer authorized by law to administer oaths. The following oath is required:

> "I, _____, swear or affirm that I am not incumbent in any office of trust in this state, of the United States, or of any foreign state, and should I seek such office of trust, my separation from the City of Blakely shall be instanter; that I am not the holder of any unaccounted public monies due this or any other state or political subdivision or authority thereto; that I am qualified to hold the office to which I am appointed for so long as I am employed with the City of Blakely; that I will support or defend the Constitution of the United States of America and the Constitution of the State of Georgia, and I will faithfully perform and discharge the duties of my position, conscientiously and without malice or partiality, to the best of my ability; I further swear or affirm to obey, to adhere to, to uphold, and to enforce the laws of the United States of America and the State of Georgia at all times; and that I will bear true faith and allegiance to the Governor of the State of Georgia, (the Chief of Police of the City of Blakely Police Department,) and the officers appointed over me, according to law; so help me God."

c. Duties: The Police Chief shall have the following duties:

1. To attend, personally or by designated police officer, all regular meetings of the City Council, any special or called meetings upon request of the Mayor or any Council member, and all trials before the Municipal Court;

2. To see to the proper service of all summonses, subpoenas, citations, executions, attachments, and rules of the City Council;

3. To see to the collection of all fines and costs imposed by the Municipal Court;

4. to see that the ordinances, rules, and regulations of the City and all statutes applicable therein are faithfully enforced;

5. To preserve the public peace, prevent infractions of the law, and arrest violators thereof;

6. To protect the rights of persons and property;

7. To oversee the conduct of the officers and employees of the police force, and to be held strictly responsible for such conduct and for the general good order of the department;

8. To keep adequate records of all personnel and equipment of the department including a log of all questions, activities, and investigations;

9. To submit a monthly report to the City Council outlining the number and type of arrests for state offenses, the number and type of cases involving violations of municipal ordinances, and the number of arrests made and cases reported by each police officer;

10. To submit monthly to the Georgia Department of Public Safety the uniform crime report prescribed by law; and

11. To discharge such other duties as may be required of such office by the executive officer or the City Council.

d. Resignation, removal, death, or disability: In the event of resignation, removal, death, or disability of the Police Chief, the officer next in rank shall perform the duties of the Chief until removal of such disability or until a successor has been duly appointed.

e. The Chief of Police shall be the Marshall of the City. The Chief of Police shall perform all of the duties of the Marshal, as prescribed by law and shall levy and collect all delinquent taxes, fees and assessments imposed by the City.

Section 13.3 Same–Police Officers.

a. Qualifications: Any person employed by the City as a police officer shall have the following qualifications:

1. Be at least 21 years of age;

2. Be a citizen of the United States;

3. Have a high school diploma or its recognized equivalent;

4. Not have been convicted, by any state or by the federal government, of any crime, the punishment for which could have been imprisonment in a federal or state prison or institution, nor shall such person have been convicted of sufficient misdemeanors to establish a pattern of disregard for the law;

5. Be fingerprinted and a search made of local, state, and national fingerprint files to disclose any criminal record;

6. Possess good moral character as determined by investigation under procedures established by the Georgia Peace Officers Standards and Training Council;

7. Be found, after examination by a licensed physician or surgeon, to be free from any physical, emotional, or mental condition which might adversely affect such person's exercising of the powers or duties of a police officer;

8. Complete satisfactorily at least a basic certification course as required by Chapter 8 of Title 35 of the Official Code of Georgia Annotated as amended from time to time.

b. Bond and oath: Prior to entering upon the duties of their respective offices, all officers of the Police Department shall execute a bond in the amount of $1,000 and shall take and subscribe an oath. All officers shall take and subscribe the same oath required of the Chief of Police as set out in Section 13.2, paragraph B, hereinabove.

c. Duties: It shall be the duty of the officers of the Police Department to acquire a full knowledge of and to enforce all of the ordinances of the City and all statutes applicable therein, to become familiar with the rules and regulations established by the Police Chief concerning the discipline, good order, proper conduct, care, and management of the Police Department, and to respect and obey all orders of the Police Chief not in conflict with the law or ordinances of the City.

d. Conduct: Every member of the Police Department shall conduct such person's self in a proper and law-abiding manner at all times and shall avoid the use of unnecessary force. Prohibited conduct shall include, but not be limited to, the following:

1. Absence from regular hours of duty without permission;

2. Sleeping or loafing on duty;

3. Insubordination or disobedience of orders;

4. Engaging in any games of chance;

5. Drinking any intoxicating beverage while on duty or in uniform;

6. Wilful maltreatment of any prisoner or other person;

7. Using violent, profane, or insolent language;

8. Acting in a disorderly, immoral, or any other manner as to bring discredit upon the department;

9. Giving out or releasing any information covering the affairs, business, or operation of the Police Department without the consent of the City Council;

10. Receiving or accepting a reward from any person for any services rendered in the line of duty;

11. Accepting bribes of money, gifts, or other articles of apparent or actual value, or accepting any fee, reward, or gift of any kind from a person arrested or from any friend in such person's behalf while such person is in custody or after such person's release or discharge;

12. Active participation in any political campaign to the neglect of official duty.

e. Penalties for improper conduct: Any police officer violating the rules or regulations of the Police Department or of this code, upon conviction therefor by the City Council, after due notice and hearing, or upon the plea of guilty, shall be reprimanded, fined, suspended, or dismissed by the City Council. Any one or more of such penalties may be imposed in the discretion of the City Council.

f. Arrest authority: Police officers shall have the power to make arrests and in exercising such power shall observe all requirements imposed by the United States Constitution and by all other provisions of law.

g. Entering private dwellings: No police officer shall enter a private dwelling without a search or arrest warrant unless such person is in pursuit of a fugitive whom the officer has personal knowledge or probable cause to believe has committed or attempted to commit a felony.

Sections 13.4 - 13.5 Reserved.

ARTICLE II. CONTRACTS.

Section 13.6 Contract - Sheriff; County.

Pursuant to O. C. G. A. § 15-16-13 the City with the consent of the county may contract with the Sheriff for the purpose of providing law enforcement to the City. Any contract authorized by this Section shall not affect, impair or limit the authority or powers of the City or the Sheriff.

Section 13.7 Affect on Other Sections.

Should the City enter into any contract authorized by Section 13.6 the term "Police Chief" shall mean the Early County Sheriff and "Police Department" shall mean the Early County Sheriff's Department.

Sections 13.7 - 13.10 Reserved.