

CHAPTER 35

POLICE DEPARTMENT

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35.01 DEPARTMENT ESTABLISHED. The police department of the City is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the City.

35.02 ORGANIZATION. The department consists of the Police Chief and such other law enforcement officers and personnel, whether full or part time, as may be authorized by resolution of the Council.

35.03 PEACE OFFICER QUALIFICATIONS. In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.

(Code of Iowa, Sec. 80B.11)

35.04 REQUIRED TRAINING. All peace officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment. Peace officers shall also meet the minimum in-service training as required by law.

(Code of Iowa, Sec. 80B.11 [2])

(IAC, 501-3 and 501-8)

35.05 PEACE OFFICERS APPOINTED. The City Manager shall appoint the Police Chief, subject to the approval of the Council, and the Police Chief shall select the other members of the department pursuant to Chapter 400 of the Code of Iowa.

(Code of Iowa, Sec. 400.13)

35.06 POLICE CHIEF: DUTIES. The Police Chief has the following powers and duties.

(Code of Iowa, Sec. 372.13 [4])

1. Control of Department. The general control of the Police Department is vested in the Police Chief, who shall be responsible for the governing, efficiency and good conduct of the Department, subject to the orders of the Mayor and Council.

2. Rules. The Police Chief, in the exercise of duties, shall have the power to prescribe, promulgate and enforce rules and regulations for the governing of the members and employees of the Department. These rules and regulations shall not be inconsistent with this Code of Ordinances or the laws of the State. The rules and regulations shall be filed with the Clerk for distribution to the Council which shall have the authority to disapprove the same in the whole or part. The Clerk shall additionally advise the Marion Civil Service Commission of the filing of the rules and regulations.
3. Manual. The Police Chief shall prepare a police manual or rules book setting forth the duties of the members and employees of the Department. The manual or rules book shall contain a general outline of the functions of the Police Department along with the rules of conduct and governance of the Department. The manual or rules book shall be kept on file at the Department and shall be filed with the Clerk for distribution to the Council, which shall have the authority to disapprove the same in whole or part. The Clerk shall additionally advise the Marion Civil Service Commission of the filing of the manual.
4. Assisting Attorney. The Police Chief shall assist the City Attorney in prosecuting any persons for the violation of any ordinance by gathering all the facts and circumstances surrounding the case.
5. Report to the Council. The Police Chief when requested shall report to the Mayor, City Manager and the Council upon the Police Chief's own activities as Police Chief.
6. Protect Persons and Property. The Police Chief shall have the power to protect the rights of persons and property, preserve order at all public gatherings, prevent, insofar as possible, and abolish nuisances, and protect persons against every manner of disorder and offense.
7. Execute Lawful Orders. The Police Chief shall execute all lawful orders of any board or commission established in the City.
8. Aiding City Officers. When requested, the Police Chief shall aid other municipal officers in the execution of their official duties.
9. Reports of Motor Vehicle Accidents. The Police Chief shall report motor vehicle accidents the department investigates in the regular course of duty to the Department of Transportation, as required by law.
10. Records. The Police Chief shall keep a record of all arrests made in the City by the Marion Police Department. The Police Chief shall record whether the arrest was made under provisions of the laws of the State or ordinances of the City. The record shall show the offense for which arrest was made, who made the arrest, and the disposition made of the charge.

11. Attendance at Meetings. The Police Chief or a designee of the Police Chief shall attend all regular meetings of the Council and special meetings of the Council as requested.

35.07 SUMMONING AID. Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.

(Code of Iowa, Sec. 804.17)

35.08 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within such person's control to be disposed of according to law.

(Code of Iowa, Sec. 804.18)

35.09 POLICE SERVICE DOG.

1. As used in this section, "police service dog" means a dog used by a peace officer or correctional officer in the performance of the officer's duties, whether or not the dog is on duty.

2. No person shall knowingly and willfully or maliciously torment, strike, administer a nonpoisonous desensitizing substance to or otherwise interfere with a police service dog.

3. No person shall willfully, wantonly, maliciously or mischievously harass, torment, tease or frighten any police service dog or interfere with, meddle with or hinder any such dog.

The provisions of this section do not apply to a peace officer or veterinarian who terminates the life of such a dog for the purpose of relieving the dog of undue pain or suffering, or to a person who justifiably acts in defense of self or another.