

## Chapter 21

### POLICE AND PRISONERS

*Cross Reference — Performance of duties in police department when employees on vacation, § 2-70.3; Fire, water and police committee established, § 2-249; Municipal court, § 17-1 et seq.*

*State Law Reference — Police departments in cities of the third class, RSMo., § 85.541 et. seq.*

#### ARTICLE I

##### Merit System Police Department

**SECTION 21-1. Merit System Police Department Created.** [Ord. No. 93-06 § 20-1, 6-22-1993]

The City shall have a Merit System Police Department consisting generally of a Police Personnel Board, Chief Police, Deputy Chief of Police, and such number of regular and reserve Police Officers of such rank and grade as the City Council may provide for from time to time.

**SECTION 21-2. Police Personnel Board — Qualifications, Composition and Compensation.** [Ord. No. 93-06 § 20-2, 6-22-1993; Ord. No. 2001-66 § 1, 11-13-2001; Ord. No. 2005-44 § 1, 12-13-2005]

- A. The Police Personnel Board shall be comprised of seven (7) members, one (1) member each of the largest and second largest political parties active within the City of Lexington as determined by the City Council and the remaining members shall be Independents. The City Administrator and Mayor Pro Tem shall each serve as members of the Board. The remaining members of the Board shall be citizens and voters of the City of Lexington, at least twenty-five (25) years of age. The citizen Board members shall be appointed by the Mayor with the advice and consent of the majority of the entire City Council.
- B. Citizen Board members will serve a term of two (2) years, except initially two (2) members shall be appointed for one (1) year and two (2) members shall be appointed for two (2) years. The Board shall select one (1) citizen member to act as Chairman and preside over all meetings and one (1) member to act as Secretary. Four (4) members of the Board duly assembled shall constitute a quorum, and may act effectively by majority vote. Vacancies shall be filled by the appointing authority for the unexpired term of any member whose office becomes vacant. The members shall not serve more than two (2) complete terms consecutively, however they may be reappointed after a one (1) year absence.
- C. All members of the Police Personnel Board shall serve without compensation.

**SECTION 21-3. Police Personnel Board — Member Removal.** [Ord. No. 93-06 § 20-3, 6-22-1993]

The Mayor may, with the consent of a majority of all the members elected to the City Council, remove any member of the Personnel Board from office. A member may also be removed by three-fourths (3/4) of all the members elected to the City Council, independent of the Mayor's

approval or recommendation.

**SECTION 21-4. Police Personnel, Board — Powers and Duties.** [Ord. No. 93-06 § 20-4, 6-22-1993]

The Police Personnel Board shall organize itself and it shall have the power and authority, as may be reasonably required and necessary, to effectively perform the following duties and functions:

1. *Receive and process employment applications.* All employment applications for employment by the Lexington Police Department shall be submitted to the City Administrator in substantial compliance with the form prescribed by the Board. Thereafter, the applications shall be presented to the Police Personnel Board upon request of the Mayor for review and consideration. All applications of successful applicants shall be retained by the City Administrator as part of the officer's permanent personnel file. All applications of unsuccessful applicants may be retained by the City Administrator, or destroyed after ninety (90) days at the discretion of the City Administrator.
2. *Administrator employment examinations.* The Board shall promulgate and administer examinations as to fitness and qualifications, for all the positions in the Police Department. The examinations shall include such written test, oral examinations/interviews, scores on basic police academy work and other job related tests as are necessary in the opinion of the Board to measure the qualifications of applicants to the City Police Department. From the results of the examinations/interviews, the Police Personnel Board shall provide a list of eligible persons for employment with the Police Department to the Mayor. The Mayor shall appoint from the list of eligible applicants upon the confirmation of a majority vote cast by the entire City Council.
3. *Process recommendations for officer promotion.* No person shall receive an increase in rank, compensation or otherwise be promoted within the Police Department except upon the written recommendation of the Police Chief submitted to the Police Personnel Board and approved by the Mayor and a majority of the entire City Council. The Board shall receive, process and determine all recommendations submitted by the Chief of Police pertaining to the promotion of individuals employed by the Lexington Police Department. The Board shall provide a list of eligibles to the Mayor for promotion within the Police Department. The Mayor and Council shall act as soon as practicable on all promotion recommendations referred by the Board.
4. *Make compensation recommendations.* The Board from time to time may make recommendations to the Mayor and City Council regarding the compensation to be paid to the Chief of Police, Deputy Chief of Police and other persons employed in the Lexington Police Department.
5. *Promulgate rules and regulations.* The Board from time to time may promulgate rules and regulations governing the conduct and activities of persons employed in the Police Department. The Board is authorized to establish personnel policies for the Police Department subject to confirmation by the City Council as otherwise prescribed by ordinance. Any rule or regulation so promulgated shall be effective when approved and confirmed by resolution passed by a majority of votes cast by the entire City Council.

6. *Meetings.* The Mayor and/or Board Chairman are authorized to call meetings of the Board for any purpose reasonably related to police business at any time upon actual notice to the members of the Board. Notice of all meetings shall be posted at least twenty-four (24) hours in advance, with such meeting being open to the general public, pursuant to the Missouri Sunshine Law, RSMo. Section 610.010 et seq.

**SECTION 21-5. Police Personnel Board — Demotion, Termination, and Related Disciplinary Matters.** [Ord. No. 93-06 § 20-5, 6-22-1993]

The Board shall hear and determine all matters of appeal pertaining to the demotion, termination and discipline of persons employed by the Lexington Police Department in the form and manner hereafter prescribed.

1. Any person suspended or otherwise disciplined (discipline greater than a written reprimand) by the Chief of Police or any person suspended, demoted, discharged or otherwise disciplined (discipline greater than a written reprimand) by the Mayor, for misbehavior or inefficiency in the performance of his/her duties shall, upon application therefore, be afforded a public hearing before the Police Personnel Board.
2. The application for public hearing before the Police Personnel Board shall be in writing and filed by the aggrieved party with the City Administrator within five (5) days of the disciplinary action complained of, and shall state with particularity all reasons known to the appellant to warrant a challenge of the disciplinary action. The appellant is required to provide to the Board a copy of any written document received by him/her from the Chief of Police or Mayor pertaining to the imposition of the disciplinary action challenged in the appeal.
3. As soon as practicable after application for hearing is filed, and no later than sixty (60) days from the date the appeal is filed with the City Administrator, the Board shall convene, hear and determine the allegations of the appeal at a public hearing. Upon notification of a hearing date, the Chief of Police or Mayor shall file with the City Administrator, a written statement setting forth the charges and specifications supporting the discipline which is being appealed, a copy of which shall be provided to the accused officer.
3. The Board shall have the power to summon witnesses to appear at the hearing as provided by law. The appellant shall then be allowed to present any evidence in defense or mitigation of the discipline imposed so far as is relevant and material as determined by the Board. The Police Department, by the Chief of Police or other authorized representative will then be afforded an opportunity to present rebuttal evidence, or otherwise reply. No further evidence will be submitted, or permitted and considered by the Board.
4. Any aggrieved party may be assisted by legal counsel at any hearing before the Board, but the extent of counsel's representation and/or participation in the proceedings shall be determined by the Chairman of the Board. The Board may seek and obtain the advice and/or assistance of the City Attorney in matters related to the conduct of disciplinary proceedings. A formal record shall be made of the public disciplinary hearing.
5. The Board may adjourn after conclusion of the public hearing and later convene in any private place to discuss, deliberate, determine and enter its written findings, decision and

recommendation as provided herein. Within ten (10) days of the conclusion of the public hearing as aforesaid, the City Administrator shall deliver the Board's written findings and recommendation on the matter to the Mayor for presentation to the City Council. The Board may recommend that the disciplinary action previously imposed may be either affirmed or reversed. To be effective, any reversal recommended by the Board must also be supported by the concurrence of the Mayor or two-thirds (2/3) vote of the entire City Council. Thereafter, an appeal may be taken to the Circuit Court as otherwise provided by law.

**SECTION 21-6. Chief of Police.** [Ord. No. 93-06 § 20-6, 6-22-1993]

A. *Qualifications and Term of Office.*

1. No person shall be appointed Chief of Police who is not at least twenty-five (25) years of age at the time of the appointment. Prior to appointment, he/she shall be required to possess substantial experience in matters of law enforcement training, policy, practice and procedure with said experience to be determined by the Police Personnel Board with reference to academic achievement and/or practical knowledge acquired on the job as a Police Officer, and he/she must have law enforcement certification according to the laws of the State of Missouri.
2. Upon appointment, the Chief of Police shall be entitled to hold office during good behavior and efficient service, and may be reappointed/recommissioned annually in accordance with the application, selection and appointment procedures as otherwise provided within the Revised Ordinances of the City of Lexington. [Ord. No. 2015-06 § 2, 3-10-2015]

B. *Oath of Office.* Before entering into the duties of his/her office the Chief of Police shall take and subscribe to an oath or affirmation before some Court of Record in the County, the City Clerk or Municipal Judge, that he/she possesses all the qualifications prescribed for this office by law, and that he/she will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of the State affecting cities of Third Class, and the ordinances of the City and faithfully demean himself/herself in office, which official oath or affirmation shall be filed with the City Clerk within fifteen (15) days after the appointment.

C. *Bond Required.* The Chief of Police shall be required to execute to the City a bond in the sum of twenty thousand dollars (\$20,000.00) with one good and sufficient surety, conditioned that he/she will faithfully perform all the duties of the office as required by the laws of this State governing Third Class cities, and the ordinances of the City and he/she will promptly pay over all money in his/her possession belonging to the City at the time and in the manner provided by law. Said bond shall be approved by the Mayor and filed in the office of the City Clerk.

D. *Supervisory Powers and Duties.* The Chief of Police shall be the executive authority within the Police Department, and in the performance of the day to day duties, he/she shall be subject to the orders of the Mayor only. The Police Chief shall possess all powers afforded to Police Officers within the Department, and shall possess such others powers as are reasonably necessary to enable the Police Chief to perform his/her supervisory duties in a

competent manner as prescribed by law. The Police Chief shall be charged with the responsibility and duty to afford proper direction, supervision and control of all Police Officers within the Police Department, including the Deputy Chief of Police. As directed by the Mayor, he/she shall be required to attend meetings of the Police Personnel Board, City Council or other assemblies, and promptly respond to any inquiry of the Police Personnel Board on any matter reasonably related to the performance of his/her duties. The Police Chief shall at all times be cognizant and well-informed of the policies, practices, procedures, rules and regulations promulgated by the City Council and Police Personnel Board to govern the conduct, activities and operations of the Police Department, and he/she shall be charged with the effective implementation of the same on a daily basis.

- E. *Compensation.* The compensation of the Chief of Police will be set by the City Council.

**SECTION 21-7. Deputy Chief of Police.** [Ord. No. 93-06 § 20-7, 6-22-1993]

- A. *Qualifications and Term of Office.* The Deputy Chief of Police shall possess all of the qualifications required of the Chief of Police, and upon appointment he/she shall serve in office during good behavior and efficient service, and be subject to reappointment in the same form and manner as the Chief of Police.
- B. *Supervisory Power and Duties.* The Deputy Chief of Police shall assist the Chief of Police as directed in the administration of the day to day ministerial and supervisory duties of the office. He/she shall be subject to the orders of the Mayor and Chief of Police only. In the event of absence or incapacity of the Chief of Police, the Deputy Chief of Police shall serve as Chief of Police until such time as the Chief of Police returns and/or is able to resume his/her duties. The Deputy Chief of Police shall possess all of the powers and duties ascribed to the Chief of Police subordinate only to the Chief of Police in executive authority.
- C. *Compensation.* The compensation of the Deputy Chief of Police will be set by the City Council.

**SECTION 21-8. Police Officers.** [Ord. No. 93-06 § 20-8, 6-22-1993]

- A. *Qualifications.* All Police Officers of the City of Lexington must be twenty-one (21) years of age. Each officer must have law enforcement certification as defined by the laws of the State of Missouri, and each must meet the physical requirements as prescribed by the Police Personnel Board.
- B. *Powers and Duties.* The Police Officers of the City shall be conservators of the peace and shall have the power to arrest all offenders against the laws of the State or the ordinances of the City and to keep such persons confined in the City jail, or other designated place of detention to prevent their escape until a trial can be had before an appropriate judicial tribunal in accord with the procedures prescribed by law for such matters. The Police shall regularly patrol the City as required by the Mayor and City Council, and shall be constantly alert, vigilant and active both in the prevention of law violations as well as the apprehension of violators of the laws of the State and ordinances of the City of Lexington. Police Officers shall have the power to make an arrest for any offense against the laws of the City, State of Missouri, or otherwise provided by law.

- C. *Compensation.* The compensation of Police Officers will be set by the City Council.
- D. *Probationary Period.* All Police Officers will be employed and serve on a probationary status for six (6) months next succeeding the date of their original appointment as a Police Officer for the City of Lexington. During the probationary period, Police Officers shall be employed and serve at the will and pleasure of the City Council. An officer terminated during the probationary period may not appeal such action to the Police Personnel Board.

**SECTION 21-9. Reserve Police Officers.** [Ord. No. 93-06 § 20-9, 6-22-1993]

- A. *Qualifications.* All Reserve Police Officers shall possess all of the qualifications required of regular Police Officers.
- B. *Powers and Duties.* The Reserve Police Officers shall possess all of the powers and duties of regular Police Officers and they shall otherwise serve as dictated by the rules and regulations promulgated by the Police Personnel Board.
- C. *Compensation.* The Reserve Police Officers shall receive no compensation.

**SECTION 21-10. through SECTION 21-35. (Reserved)**

**ARTICLE II  
Miscellaneous Provisions**

**SECTION 21-36. School Crossing Guards.** [Ord. No. 87-0014, §§ 1-5, 8-25-1987]

- A. That in the interest of and for the safety of the children attending any of the R-5 Public Schools, including but not limited to the Leslie Bell Elementary School located at 400 South 20th Street, the Middle School located at 16th and Main and the High School located on Aull Lane, it is deemed appropriate that the City Council authorize the Board of Education through its Superintendent of Schools to place school crossing guards at various locations within the City, including those guards for the schools above enumerated.
- B. The Board of Education of the R-5 School District through its Superintendent of Schools is hereby authorized to place competent adults at the school crossings of the Leslie Bell School, Middle School and High School, together with any other school crossings which the Board seems appropriate.
- C. The competent adults selected by the R-5 Board of Education through its Superintendent of Schools are hereby authorized to enter upon the streets of the City at the selected school crossings, control the flow of the vehicular traffic and pedestrian school children traffic at each of said selected school crossings during the times that they have been directed to do so by the Board of Education through its Superintendent of Schools. Such competent adult school crossing guards are hereby authorized to use stop signs, stop sign paddles and other appropriate equipment to assist in the proper control of vehicular and pedestrian traffic.
- D. The Police Department of the City of Lexington shall give the selected school crossing guards such training as is requested by the R-5 Board of Education through its Superintendent of Schools and to render such assistance for the safety of the school children to the R-5 Board of Education as may be necessary or appropriate from time to

time.

- E. The authorization herein given shall be effective between the hours of 7:00 A.M. and 4:00 P.M. of each day that the schools herein referred to are in session.

**SECTION 21-37. Use of Excessive Force During Non-Violent Civil Rights Demonstrations.** [Ord. No. 94-28 §§ 1-2, 12-27-1994]

- A. The use of excessive force by any law enforcement personnel within its jurisdiction against any individual engaged in a non-violent civil rights demonstration is hereby prohibited. The City also prohibits the physical barring of any entrance or exit to such a facility and will enforce all applicable State laws regarding same.
- B. Any law enforcement personnel found to be violating any provision of this Section shall be subject to the penalties as outlined in the Police Department Manual of the City of Lexington, Missouri.

**SECTION 21-38. through SECTION 21-41. (Reserved)**

**ARTICLE III  
City Jail**

**SECTION 21-42. City Jail.**

That the prison is hereby abolished. All City prisoners shall be housed in the Lafayette County Jail under the jurisdiction of the Sheriff of Lafayette County.