

CHAPTER 32

POLICE*

Art. I. In General. §§ 32-1 – 32-15

Art. II. Auxiliary Police , §§32-16 – 32-33

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ARTICLE I. IN GENERAL

Secs. 32-1 – 32-15. Reserved.

ARTICLE II. AUXILIARY POLICE

Sec. 32-16. Appointment.

- (a) The chief of police with the advice and consent of the city commission may appoint auxiliary police officers to serve in the Benton Harbor police reserve force shall be subordinate to the Benton Harbor police department. The police reserve force shall be composed of personnel who have volunteered to join the organization and whose applications for membership have been rules and regulations provided for the conduct and control of members thereof.
- (b) The city commission may from time to time limit the size of the police reserve force by resolution and may establish authorized staffing levels and rank structure within the police reserve force. (Ord. of 8-2-93, 1)

*Charter reference – Director of public safety, 3.32 et seq.

Cross references – Administration, Ch. 2; department of public safety, 2-44 et seq.; offenses, miscellaneous provisions, Ch. 26; report to police of goods purchased be secondhand and junk dealers, 34-21; report to police of property received by pawnbrokers, 34-50; traffic and motor vehicles, Ch. 41.

Editor's note – An Ord. of 8-2-93, 1, amended former Art. II, 32-16 – 32-22, as herein set out. Former Art. II pertained to similar subject matter and derived from an Ord. of Feb. 9, 1976.

Sec. 32-17. Duties

The police reserve force shall act only in supplementary capacity to the regular police force and shall in no case assume the full time duties of regular police officers without first complying with all requirements for such regular police officers. Members of the police reserve force shall serve at the discretion of the chief of police and may be called into service

at any time the chief of police considers necessary.
(Ord. of 8-2-93, 1)

Sec. 32-18. Identification symbols.

Identification symbols worn by auxiliary police officers may be different and distinct from those used by members of the regular division of police.
(Ord. of 8-2-93,1)

Sec. 32-19. The Benton Harbor police reserve force shall be subject to the direction and control of the chief of police.

The chief of police shall be the head of the police reserve force. Auxiliary police officers shall at all times during the performance of their duties be subject to the direction and control of the chief of police. The chief of police may command members of the reserve force to obey instructions of regular police officers in carrying out their duties.
(Ord. of 8-2-93, 1)

Sec. 32-20. Carrying of firearms.

No auxiliary police officer may carry a weapon until:

- (1) He or she has satisfactorily completed all the required state certification requirements for reserve officers and all state requirements for the carrying of a weapon and any additional training deemed necessary by the chief of police; and
- (2) He or she has been given authorization by the chief of police; and,
- (3) When discharging official duties as a duly constituted peace officer.

(Ord. of 8-2-93, 1)

Sec. 32-21. Training approval.

Additional training deemed necessary by the chief of police, and approved by the city commission shall be given.
(Ord. of 8-2-93, 1)

Sec. 32-22. Application requirements.

An applicant for membership in the Benton Harbor police reserve force shall meet the minimum standards for appointment as promulgated by the city commission which shall include the following:

- (1) Be a citizen of the United States;
- (2) Be at least eighteen (18) years of age;

- (3) Be fingerprinted and have had a search made of local, state, and national fingerprint files to disclose any criminal record;
- (4) Be a resident of the city.
- (5) Not have been convicted by any state or federal court of a felony under the laws of the State of Michigan, another state, of the United States or any other jurisdiction;
- (6) Be of good moral character, as determined by a background investigation;
- (7) Be examined by a licensed physician and meet those physical and mental requirements as prescribed by the Michigan Law Enforcement Officers Training Council;
- (8) Pass any written examination administered by the police department;
- (9) Satisfactorily complete any prescribed course for reserve police officers;
- (10) Meet such other qualifications for eligibility as may be promulgated by the city commission;
- (11) Complete a personal history statement, furnish three (3) references and attach letters of recommendation from said references to the application if requested; and,
- (12) Subscribe to an oath to obey the constitution of this state, and the laws of this nation, state and city, and swear to carry out the duties of a member of the Benton Harbor police reserve force to the best of his or her ability.

(Ord. of 8-2-93, 1)

Sec. 32-23, Authority.

Police reserve officers shall have powers as peace officers only when called to active duty and engaged in the actual discharge of their official duties as such; provided however, that they shall perform their actual duties under the direct supervision and control of a regular officer of the Benton Harbor police department. These conditions include war, disaster or other serious civil emergencies; control of crowds at gatherings of people at sporting events or on other occasions and to offer general security to the area; to perform traffic control duties from a fixed point; and under other extenuating circumstances when sufficient regular officers cannot be mustered to perform a necessary police function, and then only upon specific approval of the chief of police.

(Ord. of 8-2-93, 1)

Sec. 32-24. Dismissal.

A member of the police reserve force who fails, without just cause to respond to a call to service by the chief of police is subject to immediate dismissal from the police reserve force. Members of the police reserve

force may serve without compensation, but the city commission may, from time to time by resolution, provide uniform compensation for members of the police reserve force. The compensation shall be based solely upon time served by a member of the police reserve force while in training for, or in the performance of, official duties. The city commission may hereafter by resolution provide hospital and medical assistance to a member of the police reserve force who sustains injury in the course of performing his or her official duties. Resignations by members of the police reserve force shall be submitted to the chief of police who shall, without approval of the city commission, be authorized to accept the same. (Ord. of 8-2-93, 1)

Sec. 32-25. Rules and regulations.

Except as otherwise provided herein, members of the police reserve force are subject to the same rules, regulations, policies and procedures as members of the regular police force. Members of the police reserve force who violate any applicable rules, regulations, policies of procedures of the Benton Harbor police department are subject to disciplinary measures or discharge as deemed appropriate by the chief of police. (Ord. of 8-2-93, 1)

Secs. 32-26 – 32-33. Reserved.

ARTICLE III. DISPOSITION OF STOLEN MONEY OR PROPERTY

Sec. 32-34. Holding period; report to city commission.

Whenever the chief of police or his designee has any recovered stolen property, including money, which is unclaimed for six (6) months after recovery, he shall report the fact to the city commission, and request authority from the commission to dispose of it as provided in this article. (Ord. of 1-27-75, 9.501)

Sec. 32-35. Authority for sale, notice; release to owner prior to sale.

The city commission shall act upon the request of the chief of police or his designee under section 32-34 within six (6) months after the receipt of the request. If the commission approves the request, the chief of police or his designee shall publish notice in a newspaper of general circulation in the city at least five (5) days before the sale. The notice shall describe the property, including money, and shall state the time and place of public sale at which the property may be purchased by the highest bidder. Until the date of the sale the property, including money, may be claimed at the division of police. If ownership is provided, the police chief shall turn the

property, including money, over to the owner and cancel the sale insofar as the claimed property is concerned.
(Ord. of 1-27-75, 9.502)

Sec. 32-36. Sale; disposition of proceeds.

The chief of police or his designee shall conduct the sale under this article and shall deposit the proceeds of the sale, after deducting the cost of the sale, together with any other money included in the notice with the director of finance to the credit of the city general fund.
(Ord. of 1-27-75, 9.503)

Sec. 32-37. Claim after sale; reimbursement to owner.

If within six (6) months after the sale under section 32-36, the owner of the property, including money, files with the city commission a claim for the property, including money, and proves his right to the property, the commission shall authorize the director of finance to pay the amount of money received for the property to the owner. The chief of police or his designee disposing of property in the manner provided in this article shall not be liable to the owner thereof.
(Ord. of 1-27-75; 9.504)