

CHAPTER 3
DEPARTMENTS
Article 6. Police Department

§3-601 POLICE DEPARTMENT; DUTIES. The Police Department shall consist of the Chief of Police and such further number of regular policemen as may be duly ordered by resolution of the Council. The Chief of Police shall, subject to the direction of the Mayor, have control and management of all matters relating to the Police Department, its officers and members, and shall have the custody and control of all property and books belonging to the department. He shall devote his whole time to the municipal affairs, interests of the Municipality, and to the preservation of peace, order, safety, and cleanliness thereof. The Department shall execute and enforce all laws and also the orders of the Mayor. It shall be the duty of the Department to protect the rights of persons and property. There shall be a proper police force at all fires. The Department shall take notice of all nuisances, impediments, obstructions, and defects in the streets, avenues, alleys, business places, and residences of the Municipality. The Department shall execute, or cause to be executed, the processes issued and shall cause all persons arrested to be brought before the proper court for trial as speedily as possible. The Chief of Police and all regular and reserve police officers shall become thoroughly conversant with the laws of the Municipality, and shall see that the same are strictly enforced and shall make sworn complaints against any person or persons for violation of the same.

§3-602 POLICE DEPARTMENT; ARREST AND ENFORCEMENT JURISDICTION:

(A) Every municipal law enforcement officer has the power and authority to enforce the laws of this state and the municipality or otherwise perform the functions of that office anywhere within his or her primary jurisdiction. Primary jurisdiction means the geographic area territorial limits of the municipality.

(B) Any municipal law enforcement officer who is within this state, but beyond his or her primary jurisdiction, has the power and authority to enforce the laws of this state or any legal ordinance of any city or incorporated village or otherwise perform the functions of his or her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within his or her primary jurisdiction in the following cases:

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(1) Any municipal law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a felony, may follow such person into any other jurisdiction in this state and there arrest and detain such person and return such person to the officer's primary jurisdiction;

(2) Any municipal law enforcement officer, if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow such person anywhere in an area within 25 miles of the boundaries of the officer's primary jurisdiction and there arrest and detain such person and return such person to the officer's primary jurisdiction;

(3) Any municipal law enforcement officer has such enforcement and arrest and detention authority when responding to a call in which a local, state, or federal law enforcement officer is in need of assistance.

(a) A law enforcement officer whose life is in danger; or

(b) A law enforcement officer who needs assistance in making an arrest and the suspect:

1. Will not be apprehended unless immediately arrested; or

2. May cause injury to himself or herself or others or damage to property unless immediately arrested; or

3. May destroy or conceal evidence of the commission or a crime; and

(4) If the municipality, under the provisions of the Inter-local Cooperation Act or the Joint Public Agency Act, enters into a contract with any other municipality or county for law enforcement services or joint law enforcement services, law enforcement personnel may have such enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided for in the agreement. Unless otherwise provided in the agreement, the municipality shall provide liability insurance coverage for its own law enforcement personnel as provided in Neb. RS 13-1802.

(C) When probable cause exists to believe that a person is operating or in the actual physical control of any motor

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vehicle, motorboat, or aircraft while under the influence of alcoholic liquor or of any drug or otherwise in violation of Neb. RS 28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6,211.01, or 60-6,211.02.

(D) A municipal law enforcement officer has the power and authority to do any of the following or any combination thereof:

(1) Transport such person to a facility outside of the law enforcement officer's primary jurisdiction for appropriate chemical testing of the person;

(2) Administer outside of the law enforcement officer's primary jurisdictions any post-arrest test advisement to the person; or

(3) With respect to such person, perform other procedures or functions outside of the law enforcement officer's primary jurisdiction which are directly and solely related to enforcing the laws that concern a person operating or being in the actual physical control of any motor vehicle, motorboat, or aircraft while under the influence of alcoholic liquor or of any other drug or otherwise in violation of Neb. RS 28-1465, 28-1466, 28-1472, -1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6,211.01, or 60-6,211.02. (Neb RS 29-215)

(E) If municipal law enforcement personnel are rendering aid in their law enforcement capacity outside the limits of the municipality in the event of disaster, emergency, or civil defense emergency or in connection with any program of practice or training for such disaster, emergency, or civil defense emergency when such program is conducted or participated in by the Nebraska Emergency Management Agency or with any other related training program, the law enforcement personnel have the power and authority to enforce the laws of this state or any legal ordinances or resolutions of the local government where they are rendering aid or otherwise perform the functions of their office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within their primary jurisdiction. The municipality shall self-insure or contract for insurance against any liability for personal injuries or property damage that may be incurred by it or by its personnel as the result of any movement made pursuant to this division. (Neb.RS 81-829.65)

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(F) Any municipal law enforcement officer may exercise police jurisdiction over any municipally owned or controlled airport, park, waterworks system, sewerage system, or any portion of the same, or any other municipal facility, outside the corporate limits with the same force and effect as though such properties were located within the corporate limits. (Neb.RS 18-1715) (Ref 29-215 RS Neb.) (*Amended by Ord. No. 1280, 7/18/95; Ord. No. 1619, 09/21/04; Ord. No. 1852, 4/2/13*)