

RESOLUTION 2016-01

A RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF KIMBALL, TENNESSEE TO ADOPT A RACIAL PROFILING POLICY FOR THE TOWN'S POLICE DEPARTMENT.

WHEREAS, based on requirements of newly-enacted Tennessee state law, TCA Sections 38-1-501 through 503, all law enforcement agencies in the State are required to adopt policies to protect citizens from racial profiling and to provide directives to law enforcement officers that racial profiling is never permitted; and

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee now desires to adopt a formal Racial Profiling Policy, same being attached hereto as an Exhibit and incorporated herein by reference.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, meeting in regular session on the 7th day of January, 2016, that the Racial Profiling Policy as prepared and submitted by, and under general order of, the Town's Chief of Police, and as reviewed and approved by the Town's attorney, a copy of which is attached hereto as an Exhibit and incorporated herein by reference, be and the same is hereby adopted in all respects.

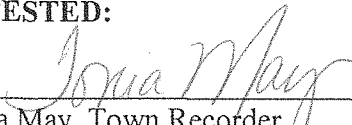
BE IT FURTHER RESOLVED by the Board of Mayor and Aldermen that this Resolution shall take effect immediately from and after its passage as required by law, the public welfare requiring it.

ADOPTED this 7th day of January, 2016.

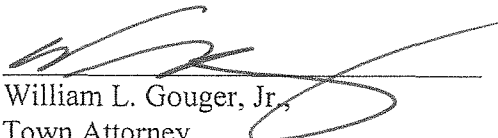
TOWN OF KIMBALL, TENNESSEE

By: 
Rex Pesnell, Mayor

ATTESTED:


Tonia May, Town Recorder

APPROVED AS TO FORM


William L. Gouger, Jr.,
Town Attorney



KIMBALL POLICE DEPARTMENT



SUBJECT: Racial Profiling Policy		
Issue Date: 01/07/2016	Effective Date: 01/07/2016	Review Date:
Amends/Rescinds GO: None		Distribution: All Personnel
Per Order of: Police Chief Tommy N. Jordan		TCA: 38-1-501, 502, 503 CALEA: TLEA: 2.12
<i>This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.</i>		

I. PURPOSE

The purpose of this policy is to provide Kimball Police Department members with constitutional policing principles that protect citizens from racial profiling and send clear direction to officers that racial profiling is never permitted.

II. POLICY

This policy is established in accordance with TCA § 38-1-501 through 503, governing Racial Profiling. The Kimball Police Department prohibits racial profiling by any employee. The Kimball Police Department requires officers to investigate and detect crime in a proactive manner. This requirement is fulfilled through actively investigating suspicious persons and circumstances, and enforcing criminal and motor vehicle laws. At a minimum, reasonable suspicion must exist that someone is committing, has committed, or is about to commit an offense before any stop or detention is attempted or initiated. No law enforcement action shall ever commence solely on the basis of the individual’s actual or perceived race, color, ethnicity, national origin. Kimball Police Department personnel shall not engage in racial profiling and shall respect the dignity of all persons while accomplishing the mission of the Kimball Police Department.

III. DEFINITIONS

- A. **Racial Profiling:** The detention or interdiction of an individual in traffic contacts, field contacts, or asset seizure and forfeiture efforts solely on the basis of the individual’s actual or perceived race, color, ethnicity, or national origin as defined by TCA § 38-1-502.
- B. **Law Enforcement Agency:** A lawfully established state or local public agency that is responsible for preventing and detecting crime and enforcing laws or local ordinances; and has employees who are authorized to make arrests for crimes while acting within the scope of their authority; and includes an institution considered a “law enforcement agency” pursuant to TCA § 49-7-118 (which addresses public and private higher educational institutions).

RESOLUTION 2016-02

A RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF KIMBALL, TENNESSEE TO ADOPT A LAW ENFORCEMENT POLICY ON SEXUALLY ORIENTED CRIMES FOR THE TOWN'S POLICE DEPARTMENT.

WHEREAS, based on requirements of newly-enacted Tennessee state law, 2015 Tennessee Public Chapter 253, all law enforcement agencies in the State are required to adopt a standard policy on sexually oriented crimes; and


WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee now desires to adopt a formal Law Enforcement Policy on Sexually oriented Crimes, same being attached hereto as an Exhibit and incorporated herein by reference.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, meeting in regular session on the 4th day of February, 2016, that the Sexually Oriented Crimes Policy as prepared and submitted by, and under general order of, the Town's Chief of Police, and as reviewed and approved by the Town's attorney, a copy of which is attached hereto as an Exhibit and incorporated herein by reference, be and the same is hereby adopted in all respects.

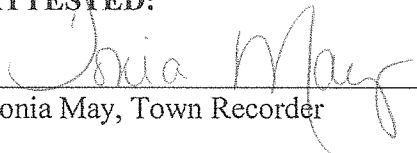
BE IT FURTHER RESOLVED by the Board of Mayor and Aldermen that this Resolution shall take effect immediately from and after its passage as required by law, the public welfare requiring it.

ADOPTED this 4th day of February, 2016.

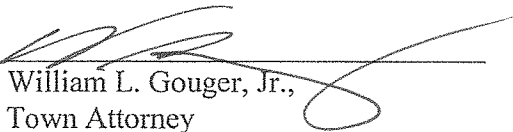
TOWN OF KIMBALL, TENNESSEE

By: 
Rex Pesnell, Mayor

ATTESTED:


Tonia May, Town Recorder

APPROVED AS TO FORM


William L. Gouger, Jr.,
Town Attorney

THE TOWN OF KIMBALL, TENNESSEE LAW ENFORCEMENT POLICY ON SEXUALLY ORIENTED CRIMES

Created/Approved by the Domestic Violence State Coordinating Council (TACP and TSA)

Subject: Investigations of Sexually Oriented Crimes

Effective Date: February 4, 2016

Cross Reference: Tennessee Public Chapter 253

Town of Kimball Chief of Police Approval: February 4, 2016

I. Purpose: To outline a protocol for coordinated preliminary and continued investigations of sexually oriented crimes and other related offenses.

II. Policy: Sexually oriented crimes (see Section III: Definitions) are personal violent crimes that have great psychological or physical effects on the victims. It is the policy of this department to assist victims of sexually oriented crimes in a supportive manner, using appropriate crisis intervention skills. Because of the special considerations involved in investigations of sexually oriented crimes, this policy encourages a multidisciplinary, coordinated community response. Public confidence in the reporting and investigative process will encourage all victims of sexually oriented crimes to report the crime. Reducing recidivism through the apprehension and prosecution of the assailants is a department priority.

III. Definitions:

Forensic medical examination: An examination by any healthcare provider who provides medical care and gathers evidence of a sexually oriented crime in a manner suitable for use in a court of law, provided to a victim reporting a sexually oriented crime to a healthcare provider, as defined in T. C. A. § 39-13-519(a)(1), P.C. 253 (2015).

Hold kit: A sexual assault evidence collection kit of an adult victim that is coded with a number rather than a name pending the victim's decision to report the crime to law enforcement authorities, and has not been submitted to the state crime lab or similar qualified laboratory, as defined in T.C.A. § 39-13-519(a)(2), P.C. 253 (2015).

Law enforcement agency: An established state or local agency that is responsible and has the duty to prevent and detect crime and enforce laws or local ordinances; and has employees who are authorized to make arrests for crimes while acting within the scope of their authority; and a campus security force created by an institution of higher education pursuant to § 49-7-118, as defined in T.C.A. § 39-13-519(a)(3), P.C 253 (2015).

Sexual assault evidence collection kit: Evidence collected from the victim of a sexually oriented crime with a sexual assault evidence collection kit provided by the state of Tennessee, as defined in T.C.A. § 39-13-519(a)(4), P.C. 253 (2015).

Sexually oriented crime: Crimes listed in T.C.A. § 29-13-118(b) and as referenced in T.C.A. § 39-13-519(a)(5), P.C. 253 (2015).

Victim: A victim of a sexually oriented crime as defined in § 29-13-118(b) and as defined in T.C.A. § 39-13-519(a) (6), P.C. 253 (2015).

Victim Advocate: This term applies to service providers trained to assess and address the needs of the victim as well as provide counseling, advocacy, resources and information, and ongoing support. Depending on the primary functions of the advocate, the level of confidentiality and privilege they have will vary and should be communicated to those involved.

IV. Procedures:

A. Training and Personnel Selection: Training is necessary for all personnel who have contact with victims of sexually oriented crimes, including dispatch/communications and initial responders, as well as those who investigate these crimes. All officers should receive ongoing training that specifically addresses the realities, dynamics and investigations of these crimes, and legal developments pertaining to sexually oriented crimes. Responders at every level need to recognize that they are accountable to the victim.

When an agency has a dedicated unit for sexually oriented crimes, careful consideration should be taken when selecting personnel to staff it.

B. General Responsibilities:

1. Department personnel shall be aware of community services available to victims of sexually oriented crimes.
2. Department personnel shall be trained and knowledgeable about investigation of sexually oriented crimes and its impact on victims.
3. Department personnel shall use appropriate communication skills when interacting with victims of sexually oriented crimes.

C. Communications Officer (Communications Center) Responsibilities: Communication officers or dispatch personnel may be the first to whom the victim will speak following a sexually oriented crime. In general, communications personnel should address two primary goals: collecting information and dispatching assistance.

D. Patrol Officer/Deputy Responsibilities: Officers/deputies should be mindful of the impact of trauma on memory, especially when contact with the victim is within a short time after the sexually oriented crime occurred. Victims of any trauma, including but not limited to sexually oriented crimes, may experience difficulty with memory storage and recall. As a result, victims may be inconsistent or unclear in their descriptions. These

symptoms may be indications of a traumatic experience rather than fabrication. This fact should be considered by the investigator to assure a more accurate follow-up interview after appropriate time has passed from the traumatic event.

1. The patrol officer/deputy has certain immediate responsibilities, as follows:
 - a. The first priority is the victim's physical well-being. Give attention to the victim's emergency medical needs. Ensure safety.
 - b. Preserve the crime scene. Call an investigator, additional officers/deputies, or a supervisor when necessary.
 - c. Be alert to any suspect in the vicinity. If applicable, give crime broadcast.
 - d. Contact a victim advocate as soon as possible to provide assistance throughout the reporting and investigative process.
 - e. Explain to the victim the officer/deputy role and what will be done at the scene and through follow-up.
2. The patrol officer/deputy shall obtain detailed information essential to determine what occurred.
3. The patrol officer/deputy shall obtain preliminary statements from victim and witnesses to obtain information in an effort to identify and locate the suspect.
4. The patrol officer/deputy shall inform the victim of the sexual assault center and other community-coordinated response agencies and resources available to support the victim. The patrol officer/deputy should ask if the victim would prefer to have a support person present and offer to contact the person if necessary.
5. The patrol officer/deputy shall arrange transportation or transport the victim to the hospital for a forensic medical examination. The officer/deputy should explain the medical and investigative purposes of this exam and advise the victim to bring a change of clothing.

E. Investigator Responsibilities:

1. The investigator shall obtain a complete report from the patrol officer assigned to the case.
2. The initial contact with the victim may happen in different ways:
 - a. At the crime scene: The officer/deputy shall protect the crime scene and begin the preliminary investigation. The investigator should establish rapport with the

victim and offer to transport the victim to the hospital.

b. At the hospital: The investigator should collaborate with medical staff to arrange for the collection of evidence needed for prosecution. Ensure the victim understands the exam procedures and establish rapport for further interviews. Assist in arranging for clothing the victim may need after the examination. The investigator should never be in the examination room during the sexual assault exam but shall have the victim sign a consent form in order to obtain a copy of the medical report. The sexual assault evidence collection kit shall be received from medical staff after it has been properly sealed and labeled. The sexual assault evidence collection kit will be stored and/or submitted for testing in accordance with state law. See, Section G: Collection and Storage of Evidence.

c. At the department: Before interviewing the victim, the investigator should review the officer/deputy's report and establish rapport with the victim by allowing the victim to ask preliminary questions and voice initial concerns.

3. The investigator shall be trained in sexual assault procedures:

a. The investigator shall allow the victim advocate to be with the victim for support during the interview(s), if the victim desires.

b. If the victim prefers a gender specific investigator, every attempt to provide one should be made. If one is not available, the investigator shall nevertheless encourage the victim's cooperation.

c. The investigator shall prepare the victim for each phase of the investigation. The investigator will encourage the victim's cooperation by explaining investigative procedures.

4. Victim interviews:

a. Privacy is a necessity for follow-up interviews. Choose a quiet room at the department or go to the victim's home. Recording is encouraged. A victim advocate may be helpful to the investigation. Ask the advocate not to interfere with questioning. The patrol officer/deputy shall obtain detailed information essential to determine what occurred.

b. Polygraph test: T.C.A. § 38-3-123.

1. No law enforcement officer shall require any victim of a sexual offense, as defined in T.C.A. § 40-39-202, or violent sexual offense, as defined in T.C.A. § 40-39-202, to submit to a polygraph examination or any other test designed to detect deception or verify the truth of statements through instrumentation or by means of a mechanical device, as a condition of the officer proceeding with the investigation of the offense.

2. A violation of this section shall subject the officer to appropriate departmental disciplinary action.

The investigators should determine if there were any witnesses and interview them. Investigators should also determine if the incident was reported to someone else.

- c. Questions that must be addressed include, but are not limited to, the following:
 1. Assault circumstances: Where approached? How? Where occurred? When?
 2. Suspect information: Name, if known? Age? Race? Hair color? Clothing? Height? Weight? Identifying marks? Relationship to victim, if any?
 3. Multiple crimes: Did multiple assaults occur? Were other crimes committed?
 4. Assault details: What happened during the assault? Were weapons used? Describe them. Were threats made? What were they? Was there a fight or struggle? Were injuries sustained by the victim and/or suspect? Were drugs/alcohol involved? Was the victim incapacitated in any way?
 5. Details of sexual acts: What did the suspect do? If a male suspect, did he ejaculate? If so, where? Was a condom used? Was a lubricant used, and if so, what type?
 6. Duration: How long was the suspect with the victim?
 7. After the assault: What did the victim or suspect do immediately after the assault?
 8. Prosecution: Does the victim have concerns about prosecuting?
- d. At the conclusion of the interview, the investigator should ask about any additional assistance needed by the victim and refer the victim to appropriate services.
- e. Inform the victim that it is common to remember additional details later. Encourage the victim to contact the investigator with additional details or to ask questions. Provide contact information to the victim.
- f. Interviewing child sexual assault victims under the age of 18 requires special guidelines set forth by established statutory child sexual abuse investigative protocols, as described in Tenn. Code Ann. § 37-1-601 *et seq.* (2015).

F. Supervisor Responsibilities: Effective supervision plays a key role in ensuring comprehensive responses to and investigation of sexually oriented crimes. Though this is

important for victims, it is also important for ensuring compliance with department policy and accountability. Supervisors shall demonstrate a thorough understanding of victim issues and proper response by subordinates.

G. Collection and Storage of Evidence:

The Sexual Assault Evidence Collection Kit or hold kit shall be received from the medical staff after it has been properly sealed and labeled. A chain of custody for the Sexual Assault Evidence Kit or hold kit shall be established and the kit will be prepared for DNA testing or storage in accordance with established protocols. See, T.C.A. § 39-13-519 (b), P.C. 253 (2015).

Collection and storage procedures for sexual assault evidence kits and hold kits are stated below.

1. Sexual Assault Evidence Kit, explained in T.C.A. § 39-13-519-(c)(2) and (d)(1), P.C. 253 (2015).
 - a. If an adult victim reports the alleged offense to the police, or if the victim is a minor, the health care provider shall attach the victim's name to the sexual assault evidence collection kit, and it shall be released to the appropriate law enforcement agency.
 - b. The law enforcement agency shall, within sixty (60) days of taking possession of the sexual assault evidence collection kit with the victim's name affixed to it, submit the kit to the Tennessee bureau of investigation or similar qualified laboratory for either serology or deoxyribonucleic (DNA) testing.
2. Hold Kit, explained in T.C.A. § 39-13-519 (c)(1) and (d)(2), P.C. 253 (2015).
 - a. If an adult victim elects not to report the alleged offense to police at the time of the forensic medical examination, the sexual assault evidence collection kit becomes a hold kit, and the healthcare provider shall assign a number to identify the kit rather than use the victim's name. The healthcare provider shall provide the victim with the identifying number placed on the victim's hold kit, information about where and how long the kit will be stored, and the procedures for making a police report.
 - b. Upon receipt of a hold kit with only an identification number attached to it, the law enforcement agency shall store the hold kit for a minimum of three (3) years or until the victim makes a police report, whichever event occurs first. Once the victim makes a police report, the law enforcement agency shall have sixty (60) days from the date of the police report to send the sexual assault evidence collection kit to the state crime lab or other similar qualified laboratory for either serology or deoxyribonucleic acid (DNA) testing. However, no hold kit shall be submitted to the state crime lab or similar laboratory for testing until the victim has made a police report.

V. Compliance: Violations of this policy, or portions thereof, may result in disciplinary action. All members shall comply with this policy.

VI. Application: This document constitutes department policy, is for internal use only, and does not enlarge an employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense, with respect to third party claims insofar as the employee's legal duty as imposed by law. Violations of this policy, if proven, can only form a basis of a complaint by this department, and then only in a non-judicial administrative setting.

RESOLUTION 2016-03

A RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF KIMBALL, TENNESSEE TO ADOPT A BIAS-BASED POLICING POLICY FOR THE TOWN'S POLICE DEPARTMENT.

WHEREAS, based on requirements of newly-enacted Tennessee state law, TCA Sections 38-1-501 through 503, all law enforcement agencies in the State are required to adopt policies to protect citizens from bias-based policing and to provide directives to law enforcement officers that bias-based policing is never permitted; and

WHEREAS, the Board of Mayor and Aldermen of the Town of Kimball, Tennessee now desires to adopt a formal Bias-Based Policing Policy, same being attached hereto as an Exhibit and incorporated herein by reference.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Board of Mayor and Aldermen of the Town of Kimball, Tennessee, meeting in regular session on the 4th day of February, 2016, that the Bias-Based Policing Policy as prepared and submitted by, and under general order of, the Town's Chief of Police, and as reviewed and approved by the Town's attorney, a copy of which is attached hereto as an Exhibit and incorporated herein by reference, be and the same is hereby adopted in all respects.

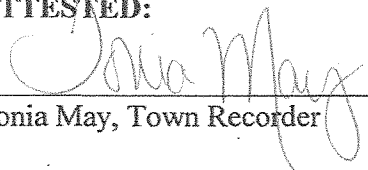
BE IT FURTHER RESOLVED by the Board of Mayor and Aldermen that this Resolution shall take effect immediately from and after its passage as required by law, the public welfare requiring it.

ADOPTED this 4th day of February, 2016.

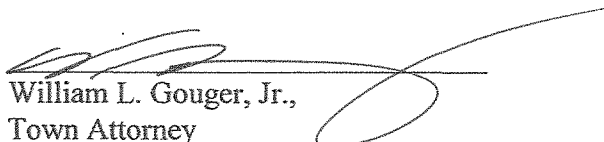
TOWN OF KIMBALL, TENNESSEE

By: 
Rex Pesnell, Mayor

ATTESTED:


Tonia May, Town Recorder

APPROVED AS TO FORM


William L. Gouger, Jr.,
Town Attorney



KIMBALL, TENNESSEE POLICE DEPARTMENT

SECTION 1.09

DEPARTMENT ROLE AND AUTHORITY

SUBJECT: Bias Based Policing		
Issue Date: February 4, 2016	Effective Date: February 4, 2016	Review Date: February 2, 2016
Amends/Rescinds GO: NEW		
Per Order of: Tommy Jordan, Chief of Police		Distribution: All Personnel TCA: §§ 38-1-501-503 CALEA: TLEA: 2.12
<i>This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.</i>		

I. PURPOSE

The purpose of this policy is to establish policy and procedures to protect citizens and officers from bias based policing.

II. POLICY

This policy is established in accordance with Tennessee Code Annotated Title 38, Chapter 1, Sections 501-503, governing Racial Profiling which states each law enforcement agency shall adopt a written policy that prohibits racial profiling by its employees. It is the policy of the Kimball, Tennessee Police Department ("Department") to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws while requiring that any person will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit an offense. Kimball Police Department policy prohibits racial profiling by its employees.

Police officers are reminded that the Kimball Police Department does not engage in "bias-based policing". These procedures are intended to assist personnel in accomplishing the mission of the Kimball Police Department while respecting the dignity of all persons.

III. DEFINITIONS

- A. Bias Based Policing: means the practice of using race, color, ethnicity, national origin, gender, age, sexual orientation, gender identity, cultural group, disability, or some other identifiable common trait of a group as the sole reason for stopping, detaining, searching pedestrians and motorists, or in asset seizure and/or forfeiture efforts. For purposes of this policy, Bias Based Policing includes the term Racial Profiling as defined in Tenn. Code Ann. § 38-1-502.
- B. Racial Profiling: The detention or interdiction of an individual in traffic contacts, field contacts, or asset seizure and forfeiture efforts solely on the basis of the individual's actual or perceived race, color, ethnicity, or national origin as defined by TCA § 38-1-502.
- C. Law Enforcement Agency: A lawfully established state or local public agency that: (a) Is responsible for preventing and detecting crime and enforcing laws or local ordinances; and (b) Has employees who are authorized to make arrests for crimes while acting within the scope of their authority. Includes an institution considered a "law enforcement agency" pursuant to TCA § 49-7-118 (which addresses public and private educational institutions.)

IV. PROCEDURES

A. Bias Based Policing Prohibited

1. While profiling can be a useful tool to assist officers in carrying out their duties, the use of bias based policing, i.e., the practice of using race, color, ethnicity, national origin, gender, age, sexual orientation, gender identity, cultural group, disability or some other identifiable common trait of a group as the sole reason for stopping, detaining, searching pedestrians and motorists, and in asset seizure and forfeiture efforts is prohibited except that officers may rely on the listed characteristics in a specific suspect description.
2. Even if the police officer or employee was mistaken in his/her perception that the victim was a member of the group he or she was acting against, it is still bias based policing because the police officer or employee was motivated, in whole or in part, by bias against the group.

a. Proactive Enforcement

Proactive enforcement requires officers to be observant and identify and act upon any unusual occurrences and law violations. These efforts keep our community free from crime and our roadways safe to drive upon and deter, detect, and apprehend criminals. Proactive patrol is an effective strategy to:

- (1) Protect the public from the devastation caused by drug abuse and suppress the activities of drug couriers;
- (2) Reduce traffic-related death and injury while increasing the apprehension of drunk drivers;

- (3) Combat illegal trafficking and possession of weapons and drugs;
- (4) Capture and arrest fugitives and other wanted persons at-large;
- (5) Identify and target violent gangs, terrorists and others who pose a threat to public safety;
- (6) Otherwise promote and maintain an orderly and law abiding society.

b. Role of Supervisors

Traffic enforcement, detention, interviews, and search procedures will be accompanied by periodic supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness and lawfulness in conducting such activities.

c. Recording of Motor Vehicle Stops

Motorists and pedestrians shall only be subjected to stops, seizures, or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. When a motorist is stopped, the officer shall notify dispatch of the location of the stop, registration number or the description of vehicle being detained, the number of occupants in the vehicle, and the reason for the stop. Communication personnel shall log all pertinent information. All required reports and/or forms shall be completed by the officer as soon as reasonable upon completion of the stop.

d. Contact with the Public

- (1) Officers shall be familiar with all General Orders pertaining to traffic stops, including the provisions requiring professionalism and courtesy, which may influence the degree of cooperation from the motorist. Officers should never forego their command presence, safety, and control of the situation during a public contact.
- (2) While engaging in routine or spontaneous law enforcement decisions, such as ordinary traffic stops, Kimball Police Department officers may not use race, color, ethnicity, national origin, gender, age, sexual orientation, gender identity, cultural group, disability, or some other identifiable common trait of a group as the sole reason for making those decisions, except that officers may rely on the characteristics in a specific suspect description.

e. Detention and Search

- (1) No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or

the person's voluntary consent.

- (2) In each case where a search is conducted, the legal basis and results for the search should be documented. It is strongly recommended that consent searches only be conducted with written consent using the proper department form.
- (3) If the individual indicates that they will consent to a search but refuse to sign the form, the officer should fill out the form and indicate "consented to search but refused to sign" before inserting the officer's initials along with the signature of any witness in the signature block. Motorists should be informed that they are free to leave before the consent to search is requested.

f. Completion of Required Reports

Appropriate enforcement action should be completed in the form of a warning, citation, or arrest. Police reports shall indicate the reason for the stop. If the department provides public information pamphlets to officers regarding the purposes of proactive enforcement, officers may distribute the pamphlet to each person subjected to such activities, whenever appropriate.

g. Pretext Traffic Stops

The police may affect the stop of a motorist whom they have probable cause to believe has committed a traffic violation. The officer's subjective motive for stopping the vehicle plays no role in determining whether or not probable cause exists, even if the stop of the motorist was a pretext to conduct a criminal investigation. However, motor vehicle stops, including pretext stops, are prohibited when based solely upon prohibited considerations, such as race, color, ethnicity, national origin, gender, age, sexual orientation, gender identity, cultural group, disability, some other identifiable common trait, or any combination therein.

B. Training

1. Officers should receive initial and ongoing documented training, at a minimum every three years. Training should include proactive enforcement tactics, training in officer safety, courtesy, cultural diversity, discrimination, racial profiling, bias based policing, field contacts, traffic stops, the laws governing search and seizure, and interpersonal communications skills.
2. This training should address the issues pertaining to the practice of bias based policing to include racial profiling, including its impact on police and society. Training programs should emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.

C. Corrective Measures

1. Any person may file a complaint with the department if they feel they have been stopped or searched based on bias based policing, and no person shall be

discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint. All complaints shall be investigated with corrective measures taken if it is determined that bias based policing has occurred.

2. All officers shall provide the name and contact information of their immediate supervisor and the telephone number of the department when notified that a person wishes to file a complaint. Such accusations can often be prevented or mitigated by explaining to the motorist the reason for the stop. An officer who is accused on the scene of discrimination, bias based policing, racial profiling, an illegal stop, frisk, and/or search by any person shall report the incident to his/her supervisor as soon as reasonable.
3. Supervisors who receive official complaints shall follow departmental procedures as outlined in Section 4.01, *Citizen Complaints*, and Section 4.02, *Investigation of Misconduct and Citizen Complaints*. When backing up officers on vehicle stops and other calls, they shall be alert to any pattern or practice of possible discriminatory treatment or bias-based policing by officers.

D. Annual Review of Department Practice and Citizen Concerns

1. The Department's designated policy compliance officer shall provide the Chief of Police with periodic reports on the characteristics of persons stopped on traffic stops by race, ethnicity, gender, sexual orientation, and gender identity when available. Annually, the compliance officer and the Chief of Police shall conduct an Administrative Review of all department policy, practices, and citizen concerns/complaints relating to bias based policing.
2. The designated policy compliance officer shall prepare and forward a report of his/her findings and recommendations, if any, to the Chief of Police annually.

RESOLUTION NO. 2016-04

**TOWN OF KIMBALL
2016 COMMUNITY DEVELOPMENT
BLOCK GRANT APPLICATION FOR THE CITY OF SOUTH PITTSBURG
Water System Improvements**

WHEREAS, the South Pittsburg Board of Waterworks and Sewer seeks to be able to supply the Town of Kimball with improved water capacity; and

WHEREAS, the Town of Kimball's water system has residential and commercial demands on the South Pittsburg Board of Waterworks water system, which make it imperative for the system to secure more capacity and redundancy in the water system; and

WHEREAS, the State of Tennessee has Community Development Block Grants of up to \$525,000 for which local governments may compete to solve important community needs such as water system capacity improvements; and

WHEREAS, the City of South Pittsburg is eligible to apply for a Community Development Block Grant in February 2016 and is able to apply for projects on behalf of public utilities; and

WHEREAS, project engineers have recommended that a 12 inch (in diameter) line should be constructed of ductile iron, in order to make the most resilient improvements to the water system; and

WHEREAS, engineers have estimated the total project cost to make improvements in the water system at \$529,200;

BE IT HEREBY RESOLVED that the Town of Kimball requests that the City of South Pittsburg apply for \$481,572 in CDBG funds to assist with construction of this project, with a total project cost of \$529,200.

BE IT FURTHER RESOLVED that the Town of Kimball agrees to provide \$47,628 in matching funds for the CDBG project; and

BE IT ADDITIONALLY RESOLVED that the Town of Kimball Mayor is authorized to execute documents and enter into agreements necessary for the successful application and award of the grant, subject to the approval of State.

Passed February 4, 2016



Town Recorder



Rex Pesnell, Town of Kimball, Mayor

RESOLUTION NO. 2016-05

A RESOLUTION OF THE KIMBALL BOARD OF MAYOR AND ALDERMEN AUTHORIZING
AN APPLICATION SEEKING FUNDING FOR A 2016-TDEC
LOCAL PARKS AND RECREATION FUND GRANT

WHEREAS, the Town of Kimball desires to offer and expand recreational opportunities available for citizens of the community and the surrounding area; and

WHEREAS, the expansion and safe accessibility of recreational facilities is a vital element in the community health and welfare for the citizens of the Town of Kimball; and

WHEREAS, the Town of Kimball is eligible to receive a 50/50 matching grant for the Local Parks and Recreation Fund grant program administered by the Tennessee Department of Environment and Conservation.

NOW, THEREFORE, BE IT RESOLVED that the Town of Kimball Board of Mayor and Aldermen hereby authorize the Mayor to submit an application for a Local Parks and Recreation Fund (LPRF) grant request of up to \$150,000 in grant funds for improvements to Kimball Park for a total project cost not to exceed \$300,000.

BE IT FURTHER RESOLVED that the Town of Kimball agrees to provide the required local match of fifty percent (50%) of the total project cost (from the Town's general fund), and will be responsible for all funding that exceeds awarded grant funding.

BE IT FURTHER RESOLVED that if the project is selected for funding, the Southeast Tennessee Development District will administer the grant and complete the required environmental review.

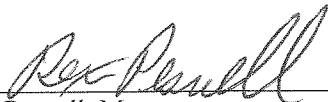
BE IT FURTHER RESOLVED that the Town of Kimball will register a Notice of Limitation of Use (NLU) against the deed of the Kimball Park property, if the project is funded through the LPRF program.

BE IT FURTHER RESOLVED that the Mayor and Board of Alderman are fully supportive of this project and are committed to completing the project within two years of the contract start date, if funded.

BE IT FURTHER RESOLVED that the Mayor and Board of Alderman assure that the project will meet all Federal, State, and local regulations and requirements, including ADA, CPSC, and ASTM standards.

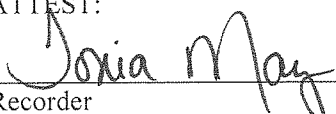
BE IT FURTHER RESOLVED that this resolution shall take effect immediately after its passage, the public welfare of the town requiring it.

Passed this 7th day of April, 2016.



Rex Pesnell, Mayor

ATTEST:



Recorder

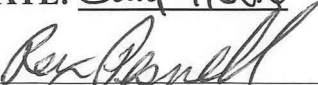
RESOLUTION NO. 2016-06

**“A RESOLUTION TO RATIFY THE RECOMMENDATION OF THE
MARION COUNTY COORDINATING COMMITTEE ON AMENDING THE JASPER
URBAN GROWTH BOUNDARY AND THE MARION COUNTY GROWTH PLAN”**

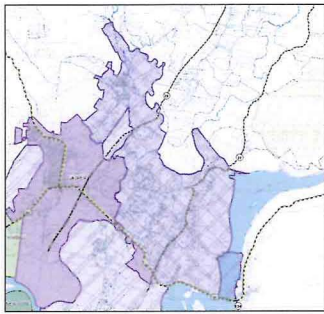
- WHEREAS,** pursuant to Tennessee Code Annotated (TCA) § 6-58-104, Marion County ratified a county growth plan on June 28, 2000; and
- WHEREAS,** as part of the county growth plan the City of Jasper established an Urban Growth Boundary; and
- WHEREAS,** T.C.A. § 6-58-104(d)(1) authorizes amendments to the growth plan after the plan has been in effect for three years; and
- WHEREAS,** as of June 28, 2003, the growth plan is open to amendments; and
- WHEREAS,** the City of Jasper Board of Commissioners requested a report on amending the Urban Growth Boundary from the Municipal Planning Commission; and
- WHEREAS,** the Jasper Municipal Planning Commission at its October 7, 2013 meeting formally recommended a Urban Growth Boundary amendment and report to the Board of Commissioners; and
- WHEREAS,** in accordance with T.C.A. § 6-58-104(d)(1), the City of Jasper held duly advertised public hearings on November 11, 2013 and December 9, 2013; and
- WHEREAS,** the Marion County Coordinating Committee recommended an amendment to the Marion County Growth Plan to include an amended Urban Growth Boundary for the City of Jasper at its October 27, 2015 meeting.
- WHEREAS,** the Marion County Coordinating Committee held two duly advertised public hearings on the recommended amended to the growth plan on April 27, 2016 and April 28, 2016; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF KIMBALL AS
FOLLOWS,** the amended growth plan which includes the amended Jasper Urban Growth Boundary as recommended by the Marion County Coordinating Committee is hereby ratified by the Town of Kimball.

DATE: July 7, 2016


Rex Pesnell, Mayor

ATTEST: 
Tonia May, City Recorder

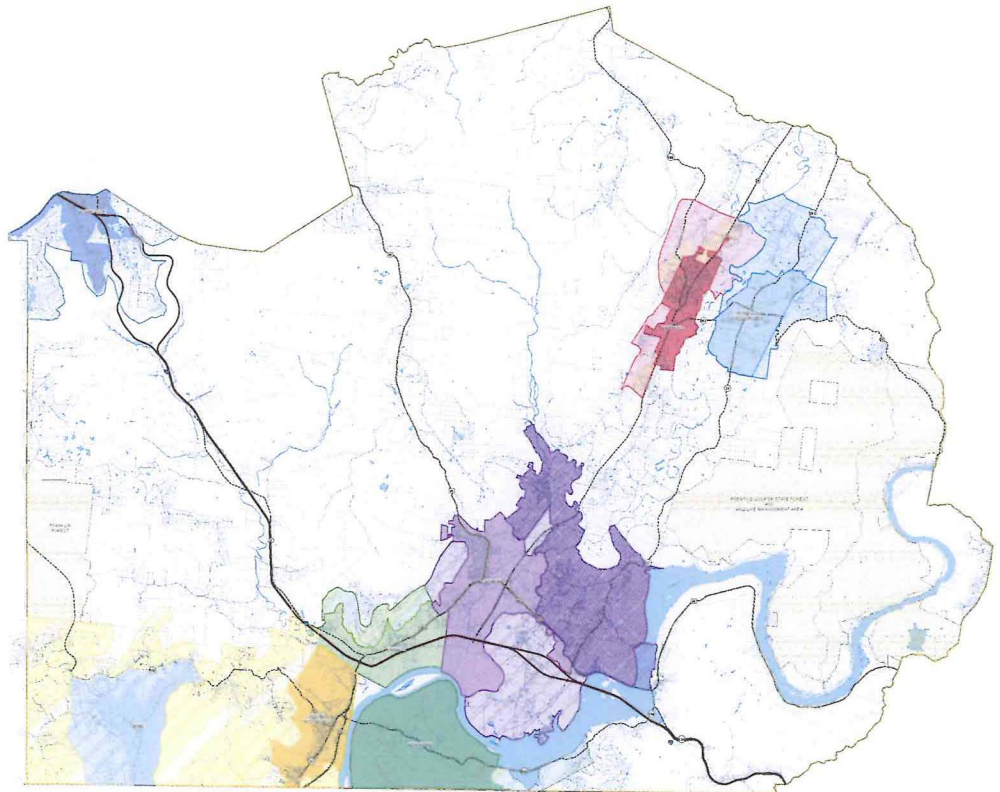


JASPER INSET
PROPOSED URBAN GROWTH BOUNDARY

AMENDED GROWTH PLAN MARION COUNTY, TENNESSEE

Recommended By:
Marion County Coordinating Committee

RATIFIED BY:	Signature	Date
Jasper, TN	_____	_____
Kimball, TN	_____	_____
Monteagle, TN	_____	_____
New Hope, TN	_____	_____
Oneida, TN	_____	_____
Powell's Crossroads, TN	_____	_____
South Pittsburg, TN	_____	_____
Whitwell, TN	_____	_____
Marion County, TN	_____	_____



Scale	North	Scale	South
0	1000	0	1000

Legend	
	Interstate
	U.S. Highway
	State County Highway
	Jasper UGB
	Jasper Proposed UGB
	Kimball UGB
	Monteagle UGB
	Monteagle UGB
	New Hope UGB
	Oneida UGB
	Oneida UGB
	PGA
	Powell's Crossroads UGB
	Powell's Crossroads UGB
	Rural
	South Pittsburg UGB
	South Pittsburg UGB
	Whitwell UGB

Map Prepared by:
SETDD
Source: SETDD and 2014 Aerial Imagery

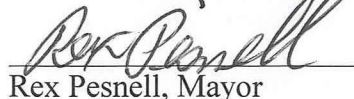
RESOLUTION NO. 2016-07

**“A RESOLUTION TO RATIFY THE RECOMMENDATION OF THE
MARION COUNTY COORDINATING COMMITTEE ON AMENDING THE
WHITWELL URBAN GROWTH BOUNDARY AND THE MARION COUNTY
GROWTH PLAN”**

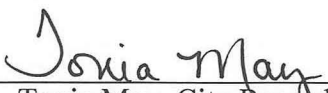
- WHEREAS,** pursuant to Tennessee Code Annotated (TCA) § 6-58-104, Marion County ratified a county growth plan on June 28, 2000; and
- WHEREAS,** as part of the county growth plan the City of Whitwell established an Urban Growth Boundary; and
- WHEREAS,** T.C.A. § 6-58-104(d)(1) authorizes amendments to the growth plan after the plan has been in effect for three years; and
- WHEREAS,** as of June 28, 2003, the growth plan is open to amendments; and
- WHEREAS,** the City of Whitwell Board of Commissioners requested a report on amending the Urban Growth Boundary from the Municipal Planning Commission; and
- WHEREAS,** the Whitwell Municipal Planning Commission at its June 27, 2013 meeting formally recommended a Urban Growth Boundary amendment and report to the Board of Commissioners; and
- WHEREAS,** in accordance with T.C.A. § 6-58-104(d)(1), the City of Whitwell held duly advertised public hearings on August 13, 2013 and August 29, 2013; and
- WHEREAS,** the Marion County Coordinating Committee recommended an amendment to the Marion County Growth Plan to include an amended Urban Growth Boundary for the City of Whitwell at its October 27, 2015 meeting.
- WHEREAS,** the Marion County Coordinating Committee held two duly advertised public hearings on the recommended amended to the growth plan on April 27, 2016 and April 28, 2016; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF KIMBALL AS FOLLOWS, the amended growth plan which includes the amended Whitwell Urban Growth Boundary as recommended by the Marion County Coordinating Committee is hereby ratified by the Town of Kimball.

DATE: July 7, 2016



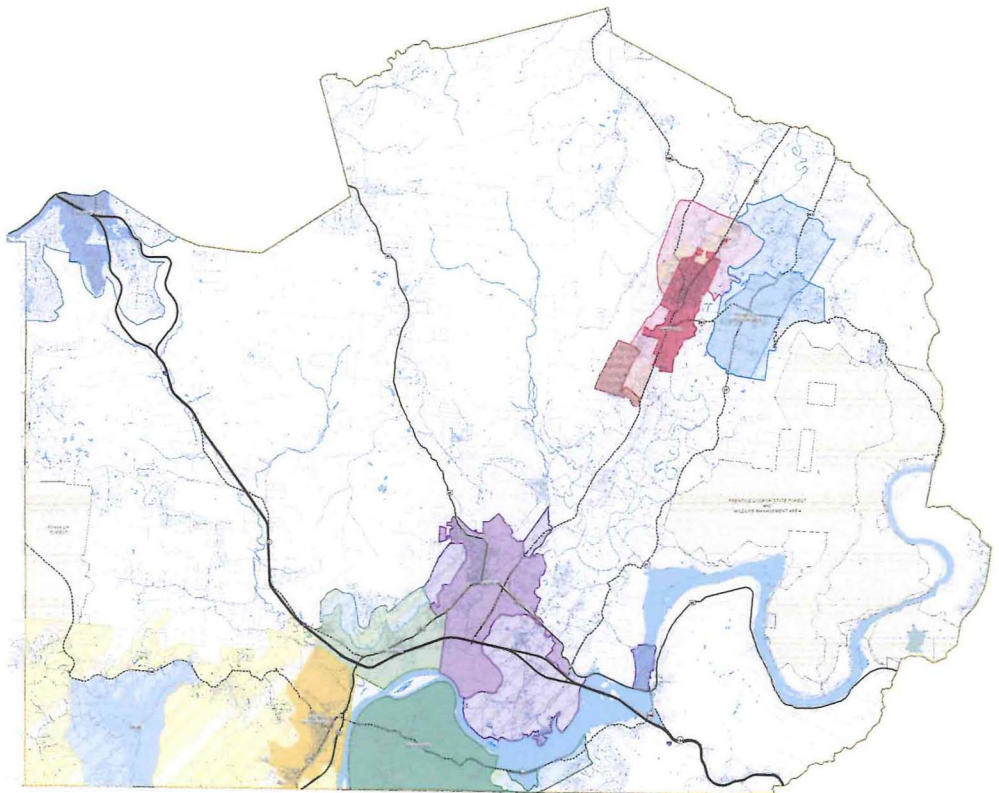
Rex Pesnell, Mayor

ATTEST: 

Tonia May, City Recorder



WHITWELL INSET
PROPOSED URBAN GROWTH BOUNDARY



AMENDED GROWTH PLAN MARION COUNTY, TENNESSEE

Recommended By
Marion County Coordinating Committee

RAPISED BY:	Signature	Date
Jasper, TN	_____	_____
Kimball, TN	_____	_____
Monteagle, TN	_____	_____
New Hope, TN	_____	_____
Ome, TN	_____	_____
Powells Crossroads, TN	_____	_____
South Pittsburg, TN	_____	_____
Whitwell, TN	_____	_____
Marion County, TN	_____	_____

Approved: _____ Date: _____
 Marion County, Tennessee Coordinating Committee

Legend	<ul style="list-style-type: none"> Jasper Jasper UGB Kimball Monteagle Monteagle UGB Ome Ome UGB New Hope New Hope UGB Powells Crossroads Powells Crossroads UGB South Pittsburg South Pittsburg UGB Whitwell Whitwell UGB Whitwell Proposed UGB 	<p>Map Prepared By: Southeastern Development Corporation 1000 North Main Street Knoxville, TN 37902 Phone: 615-522-1111 Fax: 615-522-1112 Website: www.setdd.com</p> <p>Scale: 1" = 1 Mile</p> <p>Prime North</p>
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