

CHAPTER 10

POLICE PROTECTION

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SECTION 10.1 DEPARTMENT CREATED.

There is created a police department for the municipality which shall consist of the chief of police and as many policemen as may be deemed necessary for safety and good order.

SECTION 10.2 DEPARTMENT RULES AND REGULATIONS.

The police department shall be operated and managed in accordance with departmental rules and regulations as may be adopted by the mayor and board.

SECTION 10.3 DUTIES OF THE CHIEF OF POLICE.

Other than those duties and powers already granted herein, the chief of police shall:

- (a) Execute and return all writs, notices, and processes as directed by the mayor;
- (b) Serve criminal writs and processes in the Town; and
- (c) Within the municipality, suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons, pursue and arrest any person fleeing from justice, and apprehend any person in the act of violating the laws of the state of the code of this municipality and bring him before competent authority for examination and trial;
- (d) Render such accounts of the police department, his duties, department operations and receipts as may be required by the board and keep records of the department and his office open to public inspection at all reasonable times.

SECTION 10.4 DUTIES OF POLICE OFFICERS.

All members of the police department shall:

- (a) Perform all duties as required by Law;
- (b) Suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in this municipality, and shall pursue and arrest any person fleeing from justice who may be apprehended within the municipality;

(c) Be the enforcement of this municipality and shall see that the provisions of this code, any other municipal regulations, and the laws of the state are complied with;

(d) Report offenses as may come to their knowledge to the proper municipal official or they shall report to the mayor securing a warrant for the arrest of offenders as shall be directed;

(e) Execute and return all writs, notices and processes to them directed by the mayor in any action under this Code of pursuant to any section of this Code;

(f) Shall observe the condition of the streets, sidewalks, and alleys of this municipality, and of any obstruction, nuisance or impediments there and shall take necessary measures to remove or abate them;

SECTION 10.5 OATH OF OFFICE.

Before entering upon the duties of his office, each police officer shall take and subscribe to an oath that he will support the constitution and laws of the state, the Constitution of the United States, and the code of this municipality, and that he will faithfully perform the duties of the office upon which he is about to enter.

SECTION 10.6 UNIFORM

Every police officer shall wear at all times, while on duty, a uniform of the type and quality prescribed by the mayor and board.

SECTION 10.7 DUTIES OF CITIZENS TO AID.

It shall be the duty of all persons, when called upon by the police officer, to promptly aid and assist such officer in the discharge of his duties.

SECTION 10.8 JUVENILE CURFEW

8.01 DEFINITIONS

“TOWN” is the Town of Blanchard

“CUSTODIAN” is a person other than a parent who has legal guardianship of a minor

“JUVENILE” is any person over the age of five (5) and under the age of seventeen (17)

“PARENT” is the natural or adoptive parent of a juvenile.

“PUBLIC PLACE” means any street, alley, highway, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A public place shall include but not be limited to any store, shop, restaurant, café, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public, as well as includes any street, recreational center, sidewalk, park, cemetery, schoolyard, body of water or watercourse, public conveyance, parking lot or any other place engaging in the sale of merchandise, public accommodation or amusement. It shall so include the front of immediate area of the above. A public place does not include the sidewalk abutting the juvenile’s residence, as to that juvenile.

“EMERGENCY ERRAND” means an errand which requires seeking medical attention, attending a funeral or any other activity which invokes the health care or safety of the juvenile or his/her immediate family.

8.02 CURFEW FOR JUVENILES; ENFORCEMENT PROCEDURES

- (a) **CURFEW TERMS.** It shall be unlawful for any juvenile to be or remain upon any public street or thoroughfare or in any public place, including places of amusement within the town, between the hours of 10:00 p.m. and 5:00 a.m. each day, except on Friday and Saturday, on which days the curfew shall be in force from 11:00 p.m. to 5:00 a.m., unless such person is accompanied by his/her parent, tutor or custodian, or some person of full age and competency to whom full authority, permission and responsibility over such juvenile shall have been given and delegated by the parent or tutor of such juvenile.
- (b) **ENFORCEMENT** In enforcing the juvenile curfew law, the police department of the town will abide by the following procedures:
 - (i) Any police officer, upon finding a juvenile in violation of the juvenile curfew law, shall ascertain the name, address and phone number of such juvenile and deliver him/her to the custody of a responsible adult at his/her home or usual place of abode. The police officer shall report such activity to the chief of police;
 - (ii) If such juvenile refuses to heed such direction by any police officer or refuses to give such police officer his/her correct name, address and phone number, he/she shall be taken to the police department and the parent guardian or other adult person having the care and custody of such juvenile shall be notified to come and take charge of the juvenile. If the parent, guardian or other adult person above cannot be located or fails to come and take charge of the juvenile, the juvenile shall be released to the juvenile authorities.

8.03 CHILDREN SUSPENDED OR EXPELLED FROM SCHOOL

- (a) If a juvenile is suspended or expelled from school, then each parent, tutor, custodian person with guardianship of the person of the juvenile as defined by the Louisiana Children’s Code, Article 116, or other adult responsible for the juvenile shall have the following duties for the duration of the suspension or expulsion:
 - (i) The duty to personally supervise the juvenile, at the times that the juvenile would otherwise have been required to be in attendance in school had he/she not been suspended or expelled, and
 - (ii) The duty to prohibit the juvenile from being at any public place at the time that the juvenile would have been required to be in attendance had he/she not been suspended or expelled.
- (b) No juvenile who have been suspended or expelled from school shall fail to comply with supervision provided or arranged by a parent or legal guardian pursuant to subsection (a) of this section.
- (c) No juvenile who has been suspended or expelled from school shall be in any public place at the times that he/she would have been required to be in attendance at school and he/she not been suspended or expelled in the circumstances described in subsection (a)(ii) above.

- (d) A police officer or school designated attendance officer may transport any juvenile found violating this section to the juvenile's residence and may release the juvenile into the care of the parent, custodian, tutor or court appointed legal guardian, to the school the juvenile usually attends, or to any location designated by the school authorities as a receiving center for such children. The choice of destination may be made at the discretion of the police officer or school attendance officer based on proximity of the destination and other relevant factors and subject to the need to respond to emergency priority calls. If the juvenile found to be in violation of this section refuses to give to the police officer or school attendance enforcement officer his/her correct name, address and phone number or the correct name and address of his/her school, or if the juvenile has on a previous occasion violated the provisions of this section, he/she shall be taken into custody and the parent, custodian, tutor or other adult person having the care and custody of the juvenile shall be notified to come and take charge of the juvenile. If the parent, tutor or other responsible adult cannot be located or fails to come and take charge of the juvenile, and if the juvenile authorities fail to take custody of the juvenile, the juvenile shall be returned to his/her home or usual place of abode. The juvenile shall be issued a citation directing the juvenile and the parent, tutor or other responsible adult to appear before the chief of police.
- (e) Any juvenile who violates this section is subject to the jurisdiction of the juvenile court.

8.04 ADULT RESPONSIBILITY

If a juvenile is found to be in violation of this Part, on the second or subsequent occasion within a period of three hundred sixty-five (365) days, the parent, custodian or tutor of the juvenile, after having previously been notified of these violation, shall be guilty of failing to supervise a juvenile, a misdemeanor, subject to the jurisdiction of the mayor's court, punishable by a fine of not more than Five Hundred Dollars (\$500.00) for each offense or a sentence of not more than sixty (60) days in jail or both.

8.05 EXCEPTIONS

The provisions of this part shall not apply if the juvenile is in any public place under any of the following circumstances:

- (a) When the juvenile is accompanied by the parent, custodian or legal guardian, or a responsible adult selected by the parent or legal guardian to supervise the juvenile;
- (b) When the juvenile is employed pursuant to an age and schooling certificate issued by the school authorities during the times that the juvenile is on the job or traveling directly to or from a job site;
- (c) When the juvenile is on an emergency errand;
- (d) When the juvenile has been directed by the parent, custodian or legal guardian to engage in a specific activity or to carry out expressed instructions during the times that the juvenile is actually engaged in fulfilling those directions or instructions;
- (e) When the juvenile in question is the holder of a valid Louisiana operator's (driver) license, that is not under suspension or revocation, so long as such

juvenile is in compliance with any curfew or restriction contained in such license or under applicable law, provided, however, that this exception shall not apply to the restrictions set forth in section 8.03, or;

- (f) When the juvenile has been emancipated;

Section 2. If any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance that can be given effect without the invalid provisions items or applications and to this end the provisions of this ordinance are hereby declared severable.

(Ordinance 1 of 1997 – Adopted February 11, 1997 - Effective March 1, 1997)