

January 4, 2017

Town of Lynnville, Tennessee
Mayor Larry Chapman
151 Mill Street
P.O. Box 158
Lynnville, Tennessee 38472

VIA ELECTRONIC MAIL

Dear Mayor Chapman:

In follow-up to the recent question regarding county law enforcement services within the corporate limits of the town in the absence of a municipal police force, the following is provided.

In 1916, the Tennessee Supreme Court in State ex rel. Thompson v Reichman, 188 S.W. 225 (Tenn. 1916), opined as follows:

Again it is clear that the duties and powers of a sheriff within the limits of an incorporated city are precisely the same that they are in the remainder of the county. The law draws no distinction. The city officials are conservators of the peace. But they do not supplant him. On the contrary, by the express terms of the statute, they are to aid him. He is the chief and they are his assistants. True, there is not ordinarily the same need for vigilance on his part in the city as in the country. One of the chief reasons for the incorporation of towns and cities is to provide, in the more densely populated sections, better police protection, than, in the nature of things, the sheriff's office can afford. When, therefore, a city has patrolling its streets a police force employed expressly to detect crime and apprehend offenders, the sheriff, in the absence of information to the contrary, is justified in assuming that the city officials will do their duty, and hence will not be guilty of any serious neglect of duty if he gives little attention to police matters in such city. But if he has reason to believe that the police force is neglecting its duty, or is in league with offenders, it is his duty to inform himself. And, if he knows that the city officials are deliberately ignoring or permitting a certain class of offenses, his duty to prevent and suppress such offenses is the same it would be if there was no municipality and no police force. (my emphasis)

Id. at 228.

While decided over 100 years ago, this opinion remains the current law of the land.

So during any period of time when the town opts to not employ a police force, it is recommended that the county sheriff be advised so that he is aware and can actively assume law enforcement services in the town.

If the law enforcement services provided by the sheriff in the ordinary course of business is deemed to be insufficient during such period, an option for consideration is to engage the sheriff on a contractual basis to provide a higher level of service as may be negotiated between the parties.

If this approach is of interest to you, I will be happy to draft an Interlocal cooperation agreement as a starting point for discussions with the sheriff.

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Please let me know if you have further questions regarding this matter.

Very truly yours,

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a long horizontal stroke that tapers to the right.

Jeffrey J. Broughton
Municipal Management Consultant

Cc: Angie Jones, City Recorder
Elisha Hodge