

Chapter 14

POLICE DEPARTMENT

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Cross references — Annual inventory of \$TKSLLDIR/images/XX0000/property to be submitted to Mayor and auditor, § 2-2; annual reports by boards and officers to Mayor, § 2-9; turn over and accounting for funds, § 2-88; books and records to correspond to fiscal year, § 2-89; alarm systems, § 10-5.

State law references — Police generally, M.G.L.A. c. 41, § 96 et seq.; police protection authorized, M.G.L.A. c. 33, App. 3, 13-11(a).

Sec. 14-1. Established. [Gen. Ords. 1962, § 2-8]

There is hereby established a principal department to be known as the Police Department.

Sec. 14-2. Composition. [Gen. Ords. 1962, § 14-1; Ord. No. 23592-A, 4-22-1974; Ord. No. 23723, 9-9-1974; Ord. No. 30733, 8-6-2007]

(a) The Police Department shall consist of the following:

- (1) One police officer who shall hold the office of Chief of Police;
- (2) One police officer who shall hold the office of Deputy Chief of Police;
- (3) Four police officers who shall hold the office of captain;
- (4) Ten police officers who shall hold the office of lieutenant;
- (5) Sixteen police officers who shall hold the office of sergeant;
- (6) One hundred eight police officers who shall hold the position of patrolmen;

- (7) Twenty police officers who shall hold the position of reserve police officer.

The foregoing officers shall rank in the order as named.

- (b) In addition to the police officers hereinbefore named, the department shall also consist of as many police officers as the Chief of Police, with the approval of the Mayor, shall from time to time appoint and who shall be called special police officers and who shall hold office during the municipal year in which they are appointed.

Sec. 14-3. Chief of police; office established. [Gen. Ords. 1962, § 2-9; Ord. No. 28853, 8-2-1999]

- (a) There is hereby established the office of Chief of Police; the Chief of Police shall be selected from within the active ranks of Deputy Chief and Captain of the Police Department who meet the qualifications. The minimum qualifications shall be a bachelor's degree and 15 years' experience, no less than five of which must be in a progressively responsible management position. In the absence of four qualified candidates from the above ranks, the Mayor may include in the selection process any qualified Lieutenant.
- (b) Notwithstanding the provisions in Section 14-3(a), the Mayor may, because of an insufficient number of candidates as specified above, or for just cause, request approval from the City Council to consider for selection additional qualified candidates. Such approval shall require a two-thirds vote of the City Council.
- (c) The appointment of the Chief of Police shall be made by the Mayor from the qualified candidates in either Section 14-3(a) or 14-3(b), subject to confirmation by a majority vote of the City Council.
- (d) The person holding the office of Chief of Police shall have life tenure of the respective office during good behavior or until such person is removed by the Mayor for just cause, resigns, or is retired under applicable provisions of law.
- (e) This provision shall not impact the civil service status of any other member of the Police Department.
- (f) The person who is appointed to the position of Chief of Police from his position as a Waltham Police ranking officer shall be entitled to retain certain civil service rights as follows: In the event that such person resigns from the position of Chief of Police, he shall be entitled to an appointment to his previous rank in said Police Department; provided, however, that any conduct of such person that occurred while serving as Chief of Police that led to his resignation shall become part of his record in his previous rank and shall render him subject to any civil service disciplinary proceeding upon his reappointment to his previous rank. Upon such reappointment, he shall reobtain whatever civil service rights and status he had as of the date he was appointed to the position of Chief of Police.

- (g) This section shall take effect upon passage of the Massachusetts enabling act but not earlier than February 1, 2000.

Sec. 14-4. Appointment; term of office; vacancies. [Gen. Ords. 1962, § 14-2]

The persons holding offices as provided in Section 14-2 of this Code shall continue to be police officers and to hold their respective offices during good behavior, or until removed, as provided by law, and whenever a vacancy occurs in such offices, the same shall be filled by appointment by the Chief of Police with the approval of the Mayor, and the person so appointed shall hold office for the time as provided for above.

Sec. 14-5. Powers of members. [Gen. Ords. 1962, § 14-3]

The Chief of Police and all other officers and members of the department shall have all the powers of peace officers under general laws, except the power of serving and executing civil process.

Sec. 14-6. Powers and duties of Chief generally. [Gen. Ords. 1962, § 14-7]

The Chief of Police shall be the chief executive officer of the Police Department and shall be responsible for its discipline and efficiency. He shall, under the direction of the Mayor and subject to his orders, have the entire control of the department, its officers and members, and may make rules and regulations for their government. He shall have the care of the police station; shall have the care and custody of all property of the City used by the department and shall keep a record of all its business.

Cross reference — Parades, § 17-66 et seq.

Sec. 14-7. Detective bureau. [Gen. Ords. 1962, § 14-9]

The Chief of Police shall establish a detective bureau of the Police Department, and assign such officers to this division as he deems necessary, with the approval of the Mayor.

Sec. 14-8. Duties of patrolmen. [Gen. Ords. 1962, § 14-10]

All patrolmen in the Police Department shall faithfully execute and obey all orders of the Chief of Police, and of the officer who, in his absence, shall be charged with his duties.

Sec. 14-9. Reserve and special officers; days off. [Gen. Ords. 1962, § 14-11]

The regular, reserve and special police officers, and special police officers who are part of the department, shall perform such duties and at such times and places as shall be from time to time assigned them by the Chief of Police; provided, that no officer shall be required to work more than five out of six days, except in case of special emergency. Reserve and special officers while employed shall be subject to all rules and laws prescribed for the department and shall receive such compensation as the council shall, from time to time, determine.