



City of Gloucester City Council

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CITY COUNCIL STANDING COMMITTEE
Special Ordinances & Administration Meeting
Tuesday, September 7, 2010 – 5:30 p.m.
1st. Floor Council Conference Rm. – City Hall

AGENDA

1. Amend Chapter 17 “Police Article II re: the non-civil service process of selecting the Police Chief – review of proposed ordinance language from City Council Public Hearing of August 31, 2010

COMMITTEE
Councilor Sefatia Theken, Chair
Councilor Ann Mulcahey, Vice Chair
Councilor Bruce Tobey

Committee members – Please bring relevant documentation

Back-up and Supporting Documentation all on file at the City Clerk's Office, City Hall

CC: Mayor
Jim Duggan
Linda T. Lowe
Suzanne Egan
David Bain

CITY CLERK
GLOUCESTER, MA
10 SEP -2 PM 1:53

Chapter 17 POLICE

ARTICLE II. POLICE DEPARTMENT

Amend Article II Police Department in its entirety as follows:

17-16 Police Chief

- a) The mayor shall appoint the police chief who shall hold the office for a term of three years. The appointment of the police chief shall be subject to confirmation by the city council as provided in section 2-10 of the charter. The police chief is exempt from the provisions of chapter 31 of the General Laws.
- b) Within thirty days of the position of the chief of police being declared vacant, the mayor shall appoint a temporary police chief who shall serve until a permanent chief is selected in accordance with the provisions hereof.

17-17 Selection of police chief; qualifications.

The chief of police shall be selected by the mayor and shall have the following minimum qualifications, in addition to those developed by the assessment process provided in section 17-18 (b):

- (a) The chief of police shall be a law enforcement professional with minimum of 15 years experience in federal, state, county, municipal or military policing, no less than five of which shall be in a progressively responsible law enforcement management position;
- (b) The chief of police shall have a master's degree
- (d) Preference shall be given to candidates who have experience with the following:
 - i) in a multi-lingual and multi-cultural urban law enforcement environment from municipalities with a population of 30,000 or more residents, possess managerial experience, as defined in paragraph (a), in the command structure of the Gloucester Police Department,
 - ii) bilingual, with the second language reflecting the linguistic diversity of the citizens of Gloucester,
 - iii) possess a minimum rank of lieutenant or higher for a minimum of three years in a policing environment.
 - iv) a nationally recognized police leadership programs, such as the Senior Management Institute for Police, and the FBI National Academy;
 - v) financial management, innovations in police operations, and information technology as it pertains to law enforcement;

- vi) labor relations, community relations, mediation and facilitation skills; and including staff development, training, community policing and use of crime data for deployment and decision-making.

17-18 Selection of police chief; manner of appointment.

(a) The candidates for chief of police shall be reviewed by a selection committee consisting of the following individuals:

- (1) The personnel director, who shall serve as the chair of the selection committee;
- (2) One member of the City Council to be appointed by the president of the City Council;
- (3) Two members of the general public to be appointed by the president of the City Council, with at least one of said members being a representative of the city's socioeconomic and racial and ethnic segments;
- (4) Two members of the general public to be appointed by the mayor with at least one of said members being a representative of the city's socioeconomic and racial and ethnic segments; and
- (5) Two sworn officers of the Gloucester Police Department, one of whom shall be a member of the union representing patrol officers, elected by that body, and one of whom shall be a member of the union representing superior officers, elected by that body.

The mayor may appoint appropriate support personnel to facilitate the operations of the selection committee.

(b) In consultation with the selection committee and the purchasing agent, the Mayor shall select a qualified recruitment and assessment consultant to analyze candidates for chief of police. After consultation with members of the public at community meetings, the consultant shall develop selection criteria; recruit qualified candidates; and administer the selection process. The process shall consist of, without limitation, a written exam, an assessment center and a psychological evaluation.

(c) The selection committee shall hold public interviews of the finalists. The committee shall vote a list of no more than five and no less than three unranked qualified candidates for chief of police and shall submit such list to the mayor. All votes taken by the selection committee shall be by majority vote of those present. If the selection committee determines that there are fewer than three candidates for chief of police, the selection committee shall nonetheless send the names of the candidate(s) to the mayor. The mayor may choose to commence a new selection process if the selection committee submits a list of fewer than three candidates or for any other reason designated in writing.

(d) The mayor shall appoint a candidate from the list, subject to confirmation of the City Council. Prior to confirmation, the City Council shall be provided with a copy of the contract negotiated with the candidate selected by the mayor, as well as a complete report of those candidates who applied and were deemed less qualified. The contract may not be

subsequently amended without the approval of the City Council. The term of the contract shall be for at least three years, but no longer than five years.

(e) Upon such time as the mayor shall become aware of a vacancy in the office of chief of police, the mayor shall within a reasonable period of time notify the City Council that a vacancy has occurred. The mayor shall thereafter commence the process to fill the vacancy, in the manner prescribed herein.

17-19 Powers and duties of police chief

The police chief shall manage the police department. He/she shall be responsible for the discipline and efficiency of the department. The police chief shall act as the city marshal. He/she shall have control of the department, its officers and members, the care of the police station, the care and custody of all the property of the department and shall keep a record of its business.

17-20 Appointment and removal of officers

The mayor shall have the power to appoint all police officers and patrolmen who shall hold their office at the discretion of the mayor subject to the laws pertaining to civil service and to the collective bargaining agreement. The Chief of Police is exempt from civil laws and the terms of the collective bargaining agreement. All police officers are required to be citizens of the United States and within nine months of his/her appointment, to reside within 15 miles of the limits of the City of Gloucester as required by chapter 41 section 99A of the General Laws.

17-21 Composition

The police department shall consist of the police chief, and as many lieutenants, sergeants and patrolman as may be deemed necessary. The department shall also include supporting administrative staff.

Consecutively renumber the remainder of Article II Police Department as follows:

- 17-22** Unlawful use of insignia, etc.
- 17-23** Firefighters appointed as police officers
- 17-24** Chief of Police to act as dog constable
- 17-25** Chief to receive complaints and prosecute
- 17-26** Records of persons arrested and disposal of cases
- 17-27** Powers and duties of police officers
- 17-28** Acceptance of gifts, etc., by officers
- 17-29** Officers acting as bail or surety
- 17-30** Return of city property when member leaves office
- 17-31** Suspension of police officers
- 17-32** Mutual aid program