

HOUSE No. 3754

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey and Cindy F. Friedman

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the appointment of retired police officers as special police officers in the town of Arlington.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>3/22/2021</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>3/22/2021</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>3/22/2021</i>

HOUSE No. 3754

By Representative Garballey of Arlington and Senator Friedman, a joint petition (accompanied by bill, House, No. 3754) of Sean Garballey, Cindy F. Friedman and David M. Rogers (by vote of the town) relative to the appointment of retired police officers as special police officers in the town of Arlington. Public Service. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the appointment of retired police officers as special police officers in the town of Arlington.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The town manager of the town of Arlington may appoint, at the
2 recommendation of the chief of police and as the chief of police deems necessary, retired police
3 officers as special police officers for the purpose of performing police details and any police
4 duties arising therefrom or during the course of police detail work, whether or not related to the
5 detail work, when the special police officer is on detail assignment and an emergency response
6 by the special police officer is required due to the inability of a regular police officer to timely
7 respond to the emergency. Said retired police officers shall have previously served as regular
8 full-time police officers for the town of Arlington and voluntarily retired based upon
9 superannuation in accordance with chapter 32 of the General Laws.

10 No retired police officer shall be eligible for appointment pursuant to this act if the
11 officer has reached the mandatory age for retirement of police officers specified in chapter 32 of

12 the General Laws and regulations promulgated thereunder. The employment of any officer
13 appointed pursuant to this act shall terminate upon attaining such age. No officer who has been
14 retired from the town of Arlington police department for more than 5 years shall be eligible for
15 appointment pursuant to this act unless the officer has maintained employment since the date of
16 retirement as an active police officer in the commonwealth. Prior to appointment pursuant to this
17 act, every officer to be appointed shall pass a medical examination by a physician chosen by the
18 town to determine that the officer is capable of performing the essential duties of a special police
19 officer pursuant to this act. The cost of the examination shall be borne by the special police
20 officer. The officer shall provide certification to the town that the officer is covered by personal
21 health insurance.

22 SECTION 2. Special police officers appointed pursuant to this act shall not be subject to
23 chapter 31 of the General Laws; sections 85H and 85H½ of chapter 32 of the General Laws;
24 sections 99A, 100 or 111F of chapter 41 of the General Laws; or chapter 150E of the General
25 Laws. Special police officers appointed pursuant to this act shall be subject to chapter 151A of
26 the General Laws.

27 SECTION 3. Special police officers appointed pursuant to this act shall, when performing
28 their duties set forth in this act, have the same power to make arrests and to perform other police
29 functions as do regular police officers of the town of Arlington.

30 SECTION 4. Special police officers shall be appointed for a term of 1 year subject to
31 renewal in the town manager's sole discretion. During the term of appointment, the officer shall
32 serve at the pleasure of the town manager, subject to removal by the town manager at any time
33 with or without cause. Any such removal shall be preceded by a 14-day written notice unless

34 considerations of public safety and welfare, determined in the town manager's sole discretion,
35 require immediate removal. In such instances, the town manager shall provide the officer with a
36 written statement of reasons for the immediate removal.

37 SECTION 5. Special police officers appointed pursuant to this act shall be subject to the
38 rules and regulations, policies and procedures and requirements of the police department and the
39 chief of police of the town of Arlington, including restrictions on the type of detail assignments,
40 requirements regarding medical examinations to determine continuing capability to perform the
41 duties of a special police officer, requirements for training, requirements for firearms
42 qualifications and licensing, and requirements regarding uniforms and equipment. Compliance
43 with all requirements shall be at no cost to the town of Arlington A special police officer
44 appointed pursuant to this act shall be considered a reserve or intermittent police officer and
45 subject to the third paragraph of section 96B of chapter 41 of the General Laws and shall not be
46 considered a full-time police officer

47 SECTION 6. Special police officers appointed pursuant to this act shall be sworn before
48 the town clerk of the town of Arlington, who shall keep a record of all such appointments.

49 SECTION 7. Appointment as a special police officer pursuant to this act shall not entitle
50 any officer to assignment to any specific detail or type of detail. All assignments shall be made in
51 the sole discretion of the chief of police. Special police officers appointed pursuant to this act
52 shall be paid the hourly detail rate applicable to regular full-time officers, including any changes
53 to such rate, but shall not be entitled to any other town benefits.

54 SECTION 8. Retired police officers appointed as special police officers pursuant to this
55 act shall be subject to the limitations on hours worked and on earnings by retired municipal

56 employees described in paragraph (b) of section 91 of chapter 32 of the General Laws. Any such
57 officer shall, on or before January 31 of each calendar year, file a sworn statement with the
58 Arlington contributory retirement board on a prescribed form identifying the compensated
59 number of hours worked for, and all earnings therefrom, for the commonwealth and any of its
60 subdivisions for which the police officer worked during the preceding calendar year.

61 SECTION 9. This act shall take effect upon its passage.