

SENATE No. 2138

Senate, August 3, 2017 -- Substituted as new draft (Senator Brady) for the Senate Bill to further define the appointment of special police officers in the city of Brockton (Senate, No. 2040).

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act authorizing the appointment of special police officers in the city of Brockton.

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 mayor of the city of Brockton may appoint, at the recommendation of
2 the police chief and as the police chief deems necessary, retired police officers of the city of
3 Brockton and retired school police officers as special police officers to perform police details or
4 duties arising from police details or during the course of police detail work, whether or not
5 related to the detail work. The retired Brockton police officers shall have been regular police
6 officers in the city of Brockton and retired based on superannuation and the retired school police
7 officers shall have been regular school police officers in the city of Brockton and retired based
8 on superannuation. The retired officers shall be subject to the same maximum age restrictions as
9 applied to regular police officers in the city of Brockton pursuant to chapter 32 of the General
10 Laws. Before being appointed pursuant to this act, a retired officer shall pass a medical
11 examination conducted by a physician or other certified professional chosen by the city to
12 determine whether the retired officer is capable of performing the essential duties of a special

13 police officer pursuant to this act, the cost of which shall be borne by the retired officer. Proof of
14 payment of that cost shall be a pre-requisite of employment.

15 SECTION 2. A special police officer appointed pursuant to this act shall not be subject to
16 chapter 31, section 99A of chapter 41 or chapter 150E of the General Laws. A special police
17 officer appointed pursuant to this act shall not be eligible for special leave, vacation or other
18 benefits pursuant to division 2 of article II of the revised ordinances of the city of Brockton or a
19 collective bargaining agreement.

20 SECTION 3. A special police officer shall, when performing the duties described in
21 section 1, have the same power to make arrests and perform other police functions as a regular
22 police officer of the city of Brockton.

23 SECTION 4. A special police officer shall be appointed for a 1-year term, subject to
24 removal by the mayor or the chief of police upon 14 days written notice before removal.

25 SECTION 5. The work week for a special police officer appointed pursuant to this act
26 shall be 7 consecutive 24-hour periods, for a total of 168 hours, during which time a special
27 police officer shall be available to perform a police detail or duty arising from a police detail as
28 needed. The work week shall commence at 8:00 A.M. each Monday. A special police officer
29 appointed pursuant to this act shall not perform a police detail or a duty arising from a police
30 detail in excess of 40 hours in a work week.

31 SECTION 6. A special police officer appointed pursuant to this act shall be subject to the
32 rules, regulations, policies, procedures and requirements imposed by the chief of police and the
33 mayor of the city of Brockton including, but not limited to: (i) restrictions on the type of detail
34 assignments; (ii) requirements regarding medical examinations to determine continuing

35 capability to perform the duties of a special police office; (iii) requirements for training; (iv)
36 requirement for first aid certification and qualifications; (v) requirements for firearms licensing
37 and qualifications; (vi) and requirements regarding uniforms and equipment. A special police
38 officer's compliance with the rules, regulations, policies, procedures and requirements shall be at
39 no cost to the city of Brockton. A special police officer appointed pursuant to this act shall not be
40 subject to section 96B of chapter 41 of the General Laws.

41 SECTION 7. A special police officer appointed pursuant to this act shall be sworn before
42 the city clerk of the city of Brockton, who shall keep a record of the appointment.

43 SECTION 8. A special police officer appointed pursuant to this act shall be subject to
44 sections 100 and 111F of chapter 41 of the General Laws. The amount payable pursuant to said
45 section 111F of said chapter 41 shall be calculated by averaging the amount earned during the
46 preceding 52 weeks as a special police officer working police details or by averaging that
47 amount over a lesser period of time for an officer designated as a special police officer fewer
48 than 52 weeks before the incapacity. Payment pursuant to said section 111F of said chapter 41
49 shall not exceed, in a calendar year, the limitations on earnings contained in paragraph (b) of
50 section 91 of chapter 32 of the General Laws. Payment pursuant to said section 111F of said
51 chapter 41 shall terminate in accordance with said section 111F of said chapter 41 or when a
52 special police officer appointed pursuant to this act reaches the age of 65, whichever occurs first.
53 If the age limitation applicable to a regular police officer serving a city is increased from 65 year
54 of age, the termination of benefits pursuant to said section 111F of said chapter 41, as provided
55 in this section for special police officers, shall terminate at the higher age limit; provided,
56 however, that the benefits shall not extend beyond the age of 70 for a special police officer. A

57 special police officer appointed pursuant to this act shall not be subject to section 85H or 85H1/2
58 of chapter 32 or eligible for benefits pursuant to those sections.

59 SECTION 9. Appointment as a special police officer shall not entitle the appointee to
60 assignment to a detail.

61 SECTION10. A special police officer appointed pursuant to this act shall be subject to
62 the limitations on hours worked and earnings restrictions in paragraph (b) of section 91 of
63 chapter 32 of the General Laws.

64 SECTION 11. This act shall take effect upon its passage.