

HOUSE No. 4766

The Commonwealth of Massachusetts

PRESENTED BY:

Carole A. Fiola and Michael J. Rodrigues

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 special police officers in the city of Fall River.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>4/28/2022</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	<i>4/28/2022</i>

HOUSE No. 4766

By Representative Fiola of Fall River and Senator Rodrigues, a joint petition (accompanied by bill, House, No. 4766) of Carole A. Fiola and Michael J. Rodrigues (with the approval of the mayor and city council) relative to the appointment of special police officers in the city of Fall River. 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 special police officers in the city of Fall River.

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 Fall River Chief of Police may appoint retired police officers as special
2 police officers for the purpose of performing police details and any police duties arising
3 therefrom or during the course of police detail work, whether or not related to the detail work,
4 when the special police officer is on detail assignment and an emergency response by the special
5 police officer is required due to the inability of a regular police officer to timely respond to the
6 emergency. Said retired police officers shall have previously served as regular full-time police
7 officers for the City of Fall River and voluntarily retired based upon superannuation in
8 accordance with M.G.L. Ch. 32.

9 No retired officer shall be appointed as a special police officer after his or her seventieth
10 (70th) birthday. The employment of any officer appointed pursuant to this act shall terminate on
11 December 31 of the calendar year in which the officer turns seventy (70). No officer who has
12 been retired from the Fall River Police Department shall be eligible for appointment pursuant to

13 this act unless the officer has maintained certification as a police officer in the commonwealth
14 pursuant to those requirements set forth pursuant to M.G.L. Ch. 6 and 2019 MA S.B. 2963.

15 Prior to appointment pursuant to this act, every officer to be appointed shall pass a
16 medical examination by a physician chosen by the Fall River Police Chief or his designee, to
17 determine that the officer is capable of performing the essential duties of a special police officer
18 pursuant to this act. The cost of the examination shall be borne by the special police officer. The
19 officer shall provide certification to the town that the officer is covered by personal health
20 insurance.

21 SECTION 2. Special police officers appointed pursuant to this act shall be excluded from
22 the provisions of: M.G.L. Ch. 31; M.G.L. Ch. 32, §85H and §85H½; M.G.L. Ch. 41, §99A, §100
23 and §111F; and M.G.L. Ch. 150E. Special police officers appointed pursuant to this act shall be
24 subject to M.G.L. 151A.

25 SECTION 3. Special police officers appointed pursuant to this act shall, when performing
26 their duties set forth in this act, have the same power to make arrests and to perform other police
27 functions as do regular police officers of the City of Fall River.

28 SECTION 4. A retired police officer who satisfies all other requirements and
29 qualifications set forth herein shall be eligible for appointment as a special police officer for a
30 term of 1 year or through December 31 of the calendar year in which that officer reaches seventy
31 (70) years of age, whichever comes first. Such appointment shall be at the sole discretion of the
32 Fall River Chief of Police. During the term of appointment, the officer shall serve at the pleasure
33 of the Chief of Police, subject to removal by the Chief of Police at any time with or without
34 cause. Any such removal shall be preceded by a 14-day written notice unless considerations of

35 public safety and welfare, determined at the sole discretion of the Chief of Police, require
36 immediate removal. In such instances the Chief of Police or his designee shall provide the officer
37 with a written statement of reasons for the immediate removal.

38 SECTION 5. Special police officers appointed pursuant to this act shall be subject to the
39 rules and regulations, policies and procedures and requirements of the Fall River Police
40 Department and the Commonwealth of Massachusetts, including restrictions on the type of detail
41 assignments, requirements regarding medical examinations to determine continuing capability to
42 perform the duties of a special police officer, requirements for training, requirements for firearms
43 qualifications and licensing, and requirements regarding uniforms and equipment. Compliance
44 with all requirements shall be at no cost to the City of Fall River. A special police officer
45 appointed pursuant to this act shall be considered a reserve or intermittent police officer and
46 subject to the third paragraph of M.G.L. Ch 41, §96B and shall not be considered a full-time
47 police officer

48 SECTION 6. Special police officers appointed pursuant to this act shall be sworn by the
49 Fall River Chief of Police, who shall keep a record of all such appointments.

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

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

57 employees described in M.G.L. Ch 32, §91(b). Any such officer shall, on or before January 31 of
58 each calendar year, file a sworn statement with the Fall River retirement board on a prescribed
59 form identifying the compensated number of hours worked for, and all earnings therefrom, for
60 the commonwealth and any of its subdivisions for which the police officer worked during the
61 preceding calendar year.

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