

(Draft)
Town of Hooksett
Minutes
Town Council Police Subcommittee
Monday, November 26, 2012
Town Offices, Room 204

Councilors Boswak, Downer and Lizotte were in attendance. Town Administrator Shankle was as well.

The meeting started at 4:05 pm.

Subcommittee briefly discussed the history related to the police commission.

They then reviewed the information provided by Councilor Boswak regarding other police commissions in New Hampshire (copy attached).

After some discussion they decided that they would put together a "matrix" of options for the Council to consider. This matrix would include, at a minimum:

- Charter Amendment
- Legislative Change
- Administrative Code Change
- Full time leadership
- Memorandum of Understanding
- An advisory committee

They also decided to recommend to the Council that they direct the Town Administrator to speak individually with any police department employee who approaches him and authorize him to take action if he sees fit.

The subcommittee set their next meeting for Tuesday, January 8th, 2013 at 8:30 am.

The meeting adjourned at 5:09 pm.

Respectfully submitted,
Dean Shankle
Town Administrator

Auburn (RSA 105-C)

105-C:4 Duties; Powers. – It shall be the duty of the police commissioners to appoint such police personnel, including police officers, staff, constables and superior officers, as they deem necessary and to fix such persons' compensation. The commissioners shall make and enforce all rules necessary for the operation of the police force in the manner most beneficial to the public interest. The commissioners may at any time remove police personnel for just cause and after a hearing satisfying the requirements of due process, which cause shall be specified in an order of removal except that special police officers appointed and designated as such shall serve at the pleasure of the commission and may be removed for other than just cause.

Berlin (City Charter)

DIVISION 3. POLICE COMMISSION*

Section 1. [Members generally.]

The mayor and council of the City of Berlin shall appoint on a non-partisan basis a police commission consisting of three (3) members. The term of office of each such commissioner shall be for three (3) years and until his successor is duly appointed and qualified. Said commissioners shall have been residents of the city where appointed at least five (5) years immediately preceding the date of their appointment. Any vacancy in said board shall be filled for the unexpired term. The mayor and council shall have full power to remove any commissioner at any time.

Section 2. [Powers, duties generally.]

It shall be the duty of said police commission to appoint such police officers, constables and superior officers as they may in their judgment deem necessary, and to fix their compensation. The police commissioners shall have authority to remove any officer at any time for just cause and after due hearing, which cause shall be specified in the order of removal. Said commissioners shall have authority to make and enforce all rules and regulations for the government of the police force. The responsibility for fiscal authority will rest with the city council in accordance with the city charter.

*Editor's note-Printed herein is the Act creating the police commission, Laws of 1963, Ch. 275 approved in referendum on March 10, 1964 and amended by referendum of March 9, 1982. The police commission of the City of Berlin was originally established by Ch. 160, Laws of 1905, amended by Ch. 289, Laws of 1907, and Ch. 148, Laws of 1913. Style and capitalization have been made uniform. Obviously misspelled words have been corrected without notation. Words added for clarification have been added in brackets []. Amendments have been included and are indicated by a history note immediately following the amended section.

Claremont (City Charter)

Sec. 2-282. – Powers of the police commission.

- a) Under governing state law, the following are the only powers of the police commission:
 1. Appoint police officers. The number of police officers it can appoint is limited by the budget passed by the council and the salaries set by the manager.

2. Remove police officers for just causes.
 3. Make and enforce rules and regulations for the police force.
- b) The city manager serves on the police commission as an ex officio member and appoints all members to the police commission.

Conway (Town Charter)

The Police Commission has been established for the Town of Conway pursuant to the General Laws of New Hampshire for 1969 chapter 570 and as adopted by the Town at its Annual Town Meeting of March 12, 1968, and shall continue as now invested with the same powers and duties as thereunder enumerated, provided nothing hereunder shall prohibit amendment thereof from time to time by the State of New Hampshire and the Town of Conway, as applicable.

Hooksett (Statute)

Legislation 1975, Chapter 412

Laconia (City Charter) The commissioners are elected by popular vote on staggered terms. The responsibilities of the Police Commission are to work with the Chief of Police in setting policy for the Department. The Commission also sets wages and benefits for non-union employees and works with the patrol officer's union in constructing and approving a contract for the unionized employee's.

Manchester (City Charter)

The Chief of Police shall obey and execute all the commands of the Board of Mayor and Aldermen relating to the interest or security of the city.

Nashua (City Charter)

Since March 19, 1891, the Nashua Police Department has been under the authority of a three-person Police Commission appointed by the Governor of New Hampshire.

The Police Commissioners appoint police officers and fix their salaries. They have full power to make and enforce all rules for the government of the police force. The Police Commissioners also have full and complete care and control of all lands and buildings used and erected for the use of the police department.

Northwood (RSA 105-C)

105-C:4 Duties; Powers. – It shall be the duty of the police commissioners to appoint such police personnel, including police officers, staff, constables and superior officers, as they deem necessary and to fix such persons' compensation. The commissioners shall make and enforce all rules necessary for the operation of the police force in the manner most beneficial to the public interest. The commissioners may at any time remove police personnel for just cause and after a hearing satisfying the requirements of due process, which cause shall be specified in an order of removal except that special police officers appointed and designated as such shall serve at the pleasure of the commission and may be removed for other than just cause.

Portsmouth (City Charter)

AMENDMENT E - POLICE DEPARTMENT (POLICE COMMISSION)

GENERALLY

Notwithstanding any other provisions of the Revised Charter, the following department of City government shall be separately identified as Charter Department, and shall be administered in accordance with the provisions of this Article.

POLICE DEPARTMENT (POLICE COMMISSION)

The policy-making body for the Police Department in the City of Portsmouth shall be a Police Commission. The Police Commission shall consist of three persons to be elected in accordance with the following.

APPOINTMENT/ELECTION TERMS

Should an elected Police Commission be approved on November 5, 1991, the Mayor of the City of Portsmouth shall appoint the first board of three Commissioners who shall assume office commencing on January 1, 1992 through January 1, 1994. In order to establish a legal and proper cycle of election in accordance with New Hampshire law, hereinafter, the first elected Board of Police Commissioners shall be elected in November, 1993 as follows:

The two candidates receiving the highest and second highest number of votes shall assume terms of four years. The candidate receiving the third highest number of votes shall assume a term of two years.

Thereinafter, each Commissioner shall be elected for a term of four years. All Police Commissioners elected from 1993 and onwards shall be elected at large and without party affiliation and may be elected for more than one term of office. In the event that a vacancy should occur on the Board, then the next runner-up candidate established out of the last, most recent Board election, shall assume the balance of the vacated term. In the event that the list of candidates from the last election available to fill vacancies becomes depleted, then the Mayor shall appoint any necessary Commissioners.

ELIGIBILITY

Any person presently residing within the City of Portsmouth for not less than two years shall be deemed eligible to seek election to the Board of Commissioners.

REMOVAL

Any member of the Police Commission may be removed from office for just cause by a two-thirds vote of the City Council following a public hearing.

INCOMPATIBLE OFFICES

No member of the Police Commission shall serve on the Commission while receiving compensation from or holding any other public office within the City of Portsmouth.

QUORUM (VOTES)

All questions put before the Police Commission shall be decided by a single majority vote of the Commission. At least three members of the Commission shall be present at any meeting to constitute a quorum.

POWERS

The Police Commission shall appoint such permanent patrol officers, sergeants, captains, commanders, and police chief, as they deem necessary. The Commission shall have authority to consider and act upon any complaint and/or employee grievance(s) brought to it through such procedures.

Where

the Commission determines there to be sufficient cause, the Commission may, after a hearing consistent

with the requirements of due process, discipline or remove any employee of the Police Department against

whom such a complaint has been brought. Appeals from such decisions shall be heard pursuant to such

grievance procedures as shall be established by the Commissioners or as prescribed in respective collective

bargaining agreements. The commission shall assume all administrative responsibilities, which would

otherwise be vested in the City Manager under this charter relating to the administration of the Department.

Such power to include, but not limited to, the following:

A. Determine the number, location and type of facilities and installations, subject to the approval of the City Council

B. To determine the size of the work force and increase or decrease it's size, subject to the approval of the City Council

ORGANIZATION

The Police Commission shall, beginning January 1992, convene meeting annually in the month of January for organizational purposes. The Commission shall choose one of its members to serve as chairperson. The Commission shall choose one of its members to serve as clerk. No one member may

simultaneously serve as chairperson and clerk. (AMENDED BY REFERENDUM VOTE NOVEMBER 6, 2001).

RULES AND REGULATIONS

The Commission shall make such rules and regulations for their own proceedings and the administration of the Police Department, as they deem advisable.

COMPENSATION

The Police Commissioners shall receive such compensation as the City Council may from time to time determine.

ANNUAL BUDGET

The Police Commission shall, beginning in January of 1992 (and annually thereafter), hold a public hearing prior to the finalization of its budgetary considerations so as to discover the will of the people with

respect to such matters. The Commission shall then submit its annual budget request to the City Council in

accordance with the remaining provisions of this Charter. The salaries and benefits of all officers and

employees of the Police Department shall be considered by the Commission through timely discussion with

the recognized bargaining units of said officers and employees. The Commission shall utilize such negotiator as shall be provided by this Charter, or in the absence of a Charter provision, by the City Council.

The Commissioners shall then recommend the agreed upon settlement to the City Council for final approval or denial. Should it be denied, the Commission would then be required to enter into further discussion with the recognized bargaining units until such time as a settlement is reached and ultimately ratified by the City Council. The chairperson of the Commission, or his/her designees, shall report at least semi-annually to the City Council on the state of the Police Department and its operation. Such reports shall include a summary of the Department's budget, workforce, equipment, promotions, retirements and other related matters. The Commission, in its discretion, may allow the police chief to submit a letter to the Council as part of any such report. (AMENDED BY REFERENDUM VOTE NOVEMBER 6,2001). (Adopted by Referendum Vote November 5, 1991.)

Richmond (RSA 105-C)

105-C:4 Duties; Powers. – It shall be the duty of the police commissioners to appoint such police personnel, including police officers, staff, constables and superior officers, as they deem necessary and to fix such persons' compensation. The commissioners shall make and enforce all rules necessary for the operation of the police force in the manner most beneficial to the public interest. The commissioners may at any time remove police personnel for just cause and after a hearing satisfying the requirements of due process, which cause shall be specified in an order of removal except that special police officers appointed and designated as such shall serve at the pleasure of the commission and may be removed for other than just cause.

Rochester (City Charter)

SECTION 24: DUTIES OF POLICE COMMISSION

City Charter - Page 7

It shall be *the duty of the* Board of Police Commissioners authorized hereunder to appoint such police *officers, constables, and superior officers as it may in its* judgment deem necessary and to fix their compensation; and, to make all rules and regulations for the government of the police force and to enforce the same.

SECTION 25: POLICE COMMISSION, REMOVAL AUTHORITY

The Board of Police Commissioners shall have authority to remove any police officer, constable, or superior officer of the force at any time for just cause and *after due hearing* which *cause* shall be specified *in the order of* removal.

Wolfeboro (RSA 105-C)

105-C:4 Duties; Powers. – It shall be the duty of the police commissioners to appoint such police personnel, including police officers, staff, constables and superior officers, as they deem necessary and to fix such persons' compensation. The commissioners shall make and enforce all rules necessary for the operation of the police force in the manner most beneficial to the public interest. The commissioners may at any time remove police personnel for just cause and after a hearing satisfying the requirements of due process, which cause shall be specified in an order of removal except that special police officers appointed and designated as such shall serve at the pleasure of the commission and may be removed for other than just cause.