

HOUSE No. 4870

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 15, 2022.

The committee on Public Service to whom was referred the 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, reports recommending that the accompanying bill (House, No. 4870) ought to pass [Local Approval Received].

For the committee,

KENNETH I. GORDON.

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**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 their seventieth (70th) birthday, the date of their resignation, or until the date they are relieved of
12 their duties by the Chief of Police, whichever occurs first. No officer who has been retired from
13 the Fall River Police Department shall be eligible for appointment pursuant to this act unless the

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

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

22 SECTION 2. Special police officers appointed pursuant to this act shall be excluded from
23 the provisions of: M.G.L. Ch. 31; M.G.L. Ch. 32, §85H and §85H1/2; M.G.L. Ch. 41, §99A,
24 §100 and §111F; and M.G.L. Ch. 150E. Special police officers appointed pursuant to this act
25 shall be subject to M.G.L. 151A.

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

29 SECTION 4. A retired police officer who satisfies all other requirements and
30 qualifications set forth herein shall be eligible for appointment as a special police officer for a
31 term of 1 year or until their seventieth (70th) birthday, the date of their resignation, or until the
32 date they are relieved of their duties by the Chief of Police, whichever occurs first. Such
33 appointment shall be at the sole discretion of the Fall River Chief of Police. During the term of
34 appointment, the officer shall serve at the pleasure of the Chief of Police, subject to removal by
35 the Chief of Police at any time with or without cause. Any such removal shall be preceded by a

36 14-day written notice unless considerations of public safety and welfare, determined at the sole
37 discretion of the Chief of Police, require immediate removal. In such instances the Chief of
38 Police or his designee shall provide the officer with a written statement of reasons for the
39 immediate removal.

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

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

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

57 SECTION 8. Retired police officers appointed as special police officers pursuant to this
58 act shall be subject to the limitations on hours worked and on earnings by retired municipal
59 employees described in M.G.L. Ch 32, §91(b). Any such officer shall, on or before January 31 of
60 each calendar year, file a sworn statement with the Fall River retirement board on a prescribed
61 form identifying the compensated number of hours worked for, and all earnings therefrom, for
62 the commonwealth and any of its subdivisions for which the police officer worked during the
63 preceding calendar year.

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