BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL
MET:

That Chapter 62 - Law Enforcement, Article II - Police Department, Section 62-32 - Chief of police
generally, and Section 62-38 - Special police, be amended by deleting the text indicated in bold, red strikeout
and inserting the bold, blue text, as follows:

ARTICLE II. - POLICE DEPARTMENT

Sec. 62-31. - Generally.

(a) Established. There shall be a city police department, which shall preserve peace and order and,
within the city limits, compel obedience to all city ordinances and the law.

(b) Officers. The city council shall, upon adoption of the annual budget, designate the number and
salaries of the individual police officers who shall comprise the police department. The mayor shall
choose and appoint the police officers.

Sec. 62-32. - Chief of police generally.

(a) Designation. One of the regular members of the police department shall be designated by the
mayor to serve as chief of police. A police chief selection committee comprised of the mayor,
council president, chair of the safety advisory and transportation committee, city manager,
and human resources director shall advise the mayor on the nomination of the police chief.
The mayor shall nominate a chief of police, whose appointment shall be effective upon
confirmation by the city council. The chief of police shall be subject to removal at any time by
the mayor, with the affirmative vote of two-thirds of the members elected to the city council,
in accordance with applicable laws.

(b) Functions. The chief of police shall have the authority to supervise and direct the police department
and, pursuant to such authority, he shall promulgate police department rules and regulations, three
copies of which are on file at the police department.

(c) Reports. The chief of police shall submit monthly reports to the city council giving the number of
arrests and other pertinent information required by the city council.

Sec. 62-33. - Oath of police officers.

Every police officer, before entering upon his duties, shall be sworn by the mayor to perform his
duties faithfully.

Sec. 62-34. - Enforcement of laws and ordinances.

It shall be the duty of each police officer to diligently inquire into the observance of the laws and
ordinances within the city and, in case of a breach, to cause the offender to be legally proceeded against.
Sec. 62-35. - Authority to preserve order at fires.

The police department shall have the authority, upon an alarm of fire, to report to the scene of a fire to preserve order and render any assistance to the fire department that may be practical.

Sec. 62-36. - Disciplinary authority of chief of police.

(a) Generally. The chief of police shall have final disciplinary authority and responsibility within the police department, subject to appeals to the mayor, and shall promulgate and carry out such disciplinary procedures as may be needed within his command. The chief of police shall, where cause exists, have the authority to suspend from duty an employee for a period of time not to exceed 30 days, to reduce employees in rank or pay grade, to place employees on probation and to suspend such sanctions as the need arises, or to dismiss an employee from service.

(b) Appeal. Any employee so disciplined has the right to appeal, on the record, to the mayor.

(c) Subpoenas. The chief of police, with approval from the mayor, shall, for the limited purpose of compelling the appearance of witnesses before the professional standards board of the city police department, sitting for the purpose of affording due process to members of the city police department in disciplinary matters, have the power to issue subpoenas for that purpose.

Sec. 62-37. - Mayor to advise council of personnel changes.

The mayor shall advise the city council of any change in the personnel of the police department at the next regular city council meeting following the change.

Sec. 62-38. - Special police.

(a) Appointment. Whenever, in the opinion of the mayor, an emergency exists, he shall have the power to appoint one or more special police officers, with all the powers and authority of regular police officers, during the period of the emergency.

(b) Term. The special police officers shall not serve for a term of more than 30 days without the approval of the city council.


(a) Authorized. The chief of police shall have the authority to hold a sale of personal property held by the police department for a period in excess of one year, which said personal property shall be unclaimed evidence, lost and found articles, confiscated articles and any other items of personal property which have come into the hands of the members of the police department and have been held for a period of one year, if the owner or owners of the same shall be unknown or said property has been unclaimed.
(b) *Auction.* The chief of police shall cause to be sold the said property at a public auction and shall advertise by publishing notice of said sale in one issue of a newspaper circulated in the city at least ten days before the date of the sale, which said notice shall merely state that a sale of unclaimed personal property shall be held by the police department, giving the date, time and place of said sale without specifying any of the items to be sold. The proceeds of said sale shall be retained by the police department to be used solely for pensions of the police department.


ADOPTED: *

SYNOPSIS

The amendment reflects the charter amendment that established a committee to advise the mayor on the nomination of the police chief. It also removes the requirement that the police chief be selected from among one of the regular members of the police department and removes the appointment of special police.

(SPONSORS: LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

Actions History

02/23/2015 - Scheduled for Introduction at Legislative, Finance, and Administration Committee