

CITY OF DOVER PROPOSED ORDINANCE #2015-06

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

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

6 **ARTICLE II. - POLICE DEPARTMENT**

7 **Sec. 62-31. - Generally.**

- 8 (a) *Established.* There shall be a city police department, which shall preserve peace and order and,
9 within the city limits, compel obedience to all city ordinances and the law.
- 10 (b) *Officers.* The city council shall, upon adoption of the annual budget, designate the number and
11 salaries of the individual police officers who shall comprise the police department. The mayor shall
12 choose and appoint the police officers.

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

- 14 (a) *Designation.* ~~One of the regular members of the police department shall be designated by the~~
15 ~~mayor to serve as chief of police.~~ **A police chief selection committee comprised of the mayor,**
16 **council president, chair of the safety advisory and transportation committee, city manager,**
17 **and human resources director shall advise the mayor on the nomination of the police chief.**
18 **The mayor shall nominate a chief of police, whose appointment shall be effective upon**
19 **confirmation by the city council. The chief of police shall be subject to removal at any time by**
20 **the mayor, with the affirmative vote of two-thirds of the members elected to the city council,**
21 **in accordance with applicable laws.**
- 22 (b) *Functions.* The chief of police shall have the authority to supervise and direct the police department
23 and, pursuant to such authority, he shall promulgate police department rules and regulations, three
24 copies of which are on file at the police department.
- 25 (c) *Reports.* The chief of police shall submit monthly reports to the city council giving the number of
26 arrests and other pertinent information required by the city council.

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

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

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

31 It shall be the duty of each police officer to diligently inquire into the observance of the laws and
32 ordinances within the city and, in case of a breach, to cause the offender to be legally proceeded against.

33 **Sec. 62-35. - Authority to preserve order at fires.**

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

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

37 (a) *Generally.* The chief of police shall have final disciplinary authority and responsibility within the
38 police department, subject to appeals to the mayor, and shall promulgate and carry out such
39 disciplinary procedures as may be needed within his command. The chief of police shall, where
40 cause exists, have the authority to suspend from duty an employee for a period of time not to exceed
41 30 days, to reduce employees in rank or pay grade, to place employees on probation and to suspend
42 such sanctions as the need arises, or to dismiss an employee from service.

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

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

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

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

51 ~~**Sec. 62-38. - Special police.**~~

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

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

57 **Sec. 62-39 38. - Sale of property.**

58 (a) *Authorized.* The chief of police shall have the authority to hold a sale of personal property held by
59 the police department for a period in excess of one year, which said personal property shall be
60 unclaimed evidence, lost and found articles, confiscated articles and any other items of personal
61 property which have come into the hands of the members of the police department and have been
62 held for a period of one year, if the owner or owners of the same shall be unknown or said property
63 has been unclaimed.

64 (b) *Auction.* The chief of police shall cause to be sold the said property at a public auction and shall
65 advertise by publishing notice of said sale in one issue of a newspaper circulated in the city at least
66 ten days before the date of the sale, which said notice shall merely state that a sale of unclaimed
67 personal property shall be held by the police department, giving the date, time and place of said sale
68 without specifying any of the items to be sold. The proceeds of said sale shall be retained by the
69 police department to be used solely for pensions of the police department.

70 Secs. 62-~~40~~ 39 - 62-70. - Reserved.

71 ADOPTED: *

72 S:\ORDINANCES\2015\DRAFT\Ordinance #2015-06 Amending Ch 62 - Law Enforcement, Art II - Police Department, Sec 62-32 - Chief of police generally .wpd

73 **SYNOPSIS**

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

78 (SPONSORS: LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE)

79 Actions History

80 02/23/2015 - Scheduled for Introduction at Legislative, Finance, and Administration Committee

