

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 21, 1962.

The committee on Municipal Finance to whom were referred the petition (accompanied by Senate, No. 128) of James W. Hennigan, Jr., for legislation to limit the power of the police commissioner of the city of Boston to incur liabilities chargeable to said city; the petition (accompanied by bill, Senate, No. 179) of Richard R. Caples that provision be made for the appointment of the police commissioner of the city of Boston by the mayor, and limiting the power of said commissioner to incur liabilities chargeable to the city; the petition (accompanied by bill, House, No. 614) of William J. Casey for legislation to authorize the appointment of the Police Commissioner for the City of Boston by the mayor of said city; the petition (accompanied by bill, House, No. 1341) of John F. Collins (mayor of Boston) and Robert H. Quinn for limiting the power of the Police Commissioner for the City of Boston to incur liabilities chargeable to said city; the petition (accompanied by bill, House, No. 1737) of Michael A. Nazzaro, Jr., and Joseph A. Langone, 3rd, that the police department of the city of Boston be placed under the supervision of a commission composed of three members appointed by the Governor; the petition (accompanied by bill, House, No. 2123) of Endicott Peabody for legislation to provide that the Police Commissioner for the City of Boston shall be appointed by the mayor of said city and relative to the appointment by said commissioner of a secretary and legal counsel; and the petition (accompanied by bill, House, No. 2405) of Frederick C. Langone and Joseph A. Langone, 3rd, that provision be made for the appointment of the police commissioner of the city of Boston by the mayor of said city, report the accompanying bill (House, No. 3514).

For the committee,

ANTHONY M. COLONNA.

Senators LAMSON and PARKER, and Representatives HEANEY of Newton, O'BRIEN of Raynham and CORLISS of Gloucester, dissenting.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Two.

AN ACT PERTAINING TO THE POLICE DEPARTMENT OF THE CITY OF BOSTON.

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. Chapter 291 of the acts of 1906 is hereby
2 amended by striking out sections 7, 8, 9, 10, 11, 12, 13 and 14,
3 as amended, and inserting in place thereof the following
4 sections:—

5 *Section 7.* There shall be in the city of Boston a depart-
6 ment, known as the police department, which shall be under
7 the charge of an officer, known as the police commissioner, ap-
8 pointed by the mayor for a term expiring on the first Monday
9 of the January following the next biennial municipal election
10 at which a mayor is elected. Such officer shall not engage in
11 any other business, and shall receive an annual salary of fifteen
12 thousand dollars or such other sum as may from time to time
13 be fixed by the city council with the approval of the mayor.

14 *Section 8.* In case of the absence or disability of the police
15 commissioner or of vacancy in his office without a temporary
16 police commissioner having been appointed under section sixty-
17 one A of chapter forty-one of the General Laws, the superin-
18 tendent of police hereinafter provided for or, in case of his
19 absence or disability or vacancy in his office, the next ranking
20 officer of the police force or, where there are two such officers
21 of equal rank, the senior officer in date of appointment, shall
22 be acting police commissioner. An acting police commissioner
23 shall receive no extra compensation for his services as such.

24 *Section 9.* The police commissioner shall appoint a secre-
25 tary, who shall be exempt from the civil service laws and rules,
26 shall be sworn to the faithful performance of his duties, shall
27 serve at the pleasure of the police commissioner, and shall keep
28 such records, issue such notices and attest such papers and
29 orders as the police commissioner shall direct. Such secretary
30 shall receive such annual salary as shall be fixed by the police
31 commissioner with the approval of the mayor.

32 *Section 10.* The police commissioner shall have authority
33 to appoint, establish and organize the police of said city, and
34 shall appoint as a part of said police a superintendent of police,
35 who may, but need not be, appointed from said police, and who
36 shall receive such annual salary as shall from time to time be
37 fixed by the police commissioner with the approval of the
38 mayor.

39 The police commissioner shall appoint from said police but as
40 a part thereof such number of deputy superintendents, captains
41 and other officers as he may from time to time deem proper.
42 The police commissioner with the approval of the mayor shall
43 establish, and may from time to time revise, a compensation
44 plan for the deputy superintendents, captains and other offi-
45 cers and members of said police, who shall be compensated in
46 accordance therewith; provided, however, that a deputy super-
47 intendent shall not receive as an annual salary less than ninety-
48 eight hundred and forty dollars, nor a captain less than eight
49 thousand dollars, nor a lieutenant less than sixty-nine hundred
50 and sixty dollars, nor a sergeant less than sixty-two hundred
51 and eighty dollars, nor a patrolman after the second year of
52 service less than fifty-five hundred dollars or in the second year
53 of service less than five thousand and thirty dollars or in the
54 first year of service less than forty-eight hundred and eighty
55 dollars; and provided, further, that lieutenant detectives shall
56 receive an annual salary three hundred dollars in excess of the
57 annual salary of lieutenants, and sergeant detectives shall re-
58 ceive an annual salary three hundred dollars in excess of the
59 annual salary of sergeants, and first grade detectives, second
60 grade detectives and third grade detectives shall receive an
61 annual salary five hundred dollars, four hundred dollars and
62 three hundred dollars, respectively, in excess of the maximum
63 annual salary of patrolmen.

64 No person shall be appointed to said police unless at the time
65 of his appointment he is, and for at least two years immediately
66 prior thereto has been, a resident of said city, except that
67 neither of these requirements shall apply to any appointment
68 of a police commissioner or of a superintendent of police.
69 Women shall be eligible for appointment to said police in the
70 discretion of the police commissioner; and a separate list of
71 women shall be established by the division of civil service.

72 The civil service laws and rules shall not apply to the ap-
73 pointment of the superintendent of police or any deputy super-
74 intendent or to the removal of a superintendent of police not
75 appointed from said police; nor shall said laws and rules apply
76 to the removal of a superintendent of police appointed from said
77 police or of a deputy superintendent if, upon such removal, he
78 is transferred back to the rank held by him immediately prior
79 to his appointment as superintendent of police or deputy
80 superintendent.

81 *Section 11.* The police commissioner shall have authority to
82 administer said police and to make all needful rules and regu-
83 lations for the efficiency of said police; provided, however,
84 that no such rule or regulation shall forbid any officer or mem-
85 ber of said police from organizing or belonging to any organiza-
86 tion composed solely of officers or members, or both, of said
87 police and not affiliated with any outside organization other
88 than the Massachusetts Police Association, and having among
89 its objects the improvement of their conditions of employment,
90 including leaves of absence, hours of labor and compensation.
91 Officers and members of said police shall, whether on or off
92 duty, be subject to the rules and regulations made under this
93 section.

94 Any officer or member of said police shall have the right to
95 petition the general court or the city council of said city and
96 to appear before any committee thereof; provided, that this
97 paragraph shall not authorize any officer or member to absent
98 himself from duty without permission.

99 *Section 12.* The police commissioner shall from time to
100 time appoint a trial board, consisting of three captains, to
101 hear the evidence in such complaints against officers or mem-
102 bers of said police as said commissioner may deem it advisable
103 to refer to said board. Said board shall report its findings to
104 said commissioner, who may review the same and take such
105 action thereon as he may deem advisable.

106 *Section 13.* The police commissioner shall also have the
107 powers and perform the duties from time to time conferred or
108 imposed on him by statute. All licenses issued by said com-
109 missioner shall be signed by him and recorded in his office;
110 and he may, in his discretion, at any time without a hearing
111 and for any cause deemed satisfactory to him, suspend for such
112 period as he may deem proper any license issued by him.

113 *Section 14.* The superintendent of police and the other
114 officers and members of said police shall have the powers and
115 perform the duties from time to time conferred or imposed
116 upon the chief and other police officers of cities by section
117 ninety-eight of chapter forty-one of the General Laws, except
118 that they shall when on duty carry such weapons as the police
119 commissioner shall determine. The superintendent of police
120 and the other officers and members of said police shall also have
121 the powers and perform the duties from time to time conferred
122 or imposed on police or police officers in this commonwealth
123 by general laws applicable to Boston.

1 SECTION 2. All the powers and duties now conferred or im-
2 posed upon the police commissioner of the city of Boston by
3 statutory provisions in force immediately prior to the taking
4 effect of this act and not stricken out by this act are hereby
5 conferred and imposed upon the police commissioner provided
6 for by this act. All officers and members of the police of said
7 city in office when this act takes effect shall continue to hold
8 their several offices until their resignation, retirement or
9 removal in accordance with law; and the rules and regulations
10 of the police commissioner of said city in force immediately
11 prior to the taking effect of this act shall continue in force
12 until otherwise ordered by the police commissioner provided for
13 by this act.

1 SECTION 3. This act shall take effect upon its passage.

The first of the year was a very dry one, and the crops were much injured. The weather was very hot, and the ground was very hard. The crops were much injured, and the yield was very low. The weather was very hot, and the ground was very hard. The crops were much injured, and the yield was very low.

The second of the year was a very wet one, and the crops were much injured. The weather was very cold, and the ground was very soft. The crops were much injured, and the yield was very low. The weather was very cold, and the ground was very soft. The crops were much injured, and the yield was very low.

The third of the year was a very dry one, and the crops were much injured. The weather was very hot, and the ground was very hard. The crops were much injured, and the yield was very low. The weather was very hot, and the ground was very hard. The crops were much injured, and the yield was very low.

