



Eileen Donoghue  
*City Manager*

Kara Keefe Mullin  
*Assistant City Manager*

TO: Mayor William Samaras and Members of the City Council

FROM: Eileen Donoghue, City Manager *EMD*


DATE: March 14, 2019

SUBJECT: Motion Response - W. Samaras – “Req. City Mgr. Instruct The Law Department To Draft A Home Rule Petition To Allow The City To Appoint Retired Lowell Police Officers To Work Paid Detail Assignments.”

C. Leahy – “Req. City Mgr. Provide An Update Regarding The Previous Motion To Allow Retired Policemen To Work Details.”

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Please see the attached memo and vote regarding retired police working details.



## City of Lowell - Law Department

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**Christine P. O'Connor**  
*City Solicitor*

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*Assistant City Solicitors*

March 15, 2019

City Manager Eileen Donoghue  
Mayor William Samaras  
And  
Members of the City Council

RE: Motion Response of Mayor Samaras and Councillor Leahy  
To Appoint Retired Lowell Police Officers to Work Paid  
Details

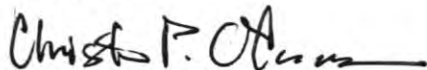
Dear Manager Donoghue, Mayor Samaras and Members of the City Council:

The attached request for Special Legislation allowing the City to appoint retired police officers as special officers arises from motions by Mayor Samaras and Councillor Leahy.

The proposed Act authorizing the City of Lowell to appoint retired police officers as special police officers, is modeled after a similar Act from Cambridge, Massachusetts. The Act provides certain restrictions, including age limitations, exemption from 111F, as well as the authority of the Manager to terminate employment at any time.

The adoption of this legislation is supported by the Superintendent of Police. In the upcoming weeks, the City will also be meeting with both the Superior and Patrolmen unions regarding the creation of special police officers for the purposes of details and input on the drafting of rules and regulations concerning these appointments.

Very truly yours,



Christine P. O'Connor  
City Solicitor

cc: Kelly Richardson, Superintendent of Police

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

VOTE

Authorizing the filing of Special Legislation regarding the appointment of retired City of Lowell Police Department officers as special police officers with the City of Lowell for paid detail assignments.

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It is the desire of the City of Lowell to appoint retired City of Lowell Police Department officers as special police officers with the City of Lowell for paid detail assignments; and

It is necessary for the City of Lowell to authorize the filing of Special Legislation in order to accomplish this purpose; and

A majority vote of the Lowell City Council is required for the filing of such petition.

BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

That the City Council of the City of Lowell, by a majority vote, hereby authorizes and approves the filing of special legislation to read as follows:

AN ACT AUTHORIZING THE CITY OF LOWELL TO  
APPOINT RETIRED POLICE OFFICERS AS SPECIAL POLICE  
OFFICERS WITHIN SAID CITY FOR PAID DETAIL ASSIGNMENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The City Manager of the City of Lowell may appoint, as the City Manager deems necessary, retired Lowell police officers as special police officers to perform police details or any duties arising from police details or during the course of police detail work, whether or not related to the detail work. The City Manager shall have discretion to appoint only retired Lowell police officers as special police officers and shall establish department rules, procedures and policies concerning these appointments. The City Manager shall appoint retired Lowell police officers who served as regular Lowell police officers and are retired based on

superannuation. No retired police officer shall be appointed under this act as a special police officer if that officer has been retired more than 5 years. Special police officers shall not be subject to the same maximum age restrictions as applied to regular Lowell police officers under Chapter 32 of the General Laws. Prior to appointment under this act, a retired Lowell police officer shall pass a medical examination by a physician or other certified professional chosen or agreed to by the department to determine whether the retired Lowell police officer is capable of performing the essential duties of a special police officer under this act. The cost of the medical examination shall be borne by the retired Lowell police officer.

SECTION 2. Special police officers appointed under this act shall not be subject to Chapter 31, section 99A of Chapter 41, or Chapter 150E of the General Laws.

SECTION 3. When performing the duties set forth in section 1, special police officers shall have the same power to make arrests and to perform other police functions as do regular police officers of the City of Lowell.

SECTION 4. A special police officer shall be appointed for a 1-year term, subject to renewal at the discretion of the City Manager; provided, however, that a special police officer shall be an at-will appointment subject to removal by the City Manager at his or her discretion at any time. All benefits afforded to special police officers appointed under this act shall terminate upon the conclusion of the employment term. A special police officer's appointment shall automatically terminate upon the officer's 70<sup>th</sup> birthday.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements as the Superintendent of Police may impose from time to time including, but not limited to, restrictions on the type and number of detail assignments, requirements regarding medical examinations to determine continuing fitness and capability to perform the duties of a special police officer, requirements for training, requirements for firearms licensing and qualifications, requirements for maintaining of a medical or liability insurance policy, and requirements regarding uniforms and equipment. The Superintendent of Police shall, at his/her discretion, set a schedule of fees associated with the costs of training, medical examinations, equipment, uniforms and any other requirements considered necessary by the Superintendent of Police that shall be paid by the special police officer appointed under this act. Special police officers appointed under this act shall not be subject to section 96B of Chapter 41 of the General Laws.

SECTION 6. Special police officers appointed under this act shall be sworn in by the Superintendent of Police for the City of Lowell.

SECTION 7. Sections 100 and 111F of Chapter 41 of the General Laws shall not apply to special police officers appointed under this act. Sections 85H and 85H ½ of Chapter 32 of the General Laws shall not apply to special police officers appointed under this act.

SECTION 8. Appointment as a special police officer shall not entitle the appointee to assignment to any detail.

SECTION 9. Retired Lowell police officers serving as special police officers under this act shall be subject to the limitations on hours worked and on earning restrictions as provided in paragraph (b) of section 91 of chapter 32 of the General Laws.

SECTION 10. The City Manager as the appointing authority for the city will have final say in all appointments and removals of special police officers under this act.

SECTION 11. This act shall take effect upon final approval by the City Council.

V:spacts2019-appointretiredpoliceofficers