

## Town of Olive Board of Police Commissioners Policy

Commissioners should be determined and outlined so as to establish and to maintain the lawful and administrative relationships existing between the Police Department, Police Chief and the Board of Police Commissioners as well as between the Board of Police Commissioners, Police Chief and the Town Board of the Town of Olive.

The Town Board established a Board of Police Commissioners by Resolution #3 on 1991 on 2/5/91 and amended said resolution when adopting the Town Code by Local Law #1 of 2001 on 11/13/2001.

The Town Board of the Town of Olive has in the public interest compiled the following description of the functions and responsibilities of the Board of Police Commissioner of the Town of Olive.

### Section 1. DEFINITIONS

**Membership:** Town of Olive Code § 9-6 -- The Town Board of the Town of Olive shall appoint one or three Police Commissioners who shall at the time of their appointment and throughout their term of office be electors of such town, and who shall serve without compensation, and at the pleasure of the Town Board. If the Town Board shall appoint only one such Police Commissioner, it shall, in addition, designate two members of the Town Board to serve as members of such Police Commission. The Town Board, may, also by resolution, designate the Supervisor to serve as Police Commissioner, and when so designated, such Supervisor shall have all the powers of and perform the duties of such Board of Police Commissioners.

**Commission:** Board of Police Commissioners as established in Town of Olive Code § 9-6. In the event that the Police Commission is abolished, the Town Board of the Town of Olive

**Board or Town Board:** The Town Board of the Town of Olive

**Department:** The Town of Olive Police Department

**Employees:** All Police Officers and Sergeants, except for the Chief of Police

**Administration:** The Chief of Police of the Police Department

**Association:** The Town of Olive Police Benevolent Association

**Agreement:** Contracts in effect between the Board and the respective negotiating units of Employees and agreements in effect with the Commission and/or with the Town of Olive and the member of the Administration

**He, Him, His:** Whenever the pronouns he, him, or his appear, they are used for the convenience of written expression and shall represent a person of either sex unless, by additional statements, a person of a particular sex is clearly specified.

**Chief or Police Chief:** Chief of Police

## Section 2. RIGHTS AND DUTIES

Except as may be provided by the laws of the State of New York and subject to limitations contained in this document, the Commission shall:

1. Solicit applications and conduct all interviews for the position of Chief and other Officers (after consultation with the Police Chief). The Commission shall approve of and forward the Chief's recommendations to the Town Board for approval. That starting salaries for such positions will be determined by the Town Board.
2. In co-operation with the Chief of Police, keep a complete service record of each member of the Department in accordance with applicable Civil Service Law.
3. Have access to all records of the Department during normal business hours.
4. In consultation with Police Chief and with approval of Town Board, establish policy, rules, and regulations for the Department.
5. Review an annual budget as prepared by the Police Chief and submit to the Supervisor and Town Board.
6. Consistent with the laws of the State of New York and with terms of any collective bargaining agreement or amendment thereof, adopt rules and regulations for the examination, hearing, investigation and determination of charges made against any member of the Department.
7. Negotiate collective bargaining agreements with the Association and its representatives, subject to approval of the Town Board.
8. Fulfill its responsibilities under such collective bargaining agreement, including but not limited to the following:
  - A. The Commission will act within the time frame indicated in the agreement when an employee who seeks to have petitioned a record of a complaint or critical material removed from his or her personnel file.
  - B. The Commission shall give prompt, written notification to the Chief of Police whenever it receives complaints regarding other members of the Department, or when information or accusations are made, by any person, that an employee has violated any rule, regulation or order of the Department.
  - C. The Commission shall likewise receive copies of any complaints against the Department received by the Chief.
  - D. The Commission shall monitor the disposition of complaints and/or accusations and shall receive complete, written reports on the matter, including the Chief's final adjudication (if any). When the Commission receives a report from the Chief that does not contain a final adjudication, the Commission may dispose of the matter in a manner consistent with the terms of the Agreement or any other statutes or regulations that may apply. In such event, the Chief and the accused will be informed in writing of the Commission's determination on the matter.
  - E. No disciplinary charges may be preferred against an employee if the "Commission or Administration has knowledge of the alleged act or conduct more than 90 days prior to the date the employee is notified that disciplinary action is proposed, unless

the alleged act or conduct would, if proven, constitute a crime under any provision of New York State or Federal Law.

9. The Commission shall prepare and submit regular and special reports to the Board and Prepare annual long term planning.
10. Subject to budgetary restrictions imposed with respect to the Department, the Chief will review (along with the Commission) and furnish to the Town Board appropriate and detailed specifications for purchases. Competitive bidding requirements, the advertisement, acceptance and the letting of contracts shall be the responsibility of the Town Board.
11. The Commission, along with the Chief, shall adhere to the Town of Olive Procurement Policy when purchasing items not subject to bid which require request for proposals and/or documented price quotes.
12. Investigate and recommend to the Town Board sources of grant funds which may provide revenue sources to the Police Department.
13. Perform such other functions as may be delegated by the Town Board from time to time.
14. Shall have no police power and adhere to § 1.20 of NYS Criminal Procedure Law as well as all applicable state, federal, and local laws.

### SECTION 3. OPERATIONS

1. The Commissioners shall file an oath of office with the Town Clerk upon commencement of his/her duties and shall be governed by applicable state and local laws, rules and regulations with respect to conduct and ethics, and shall be deemed employees of the Town for purpose of bonding, filing oaths of office, resignations and public officers' liability insurance.
2. Meetings shall be called consistent with the provision of Article 7 of the Public Officers Law (Open Meetings Law). All members of the Commission shall be given prior notice of the time and place of any Commission meeting that is called in an emergency circumstance. Proper public notice shall be given in cases of emergency meetings. Meetings may be called by any Commission member.
3. The Commission shall hold regular monthly meetings whose time and place shall appear in the Town Board Organizational Minutes each year. Minutes of open meetings (and executive sessions at which a final determination of action was taken) shall be compiled and made available to the Records Management Officer of the Town of Olive (Town Clerk). A member of the Commission shall be designated to take official minutes of the Police Commission.
4. All decisions and actions of the Commission shall be formally voted upon, with a majority vote of the entire Commission needed to pass any motion, proposal, or resolution. Pursuant to the Freedom of Information Law, a voting record shall be compiled that identifies how individual members voted in every instance.

5. The Commission shall compile and keep current a reasonably detailed list by subject matter of all records in its possession. Records compiled or acquired by the Commission in the course of and in the furtherance of its official function shall be accessible to the public under the Freedom of Information Law (Public Officers Law, Article 6 & 6A), except those that fall under the category of non-disclosable records pursuant to that law or pursuant to any other applicable state or federal law (e.g. Civil Rights Law, Section 500-a). Access to Commission and Department records or portions of records available to the public as provided herein shall be in accordance with the procedures set forth in Chapter 23 Article I of the Code of the Town of Olive entitled: "RECORDS, PUBLIC ACCESS TO".
6. The Town Board, upon recommendation of the Commission, may hire consultants or administrative employees as may be necessary.

#### SECTION 4. INDEMNIFICATION

1. The Board shall assume all risks incident to the operation of the Department and will indemnify the Commission against all claims and/or actions arising from any accident, injury or damage whatsoever to any person or property arising in the conduct of the lawful discharge of commission duties, and against all expenses and liabilities incurred in connection with such claims or actions brought herein.
2. If the Commission receives a demand, notice of claim, summons or other notice or process relating to its conduct, it shall give a copy of such document to the Town Clerk and to the Town Board within 48 hours after it has been received.
3. If the Commission is the subject of any claim or action against the Department it shall be obligated to fully cooperate in the investigation and defense of such claim or action and, consistent with all of the foregoing, it shall furnish all information within its knowledge to the Board and to its attorney(s), insurance adjuster(s), agents or designees.
4. The Board will provide legal counsel of its choice for the Commission in the event a civil or criminal complaint is filed or it is sued for actions or failure to act.

#### SECTION 5. ADDITIONAL DUTIES AND RESPONSIBILITIES

1. In addition to the duties and responsibilities set forth herein, the Commission shall also have additional powers, duties and responsibilities not inconsistent with the provisions of this policy as may lawfully be designated to it by the Town Board.