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2.52.010 Established

The Police Department of the City of Dillon, Montana, is under and within the provisions of the Metropolitan Police Law of the State of Montana, as set forth in Montana Code Annotated and is so organized, managed and controlled as provided in said law and this chapter. The Council of the City of Dillon, Montana, elects to place the Police Department of the City under the terms and provisions of the Metropolitan Police Law of the State of Montana.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.52.020 Membership

The Police Department of the City of Dillon consists of one Chief of Police, one Assistant Chief of Police, other administrative staff as deemed necessary and such number of police officers as the Mayor and the City Council from time to time determine to be necessary.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.52.030 Supervision

Police officers of the City, regular or special, are under the direct supervision of the Chief of Police. The Mayor has charge of and supervision over the Police Department as determined by law. The Mayor appoints members and officers thereof with consent of the Council after consultation with the Chief of Police. The Mayor has the power to suspend or remove the Chief of Police following the laws for appointing department heads and appoint and remove other members of the department in consultation with the Chief of Police. The Mayor makes rules consistent with other laws of the State, or ordinances of the City, for government, direction, management, and discipline of the police force, in consultation with the Chief of Police. In addition to provisions herein contained, the City Council may make ordinances consistent with this part or laws of the State for government of the Police Department and for regulation powers and duties of officers and members.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.52.040 Powers - Conditions for Suspension

Duly appointed and acting police officers have powers granted to constables under the laws of Montana and common law. Police officers are general peace officers. It is their duty to: preserve peace, arrest and take before the nearest magistrate for examination persons who attempt to commit or have committed a public offense; prevent and suppress altercations, breaches of peace, riots and insurrections; serve processes or notices in the manner prescribed by law; and perform such other duties as required by law or ordinance. Police officers who fail to perform duties as required by law or ordinance, or who are found guilty of other conduct not becoming a peace officer, must be promptly suspended by the Mayor, and, on conviction, must be removed from office by the Mayor.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.52.050 Absence from Duty

Police officers may not be absent from duty without obtaining prior consent of the Chief of Police. Officers absent from duty without consent may be removed or suspended from office. Provisions of this chapter apply to regular and special police officers and other officers whose duties are in the nature of those of police officers.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.52.060 Compensation

Compensation of police officers is set annually by the City Council after successful contract negotiations.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.52.070 Appointments - Application

Appointments to the police force must be made by the Mayor and confirmed by the City Council. Appointments must not be made until applications for a position on the police force have been filed with the Mayor and referred by the Police Commission. Applicants must successfully pass the examination required by the Police Commission. A certificate from the Police Commission stating the applicant has qualified for appointment must be filed with the Mayor. Applicants who pass the examination and receive a certificate must serve for a probationary term of not more than twelve months. The Mayor may revoke appointments before the end of the probationary term in consultation with the Chief of Police. Within thirty days after the end of the probationary term, appointment the applicants must be submitted to the City Council. If appointments are confirmed by the City Council, applicants become members of the police force, and must hold their positions during good behavior, unless suspended or discharged as provided by law.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.52.080 Police Commission - Appointment

The Mayor appoints three residents of the City of Dillon with consent of the City Council. Members must have the qualifications required by law to hold a municipal office therein, and constitute a board to be known by the name of “Police Commission”. Members hold office for three years. One member is appointed annually at the first regular meeting of the City Council in May of each year. The member of the board who has the shortest term remaining acts as chair of the board.

Enc Ord 367 March 18, 1993, Enc Ord 395 July 1, 1998, Amended Ord 456 February 7, 2018

2.52.090 Police Commission - Powers and Duties

The Police Commission has the jurisdiction, and duty to hear, try and decide appeals brought by members or officers of the Police Department who have been disciplined, suspended, removed, or discharged by order of the Mayor. It is the duty of the Police Commission to hear and determine the appeal according to rules of evidence applicable to courts of record in the State at the time set for hearing an appeal of a police officer. Appeals must be in writing in the form required by the Police Commission. A copy must be served upon the Mayor at least thirty days before the time fixed for the appeal hearing.

Enc Ord 367 March 18, 1993, Amended Ord 456 February 7, 2018

2.52.092 Police Commission - Hearing Procedure

It is the duty of the Police Commission to proceed to hear appeals according to rules of evidence applicable to courts of record in the State at the time set for hearing an appeal brought by an officer of the Police Department to forthwith. Appealing officers have the right to be present at hearings in person and by counsel, and to be heard, and to give and furnish evidence in their defense. Hearings must be open to the public unless ruled otherwise in accordance with State and Federal labor laws and/or the collective bargaining unit. The chair, or acting chair, of the Police Commission, has the power to attest and issue subpoenas to compel the attendance of witnesses at the hearing. Persons duly served with subpoenas are bound to attend in obedience thereto. The Police Commission has the same authority to enforce obedience to the subpoena, and to punish disobedience thereof, as possessed by a judge of District Court in like cases. Punishment for disobedience is subject to review by District Court. The Police Commission must decide the appeal after the conclusion of the hearing. The Commission has the power, to sustain, modify, or overrule the disciplinary order of the Mayor by a decision of a majority of the commission.

Enc Ord 367 March 18, 1993, Amended Ord 456 February 7, 2018

2.52.094 Police Commission - Powers of Mayor

The Mayor must make an order enforcing the decision of the Police Commission. The decision or order is subject to review by District Court on questions of fact and questions of law.

Enc Ord 367 March 18, 1993, Amended Ord 456 February 7, 2018

2.52.096 Police Commission - Appeal to District Court

Members of the police force who are disciplined, suspended, or discharged as a result of a decision by the Mayor have a right of appeal; pursuant to terms of a grievance procedure contained in a collective bargaining agreement if members are covered by a collective bargaining agreement; or to the Police Commission. A final decision of the Police Commission may be appealed to District Court. District Court has jurisdiction to review questions of fact and questions of law in suits brought by officers of the police force. A suit to review a decision or an order or for reinstatement to office may not be maintained unless the suit is begun within a period of sixty days after the decision by the Police Commission has been filed with the City Clerk. Actions to recover salaries by members of the Police Department must be commenced within six months after the cause of actions have accrued. Actions for unpaid salaries are not maintained by members of the Police Department except for services actually rendered and, if suspended or placed on the eligible list, only for days the officer actually reported for duty. The word “action” used in this section is to be construed as including a special proceeding of a civil nature whenever it is necessary to do so.

Enc Ord 367 March 18, 1993, Amended Ord 456 February 7, 2018

2.52.098 Police Commission - Suspension of Other

The Mayor or Chief of Police, subject to the approval of the Mayor, has the power in all cases to suspend a police officer. Such suspension may be with or without pay as the order of suspension may determine. The Mayor has the power and authority when deemed expedient to employ no more than two persons who are not members of the Police Department at one time for a period not to exceed thirty days to do police duty. Members of the police force are not liable to military or jury duty or to arrest on civil process while on duty.

Enc Ord 367 March 18, 1993, Amended Ord 456 February 7, 2018

2.52.110 Initial Personnel of Force

The Police Department of the City of Dillon, and the personnel thereof, as now organized and existing, are deemed to be established under this chapter.

Enc Ord 367 March 18, 1993

2.52.120 Examination - Qualifications

Applicants for positions on the police force, whose applications have been referred to the Police Commission, are required to successfully undergo an examination before the Police Commission, and to receive a certificate from said commission that the applicant is qualified for such appointment for the probationary period upon the police force. Applicants who make false statements to the Police Commission during the examination before the Police Commission regarding age or other required qualifications are subject to suspension or dismissal from the police force after trial.

Enc Ord 367 March 18, 1993, Amended Ord 456 February 7, 2018

2.52.130 Active and Eligibility Lists

The City Council has absolute and exclusive power to determine and limit the number of police officers and members to comprise the police force of the City of Dillon; reduce the number of the police force; and divide the police membership into two lists: one active list, who are to be actually employed and receiving pay while so employed, and one eligible list, who do not receive pay while not actually employed as an officer or member. Officers or members of the active list, temporarily relieved from duty, become members of the eligible list without pay and are first entitled to reinstatement on the active list in case of vacancy, according to seniority in the service. Others on the eligible list are entitled to fill a vacancy in order of appointment. Such actions of the Council are not subject to review by court. In no event must there be officers or members placed in the eligible list, except in case of temporary reduction of the police force, when the number on the eligible list equals in number twenty (20) percent of the active list.

Enc Ord 367 March 18, 1993, Amended Ord 456 February 7, 2018

2.52.140 Qualifications of Police Officers

Members of the Police Department on the active list of the City of Dillon at the time of appointment under this part may not be less than eighteen (18) years of age, must be a citizen of the United States, and must meet the minimum qualifying standards for employment promulgated by the board of crime control.

Enc Ord 367 March 18, 1993, Amended Ord 456 February 7, 2018

2.52.150 Transfer From Active to Reserve List

Enc Ord 367 March 18, 1993, Repealed Ord 422 December 16, 2009

2.52.160 Reserves - Subject to Call

Enc Ord 367 March 18, 1993, Repealed Ord 422 December 16, 2009

2.52.170 Reserves - Incapacitated Members

Enc Ord 367 March 18, 1993, Enc Ord 367 March 18, 1993, Repealed Ord 422 December 16, 2009

2.52.180 Reserves - Payments

Enc Ord 367 March 18, 1993, Enc Ord 367 March 18, 1993, Repealed Ord 422 December 16, 2009

2.52.190 Sickness or Disability Pay

Enc Ord 367 March 18, 1993, Enc Ord 367 March 18, 1993, Repealed Ord 422 December 16, 2009

2.52.200 Special Salary Tax

Enc Ord 367 March 18, 1993, Repealed Ord 422 December 16, 2009

2.52.210 Compensation Deductions

Enc Ord 367 March 18, 1993, Repealed Ord 422 December 16, 2009

2.52.220 Police Pension and Disability Fund - Gifts and Money

Enc Ord 367 March 18, 1993, Repealed Ord 422 December 16, 2009

2.52.230 Police Pension and Disability Fund - Payments

The fund created by the tax levy of taxable property, percentage of salary deductions withheld from active police officers, percentage of salaries withheld from police officers for violation of rules of the police department, and bequests, gifts or stipend paid or given on account of extraordinary services of members of the Police Department not specifically allowed to be retained by officers as hereinbefore provided in this chapter, must be paid into a fund to be designated as the police pension and disability fund in the office of the City Treasurer.

Enc Ord 367 March 18, 1993, Amended Ord 456 February 7, 2018

2.52.240 Police Pension and Disability Fund - Investment

Enc Ord 367 March 18, 1993, Repealed Ord 422 December 16, 2009

2.52.250 Police Pension and Disability Fund - Trustees

Enc Ord 367 March 18, 1993; Repealed Ord 422 December 16, 2009

2.52.260 Police Pension and Disability Fund - Duties of Trustees

Enc Ord 367 March 18, 1993, Repealed Ord 422 December 16, 2009

2.52.270 Police Pension and Disability Fund - Diversion Prohibited

Enc Ord 367 March 18, 1993, Repealed Ord 422 December 16, 2009

2.52.280 Exemptions of Members

Members of the police force must not be liable to military or jury duty, or to arrest on civil process, while on duty, nor hold political office in the City of Dillon government. The fact that a person is an officer for the Police Department does not deprive the officer’s spouse or members of the officer’s family of the right to participate in political activity or to hold public or political office. An officer may participate in political activity provided that the officer does not do so while on duty or in uniform so that it does not otherwise interfere with the performance of his/her duties.

Enc Ord 367 March 18, 1993, Amended Ord 456 February 7, 2018

2.52.300 Extension of City Police Arrest Authority

Members of the Police Department of the City of Dillon, reserves, and probationary officers acting as police officers of the City of Dillon are hereby authorized to make arrests and stops within three miles of the city limits of the City of Dillon, and along the routes of the city water lines and the access routes thereto, under the same provisions of Montana Law, and that apply within the city limits of the City of Dillon, and with the same authority they have to act as police officers within the city limits.

Enc Ord 367 March 18, 1993, Enc Ord 406-A August 18, 2004, Amended Ord 456 February 7, 2018

2.52.310 Regulations Modification Authority

In addition to provisions contained in this chapter, the City Council may make ordinances consistent with this chapter or laws of the State of Montana, for regulating the powers and duties of officers and members.

Enc Ord 367 March 18, 1993, Amended Ord 456 February 7, 2018

2.52.320 Election to Join State of Montana Municipal Police Officers Retirement system

Be it enacted by the City Council of the City of Dillon that pursuant to Section 19-9-207 M.C.A. the City of Dillon does hereby elect and consent to be bound by the provisions of the Municipal Police Retirement System (MPORS) as enacted and described in Title 19 Chapter 9 M.C.A., and all amendments thereto, from the effective date of this ordinance.

Enc Ord 422 December 16, 2009

2.52.330 City Clerk Directed to deposit funds.

The City Clerk of the City of Dillon and the Treasurer of the City of Dillon are hereby directed to deposit cash and securities held in the Metropolitan Police Retirement Fund of the City, a/k/a City of Dillon Police Officers Defined Benefit Plan, into the State Municipal Police Officers’ Retirement System (MPORS) pension trust fund on the effective date of this ordinance and as required by Section 19-9-207 M.C.A.

Enc Ord 422 December 16, 2009, Amended Ord 456 February 7, 2018

2.52.340 Trustees to Certify Shares and Charges.

The Board of Trustees of the City of Dillon Police Officers Defined Benefit Plan must certify the proportion, if any, of funds of the plan that represents accumulated contributions of active members and relative shares of the members as of the effective date of this ordinance on or before the effective date of this ordinance.

Enc Ord 422 December 16, 2009, Amended Ord 456 February 7, 2018

2.52.350. Board of Trustees Abolished.

Pursuant to the provisions of Section 19-19-201(4) (M.C.A) after completion of the certification required by Section 2.52.340 D.M.C. and on the effective date of this ordinance the Board of Trustees of the City of Dillon Police Officers Defined Benefit Plan is hereby abolished, and the Trustees discharged of their responsibility.

Enc Ord 422 December 16, 2009

2.52.360 Assets and Liabilities Transferred.

After completion of the certification required by Section 2.52.340 D.M.C., the deposit of funds required by Section 2.52.330 D.M.C. and on the effective date of this ordinance all assets of the City of Dillon held in trust for the Metropolitan Police Retirement System of the City of Dillon, a/k/a City of Dillon Police Officers Defined Benefit Plan, and all liabilities of the system are hereby transferred to the Montana Municipal Police Officers Retirement System (MPORS).

Enc Ord 422 December 16, 2009

2.52.370 Granting Mayor Authority, with approval of the City Council, to Adopt Retroactive Dillon Police Defined Benefit Plan Amendments and Granting Authority to Execute Necessary Documents and Perform Necessary Acts on Behalf of the City.

The Mayor of the City of Dillon, with the approval of the City Council is hereby granted authority to adopt, as the act of the City of Dillon, such retroactive amendments to the City of Dillon Police Officers Defined Benefit Plan as may be required to bring that plan into compliance with Internal Revenue Service regulations, all as applied for earlier this year. The Mayor is further granted the authority to perform such duties as the act of the City of Dillon as may be required, with the approval of the City Council, including the authority to execute such other documents as may be required to complete the amendment of the plan.

Enc Ord 422 December 16, 2009

2.52.380 Granting Authority to the Mayor, with the approval of the City Council, to Terminate the City of Dillon Police Officers Defined Benefit Plan and Providing that Authority and the Authority Granted in Section 2.52.360 D.M.C., as Enacted in this Ordinance Shall Continue After the Transfer of the Plan to the State Even if after the Effective Date of this Ordinance.

The Mayor of the City of Dillon, with the approval of the City Council, is hereby granted authority to terminate the City of Dillon Police Officers Defined Benefit Plan as the act of the City of Dillon after the transfer of the plan to the State and the acceptance of that transfer by the state. The Mayor of the City of Dillon, with the approval of the City Council, is hereby granted further authority to perform all acts and exercise all authorities granted in Section 2.52.370 as enacted in this ordinance and this section even if the actions should occur after the effective date of this ordinance and/or after the transfer of the plan to the state and the acceptance of the plan by the state.

Enc Ord 422 December 16, 2009

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