

A BILL FOR AN ORDINANCE AMENDING)
ORDINANCE NO. 575, DEFINING "POLICE)
FORCE", PROVIDING FOR THE MEMBERS OF)
THE POLICE FORCE, AUTHORITY OF THE)
CHIEF OF POLICE, SALARIES OF THE)
POLICE FORCE, SICK LEAVE, SPECIAL)
POLICE, VACATION, RULES AND REGULA-)
TIONS, CREATING AN ASSISTANT CHIEF OF)
POLICE, PROVIDING FOR A POLICE MATRON)
AND NEWLY APPOINTED POLICEMAN, AND)
DECLARING AN EMERGENCY.)

ORDINANCE BILL NO. 8

FOR 1952

ORDINANCE NO. 835

The People of the City of Lebanon do Ordain as Follows:

Section 1. DEFINITIONS. The terms "police" and "police force" shall refer to and include the marshal, assistant chief of police and such force of policeman as the council may deem necessary. The term "police force" shall also include a police matron and special police. The terms "chief of police" and "marshal" shall mean one and the same, being the office created by Section 159 of the City Charter.

Section 2. POLICE FORCE. The members of the regular police force shall consist of the present members, including the member on probation, and such other persons as may hereafter from time to time be appointed in accordance with the provisions hereof and shall be, with the exception of the ~~Marshal~~, whose office is created by the Ordinance No. 800 and the Assistant Chief of Police whose office is created by the next section of this Ordinance, considered as employees and peace officers of the City of Lebanon, but not officers of the city as specified in Section 33 and 135 of the City Charter, and shall be answerable to the common council, and shall with the exception of the Marshal and the Assistant Chief of Police, be subject to removal at any time upon the vote of a majority of all members of the council.

The council may at any time, by resolution approved by the majority thereof, delegate to the Committee on Police ~~and Health~~ the power and authority to remove or cause to be removed, subject to confirmation by the Council, any member of the police force with the exception of the Marshal and assistant chief of police. This authority may be delegated by the Committee on Police and Health to the ~~Marshal~~ *Chief of Police*

The member removed by the Committee on Police ~~and Health~~ or by the ~~Marshal~~, under direction of the Committee on Police ~~and Health~~, shall be suspended as of the date of notice to him that he has been discharged and, upon confirmation of such action by the council, the discharge shall be final. The removal of any member by the Committee on Police ~~and Health~~ or the ~~Marshal~~, under direction of such Committee, shall immediately upon removal be certified to the City Recorder, and the Council at its next regular meeting, or special meeting called for that purpose, shall either confirm or reject such removal. If at the next regular or special meeting called for such purpose, the Council fails to either confirm or reject such removal, the failure to act will be

Section 2. POLICE FORCE (cont.)

considered as confirmation, and the act of the Committee removing such member shall be deemed as final, and further confirmation by the Council shall not be required. If the Council confirms the removal or takes no action thereon the salary of the member removed shall be discontinued on the date of notice to him of his discharge. If the removal is rejected his salary shall continue the same as if there had been no suspension. Before being removed the member shall first be asked for his resignation and if he refuses to resign he may then be discharged as herein provided for. Any authority thus granted may at any time be revoked by a resolution approved by the majority of the Council, at either a regular or special meeting.

Section 3. ASSISTANT CHIEF OF POLICE. There is hereby created and established, in addition to the offices provided by Section 33 of the City Charter, as amended on the 19th day of April, 1950, and in addition to the offices established by ordinance No. 800 passed by the Council and approved by the Mayor on January 3, 1951, the office of Assistant Chief of Police.

The Assistant Chief of Police shall be selected by the Marshall and, subject to confirmation by the council, shall be appointed by the committee on police and health. Upon making the appointment, the committee on police and health, shall file in the office of the City Recorder a certificate of such appointment, and, at the first regular meeting of the council thereafter, the council shall by resolution, either confirm or reject the appointment. If the appointment is rejected the council may either apply to the Marshal for another selection, or without so applying, may, if the majority thereof so choose, by resolution make the appointment of some other suitable person to the office of Assistant Chief of Police.

The term of office of the Assistant Chief of Police shall commence on the day set forth in the resolution, making or confirming such appointment and shall terminate on the date set in the resolution of appointment or upon the date of the removal by the council, resignation or death of said officer. Provisions of Sections 36, 37, 38 and 39 of the City Charter insofar as the same may apply to the office of Assistant Chief of Police are by reference made a part hereof as fully as if the same were set out in full herein.

The assistant chief of police shall perform his duties under the direction and control of the marshal, and, whenever the marshal shall be away from town or shall otherwise be incapacitated because of illness or other causes, so that he can not perform his duties as marshal, the assistant chief of police shall take over his duties and shall at such times have the same power and authority as the marshal.

Section 4. AUTHORITY. The Chief of Police, subject only to the rules and regulations and other provisions of this ordinance and such further action as the council may, from time to time take, and to the direction and control of the committee on police and health, shall be the officer in charge and shall have complete

Section 4. AUTHORITY. (cont.)

control of the police force, and the members of the police force shall perform their duties under his direction and orders and he shall be responsible for their performance.

Section. 5 SALARIES. The salaries of the police force shall be such as may be set from time to time by action of the council, and the salary of any member of the police force may be raised, lowered, or discontinued at the will of said council.

Section. 6 SICK LEAVE. A member of the police force shall be entitled to not exceeding ten days per year sick leave with pay; provided, however, that the sick leave shall not be accumulative for a longer period than one year; provided, further, that to be entitled to sick leave the person requesting the same must present to the chairman of the police and health committee of the council a certificate from his attending physician certifying that the person is physically unable to perform his duties, and the certificate shall be so presented to the chairman of the committee prior to the time the person is scheduled to go on duty. A person on sick leave shall from time to time, as the chairman of the police and health committee believes proper, submit to further examinations by his attending physician to ascertain whether the person has recovered sufficiently to return to duty. The provision of this ordinance referring to the period of sick leave shall not apply to an officer who sustains a bona fide injury while in the performance of his duty.

Section. 7 SPECIAL POLICE. The employment of special police for emergencies shall be authorized only by the mayor, as provided by the charter; provided, that in the absence of the mayor from the city, such employment shall be authorized by the chairman of the committee on police and health, and, in the absence of both of such officers, by any member of said committee.

The police committee may, by resolution, appoint such extra police to be known also as "special police" for the purpose of assisting the police force in times of extraordinary need. Persons thus appointed shall be under the direction and control of the Marshall and shall be subject to removal at any time by the police committee, and shall have the same power and authority when on duty, as the members of the regular police force. The time or times that such persons are to act as policeman shall be determined by the Chairman of the police committee, and shall be subject to all of the other provisions of this ordinance relating to the police force insofar as the same may apply to such special police.

Section 8 VACATION. Each member of the police force, including the Chief of Police, shall be entitled to a vacation of two weeks each year with pay; provided, however, that the common council shall direct when each member of the police force takes his vacation and whether such vacation shall be taken all at one time or split into periods to be designated by the council, in order that the efficiency of the police force shall not be jeopardized.

Section 9. RULES AND REGULATIONS.

- (1) The Marshall shall be on duty at such hours as the committee on police and health specifies. Before assuming his duties in the morning he shall receive the report of the night police, and shall report to the night police any matters needing attention before he goes off duty in the evening. The night police shall be on duty at such hours as are specified or designated by the CHIEF OF POLICE. Before going on duty he shall take from the log book the Marshall's report, and shall make a report therein for the Marshall of anything needing attention before he goes off duty in the morning.

The marshall shall keep at the city police station, a log book for recording the times when members of the police force go on and off duty and all matters needing attention and incidents occurring while officers are on duty. Whenever a member of the police force goes on duty he shall sign the book and indicate in it the time of his going off duty. Every matter needing attention and every incident occurring shall be recorded in the book by the member of the police force on duty when the need arises or when the incident occurs.

- (2) Members of the police force shall remain on duty during the periods heretofore designated. In case of an emergency a member of the police force shall not leave duty without notifying another member of the force and providing for some other member of the police force or competent person to take up the duties of the member of the police force leaving duty. Every member of the police force while on duty, shall keep a reasonable consistent patrol over the city and shall perform such other duties as may be provided for by ordinance.
- (3) It shall be the duty of every member of the police force, including the Chief, to make the proper arrest for a breach of peace or commission of a crime or violation of the ordinances or charter of the City of Lebanon as set forth in Section 162 of the City Charter, and promptly file a formal criminal complaint in the court of the proper magistrate when he has observed the commission of a misdemeanor, crime, or felony, or violation of a city ordinance, and to strictly and faithfully perform all of the duties enumerated in section 161 of the City Charter.
- (4) It shall be the duty of the night police to try all doors and places of possible entry of all places of business as soon as his other duties will permit him to do so after going on duty at night, and he shall turn off display lights at the approximate time indicated, when requested to do so by store proprietors.

Section 9. RULES AND REGULATIONS. (cont.)

He shall keep a vigilant patrol of the entire business district of the city during the hours of night when robberies might occur and fire might start without the observance of other persons. In the event a place of business is found unlocked, or in danger of being entered, he shall immediately notify the proprietor and stay or leave someone on guard until the place of business is securely locked. He shall also immediately investigate any suspicious persons or circumstances coming to his attention.

- (5) The member of the police force on duty shall give prompt attention to and answer the police alarm operated from the office of the Linn County Telephone Company, whenever the alarm is given, and all other calls for police protection or assistance.
- (6) Members of the police force shall report for duty in, and at all times while on duty, wear such police uniforms as are acceptable to the police and health committee of the council. Upon returning from office or employment as a policeman, a member of the police force shall return all sidearms, belts, and other equipment furnished by the city, in as good a condition as when they were received, reasonable wear, tear, and depreciation excepted. If he does not return them he shall reimburse the city for the cost of them.
- (7) Except in the course of his duty as a policeman, no member of the police force shall carry any passenger, except officers of the City in the police car. The car shall be used for nothing except city business. When the car is moved on official business from the station designated by the committee on police and health, as soon as the business is completed the car shall be returned to the station.
- (8) The neglect or failure of any member of the police to comply with the rules and regulations set forth in this ordinance or the absence from duty of any member of the police force without proper explanation shall be immediately reported by the Marshall to the Chairman of the police Committee for proper action. In the event the council has delegated to the committee on police and Health the authority to remove members of the police force, such policeman with the exception of the Marshall and Assistant Chief of Police, who has failed to comply with the rules and regulations of this ordinance or who has been absent without proper explanation, may be removed in the manner provided for in Section 2 of this ordinance.
- (9) The neglect or failure of the Marshall and Assistant Chief of Police to comply with any of the rules and regulations set forth in this ordinance insofar as the

Section 9. RULES AND REGULATIONS. (cont.)

(9) cont.

same relates to the office of either of them, or the absence of either of them from duty without proper explanation, or the failure, neglect or refusal of the Assistant Chief of Police to obey the orders and directions of the police committee or the marshall, or either of them or the incapacity or inability of the marshall to so direct and control the police force as to provide the city of Lebanon with adequate police protection, shall be grounds for the impeachment of such officer as provided by the City Charter.

(10) The Chief of Police, subject to the approval of the Police Committee, shall have the right to make any additional rules and regulation governing the police department which he may deem necessary for the better conduct of the department and for more efficient police protection for the City of Lebanon and any rules and regulations so made by the Chief of Police shall be binding on the police department to the same extent as if incorporated herein and made a part of this ordinance.

(11) A copy of these rules and regulations together with a copy of any rules and regulations which may be made by the Chief of Police shall be posted in a conspicuous place in the police station and shall be notice to all members of the police department of the matters therein contained.

Section 10. POLICE MATRON. The Police Committee shall have the authority to appoint a woman to be known as a "police matron" for the purpose of supervising, overseeing and directing the conduct of, and caring for female prisoners while they are confined in the city jail and to fix her salary.

Section 11. PROBATION. Any person employed either by the Committee on Police and Health, or the Chief of Police, ~~or~~ as a member of the ^{Regular} police force shall be employed for a period of 90 days under probation and upon the expiration of said period of time his appointment shall be either confirmed or rejected by the City Council, and if confirmed, he shall thereafter be a regular member of the police force and shall be paid the salary provided for regular members of the police force, until such confirmation the committee on police and health shall determine the salary to be paid such appointee. During the period of probation the member of the force shall be a peace officer of the City of Lebanon to the same extent as if he were a regular member of the police force, and shall have authority and shall be subject to the same rules and regulations as a regular member of the police force.

Section 12. REPEALING ORDINANCE NO. 575. Ordinance No. 575 passed by the council and approved by the Mayor on January 5, 1943 is hereby repealed.

Section 13. All ordinances and parts of ordinances inconsistent herewith, with the exception of Ordinance No. 558 are hereby repealed.

Passed by the council and approved by the Mayor on this 19th day of February, 1952.



Mayor

ATTEST:



City Recorder