

# City of Cambridge

In the Year One Thousand, Nine Hundred seventy-six

## AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

*Be it ordained by the City Council of the City of Cambridge as follows:*

Chapter 15, entitled: "Police Department" is hereby amended by striking out the present Section 15-1 and 15-2 and substituting in place thereof the following new sections which read as follows:-

15-1. Under Charge of Police Commissioner.

The Police Department shall be under the charge of a Police Commissioner who shall be the head of said department and the appointing authority. The Chief of Police shall be the next ranking officer of the department and in the absence of the Commissioner, shall be the Head of the Département.

15-2. Appointment, Removal and Salary.

The City Manager shall appoint the Police Commissioner and the Chief of Police and both positions shall be filled at all times. The Police Commissioner may be removed from office at any time by the City Manager. The Chief of Police may be removed in accordance with the applicable provisions of law. The person appointed to the position of Police Commission become a resident of Cambridge within one year of the date of his appointment and that no quarters will be provided to the person appointed to this office.

The Commissioner and the Chief shall receive such compensation as the City Council shall from time to time establish.

Also, in Chapter 15, Section 15-3 through 15-14 where the word "chief" appears such word shall be stricken and the words "police commissioner" substituted in place thereof.

Section 15-8 is hereby repealed.

15-15. Severability of Sections.

If any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

# City of Cambridge

In City Council November 15, 1976

Failed of ordination as amended by a yea and nay vote:- Yeas 3; Nays 5;  
Absent 0; Present 1.

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



# City of Cambridge

*Amended*

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15-2. Appointment, Removal and Salary.

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The Commissioner and the Chief shall receive such compensation as the City Council shall from time to time establish.

Also, in Chapter 15, Section 15-3 through 15-14 where the word "chief" appears such word shall be stricken and the words "police commissioner" substituted in place thereof.

Section 15-8 is hereby repealed.

In City Council

Passed to be ordained as amended by a yea and nay vote:-

Yeas ; Nays ; Absent .

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



# City of Cambridge

*Initial Ordinance Amended then  
failed of ordination*

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*that the person appointed, a position of Police Commissioner welcome a resident of Camb within 1 yr of the date of his appointment - that no quarters will be prov to the person appointed to this office.*  
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In City Council

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ATTEST:- Paul E. Healy, City Clerk.



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Section 15-8 is hereby repealed.

In City Council

Passed to be ordained as amended by a yea and nay vote:-

Yeas ; Nays ; Absent .

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



# City of Cambridge

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Section 15-8 is hereby repealed.

In City Council

Passed to be ordained as amended by a yea and nay vote:-

Yeas ; Nays ; Absent .

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

Police Comm.

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLORS Clinton, Danehy, Russell and Sullivan

November 8, 1976

Date

Councillors Clinton, Danehy, Russell and Sullivan notified the City Clerk of their intention to move reconsideration on the proposed amendment to the General Ordinances of the City of Cambridge providing for the creation of the position of Police Commissioner.

*Walter J. Sullivan*  
Signature

*Thomas W. Danehy*  
*Daniel J. Clinton*  
*[Signature]*

Received at rostrum by Deputy City Clerk at 8:55 P.M. 11/8/76

Police Comm.

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*W. Russell*

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*Walter J. Sullivan*  
Signature

*Thomas W. Danehy*  
*Daniel J. Clinton*  
*[Signature]*

Received at rostrum by Deputy City Clerk at 8:55 P.M. 11/8/76

## DUTIES OF POLICE COMMISSIONER

1. Shall be the Chief Executive and Administrative Officer of the Cambridge Police Department.
2. Shall establish Department goals and objectives.
3. Shall organize the Department to accomplish its goals and objectives and periodically review Department policies and revise them as required.
4. Shall be the appointing authority of the Department.
5. Shall direct departmental planning and budgeting.
6. Shall maintain communications between the citizens and the Department and shall oversee investigations of citizen complaints against departmental personnel.
7. Shall coordinate the affairs of the Department with those of other municipal departments as well as outside agencies and organizations and other governmental jurisdictions.
8. Shall provide advice and counsel to the City Manager on matters pertaining to law enforcement and other public services.

## DUTIES OF POLICE CHIEF

1. Establish operational procedures in accordance with policies of the Commissioner.
2. Supervise Department line operations and related services.
3. Coordinate operations of line divisions.
4. Carry out operational coordination with other law enforcement agencies.
5. Supervise personnel assignments and assure that Departmental personnel policies are carried out.
6. Conduct staff meetings and inspections to evaluate and improve the overall performance and efficiency of the Department.



# City of Cambridge

*return to Paul Heath*  
In the Year One Thousand, Nine Hundred Seventy-six

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15-2. Appointment.

The City Manager shall appoint the Police Commissioner and the Chief of Police. The Police Commissioner shall not be a police officer nor shall he be subject to the Civil Service laws. The Police Commissioner may be removed from office at any time by the City Manager. The Chief of Police may be removed in accordance with the provisions of laws.

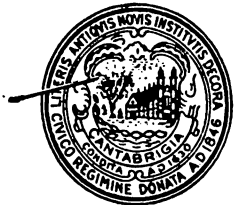
# City of Cambridge

Also, in Chapter 15, Sections 15-4 through 15-14 where the word "Chief" appears such word shall be stricken and the words "Police Commissioner" substituted in place thereof.

In City Council

Passed to a second reading at the meeting of the City Council held on  
and on or after  
the question may be on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 876-6800

LAW DEPARTMENT

EDWARD D. MCCARTHY  
CITY SOLICITOR

ROWENA E. TAYLOR  
ASSISTANT CITY SOLICITOR

CHARLES WATSON  
LEGISLATIVE AGENT

RUSSELL B. HIGLEY  
ASSISTANT CITY SOLICITOR

March 22, 1976

Mr. James L. Sullivan  
City Manager  
City Hall  
Cambridge, Massachusetts

Dear Mr. Sullivan:

You have asked my opinion in behalf of the City Council about a proposal to create the position of Police Commissioner.

Between 1846 and 1912, the mayor and aldermen administered the police. Acts of 1912, Chapter 611, created the position of Commissioner of Public Safety, who was head of the police and fire departments.

At the state election in 1915, the voters of Cambridge accepted Acts of 1915, Chapter 267, which provided for a Plan B form of government or a mayor and council. The mayor and chief of police were in control of the police. This continued until the acceptance by the City in 1940 of the Plan E form of government or city manager-city council under General Laws, Chapter 43, Sections 93-116.

The Code of the City of Cambridge 1972, Chapter 15, Section 15-1 places the Police Department under the charge of the Chief of Police. Chapter 15, Section 15-6 also empowers the chief to make such rules and regulations governing the discipline of the department as the city manager might approve.

General Laws, Chapter 41, Section 98 gives the Chief of Police all the powers and duties of constables except the service of civil process. The chief or the board or officer having control of the police determines what weapons police officers shall carry.

General Laws, Chapter 31, Section 43 provides that before any policeman can be suspended or discharged, he is entitled to a hearing before the appointing authority and in the event of an adverse decision, may appeal to the State Civil

Mr. James L. Sullivan  
City Manager

-2-

March 22, 1976

Service Commission. The Civil Service Commission has ruled that the Chief of Police is the appointing authority of the Police Department.

In Cunningham v. Mayor of Cambridge, 222 Mass., 574, decided by the Supreme Judicial Court on February 9, 1916, the issue was what effect the adoption by the city of a Plan B Charter had on removal of the Commissioner of Public Safety. The Court held that it altered the means of removing the Commissioner of Public Safety. Before Plan B, the mayor could remove the commissioner but after the adoption of the new charter, the mayor had to secure the consent of the council. The Court, however, held that the adoption of the Plan B Charter did not repeal Chapter 611. Cunningham received a hearing on removal before the mayor and city council in accordance with the Court's opinion but nonetheless was removed. To this day, Chapter 611 has not been repealed. I have attached to this letter the complete text of Chapter 611.

Chapter 611 of the Acts of 1912 is the only special legislative authority by the General Court relating to a civilian commissioner with powers over the police. However, the city council would now appear to have the power by virtue of Article II of the Amendments to the Constitution of Massachusetts, the Home Rule Amendment, which under Section 6 gives the city council the same powers of the legislature except in certain excluded areas. Control of the police is a local function.

The city council could create the position of Police Commissioner by amending Chapter 15 of the General Ordinance of Cambridge. While there are policy questions involved, in accordance with the request of the city council, I enclose a proposed revision of Chapter 15.

Very truly yours,

Russell B. Higley  
Acting City Solicitor

RBH:jm  
Encs.



# City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-six

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15-2. Appointment.

The City Manager shall appoint the Police Commissioner and the Chief of Police. The Police Commissioner shall not be a police officer nor shall he be subject to the Civil Service laws. The Police Commissioner may be removed from office at any time by the City Manager. The Chief of Police may be removed in accordance with the provisions of laws.

*Amendment 4/5/76 to 15-2*

*in the second line of paragraph  
the words "shall not be a police officer"  
are stricken -*

September 1, 1976

Mr. Russell B. Higley  
City Solicitor  
City Hall  
Cambridge, MA

Dear Mr. Higley:

As you can appreciate, the City Council is contemplating action on the establishment of the position of Police Commissioner in the City of Cambridge. Will you kindly advise me of the required number of City Council votes to establish said position?

Very truly yours,

Paul E. Healy,  
City Clerk

PEH/cs

July 7, 1976

To the Honorable, the City Council:

As requested by the City Council, I am enclosing herewith a listing of the Duties of Police Commissioner for the City of Cambridge as well as those of the Police Chief. It can be seen that the positions are distinctive and, at the same time, interrelated to provide for a coordinated effort to be maintained on Police performance.

It is my belief that by approval of such a management structure for the Police Department maximum efficiency and responsiveness to citizen and community needs will be achieved.

Very truly yours,

James L. Sullivan  
City Manager

JLS/mbf  
Enc. 2

## QUALIFICATIONS OF POLICE COMMISSIONER

1. Knowledge of police organization and management in an urban setting.
2. Demonstrated ability to plan for and manage a large, complex organization and to develop creative solutions to internal management and community relations problems.
3. Knowledge of social factors that have an impact on crime and law enforcement and on the delivery of police services.
4. Demonstrated ability to communicate effectively with the community.
5. Knowledge of innovative police programs and procedures.
6. Familiarity with outside funding sources, including both Federal and private.
7. Knowledge of municipal budgeting procedures.
8. Knowledge of personnel management and administration.
9. Knowledge of the operations of other public and private agencies that must be coordinated with the Police Department.

## DUTIES OF POLICE CHIEF

1. Establish operational procedures in accordance with policies of the Commissioner.
2. Supervise Department line operations and related services.
3. Coordinate operations of line divisions.
4. Carry out operational coordination with other law enforcement agencies.
5. Supervise personnel assignments and assure that Departmental personnel policies are carried out.
6. Conduct staff meetings and inspections to evaluate and improve the overall performance and efficiency of the Department.

820/104

# City of Cambridge

MASSACHUSETTS

In City Council Nov 4 1976

*Police Commissioner Referred to City Council & Forwarded Report*

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem	✓			
Mr. Clinton		✓		
Mr. Danehy			✓	
Mr. Duehay	✓			
Mrs. Graham	✓			
Mr. Russell		✓		
Mr. Sullivan		✓		
Mayor Vellucci	✓			

5

3

1



# City of Cambridge

*Amended*

In the Year One Thousand, Nine Hundred Seventy-Six.

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15-2. Appointment, Removal and Salary.

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The Commissioner and the Chief shall receive such compensation as the City Council shall from time to time establish.

Also, in Chapter 15, Section 15-3 through 15-14 where the word "chief" appears such word shall be stricken and the words "police commissioner" substituted in place thereof.

Section 15-8 is hereby repealed.

In City Council

Passed to be ordained as amended by a yea and nay vote:-

Yeas ; Nays ; Absent .

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



# City of Cambridge

*have  
-order-*

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Section 15-8 is hereby repealed.

In City Council

*Refiled  
negative  
not used*

Passed to be ordained as amended by a yea and nay vote:-

Yeas ; Nays ; Absent .

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

*Plus seven... Sullivan*

# City of Cambridge

MASSACHUSETTS

In City Council ----- 1976

*JR* *Rules not suspended*

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem	✓			
Mr. Clinton		✓		
Mr. Danehy		✓		
Mr. Duehay	✓			
Mrs. Graham	✓			
Mr. Russell		✓		
Mr. Sullivan		✓		
Mayor Vellucci	✓			

*5*      *4*      *0*

*Handwritten notes:*  
11/14  
As  
10/20  
J. Sullivan



# City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Six.

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Section 15-8 is hereby repealed.

In City Council

Passed to be ordained as amended by a yea and nay vote:-

Yeas ; Nays ; Absent .

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

# Police Commission Ordinance City of Cambridge

MASSACHUSETTS

In City Council Nov. 4. 1976

Motion of E. Sullivan

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann ✓		✓		
Mr. Clem ✓		✓		
Mr. Clinton	✓	✓		
Mr. Danehy			✓	✓
Mr. Duehay ✓		✓		
Mrs. Graham ✓		✓		
Mr. Russell	✓	✓		
Mr. Sullivan	✓	✓		
Mayor Vellucci ✓	✓			

5 4 4 1

Amendment on Residency Requirement failed -  
Who shall be a present resident of -  
Cambridge.

*Col #2*

# City of Cambridge

MASSACHUSETTS

In City Council *Sept 20* 1976

*Police Comm -*

*to 2nd Reading*

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem	✓			
Mr. Clinton		✓		
Mr. Danehy		✓		
Mr. Duehay	✓			
Mrs. Graham	✓			
Mr. Russell		✓		
Mr. Sullivan			✓	
Mayor Vellucci	✓			

*5 3 1*



# City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-One

## AN ORDINANCE

*Be it ordained by the City Council of the City of Cambridge as follows:*

15

Chapter ~~8~~ of the General Ordinances of the City of Cambridge is hereby amended as follows:

Sections 1, 2, 2A and 3 are stricken and the following sections are substituted therefore:

Section 1. Police Department established.

The Police Department is hereby established.

Section 2. Under charge of Police Commissioner.

The Police Department shall be under the charge of a Police Commissioner who shall be the head of said department and the appointing authority. The Chief of Police shall be the next ranking officer of the department and in the absence of the Commissioner, shall be the Head of the department.

Section 3. Appointment.

The City Manager shall appoint the Police Commissioner and the Chief of Police. The Police Commissioner shall not be a police officer nor shall he be subject to the Civil Service laws. The Police Commissioner may be removed from office at any time by the City Manager. The Chief of Police may be removed in accordance with the provisions of law.

Sections 12, 13 and 14 are amended by striking therefrom the words "Chief of Police" and substituting therefore the words "Commissioner of Police."

# City of Cambridge

153  
Also, in Chapter 15, Sections 15-4 through 15-14 where the word  
"Chief" appears such word shall be stricken and the words "Police  
Commissioner" substituted in place thereof.

*Section 15-B is hereby repealed.*  
In City Council

Passed to a second reading at the meeting of the City Council held on  
and on or after  
the question may be on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.

(b) The Police Commissioner may be removed from office at any time by the City Manager. The Chief of Police may be removed in accordance with the provisions of law.

(c) The Commissioner and the Chief shall receive such compensation as the City Council shall from time to time establish.

Sections 15-3, 15-5, 15-6, 15-11, 15-12 and 15-13 are amended by striking therefrom the words "Chief of Police" and substituting therefore the words "Commissioner of Police".

Section 15-8 is hereby repealed.



# City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Six

## AN ORDINANCE

*Be it ordained by the City Council of the City of Cambridge as follows:*

Chapter 15 of the General Ordinances of the City of Cambridge is hereby amended as follows:

Sections 15-1 and 15-2 are stricken and the following sections are substituted therefore:

Section 15-1 Police Department established; under charge of Police Commissioner.

- (a) There shall be established a Police Department within the City of Cambridge.
- (b) The Police Department shall be under the charge of a Police Commissioner who shall be the head of said department and the appointing authority thereof.
- (c) The Chief of Police shall be the second ranking officer of the department and in the absence of the Commissioner, shall be the head of the department.

Section 15-2 Appointment, removal and salary.

- (a) The City Manager shall appoint the Police Commissioner and the Chief of Police. The Police Commissioner shall not be a police officer nor shall he be subject to the Civil Service laws.

(b) The Police Commissioner may be removed from office at any time by the City Manager. The Chief of Police may be removed in accordance with the provisions of law.

(c) The Commissioner and the Chief shall receive such compensation as the City Council shall from time to time establish.

Sections 15-3, 15-5, 15-6, 15-11, 15-12 and 15-13 are amended by striking therefrom the words "Chief of Police" and substituting therefore the words "Commissioner of Police".

Section 15-8 is hereby repealed.



# City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-six

## AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

*Be it ordained by the City Council of the City of Cambridge as follows:*

Chapter 15 entitled: "Police Department" is hereby amended by striking out the present Sections 15-1 through 15-2 and substituting in place thereof the following new sections which reads as follows:-

15-1. Under Charge of Police Commissioner.

The Police Department shall be under the charge of a Police Commissioner who shall be the head of said department and the appointing authority. The Chief of Police shall be the next ranking officer of the department and in the absence of the Commissioner, shall be the Head of the Department.

15-2. Appointment, Removal, Salary.

(a) The City Manager shall appoint the Police Commissioner and the Chief of Police. The Police Commissioner shall not be subject to the Civil Service laws. The Police Commissioner may be removed from office at any time by the City Manager. The Chief of Police may be removed in accordance with the applicable provisions of law.

(b) (insert 15-2(c))  
In City Council 9/20/76

Passed to a second reading at the City Council meeting held on  
and on or after ~~10/11~~ 10/11 the question may  
be on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

OFFICE OF  
THE CITY CLERK

January 19, 1976

The Honorable Members of the City Council  
City Hall  
Cambridge, Massachusetts

Dear Sir:-

Enclosed is a copy of the proposed ordinance amendment of Chapter 15 of the General Ordinances of the City of Cambridge.

A study of Chapter 15 indicates that the entire Chapter should be updated and revised in accordance with ordinance amendments and statutory changes regarding vacations, work weeks, responsibilities and other duties imposed by the legislature which effect the personnel of this department.

Recognition should also be given to the addition of Parking Control Officers, School Traffic Supervisors and Police Cadets in the department.

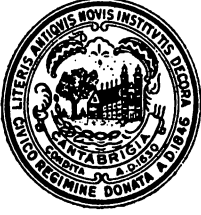
Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy,  
City Clerk.

PEH/dl

Enclosure: Police Commissioner Ordinance.



# City of Cambridge

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In the Year One Thousand, Nine Hundred Seventy-six

## AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

*Be it ordained by the City Council of the City of Cambridge as follows:*

Chapter 15 entitled: "Police Department" is hereby amended by striking out the present Sections 15-1 through 15-3 and substituting in place thereof the following new sections which reads as follows:-

15-1. Under Charge of Police Commissioner.

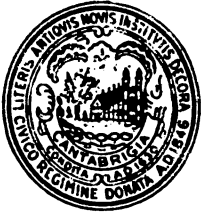
The Police Department shall be under the charge of a Police Commissioner who shall be the head of said department and the appointing authority. The Chief of Police shall be the next ranking officer of the department and in the absence of the Commissioner, shall be the Head of the department.

15-2. Appointment.

The City Manager shall appoint the Police Commissioner and the Chief of Police. The Police Commissioner shall not be a police officer nor shall he be subject to the Civil Service laws. The Police Commissioner may be removed from office at any time by the City Manager. The Chief of Police may be removed in accordance with the provisions of laws.

# City of Cambridge

Also, in Chapter 15, Sections 15-4 through 15-14 where the word "Chief" appears such word shall be stricken and the words "Police Commissioner" substituted in place thereof.



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

OFFICE OF  
THE CITY CLERK

January 19, 1976

The Honorable Members of the City Council  
City Hall  
Cambridge, Massachusetts

Dear Sir:-

Enclosed is a copy of the proposed ordinance amendment of Chapter 15 of the General Ordinances of the City of Cambridge.

A study of Chapter 15 indicates that the entire Chapter should be updated and revised in accordance with ordinance amendments and statutory changes regarding vacations, work weeks, responsibilities and other duties imposed by the legislature which effect the personnel of this department.

Recognition should also be given to the addition of Parking Control Officers, School Traffic Supervisors and Police Cadets in the department.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy,  
City Clerk.

PEH/dl

Enclosure: Police Commissioner Ordinance.



# City of Cambridge

---

In the Year One Thousand, Nine Hundred Seventy-six

## AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

*Be it ordained by the City Council of the City of Cambridge as follows:*

Chapter 15 entitled: "Police Department" is hereby amended by striking out the present Sections 15-1 through 15-3 and substituting in place thereof the following new sections which reads as follows:-

### 15-1. Under Charge of Police Commissioner.

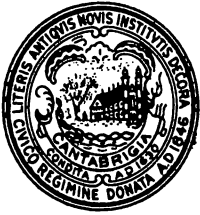
The Police Department shall be under the charge of a Police Commissioner who shall be the head of said department and the appointing authority. The Chief of Police shall be the next ranking officer of the department and in the absence of the Commissioner, shall be the Head of the department.

### 15-2. Appointment.

The City Manager shall appoint the Police Commissioner and the Chief of Police. The Police Commissioner shall not be a police officer nor shall he be subject to the Civil Service laws. The Police Commissioner may be removed from office at any time by the City Manager. The Chief of Police may be removed in accordance with the provisions of laws.

# City of Cambridge

Also, in Chapter 15, Sections 15-4 through 15-14 where the word "Chief" appears such word shall be stricken and the words "Police Commissioner" substituted in place thereof.



## CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139  
Tel. 876-6800

EXECUTIVE DEPARTMENT  
JAMES L. SULLIVAN  
City Manager

December 15, 1975

To the Honorable, the City Council:

In accordance with the request of the City Council, I am forwarding, for preliminary discussion, my recommendation that the City Council of the City of Cambridge consider the establishment of a Police Commissioner for the Cambridge Police Department.

The statutes of the Commonwealth of Massachusetts prohibit the creation of a new position in the last three months of an election year by the City Council, so that action cannot be taken on my request until after the new Council takes office.

I do believe, however, that the matter is of such importance that preliminary discussions should take place before the beginning of the new calendar year so that the Council can take appropriate action as quickly as possible in the next calendar year.

The City Solicitor has advised me that the Council can, by Ordinance, create the position of Police Commissioner by majority vote.

I enclose herewith a communication dated January 22, 1971, from the City Solicitor, which provides a history and recommended language for the establishment of such a position.

I hope that you will give this request its due consideration.

Very truly yours,

James L. Sullivan  
City Manager

JLS/mbf  
Enc.

Recommendation of James L. Sullivan, City Manager, that the Council consider and discuss the establishment of a Police Commissioner for the Cambridge Police Department.

12/15/75

ON MOTION OF RICHARD  
VELLOSI THIS COMMUNICATION  
WAS REFERRED TO THE  
NEW CITY COUNCIL FOR  
A PUBLIC HEARING  
BEFORE THE COM ON  
ORDINANCES WHEN THE  
COMMITTEE IS FORMED -

In City Council,

Dec. 15, 1975

Severability Clause?

Who ranks if Comm &  
Chief are out why should  
15-8 be repealed?

Police Commissioner

3 Amendments

Present on vote

3 Reports

# City of Cambridge

11)

MASSACHUSETTS

In City Council Nov 15 1976

*Police Commissioner - Reconsideration Council*

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann		✓		
Mr. Clem				✓
Mr. Clinton	✓			
Mr. Danehy	✓			
Mr. Duehay		✓		
Mrs. Graham	✓			
Mr. Russell	✓			
Mr. Sullivan	✓			
Mayor Vellucci	✓			

6

2

0

1

# City of Cambridge

2/

MASSACHUSETTS

In City Council Nov 15 1976

*II*  
*Amend*  
*comes*  
*one year*

*and*  
*Nov 15*  
*rv*

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem	✓			
Mr. Clinton				✓
Mr. Danehy		✓		
Mr. Duehay	✓			
Mrs. Graham	✓			
Mr. Russell		✓		
Mr. Sullivan		✓		
Mayor Vellucci	✓			

5      3      0      1

*Amendment by C. Francis Lannan*  
*Resident will pay one year of appt.*

# City of Cambridge

MASSACHUSETTS

In City Council November 15 1976

*Severability clause -*

3

*L. Clem*

*Severance*

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem	✓			
Mr. Clinton		✓		
Mr. Danehy		✓		
Mr. Duehay	✓			
Mrs. Graham	✓			
Mr. Russell		✓		
Mr. Sullivan		✓		
Mayor Vellucci	✓			

5 4 0

*Amendment  
passed by L. Clem*

*11/15*

# City of Cambridge

MASSACHUSETTS

In City Council Nov 15 1976

*GRAHAM - MOTION TO TABLE -*

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann		✓		
Mr. Clem		✓		
Mr. Clinton				✓
Mr. Danehy		✓		✓
Mr. Duehay		✓		
Mrs. Graham	✓			
Mr. Russell	✓			
Mr. Sullivan	✓			
Mayor Vellucci	✓			

*4                      3                      0                      2*

*TABLE MOTION FAILS*

*Police Commissioner Ordinance*  
**City of Cambridge**

MASSACHUSETTS

In City Council Nov. 15 1976

*Passing to be Ordained as Amended*

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem	✓			
Mr. Clinton		✓		
Mr. Danehy		✓		
Mr. Duehay	✓			
Mrs. Graham				✓
Mr. Russell		✓		
Mr. Sullivan		✓		
Mayor Vellucci		✓		
	3	5	0	1

FAILS  
OR  
ORDINATION



# City of Cambridge

IN CITY COUNCIL

November 15, 1976

**COUNCILLOR GRAHAM:**

**RESOLVED:** That the City Manager be and hereby is requested to make every effort to find qualified candidates for the position of Police Commissioner who are residents of the City of Cambridge.

# City of Cambridge

Amendment proposed by Councillor Sullivan relative to the position of Police Commissioner.

That the person appointed to the office of Police Commissioner shall be a resident of Cambridge at the time of appointment.

# City of Cambridge

Amendment proposed by Councillor Sullivan relative to the position of Police Commissioner.

That the person appointed to the office of Police Commissioner shall be a resident of Cambridge at the time of appointment.

*Police Commissioner*

# City of Cambridge

MASSACHUSETTS

In City Council November 8 1976

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem	✓			
Mr. Clinton		✓		
Mr. Danehy		✓		
Mr. Duehay	✓			
Mrs. Graham	✓			
Mr. Russell		✓		
Mr. Sullivan		✓		
Mayor Vellucci	✓			

5      4      0



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

RUSSELL B. HIGLEY  
ACTING CITY SOLICITOR

EDWARD A. CUNNINGHAM  
ANDREW T. TRODDEN  
CHARLOTTE C. BURRAGE  
LEGAL COUNSEL

CHARLES A. WATSON  
LEGISLATIVE AGENT

November 8, 1976

Mr. James L. Sullivan  
City Manager  
City Hall  
Cambridge, Massachusetts

Dear Mr. Sullivan:

You have asked for my advice relative to the creation, appointment and funding of the positions of Police Commissioner and Commissioner of Health and Hospitals.

General Laws, Chapter 43, section 105 provides as follows:

Such officers and employees as the city council, with the advice of the city manager, shall determine are necessary for the proper administration of the departments, commissions, boards and offices of the city for whose administration the city manager is responsible shall be appointed, and may be removed, by the city manager.

As you are aware, this section of the statute governing Plan E municipalities, places the power to create positions in the City Council. The Council may vote to create a position by ordinance, with the power to appoint the individual remaining in the City Manager.

Ordinance No. 873 of 1976 which creates the position of Police Commissioner specifically provides that the Commissioner may be removed from office at any time by the City Manager and also specifically provides that the City Council has the power to determine the amount of compensation the Police Commissioner shall receive.

Mr. James L. Sullivan  
City Manager

-8-

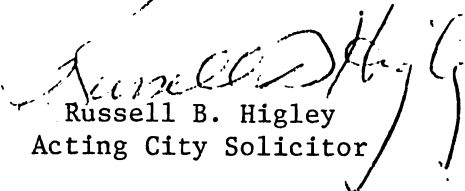
November 8, 1976

It is my understanding that there are funds presently available in the budget of the Police Department which have already been appropriated.

General Laws, Chapter 44, section 33B provides that any amount appropriated for the use of any department may be transferred to another appropriation for the same department upon the recommendation of the City Manager and a vote of the City Council. Since there are funds already appropriated, the intra-departmental transfer can be accomplished by a simple majority vote. If the funds used to compensate the Police Commissioner were to be transferred from another department, a two-thirds vote of the City Council would be needed.

It is my further understanding that there are also funds available in the budget of the Hospital Department to provide for the compensation of the Commissioner of Health and Hospitals. Therefore, only a simple majority vote is needed for this intra-departmental transfer.

Very truly yours,

  
Russell B. Higley  
Acting City Solicitor

RBH:jl

# City of Cambridge

---

In City Council November 8, 1976.....

The Ordinance

Committee

to which was referred a proposed amendment to Chapter 15 of the General Ordinances of the City of Cambridge entitled: "Police Department" providing for the creation of the position of Police Commissioner.

Section 15-2 was amended on motion of Mayor Vellucci to read as follows:-

"The City Manager shall appoint the Police Commissioner and the Chief of Police and both positions shall be filled at all times."

~~Resolved~~ After a hearing on November 4, 1976 the committee reports that the proposed ordinance as amended be reported favorably to the City Council for their consideration.

For the Committee,

---

Councillor David Clem,  
Chairman.

# REPORT

Committee on ordinance

providing for the creation of the  
postion of Police Commissioner.

In City Council,

November 8, 1976

# City of Cambridge

---

In City Council November 8, 1976

The Ordinance

Committee

to which was referred a proposed amendment to Chapter 15 of the General Ordinances of the City of Cambridge entitled: "Police Department" providing for the creation of the position of Police Commissioner.

Section 15-2 was amended on motion of Mayor Vellucci to read as follows:-

"The City Manager shall appoint the Police Commissioner and the Chief of Police and both positions shall be filled at all times."

~~Report~~ After a hearing on November 4, 1976

the committee reports that the proposed ordinance as amended be reported favorably to the City Council for their consideration.

For the Committee,



---

Councillor David Clem,  
Chairman.

# REPORT

Committee on

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



# City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Six

*Paul Healy*

## AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

*Be it ordained by the City Council of the City of Cambridge as follows:*

Chapter 15 entitled: "Police Department" is hereby amended by striking out the present Section 15-1 and 15-2 and substituting in place thereof the following new sections which reads as follows:-

15-1. Under Charge of Police Commissioner.

The Police Department shall be under the charge of a Police Commissioner who shall be the head of said department and the appointing authority. The Chief of Police shall be the next ranking officer of the department and in the absence of the Commissioner, shall be the Head of the Department.

15-2. Appointment, Removal and Salary.

~~The City Manager shall~~ <sup>Appointment here</sup> appoint the Police Commissioner and the Chief of Police. The Police Commissioner shall not be subject to the Civil Service laws. The Police Commissioner may be removed from office at any time by the City Manager. The Chief of Police may be removed in accordance with the applicable provisions of law.

The Commissioner and the Chief shall receive such compensation as the City Council shall from time to time establish.

Also, in Chapter 15, Section 15-3 through 15-14 where the word "chief" appears such word shall be stricken and the words "Police Commissioner" substituted in place thereof.

Section 15-8 is hereby repealed.

In City Council September 20, 1976.

Passed to a second reading at the meeting of the City Council held on September 20, 1976 and on or after October 11, 1976 the question may be on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.

*The Office of Police Chief*

# City of Cambridge

---

In City Council November 8, 1976

The Ordinance

Committee

to which was referred a proposed amendment to Chapter 15 of the General Ordinances of the City of Cambridge entitled: "Police Department" providing for the creation of the position of Police Commissioner.

Section 15-2 was amended on motion of Mayor Vellucci to read as follows:-

"The City Manager shall appoint the Police Commissioner and the Chief of Police and both positions shall be filled at all times."

~~Report~~. After a hearing on November 4, 1976

the committee reports that the proposed ordinance as amended be reported favorably to the City Council for their consideration.

For the Committee,

---

Councillor David Clem,  
Chairman.

# REPORT

Committee on *Ordinances*

*November 1, 1976*

*Reported to the  
City Council with  
Fawcett Report  
P*

# City of Cambridge

MASSACHUSETTS

In City Council March 26 1976

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann		✓		
Mr. Clem		✓		
Mr. Clinton	✓			
Mr. Danehy	✓			
Mr. Doherty			✓	
Mrs. Graham		✓		
Mr. Russell	✓			
Mr. Sullivan	✓			
Mayor Vellucci	✓			

5 3 1

Police Court Hearing - Truck 7pm  
Advise Truck from Friday -

*Police Commissioner Hearing - Extension*

**City of Cambridge**

MASSACHUSETTS

In City Council Ward 1 1976

*Adoption of Order for Hearing 3/22/76*

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem	✓			
Mr. Clinton		✓		
Mr. Danehy	✓	✓		
Mr. Duehay	✓			
Mrs. Graham				
Mr. Russell		✓		
Mr. Sullivan		✓		
Mayor Vellucci	✓			

*5 4 0*

*Vote of City Council on order as recorded*

*Appendix #8*

# City of Cambridge

*I*

MASSACHUSETTS

In City Council *March 1,* 1976

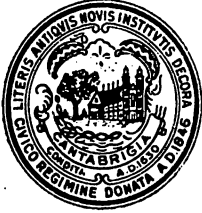
*ON MOTION FOR RECONSIDERATION BY E. SULLIVAN*

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	-	✓		
Mr. Clem	✓			
Mr. Clinton	✓			
Mr. Danehy	✓			
Mr. Duehay	✓			
Mrs. Graham	✓			
Mr. Russell	✓			
Mr. Sullivan	✓			
Mayor Vellucci	✓			

*8 1 0*

*E. Sullivan moved RECONSIDERATION of the order adopted 2/23/76. AND IN AUSE CASE vote 8-1-0, RECONSIDERATION CARRIED.*

*C. Duehay now moved to amend the hearing date to March 24, 1976 at 8 PM AND ON A LOUSE VOTE THE AMENDMENT CARRIED.*



# City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Six

## AN ORDINANCE

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The Commissioner and the Chief shall receive such compensation as the City Council shall from time to time establish.

Also, in Chapter 15, Section 15-3 through 15-14 where the word "chief" appears such word shall be stricken and the words "Police Commissioner" substituted in place thereof.

Section 15-8 is hereby repealed.

In City Council September 20, 1976.

Passed to a second reading at the meeting of the City Council held on September 20, 1976 and on or after October 11, 1976 the question may be on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.



# City of Cambridge

Calendar #5

8.

IN CITY COUNCIL  
January 19, 1976

Councillor Graham

ORDERED:

That the proposed ordinance relative to the creation of the position of Police Commissioner be and hereby is taken from the files of the City Clerk and referred to this City Council for their consideration, and be it further

ORDERED:

That this City Council set a date for a public hearing relative to the proposed ordinance at which time all interested parties may have the opportunity to appear and be heard.

*3/22/76*

In City Council

*Feb 23, 1976*

Adopted by aea and non Vote

Yeas

*5*

Nays

*3*

*2 Present*

*Presented by Leahy*

CITY CLERK

Reconsideration has been filed by C. Sullivan  
Hearing set for March 8, 1976 at 8:00 PM



# City of Cambridge

Calendar #5

8.

IN CITY COUNCIL  
January 19, 1976

Councillor Graham

ORDERED:

That the proposed ordinance relative to the creation of the position of Police Commissioner be and hereby is taken from the files of the City Clerk and referred to this City Council for their consideration, and be it further

ORDERED:

That this City Council set a date for a public hearing relative to the proposed ordinance at which time all interested parties may have the opportunity to appear and be heard.

In City Council Feb 23, 1976  
 Accepted by 10 and 10 Vote  
 Years 5 3 0 Present:  
*[Signature]*  
 CITY CLERK

Reconsideration has been filed by C. Sullivan  
Hearing set for March 8, 1976 at 8:00 P. M.

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR

RECEIVED BY  
OFFICE OF CITY CLERK

Walter J. Sullivan

FEB 25 11 28 AM '76

February 25, 1976

CAMBRIDGE, MASS.

Date

Councillor Sullivan notified the City Clerk of his intention to move reconsideration of the vote of the City Council taken on Monday, February 23, 1976, adopting the following order:

ORDERED:

That the proposed ordinance relative to the creation of the position of Police Commissioner be and hereby is taken from the files of the City Clerk and referred to this City Council for their consideration, and be it further

ORDERED:

That this City Council set a date for a public hearing relative to the proposed ordinance at which time all interested parties may have the opportunity to appear and be heard.

*Walter J. Sullivan*  
Signature

# City of Cambridge

MASSACHUSETTS

In City Council *February 23* 1976

*Order re Police Commissioner Hearing*

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clem	✓			
Mr. Clinton		✓		
Mr. Danehy		✓		
Mr. Duehay	✓			
Mrs. Graham	✓			
Mr. Russell				✓
Mr. Sullivan		✓		
Mayor Vellucci	✓			

5                      3                      0                      1

*Order Adopted for Hearing*



# City of Cambridge

8.

IN CITY COUNCIL  
January 19, 1976

Councillor Graham

ORDERED:

That the proposed ordinance relative to the creation of the position of Police Commissioner be and hereby is taken from the files of the City Clerk and referred to this City Council for their consideration, and be it further

ORDERED:

That this City Council set a date for a public hearing relative to the proposed ordinance at which time all interested parties may have the opportunity to appear and be heard.

*Charter reported by C. Clinton*

*in City Council Feb 23, 1976*

*Adopted by a 5-3 vote*

*Yeas 5 Nays 3 Absent 0*

*(Present)*  
*ant*  
CITY CLERK City Clerk

Reconsideration has been filed by C. Sullivan

#8

Order # 8 0-3

C. Graham re: the proposed ordinance re: to the position of Police Commissioner.

3/22/76 Hearing 479/100

2/23/76 Order Adopted - 5-3-0-1

Motion to postpone file

amendment 709

By E. Sullivan -

on C. Rowell -

5-3-1

Carried

1/19/76

Charter Right

By E. Charles -

2/23/76 Order Adopted ~~5-3-0-1~~  
5-3-0-1

In City Council,

January 19, 1976

Hearing March 8/76

2/9/76

STANAN moved

Adoption

City Council Adjourned

PRICE TO ACTION

ON ORDER -

TO CALENDAR FOR FEB

23rd. 1976

Need prepared ordinance

2/23/76 - Order for

Hearing adopted

5-3-0-1

2/25/76 Recommendation

By E. Sullivan -

3/1/76 Recommendation

Carried

3/1/76 E. Duchay

Proposed Hearing

date to 3/22/76

3/1/76 Proposed

order

Adopted

5-4-0

Hearing set for 3/22/76  
at 4:00

hearing on issue,

re Kinn - signed

By Egan - etc.

4/5/76 Hearing held

No Action - Date 19 04

Mayor Kinn.

8/3/76 Special - No action

Tracked

9/2/76 Price to 2nd Reading

11/8/76 Ordinance - Recommendation

By E. Sullivan

11/15/76 Recommendation Carried

and. Amended  
11/22/76 New Amended and  
passed 3-5-0-1