

**MAYOR AND TOWN COUNCIL
TOWN OF FOREST HEIGHTS**

RESOLUTION __-05

**A RESOLUTION TO ENACT AN ORDINANCE REESTABLISHING
THE FOREST HEIGHTS POLICE DEPARTMENT**

INTRODUCED BY: Councilman George Wiggers and amended by the Council

ENACTED:

WHEREAS, Section 33–20 (b) (14) of the Town Charter gives the Council the authority to pass ordinances creating, changing, and abolishing offices, departments, or agencies, other than the offices, departments and agencies established by this Charter; to assign additional functions or duties to offices, departments, or agencies established by this charter, but not including the power to discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office department, or agency; and

WHEREAS, Section 33–20 (b) (39) of the Town Charter gives the Council the authority to pass ordinances establishing, operating, and maintaining a police force, and

WHEREAS, the Council desires to formally establish by ordinance a Town of Forest Heights Police Department; and

WHEREAS, public safety in the Town of Forest Heights requires a well organized and responsive police force dedicated to protecting the Town of Forest Heights.

WHEREAS, the Section 33-12 of the Charter of the Town of Forest Heights empowers the Town Council to pass emergency ordinances with said ordinances being immediately effective if so designated at the time of their passage by resolution;

NOW THEREFORE BE IT RESOLVED that the Forest Heights Code of Ordinances be modified by adding a new Section 1.8 under Article 1, Administration, and that this is an emergency resolution under section 33-12 of the Town Charter and shall take effect immediately:

Section 1.8 Establishment of the Forest Heights Police Department

(a) Forest Heights Police Department. There shall be a police department in the Town of Forest Heights with a Chief of Police heading the department.

(b) The Chief of Police shall be appointed by the Mayor with the approval of the Council, and the Chief of Police shall serve at the pleasure of the Mayor.

(c) The Chief of Police shall have the authority to hire new police officers and make promotions in the officer ranks subject to budget limitations passed by the Town Council.

(d) The Chief of Police shall have the sole authority to issue orders within the Police Department and provide for further organization of the Department. The Chief of Police shall have the authority to secure the area in the Municipal Building assigned to the Police Department and regulate entry of all persons coming into the area.

(f) The Chief of Police shall have the authority to delegate his responsibilities to sworn officers under his command as may be appropriate to normal law enforcement practices.

(g) The Chief of Police shall prepare periodic reports for publication in the Forest Heights News on criminal and other safety related activity in the Town of Forest Heights as requested by the Mayor or the Town Council.

(h) The Chief of Police shall prepare an annual budget for submission to the Mayor for incorporation in the Town budget. The Mayor may modify the proposed Police budget before incorporating it into the Mayor's proposed budget prepared according to section 33–44 of the Town Charter. A copy of Chief of Police's budget submission shall also be submitted to the Town Council for their information.

(i) If a vacancy occurs in the position of the Chief of Police, the Mayor is required to notify the Town Council as soon as possible, but no later than 24 hours after the first business day the vacancy occurs. The Mayor is authorized to make a temporary appointment of an Acting Police Chief to serve for a period no longer than 10 days, unless the Council approves a longer period for an Acting Police Chief upon request of the Mayor.

(j) The Chief of Police, with the supporting signature of his executive officer, shall report any attempt by any town official to usurp the autonomy of the department. This report shall be made in writing to the Town Council for a determination of non-compliance.

(k) Lieutenant – shall report directly to the Chief of Police and shall serve as the executive officer of the Department. The Lieutenant shall be responsible for evaluating complaints, developing investigatory plans, identifying recruits, and developing shift schedules. The Lieutenant shall serve as the first line supervisor to all subordinate officers and shall assume the duties of the Chief in his/her absence.

(l) Corporal, Private First Class, Private – shall be responsible for enforcing the laws of the Town of Forest Heights as directed by the Chief of Police and Lieutenant. In the absence of either the Chief of Police or Lieutenant, the chain of command shall place the Corporal, Private First Class, and Private in charge of the command, respectively.

(m) Investigations All investigations by the Forest Heights Police Department shall be conducted to the exclusion of reporting to any town official. All complaints to the Forest Heights

Police Department shall be evaluated by the Department on a case by case basis to determine their merit for investigation. Those deemed frivolous shall be documented as such and responded to in writing to the complainant. Those deemed with merit shall be documented as such, responded to in writing to the complainant, and investigated accordingly.

(n) Records Policy All records of the Forest Heights Police Department pertaining to criminal investigations shall be considered unofficial until acted upon by the State’s Attorney or some other prosecuting and/ or charging agency outside of the municipality. No records shall be accessed by any persons outside of the Forest Heights Police Department except as required by the Maryland Public Information Act. No member of the Town Council shall be given access to any records of the Forest Heights Police without the affirmative vote of at least 5 members of the Town Council and only at the investigatory preservation discretion of the Chief of Police. This includes records generated and responded to by CJIS/NCIC. All mail addressed to the Forest Heights Police Department shall be opened and reviewed by designated police department personnel only.

(o) Access to Department The Police Department facility shall be a secure facility. No person besides the Police Officers, Police Clerk, and Public Works Director shall have a key to the facility. No civilian, town official, or non-police department personnel shall be authorized to access the facility without an escorting police department officer or official.

(p) (1) Penalties Non-compliance with this ordinance shall be deemed a misdemeanor and subject to 30 days in prison and or a fine not to exceed \$500.00 (five hundred dollars); and

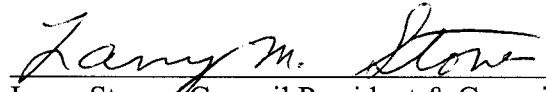
(2) Enforcement Any incident of non-compliance with this resolution, as determined by a 2/3 majority vote of the town council, shall be prosecuted and/or referred to the State’s Attorney for prosecution by the Town Attorney.

(q) Effective Date This ordinance shall take effect immediately upon its passage and shall remain in effect indefinitely.

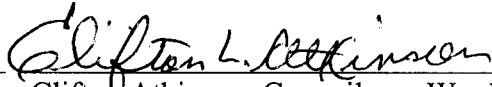
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PASSED THIS DAY August of 29, 2005

Joyce A. Beck, Mayor

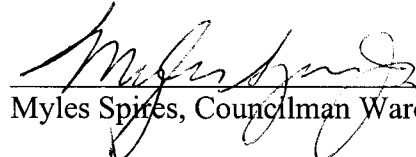


Larry Stone, Council President & Councilman
Ward III

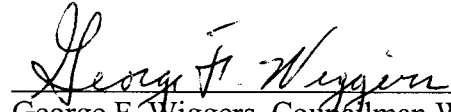


Clifton Atkinson, Councilman Ward II

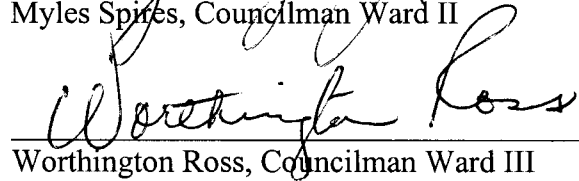
Alice Hoskins, Councilwoman, Ward I



Myles Spites, Councilman Ward II



George F. Wiggers, Councilman Ward I



Worthington Ross, Councilman Ward III

Attest: _____

Bonita Anderson, Town Clerk