

Chapter 20 POLICE*

*Cross reference(s)--Administration, Ch. 2; civil emergency preparedness, § 2-401 et seq.; offenses and miscellaneous provisions, Ch. 17; traffic and motor vehicles, Ch. 28.; parking division, § 28-70 et seq.

State law reference(s)--Law enforcement officers, 30 M.R.S.A. § 2361 et seq.

- Art. I. In General, §§ 20-1--20-15
- Art. II. Special Police, §§ 20-16--20-31
- Art. III. Police Reserve Unit, §§ 20-32--20-35
- Art. IV. Additional Authority, § 20-36

ARTICLE II. IN GENERAL

- Sec. 20-1. Reserved.
- Sec. 20-2. Reserved.
- Sec. 20-3. Reserved.
- Sec. 20-4. Reserved.
- Sec. 20-5. Reserved.
- Sec. 20-6. Reserved.
- Sec. 20-7. Reserved.
- Sec. 20-8. Reserved.
- Sec. 20-9. Reserved.
- Sec. 20-10. Reserved.
- Sec. 20-11. Reserved.
- Sec. 20-12. Reserved.
- Sec. 20-13. Reserved.
- Sec. 20-14. Reserved.
- Sec. 20-15. Reserved.

ARTICLE II. SPECIAL POLICE*

*Cross reference(s)--Administration, Ch. 2.

State law reference(s)--Special police officers, 30 M.R.S.A. § 2362.

Sec. 20-16. Application; fee.

Persons desiring appointment as special police officers under either section 20-17 or section 20-18 shall make application to the city council upon forms prescribed by the city council and containing such information as the city council shall require. Persons seeking original appointment shall pay a fee of twenty-five dollars (\$25.00) and for each successive renewal of such appointment a fee of fifteen dollars (\$15.00).

(Code 1968, § 420.5; Ord. No. 420-74, § 5, 3-18-74)

Sec. 20-17. Police with limited jurisdiction.

Special police officers of limited jurisdiction may be appointed by the city council for a term of not more than one year to serve as watchmen or guards at their places of employment, or as otherwise prescribed by the city council. Such special police officers shall have none of the powers of a regular police officer and shall serve only during their term of office and only at the location specified by the city council in their certificate of appointment. Such special police officers shall not wear a uniform or cap in a color or style similar to that worn by regular police officers of the city. Such special police officers shall not carry, wear or display a firearm, or any other equipment regularly carried, worn or displayed by a regular police officer of the city unless approved by the city council when deemed necessary for the safety of the general public.

(Code 1968, § 420.1; Ord. No. 420-74, § 1, 3-18-74)

Sec. 20-18. Police with police powers.

Special police officers having all the powers of a regular police officer may be appointed by the city council for a term of not more than one year to serve at such locations as shall be set forth by the city council in their certificate of appointment. Such special police officers shall be required to comply with the basic training and in-service training requirements as now or hereafter provided by statute for all full-time law enforcement officers. Such special police officers shall wear such uniform and may carry, wear, or display firearms and such other equipment as shall be prescribed by the city council in their certificate of appointment.

(Code 1968, § 420.2; Ord. No. 420-74, § 2, 3-18-74)

Sec. 20-19. Constables.

Constables appointed by the city council pursuant to section 1 of article VI of the charter shall be empowered to serve all legal process allowable under state law on behalf of and at the request of the City of Portland and the Portland Housing Authority and shall not have any of the powers of a special police officer as provided in sections 20-17 and 20-18, except with respect to enforcement of the state's public drinking laws on the Islands of Casco Bay. A constable's certificate of appointment shall state the above applicable limitations, that he or she is not allowed to carry a weapon, concealed or unconcealed, in the performance of his or her duties and that his/her term shall expire on December thirty-first of the year in which he/she is appointed.

(Code 1968, § 420.3; Ord. No. 420-74, 3-18-74; Ord. No. 204-79, 9-5-79; Ord. No. 243-84, 3-19-84; Ord. No. 117-92, 10-5-92)

Sec. 20-19.5. Park and cemetery constables.

Persons employed by the city to work in the city's parks and cemeteries may be appointed as constables with the power to enforce the parking and animal control laws applicable within the parks and cemeteries. They shall be empowered to serve civil summons for such violations but shall not have any of the powers of a special police officer as provided in sections 20-17 and 20-18. A constable's certificate of appointment hereunder shall state the above applicable limitations, that he or she is not allowed to carry a weapon, concealed or unconcealed, in the performance of his or her duties and that his/her term shall expire on December thirty-first of the year in which he/she is appointed.

(Ord. No. 177-96, § 1, 3-4-96)

Sec. 20-20. Removal.

Special police officers of limited jurisdiction and special officers having all the powers of regular police officers appointed or continued in office under the terms of this article may be removed by the city council for cause after notice and hearing.

(Code 1968, § 420.4; Ord. No. 420-74, § 4, 3-18-74)

Sec. 20-21. Reserved.

Sec. 20-22. Reserved.

Sec. 20-23. Reserved.

Sec. 20-24. Reserved.

Sec. 20-25. Reserved.

Sec. 20-26. Reserved.

Sec. 20-27. Reserved.

Sec. 20-28. Reserved.

- Sec. 20-29. Reserved.**
- Sec. 20-30. Reserved.**
- Sec. 20-31. Reserved.**

ARTICLE III. POLICE RESERVE UNIT

Sec. 20-32. Establishment.

The city manager is authorized to establish and maintain a police reserve unit, of no more than fifty (50) volunteers, which shall be under the control and supervision of the chief of police. The chief of police is authorized to prescribe the uniform, organization, training and such other regulations and conditions of membership as the chief shall deem necessary or appropriate to the operation of the police reserve unit.

(Ord. No. 357-82, § 425.1, 1-4-82)

Sec. 20-33. Eligibility for membership.

To be eligible for membership in the police reserve unit, the applicant must be, at a minimum, certified as a state law enforcement reserve officer under Title 25, M.R.S.A., § 2085-A, and shall meet such other standards as may be promulgated by the chief of police.

(Ord. No. 357-82, § 425.2, 1-4-82)

Sec. 20-34. Function and authority.

Police reserve officers' function shall be to aid and assist regular police officers. Reserve officers shall have no authority to act except under assignment by the police shift commander and pursuant to the direction and authorization of a regular police officer. Reserve officers shall not have the power to arrest or issue legal process, and shall not wear, display or carry a firearm while on assigned duty or while wearing the police reserve uniform. Police reserve officers may be authorized to carry a nightstick or baton while on assigned duty pursuant to regulations promulgated by the chief of police.

(Ord. No. 357-82, § 425.3, 1-4-82)

Sec. 20-35. Supervision of chief of police; compensation; application of other regulations.

The members of the police reserve unit shall serve at the pleasure of the chief of police and without compensation or other

employment benefits, and shall not be subject to the provisions of civil service or the city personnel policy.
(Ord. No. 357-82, § 425.4, 1-4-82)

ARTICLE IV. ADDITIONAL AUTHORITY

Sec. 20-36. Authority granted.

(a) *Arrests outside the city's geographic boundaries.* In addition to any other authority conferred by law, law enforcement officers of the Portland Police Department are authorized, pursuant to 30-A M.R.S.A. § 2671 subsection 2-A, to perform the acts listed below while outside the geographic boundaries of the city:

- (1) Arrest without warrant a person who has committed in the officer's presence or is committing in the officer's presence a Class A, B or C crime defined in 17-A M.R.S.A. Chapters 9, 11, 13, 17, 27 or 33, while the officer is on or off duty; or
- (2) Arrest without warrant a person for a crime committed in the city if:
 - a. The arrest is made as part of an ongoing criminal investigation made by an officer while on duty and assigned to the investigation;
 - b. The law enforcement agency of the municipality in which the arrest is to be made is notified in advance; and
 - c. If the arrest is authorized by 17-A M.R.S.A. § 15, subsection 1, paragraph A.

As used in this section, the phrase "committed in the officer's presence or is committing in the officer's presence" has the same meaning as provided in 17-A M.R.S.A. § 15, subsection 2.

(b) *Representation of the city in state district court.* Pursuant to 30-A M.R.S.A. § 2671, subsection 3, a law enforcement officer of the Portland Police Department who is certified by the Maine Criminal Justice Academy, under 25 M.R.S.A. § 2803, subsection 3-A, and approved in writing by the chief of police, may represent the city in district court in the prosecution of alleged violations of ordinances which the officer may enforce.

City of Portland
Code of Ordinances
Sec. 20-36

Police
Chapter 20
Rev. 12-1-00

(Ord. No. 33-95, 7-17-95)