

TOWN OF NORTH CASTLE

Local Law No. 5 for the Year 2014 Adopted October 22, 2014

Amend Chapter 39 Entitled “POLICE DEPARTMENT” of the Code of the Town of North Castle.

Add Article II – **Administration and Disciplinary Procedures**

§ 39-5 Purpose.

The purpose of this Article shall be to provide for the efficient administration of the Police Department of the Town of North Castle (the “Department”).

§ 39-6 Board of Police Commissioners.

The Town Board hereby establishes a Board of Police Commissioners which shall consist of the Town Board. The Supervisor shall Chair the Board of Police Commissioners.

§ 39-7 Powers and duties of Board of Police Commissioners.

The Board of Police Commissioners shall have all of the powers and duties granted to a Board of Police Commissioners under the Westchester County Police Act (Chapter 104 of the Laws of 1936), except to the extent those powers or duties are otherwise delegated to the Chief of Police by this Article.

§ 39-8 Powers of Chief of Police.

A. In carrying out the day-to-day operations of the Department, the Chief of Police shall have reasonable discretion to take such actions as are necessary to ensure the safe and efficient operation of the Department, in a manner consistent with accepted police practices; provided, however, that fundamental policy changes, including those which should properly be included in Department rules and regulations, shall be subject to approval by the Board of Police Commissioners and all other applicable laws governing such activities.

B. Except as to the discipline of the Chief of Police, all formal departmental disciplinary charges shall be brought by the Chief of Police, subject to the requirements of applicable laws. All such charges shall be heard either by the Board of Police Commissioners, or by a hearing officer appointed by the Board of Police Commissioners, at the Board of Police Commissioners’ discretion. In the event a hearing officer is appointed to hear disciplinary charges, the hearing officer shall issue Findings of Fact and Recommendations on guilt or innocence and penalty, if any, and the Board of Commissioners shall retain the sole and exclusive right and authority to make the final determination as to guilt or innocence and the appropriate penalty, if any. In the case of discipline of the Chief of Police, such charges shall be brought by the Supervisor of the Town Board and shall be heard either by the Board of Police Commissioners or by a hearing

officer appointed by the Board of Police Commissioners, at the Board of Police Commissioners' discretion. In the event a hearing officer is appointed to hear disciplinary charges against the Chief of Police, the hearing officer shall issue Findings of Fact and Recommendations on guilt or innocence and penalty, if any, and the Board of Commissioners shall retain the sole and exclusive right and authority to make the final determination as to guilt or innocence and the appropriate penalty, if any.

C. In all other instances, the Board of Police Commissioners shall be granted all the powers and duties granted to a Board of Police Commissioners under The Westchester County Police Act (Chapter 104 of the Laws of 1936).

§ 39-9 Inconsistencies with state law.

It is the purpose and intent of this Article to supersede the Westchester County Police Act (Chapter 104 of the Laws of 1936), as it relates to the powers and duties of the Chief of Police and the Board of Police Commissioners. The Town Board, pursuant to the authority granted to the Town Board by the Municipal Home Rule Law, may supersede such a special act of the legislature, and to the extent that such special act of the legislature is inconsistent with this Article, then the Westchester County Police Act (Chapter 104 of the Laws of 1936), is hereby superseded.

§ 39-10 Applicability of other laws.

In all other respects, the Police Department of the Town of North Castle shall be governed by applicable law.

§ 39-11 Effective date. This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.