

A BILL

FOR AN ACT TO PROVIDE FOR THE APPOINTMENT OF POLICE COMMISSIONERS AND POLICEMEN AND TO DEFINE THEIR DUTIES.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That on or before the first day of March, A. D. 1886, the Governor of the State shall appoint, within and for each of the several towns and cities of the State having over four thousand inhabitants, according to the last State census, a board of three commissioners of police, one of whom shall be commissioned for the term of one year, and one for the term of two years, and one for the term of three years from the said first day of March, A. D. 1886, and until their successors are elected and qualified.

SEC. 2. Said commissioners shall severally be resident free-holders and citizens of the city or town for which they are appointed, and before entering upon their duties they shall severally take and subscribe an oath of office "to support the Constitution of the United States and the Constitution of the State of Iowa, and to faithfully perform the duties then or thereafter required of them by law, and that, to the best of their ability, they will see that the laws of the State and the ordinances of the city for which they are appointed are enforced and observed." The oath so subscribed shall be filed in the office of the Governor, and a failure to qualify within ten days after notice of his appointment shall be deemed a refusal of the office on the part of any commissioner, and the Governor shall appoint another, as in case of a vacancy.

SEC. 3. On or before the first day of March of each year, after the year 1886, the Governor of the State shall appoint a commissioner for the term of three years, for each of the towns and cities aforesaid, to fill the vacancies occurring by the expiration of the several terms aforesaid, and in case of a vacancy in any board of commissioners occasioned by death, resignation, removal, or otherwise, the Governor shall fill said vacancy by appointment for the unexpired term of the commissioner whose office has become vacant.

SEC. 4. Said board of commissioners shall have power, and it is hereby made their duty to appoint for their several towns and cities respectively a chief of police and such number of subordinate policemen (not to exceed one for every thousand inhabitants of such city or town) as they may deem necessary or expedient, and to prescribe rules for their direction and government, not inconsistent with law, and to remove said officers whenever, in their judgment, the public interests require such removal.

SEC. 5. No person shall be appointed chief of police or a policeman who is not a man of
2 good moral character and an elector of the town or city for which he is appointed, or who
3 is addicted to the use of intoxicating liquors as a beverage, or who has been convicted of a
4 violation of the penal laws of the State, and any commissioner of police who shall vote for
5 the appointment or continuance in office on the police force of such a person shall forfeit
6 his commission, and the Governor shall declare his office vacant, as hereinafter provided.

SEC. 6. Said commissioners shall hold stated meetings on the first Monday of each month,
2 and may hold special meetings on the call of the president of the board. Two commis-
3 sioners shall constitute a quorum for the transaction of business, but no order or vote of
4 said board shall be of any validity unless upon the concurrence of two members of the
5 board.

SEC. 7. The city or town clerk shall be ex-officio clerk of said board, but in case of his
2 absence or refusal to act, the board may appoint a clerk pro tem. The clerk shall keep in
3 a permanent record book, to be provided for that purpose, a record of the proceedings and
4 votes of said board, which record shall be open at all reasonable hours to the inspection of
5 the Governor of the State or any person appointed by him to examine the same, or the
6 mayor of the city or town, or any member of the city or town council.

SEC. 8. The said commissioners shall annually elect, for the term of one year, one of
2 their number as the president of said board, who shall be the presiding officer thereof, and
3 shall be specially charged with the duty of seeing that the police force of the city faith-
4 fully discharge their duties, and he shall report all delinquencies, misconduct, or disobe-
5 dience of rules to the board.

SEC. 9. All appointments of policemen, under the provisions of this act, and all re-
2 movals, shall be by a recorded vote, and in case of removal the cause therefor shall be
3 stated on the record of their proceedings.

SEC. 10. The chief of police herein authorized to be appointed shall perform the duties
2 of marshal or chief executive officer of the city or town for which he is appointed, and
3 said chief and all police officers appointed in pursuance of the provisions of this act shall
4 possess the powers and perform the duties of peace officers within their several cities or
5 towns and shall perform such other duties as by law or by ordinance of the respective towns
6 or cities for which they are appointed may now or hereafter be enjoined upon them and
7 shall be subject to such penalties for neglect of official duties as may now or hereafter be
8 provided by law as to such officers.

SEC. 11. It shall be the duty of said commissioners in case of riot or anticipated resis-
2 tance to the execution of the laws to appoint temporarily such number of special policemen
3 in addition to the regular force as may in their judgment be necessary.

SEC. 12. In case the council of any city or town subject to the provisions of this act shall
2 deem the regular police force herein authorized insufficient in number they may by ordi-

3 nance authorize the commissioners to appoint such additional number as may in the
4 judgment of such council be deemed necessary.

SEC. 13. All permits heretofore granted or hereafter granted by the board of supervisors
2 of any county under the provisions of chapter 6, title 11, of the Code without the recom-
3 mendation of the proper police commissioners as herein provided for, to sell or manufac-
4 ture intoxicating liquors within any city or town having over four thousand inhabitants or
5 within two miles of the corporate limits thereof, shall from and after the first day of May,
6 1886, be null and void, and no permit to sell or manufacture intoxicating liquors within
7 any city or town having over four thousand inhabitants or within two miles of the corpo-
8 rate limits thereof, shall hereafter be granted under the provisions of said chapter 6, title
9 11 of the Code, except upon compliance with the conditions and requirements of said chap-
10 ter and in addition thereto a duly certified copy of a resolution adopted and entered of
11 record upon the records of the proper board of police commissioners of said town or city,
12 recommending and endorsing the application for said permit.

SEC. 14. The board of commissioners shall by resolution recommend to the supervisors
2 applicants for permits to sell or manufacture intoxicating liquors within their several towns
3 or within two miles thereof under the provisions of chapter 6, title 11 of the Code, when-
4 ever in their judgment the public interests requires it and the applicant is a suitable per-
5 son to receive such permit, and that he has theretofore and will thereafter strictly obey and
6 observe the law regulating the sale of intoxicating liquors.

SEC. 15. The president of the board of commissioners shall receive for his entire com-
2 pensation under the provisions of this act a salary of three hundred dollars per annum,
3 and the other members of the board shall receive for their entire compensation the sum of
4 three dollars per day for the days that said board is in actual session, but not to exceed one
5 hundred dollars each per annum. The captain or chief of police shall receive for his com-
6 pensation a sum to be fixed by the board of commissioners not to exceed one hundred dol-
7 lars per month, and each of the other regular police shall receive a sum to be fixed by the
8 board not to exceed seventy-five dollars per month, and special policemen appointed under
9 the provisions of section 11 of this act shall receive not to exceed three dollars per day for
10 the days of actual service. Said compensation shall be paid out of the city treasury upon
11 accounts duly audited by the board and warrants drawn by the clerk and attested by the
12 president of the board. The salaries herein provided for shall be in full for all official ser-
13 vices, and no other compensation shall be allowed said officers except as herein expressly
14 provided.

SEC. 16. It shall be the duty of the city council to provide a proper room for the office of
2 police commissioners of their respective towns and cities and the necessary fuel, lights,
3 record books and stationery; and in case the council neglect so to do the said board may
4 provide the same and audit the accounts therefor, and the amounts so audited shall be paid

5 by the city treasurer upon warrants drawn by the president of the board and the city
6 clerk.

SEC. 17. That for the service of all processes, venires or subpoenas enjoined upon them
2 within their respective towns or cities in criminal prosecutions for violation of the laws of
3 the State or ordinances of the city or town, any policeman or the chief of police shall in
4 addition to their salaries be entitled to charge and receive the same fees as constable may
5 now or hereafter be entitled to charge and receive for like services provided judgments
6 for said costs is awarded against and collected from the defendants but in no case shall
7 said chief of police or policeman be entitled to receive or recover said costs from the county
8 or from the city or town.

SEC. 18. The Governor of the State may at any time remove from office any police com-
2 missioner appointed under the provisions of this act for willful neglect of duty or for any
3 malfeasance in office or a violation of the provisions of this act for intoxication or upon his
4 conviction of a violation of any penal law of the State. Before any such removal is made the
5 incumbent shall have ten days notice to show cause against such removal and the affidavits
6 or other evidence upon which removal is made shall be filed and preserved in the executive
7 office but the decision of the Governor upon the question of removal shall be final and con-
8 clusive.

SEC. 19. Towns and cities not having over four thousand inhabitants at the date of the
2 census last before the taking effect of this act shall be subject to its provisions on the first
3 day of March next after any future State census shall show the inhabitants of such town or
4 city to exceed four thousand.

SEC. 20. From and after the appointment of a chief of police and policeman under the
2 provisions of this act the office and the powers and duties of marshals and policemen of
3 towns and cities subject to the provisions of this act and appointed or elected under the pro-
4 visions of the law heretofore in force shall cease ; and as to such towns and cities the pro-
5 visions of this act are intended to and shall supersede any and all other methods for the
6 election or appointment of such officers. And all acts or parts of acts inconsistent with this
7 act are hereby repealed.

SEC. 21. This act being deemed of immediate importance shall take effect and be in force
2 from and after its publication in the Iowa State Register and news-
3 papers published in the city of Des Moines.