

CHARTER AND RELATED LAWS

SUBPART B. RELATED LAWS

CHAPTER 1. BOARD OF POLICE COMMISSIONERS

SUBCHAPTER 1. POLICE COMMISSION APPOINTED BY GOVERNOR

§ A-101. Appointment of commissioners⁵³

On or before September 1, 1913, the governor shall, with the advice and approval of the council, appoint and commission (for Nashua) a police commission consisting of three persons; one of whom shall hold office for one year, one for two years and one for three years from September 1, 1923, or until their successors are duly appointed and qualified. Said commissioners shall have been residents of the city or town where appointed at least five years immediately preceding the date of their appointment. But not more than two of each of said commissioners shall be of the same political party. The governor shall, annually, on or before the first day of August thereafter, with the advice and approval of the council, appoint and commission one commissioner, who shall succeed the one whose term expires and who shall serve for three years from September first unless sooner removed as (hereinafter) provided, and any vacancy in said board shall be filled in the same manner.

§ A-102. Removal of commissioners⁵⁴

The governor, with the advice and [approval] of the council shall have full power to remove any commissioner at any time.

§ A-103. Duties; appointing and removing officers⁵⁵

It shall be the duties of said police commissioners, to appoint such police officers, constables and superior officers as they may in their judgment deem necessary, and fix their compensation, who shall devote their whole time to their said duties and who shall not be engaged or engage in any other business or occupation, or hold any other state, county or municipal office; all of who shall be appointed by the police commissioners, and who shall serve during good behavior and while competent to discharge the duties of the office. The police commissioners shall have authority to remove any officer at any time for just cause and after due hearing, which cause shall be specified in the order of removal. The members of the regular and reserve police force of the City of Nashua shall be relieved of police duties, without loss of pay two days in each seven days, for a period of not less than forty-eight consecutive hours, except for the time required to answer at roll-call immediately before the beginning or immediately after the end of a tour of duty. The time and manner of such relief shall be determined in each instance by the police commissioners of the city or under authority by their chief of police or other superior officer or officers. A member so relieved shall be exempt for the time from actual service and from presence for duty, but otherwise shall be subject during such relief to all laws, rules, orders and regulations for the government of the force which may be in effect from time to time. Should the exigencies of the service, in the judgment of the commissioners, or of the superintendent or other superior officer authorized thereto by the commissioners, require at any time that a member of the force should be deprived of his period of relief or that it should be curtailed, the time so lost shall be made up to him as soon thereafter as may be practicable.

⁵³ **Source:** 1891, ch. 208; 1913, ch. 148.

⁵⁴ **Source:** 1891, ch. 208; 1913, ch. 148:3.

⁵⁵ **Source:** 1891, ch. 208; 1913, ch. 148:4, 6; 1917, ch. 340; 1945, ch. 260; 1951, ch. 304:1.

CHARTER AND RELATED LAWS

§ A-104. Rules; control over buildings⁵⁶

The police commissioners shall have full power to make all rules for the government of the police force and to enforce said rules. The said commissioners shall have full and complete care and control of all lands and buildings thereon, used and erected for the use of the police department; and whenever the same shall cease to be used for said purpose, they shall revert to the care and control of the city. All buildings erected, altered, remodeled, or changed, for the use of the police department shall be constructed and made under the joint direction of the commissioners and the land and buildings committee of the board of aldermen; and no building shall be erected, altered, remodeled, or changed, unless the plans thereof have been previously submitted to the board of police commissioners and approved by it, and upon completion thereof they shall be and continue in the sole control and care of the commissioners.

§ A-105. Chairman and clerk⁵⁷

The said board shall elect one of their number who shall act as chairman, and one who shall act as clerk and keep a record of all proceedings, issue all notices, and attest all such papers and orders, as said board shall desire.

§ A-106. Records and reports⁵⁸

The said board shall make a detailed report of their doings quarterly to the mayor and aldermen of said city and annually to the governor in the month of December. The records of said board shall at all times be open to the inspection of the governor and the citizens of said city. The said board of police commissioners shall annually submit as early as practicable in each year and not later than February first to the mayor and the board of aldermen, one copy to each, a detailed estimate in writing of the appropriations required for that year.

§ A-107. Compensation; appropriations⁵⁹

The compensation of the police commissioners shall be fixed by the city councils and the total amount expended for the maintenance of said police force shall at no time exceed the amount appropriated for that purpose by the city councils.

SUBCHAPTER 2. POLICE COMMISSIONERS APPOINTED BY MAYOR AND BOARD OF ALDERMEN

§ A-141. Police commissions⁶⁰

At any regular municipal election in any of the following cities: Manchester, Nashua, Portsmouth, Laconia, Somersworth or Berlin, if a majority of the governing body of such city so votes, or if ten percent of the registered voters file a petition so requesting, the following special question shall be presented to the voters at said election:

“Shall the city of _____ authorize the mayor and city council (or the mayor and board of aldermen, as the case may be) to appoint a police commission instead of having the governor and governor’s council appoint the commission?”

Yes No

⁵⁶ Source: 1891, ch. 208; 1913, ch. 148:7; 1917, ch. 323:1.

⁵⁷ Source: 1891; ch. 208.

⁵⁸ Source: 1891; ch. 208; 1913, ch. 429:56.

⁵⁹ Source: 1891; ch. 208; 1913, ch. 148.4, 5.

⁶⁰ Source: 1963, ch. 275:3.

CHARTER AND RELATED LAWS

If a majority of those voting on the question vote in the affirmative, the provisions of Laws 1913, chapter 148 relating to such city shall, effective January one next succeeding the date on which said vote was taken, be of no further force and effect with respect to said city except as provided in section 7 of this chapter [A-145], and the provisions of sections 4 through 7, inclusive, of this chapter [A-142 to A-145] shall thereafter apply in such city.

§ A-142. Appointment of commissioners⁶¹

The mayor and city council of the respective cities shall appoint for the respective city a police commission consisting of three members. The term of office of each such commissioner shall be for three years and until his successor is duly appointed and qualified. Said commissioners shall have been residents of the city where appointed and qualified. Said commissioners shall have been residents of the city where appointed at least five years immediately preceding the date of their appointment. Not more than two of each of said commissioners for a respective city shall be of the same political party. Any vacancy in said board shall be filled for the unexpired term. The mayor and council of the respective city shall have full power to remove any commissioner at any time.

§ A-143. Duties; powers⁶²

It shall be the duty of said police commissioners to appoint such police officers, constables and superior officers, as they may in their judgment deem necessary; and to fix their compensation. The police commissioners shall have authority to remove any officer at any time for just cause and after due hearing, which cause shall be specified in the order of removal. Said commissioners shall have full authority to make and enforce all rules and regulations for the government of the police force.

§ A-144. Compensation⁶³

The compensation of the police commissioners shall be fixed by the respective city councils.

§ A-145. Present incumbents⁶⁴

Notwithstanding the provisions of section 4 [A-142 of this chapter] any person holding office as a commissioner under appointment of the governor and council under the authority of Laws 1913, chapter 148, at the date of the passage of this act [chapter] shall continue in office as such commissioner until the expiration of his said term of office.

§ A-146. Police commissions⁶⁵

Laws 1913, chapter 148, relative to appointment of police commissions in certain cities by the governor and council, will be of no further force and effect with respect to any city named in section 3 [A-141 of this chapter] if a referendum in said city is adopted.

⁶¹ **Source:** 1963, ch. 275.4.

⁶² **Source:** 1963, ch. 275.5.

⁶³ **Source:** 1963, ch. 275.6.

⁶⁴ **Source:** 1963, ch. 275.7.

⁶⁵ **Source:** 1963, ch. 275.8.