

MASON, GRIFFIN & PIERSON
A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

MEMORANDUM

via e-mail and hand delivery

To: Mayor & Council of Princeton

From: Michael G. Petrone, Esq., Office of the Municipal Attorney 

Date: May 23, 2013

Re: **Police Ordinance**

I have attached hereto a new Police Department Ordinance, which has been reviewed by Captain Sutter and Robert Bruschi, Administrator.

The Ordinance is being submitted for introduction at the May 28, 2013 Council meeting.

cc: *(with attachment)*
Robert W. Bruschi, Administrator
Kathy Monzo, Assistant Administrator/CFO
Linda McDermott, Clerk
Robert V. Kiser, PE, Princeton Engineer
Captain Nicholas Sutter

**AN ORDINANCE CONCERNING THE
POLICE DEPARTMENT AMENDING
THE "CODE OF THE TOWNSHIP OF
PRINCETON, NEW JERSEY, 1968"
AND THE "CODE OF THE BOROUGH
OF PRINCETON, NEW JERSEY, 1974".**

WHEREAS, the Borough of Princeton and the Township of Princeton consolidated effective January 1, 2013; and

WHEREAS, the Borough and Township ordinances were re-adopted by resolution of the consolidated municipality pursuant to N.J.S.A. 40:43-66.64; and

WHEREAS, Princeton desires to adopt a new Police Department Ordinance.

NOW, THEREFORE, BE IT ORDAINED by Princeton as follows:

1. Chapter 15 of the Princeton Township Code, Chapter 26 of the Princeton Borough Code, Chapter 2, Section 87 of the Borough Code and Chapter 2, Section 114 of the Township Code are repealed.
2. The police department shall consist of a chief of police, captain and such numbers of lieutenants (not to exceed four), sergeants (not to exceed twelve), corporals (not to exceed four) and patrol officers (not to exceed thirty-two), as shall be determined from time to time by the mayor and council.
3. The public safety committee shall consist of the mayor and the administrator, both ex officio, and two of the members of the council appointed by the mayor with the advice and consent of the council. The terms of the appointed members shall expire on the first day of January next following their appointments, but they shall serve after the expiration of their terms until their successors shall have been appointed and qualified. Any vacancy in any of the appointive offices shall be filled in like manner, but for the unexpired term only. The mayor

shall designate one of the appointed members as the police commissioner, and in that capacity such member shall be the chairman of the public safety committee. The public safety committee shall have the powers and duties prescribed by this article, and by state law.

4. The public safety committee shall constitute the “appropriate authority” as required by N.J.S.A. 40A:14-118 and shall thereby have the powers as provided by state law, including the ability to:

(a) Adopt such rules and regulations for the government and discipline of the police department as are not inconsistent with state law or the provisions of this Code or other ordinances, and the same may include the delegation to the chief of police power to adopt such rules, regulations procedures and orders as shall be deemed to promote the efficiency of the police department. Any such rule, regulation, procedure or order of the chief of police may be modified or annulled by the public safety committee or the mayor and council to the extent that such action does not violate the provisions of N.J.S.A. 40A:14-118;

(b) Review the operations of the police force when necessary;

(c) Act as liaison between the governing body and the police chief and police force.

The public safety committee shall delegate to the administrator the responsibility to handle police disciplinary matters as more fully set forth in Section 8.

5. The chief of police shall be the head of the police force and shall be directly responsible to the public safety committee for the efficiency and routine day-to-day operations of the police force and shall, pursuant to the policies established by the public safety committee be responsible for the following operations:

- (a) Administer and enforce rules and regulations of the department and special emergency directives for the disposition and discipline of the force and its officers and personnel;
- (b) Have, exercise and discharge the functions, powers and duties of the force;
- (c) Prescribe the duties and assignments of all subordinates and other personnel within the department;
- (d) Delegate authority as the chief may deem necessary for the efficient operation of the force to be exercised under the chief's direction and supervision; and
- (e) Report at least monthly to the public safety committee on the operations of the police department during the preceding month and make such other reports as may be requested by the mayor and council.

6. All members of the police department shall be appointed by the mayor, with the advice and consent of council. The mayor and the council may seek and consider, but need not follow, recommendations from the public safety committee as to appointments and promotions. Candidates shall be drawn from an eligibility list established through recognized examination and testing procedures. No person shall be appointed a patrol officer unless that person shall have demonstrated an aptitude for police employment for a period of one year as a probationary patrol officer, during which time he or she shall be known as a probationary patrol officer. No person shall be appointed or promoted to a command or supervisory position above patrol officer unless that person shall have demonstrated an aptitude and the qualifications for such position. Candidates for and members of the police department shall comply with all other qualifications prescribed by law.

7. The members of the police department shall have the powers and duties and shall be subject to the discipline prescribed by law, this Code and other ordinances of the municipality and the rules and regulations adopted pursuant hereto, and they shall be subject to lawful orders of mayor and council and the public safety committee. The members of the police department shall receive such compensation for their services as shall be lawfully determined by the mayor and council from time to time.

8.

(a) No permanent member or officer of the police department or force shall be removed from his office, employment or position for political reasons or for any cause other than incapacity, misconduct or disobedience of rules and regulations established for the government of the police department and force, nor shall such member or officer be suspended, removed, fined or reduced in rank from or in office, employment, or position therein, except for just cause as hereinbefore provided and then only upon a written complaint setting forth the charge or charges against such member or officer. The complaint shall be filed with the Chief of Police or the Public Safety Committee and a copy shall be served upon the member or officer so charged, with notice of a designated hearing thereon by the proper authorities, which shall be not less than 10 nor more than 30 days from the date of service of the complaint.

(b) A complaint charging a violation of the internal rules and regulations of the department shall be filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. The 45-day time limit shall not apply if an investigation of a law enforcement officer for a violation of the internal rules or regulations of the law

enforcement unit is included directly or indirectly within a concurrent investigation of that officer for a violation of the criminal laws of this State. The 45-day limit shall begin on the day after the disposition of the criminal investigation. The 45-day requirement of this paragraph for the filing of a complaint against an officer shall not apply to a filing of a complaint by a private individual.

(c) A failure to comply with said provisions as to the service of the complaint and the time within which a complaint is to be filed shall require a dismissal of the complaint.

(d) The law enforcement officer may waive the right to a hearing and may appeal the charges directly to any available authority specified by law or regulation, or follow any other procedure recognized by a contract, as permitted by law.

(e) Except as otherwise provided by law, the administrator shall hear and determine the charge or charges made against a member or officer of the police department or force, and shall have the power to subpoena witnesses and documentary evidence. The Superior Court shall have jurisdiction to enforce any such subpoena.

(f) If any member or officer of the police department or force shall be suspended pending a hearing as a result of charges made against him, such hearing, except as otherwise provided by law, shall be commenced within 30 days from the date of the service of the copy of the complaint, in default of which the charges shall be dismissed and said member or officer may be returned to duty.

(g) Notwithstanding any other law to the contrary, whenever any municipal police officer is charged under the law of this State, another state, or the United States, with an offense, said police officer may be suspended from performing his duties, with pay, until the case against said police officer is disposed of at trial, until the complaint is dismissed,

or until the prosecution is terminated; provided however, that if a grand jury returns an indictment against said officer, or said officer is charged with an offense which is a high misdemeanor or which involves moral turpitude or dishonesty, said officer may be suspended from his duties, without pay, until the case against him is disposed of at trial, until the complaint is dismissed or until the prosecution is terminated.

(h) If a suspended police officer is found not guilty at trial, the charges are dismissed or the prosecution is terminated, said officer shall be reinstated to his position and shall be entitled to recover all pay withheld during the period of suspension subject to any disciplinary proceedings or administrative action.

(i) If any municipal police officer is suspended with pay and is found guilty of the charges brought against him said police officer shall reimburse the municipality for all pay received by him during the period of his suspension.

(j) Any member or officer of the police department who has been tried and convicted upon any charge or charges, may obtain a review thereof by the Superior Court pursuant to N.J.S.A. 40A:14-150 *et seq.*

9. This Ordinance shall take effect after its passage and publication in accordance with law.

Linda S. McDermott, Clerk

Liz Lempert, Mayor