

2015-25

AN ORDINANCE BY PRINCETON CONCERNING THE PRINCETON POLICE DEPARTMENT AND AMENDING THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974” AND THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968.”

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, N.J.S.A. 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to N.J.S.A. 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council’s Code Subcommittee has reviewed, updated and consolidated Chapter 26 of the “Code of the Borough of Princeton, New Jersey, 1974” and Chapter 15 of the “Code of the Township of Princeton, New Jersey, 1968,” pertaining to the Princeton Police Department; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

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

Section 1. Chapter 26 of "Code of the Borough of Princeton, New Jersey, 1974" and Chapter 15 of the “Code of the Township of Princeton, New Jersey, 1968” are hereby repealed.

Section 2. A NEW Chapter 26 of the “Code of the Borough of Princeton, New Jersey, 1974,” as set forth on Exhibit A attached hereto and made a part hereof, is hereby adopted to set forth the basic structure, powers and duties of the Princeton Police Department, and to replace the aforementioned provisions of the "Code of the Borough of Princeton, New Jersey, 1974" and the

"Code of the Township of Princeton, New Jersey, 1968."

Section 3. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 5. This Ordinance shall take effect upon its final adoption and publication as provided for by law. The provisions of the attached Chapter 26 shall be applicable within Princeton upon taking effect and shall become a part of the new Princeton Code once completed and adopted.

I, Kathleen K. Brzezynski, Deputy Clerk of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of Princeton at its meeting held August 10, 2015.



Kathleen K. Brzezynski
Deputy Clerk

EXHIBIT A

CHAPTER 26. POLICE DEPARTMENT

Article I. General Provisions.

Sec. 26-1. Establishment of Department.

There is hereby created in and for Princeton, a police department, known as the “Princeton Police Department,” which shall consist of the Chief of Police, up to four (4) Lieutenants, up to ten (10) Sergeants, up to four (4) Corporals and up to thirty-three (33) Patrol Officers. As used in this chapter, all sworn officers, i.e., the Chief, Lieutenants, Sergeants, Corporals and Patrol Officers, may be referred to as “members.” In addition, the Police Department may be supported by such civilian employees as may be deemed necessary by the Mayor and Council. Such Department shall be governed by applicable laws of the State, this chapter and other applicable laws and ordinances of the municipality and rules and regulations adopted pursuant hereto.

Sec. 26-2. The Line of Authority for the Police Department.

This section establishes and sets forth the line of authority for the administration and operation of the Princeton Police Department.

(a) The Administrator 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 authority and duty to:

- (1) Adopt and promulgate rules and regulations for the government of the Police force and for the discipline of its members; and
- (2) Coordinate with the Chief of Police with regard to the day-to-day operations of the Police Department; and
- (3) Handle Police disciplinary matters as more fully set forth in section 26-5 below; and
- (4) Receive and review, and forward to the Mayor and Council for review, monthly reports concerning the Department prepared by the Chief of Police.

Reference to the Administrator in this Article shall be in his or her capacity as the “appropriate authority.”

(b) The Chief of Police shall be the head of the Police force and responsible to the Administrator for the efficient and routine day-to-day operations of the Department, including the authority and duty to:

- (1) 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; and
 - (2) Have, exercise and discharge the functions, powers and duties of the Police force; and
 - (3) Prescribe the duties and assignments of all subordinates and other personnel within the Department; and
 - (4) Delegate such of his or her authority as the Chief may deem necessary for the efficient operation of the Police force to be exercised under the Chief's direction and supervision; and
 - (5) Report at least monthly to the Administrator on the operations of the Police force during the preceding month and make such other reports as may be requested by the Administrator.
- (c) The Mayor and Council shall have the duty and responsibility to:
- (1) Review and conduct investigations of the operations of the Police Department when necessary; and
 - (2) Review and establish from time-to-time the size and rank structure within the Department; and
 - (3) Fix the compensation of members of the Department consistent with the terms and conditions of any applicable Collective Bargaining Agreements; and
 - (4) Approve the appointment of the Chief of Police, promotion of Police personnel and the hiring of any new Police Officers; and
 - (5) Receive and review monthly reports with regard to the Police Department prepared by the Chief of Police.
- (d) The Mayor and Council hereby establish a Public Safety Committee which shall consist of the Mayor, Administrator, both ex officio, and two (2) members of the Council appointed by the Mayor with the consent of the Council. The Public Safety Committee shall be advisory to the Mayor and Council and shall assist the Mayor and Council with execution of its responsibilities hereunder and as may be required by law. In accordance with the above, the Public Safety Committee shall:
- (1) Act as liaison between the Mayor and Council and Chief of Police with regard to any matters related to the Police Department; and

- (2) Meet with the Chief of Police with regard to matters related to the daily and routine operation of the Police Department, and report regularly to the Mayor and Council as to same; and
- (3) When requested by the Mayor and Council, conduct such investigations regarding the operations of the Police Department; and
- (4) Advise the Mayor and Council as to the authorized number of officers in various ranks and promotion of same, and with regard to the hiring of new Police Officers; and
- (5) Advise the Mayor and Council on such other Police Department matters as may be requested from time to time.

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 appointed offices shall be filled in a like manner, but for the unexpired term. The Mayor shall designate one (1) of the appointed members as the Police Commissioner and in that capacity such member shall be the Chair of the Public Safety Committee.

Sec. 26-3. Appointment; Promotion; Qualifications Generally.

- (a) All members of the Police Department shall be appointed by the Mayor, with the advice and consent of the 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.
- (b) 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 not be considered a permanent member of the Department and instead referred to as a probationary member. For purposes of this section, the probationary period for any patrol officer shall be for a period of one year following the candidate's graduation from a police academy or if the candidate has prior police experience, said probationary period shall be for one year from the date of employment or from the date of the successful completion of any police refresher courses required to be taken as a condition of employment, whichever shall occur last. Candidates shall be drawn from an eligibility list established through recognized examination and testing procedures, interviews and thorough background investigations.
- (c) 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. In addition, no person shall be promoted to Chief unless that person has served as Lieutenant for at least one year; no person shall be promoted to Lieutenant unless that person has served as Sergeant for at least one year; no person shall be promoted to

Sergeant unless that person has served as Corporal or Patrol Officer for at least five years; and no person shall be promoted to Corporal unless that person has served as Patrol Officer for at least five years.

- (d) Candidates for and members of the Police Department shall comply with all other qualifications prescribed by law, including but not limited to N.J.S.A. 40A:14-122.
- (e) Every member of the Police Department shall be a resident of the state of New Jersey while serving in such position, as required by law. New members shall be residents of the state of New Jersey at the time of their appointment and thereafter, unless they served in the armed services of the United States as provided by N.J.S.A. 40A:14-123.1.
- (f) No person shall be appointed to the Police Department who is under twenty-one years of age or who is over thirty-five years of age, except as otherwise provided by law.

Sec. 26-4. Powers and Duties; Compensation.

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 Princeton and the rules and regulations adopted pursuant hereto. They shall receive such compensation for their services as shall be lawfully determined by the Mayor and Council from time to time, consistent with the terms and conditions of any applicable Collective Bargaining Agreements.

Sec. 26-5. Removal or Suspension; Reduction in Rank; Fines.

- (a) No permanent member of the Police Department shall be removed or suspended from or reduced in rank in office, employment or position therein, or fined, except by action of the Administrator on the grounds of incapacity, misconduct or disobedience of rules and regulations established for the government of the Department, and then only upon a written complaint setting forth the charge or charges against such member, signed by the person making the charge or charges. Such complaint shall be filed in the office of the Chief of Police, and a copy thereof shall be served upon such member, with notice of a designated hearing thereon by the Administrator, which shall not be less than ten nor more than thirty days from the date of service of the complaint.
- (b) A complaint charging a violation of the internal rules and regulations established for the conduct of the Department shall be filed no later than the forty-fifth 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 forty-five 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 forty-five day limit shall begin on the day after the disposition of the criminal investigation. The forty-five 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) Failure to comply with the foregoing provisions as to service of a complaint and the time within which a complaint is to be filed shall require a dismissal of the complaint.
- (d) The member against whom a complaint is made shall be given every reasonable opportunity to make a defense, if any member has or chooses to make, at and during the hearing on the charges by a hearing officer designated by the Administrator. The hearing officer shall conduct the hearing, receive testimony and other evidence, compile a list of exhibits and make findings and recommendations to the Administrator. The hearing officer shall file a report containing his or her findings and recommendations, with copies provided to the charged member, who will be provided with an opportunity to file exceptions and present oral argument to the Administrator. The Administrator shall make the final determination with respect to the charge and the penalty imposed. The Administrator, may, in his or her discretion, serve as the hearing officer. Any member who has been tried and convicted upon any charge or charges may appeal same to the Superior Court, as provided by law.
- (e) Any member of the Police Department may, nevertheless, by writing signed by the member and filed with the Chief of Police, waive his or her right to have a written complaint filed and served upon the member and to have a hearing thereon by the Administrator and consent to the summary imposition against the member of a specified penalty by the Chief of Police, as provided by the rules and regulations and particularly those governing internal affairs. A member's consent to any summary imposition of penalties shall be subject to the review and approval of the Administrator. Alternatively, the member 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.
- (f) Notwithstanding the above, and to the extent permitted by law, a member of the Police Department may, pursuant to the Department rules and regulations and particularly those governing internal affairs, be suspended with or without out pay pending a hearing, as a result of charges made against the member, but such hearing, except as otherwise provided by law, shall be commenced within thirty days after the service of the copy of the complaint upon the member, in default of which the charges shall be dismissed and the member returned to duty.

Article II. Mutual Aid Agreement for Emergency Police Services.

Sec. 26-6. Preamble.

N.J.S.A. 40A:14-156, 40A:14-156.1, 40A:14-156.2, and 40A:14-156.3 authorize municipalities to enter into mutual aid and assistance agreements for police services in cases of emergencies.

The County of Mercer consists of twelve municipalities, eleven of which have municipal police or fire departments operating for or within the Township of East Windsor, the Township of Ewing, the Township of Hamilton, the Borough of Hightstown, the Township of Hopewell, the Township of Lawrence, the Borough of Pennington, the Municipality of Princeton (comprised of

the former Township of Princeton and the former Borough of Princeton), the City of Trenton, the Township of Robbinsville (formerly the Township of Washington), and the Township of West Windsor, which regularly interact and provide assistance to each other in police related emergencies.

Each of the aforementioned municipalities in the County of Mercer wish to formalize and refine existing practice by entering into mutual aid agreements.

Sec. 26-7. Mutual Aid Agreements Established.

Pursuant to N.J.S.A. 40A:14-156, N.J.S.A. 40A:14-156.1 et seq., there are hereby established mutual aid agreements among and between this municipality and each of the aforementioned municipalities in the County of Mercer, New Jersey, which shall become effective upon the adoption by one or more of the aforementioned municipalities (hereinafter referred to as "participating municipalities") of reciprocal ordinances to provide mutual aid in police services in case of emergency. This agreement shall apply whenever this municipality may have an emergency within its boundaries requiring additional police assistance to protect life and property, and whenever any of the aforementioned municipalities may experience a similar emergency.

Sec. 26-8. Emergency Defined S.O.P.

For purposes of this article, the term "emergency" shall be defined to include situations in which the number of available police officers in a participating municipality is insufficient to meet the public need in a particular situation and situations where police aid involving special expertise, training or equipment is required in order to protect public safety, life, and property or to assist in suppressing a riot or disorder. No formal declaration of emergency is required to implement the provisions of the Mutual Aid Agreement.

Sec. 26-9. Requests for Assistance.

The Chief, Police Director, or acting head of the Police Department or Mayor, or Chief Executive Officer of a participating municipality, is hereby authorized to request assistance from the Chief or other head of the Police Department of any other participating municipality to provide aid in accordance with N.J.S.A. 40A:14-156 et seq.

Sec. 26-10. Provision of Assistance.

A participating municipality shall provide police assistance when a valid request in accordance with the Agreement to supply personnel is made, to the extent possible without endangering persons or property within the confines of the providing municipality.

Sec. 26-11. Powers, Rights, Immunities.

The members of the providing municipality's Police Department supplying aid shall have the same powers, authorities, rights, and immunities as the members of the police force of the requesting municipality when aid is being rendered therein. Said members shall also have, while

so acting, such rights and immunities as they may otherwise enjoy in the performance of their normal duties in the municipality rendering such assistance.

Sec. 26-12. County Critical Incident Management Plan.

These mutual aid agreements established herein by and between the aforementioned municipalities in the County of Mercer shall further authorize mutual police aid and assistance under the County Critical Incident Management Plan as established by the Mercer County Prosecutor as the Chief Law Enforcement Official in the county. The plan provides for a response by specially trained regional Emergency Response/Special Weapons and Tactics Team in the event of certain hostage, barricade, sniper, high risk armed apprehensions, terrorist, or similar situations occurring within a municipality within the County of Mercer.

Sec. 26-13. Benefits, Injury, Death.

Members of the police force of the providing municipality suffering injury, or their legal representatives, if death results while rendering assistance in the requesting municipality, shall be entitled to all such salary, pension rights, Workers' Compensation, or other benefits, as they would have accrued if such injury or death had occurred in the performance of duties in their own municipality, with such benefits to be the responsibility of the providing municipality.

Sec. 26-14. Reimbursement.

A municipality receiving police assistance hereunder pursuant to the terms of the County Critical Incident Management Plan shall not be required to directly reimburse the regional team for services so provided. The member municipalities shall, however, otherwise support the function of the respective regional response teams by providing the necessary manpower, equipment, and supplies on an ongoing annual basis pursuant to the terms of the County Critical Incident Management Plan.

Where emergency police aid is otherwise provided under circumstances outside of the County Critical Incident Management Plan, reimbursement shall be pursuant to N.J.S.A. 40A:14-156, or such other terms and conditions for reimbursement specifically agreed to between specific municipalities.

Sec. 26-15. Federal Emergency Management Agency ("FEMA") Reimbursement.

The municipality receiving emergency police aid (hereinafter referred to as "Receiving Entity") may seek reimbursement from FEMA for the cost of the services rendered by the municipality providing the emergency police aid (hereinafter referred to as "Providing Entity"). Reimbursement paid by FEMA shall not be contingent on the declaration of an emergency, major disaster, or fire by the Federal government. Reimbursement provided by FEMA is subject to the following conditions:

- (a) The Receiving Entity must request reimbursement from FEMA in accordance with the provisions set forth in the FEMA Recovery Policy RP9523.6 dated November 10, 2012, as may be amended from time to time.
- (b) Reimbursement for "Emergency Work," as that phrase is referenced in FEMA Recovery Policy RP9523.6, shall include, but is not limited to, work necessary to meet immediate threats to life, public safety, and situations described in Section 2, "Emergency Defined S.O.P.," herein.
- (c) Only a Receiving Entity is eligible for FEMA reimbursement as described herein. The Providing Entity may seek reimbursement from the Receiving Entity.
- (d) The Receiving Entity shall provide FEMA with an executive summary of the emergency police aid services requested and received, and the associated costs (e.g., labor, equipment, materials, etc.). Both the Receiving Entity and the Providing Entity shall keep and maintain detailed records of the services requested and received. Such records shall be maintained for at least three years after the emergency police aid has been rendered.
- (e) A Receiving Entity shall submit a copy of the Mutual Aid Agreement to FEMA with its reimbursement request.
- (f) A Receiving Entity shall submit a written and signed certification to FEMA with its reimbursement request, which shall include:
 - (1) The type and extent of emergency police aid assistance requested and received;
 - (2) The labor and equipment rates used to determine the cost of the emergency police aid; and
 - (3) A statement that all of the emergency police aid rendered by the Providing Entity was eligible under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §§5121-5206) and applicable FEMA regulations and policies.

Sec. 26-16. Effective Date.

This article shall be effective upon the final passage and publication of the ordinance authorizing same, according to law, and shall be effective with respect to this municipality's activities with another participating municipality, when such other participating municipality has adopted an ordinance reciprocal to this one, and such ordinance has become effective in that municipality.

Article III. Princeton University Police.

Sec. 26-17. Princeton University Police.

As authorized by the New Jersey Statutes, and specifically N.J.S.A. 18A:6-4.2 et seq., the Trustees of Princeton University have appointed persons to act as police officers for Princeton University, a portion of which is located within the municipality of Princeton. The scope of their power is defined by N.J.S.A. 18A:6-4.5 and 18A:6-4.7.