

## CHAPTER 4. ADMINISTRATION OF POLICE DEPARTMENT

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4-1. Establishment.

A Police Department is hereby established pursuant to N.J.S.A. 40A:14-118 in and for the Town of Hackettstown under the name of the Police Department of the Town of Hackettstown.

4-2. Powers and Duties.

The powers and duties of the officers and members of the Police Department shall be as prescribed by the laws of this State, the ordinances and resolutions of the Town and such rules and regulations as may now or hereafter be adopted for the government and discipline of the Department.

4-3. Members.

The Police Department of the Town of Hackettstown shall consist of a Chief of Police, who shall be deemed to hold the highest ranking office in the Department, such superior officers of lesser rank, patrolmen, detectives and other employees as shall from time to time be deemed necessary by the Mayor and Town Council to properly preserve peace and good order within the Town of Hackettstown.

4-4. Police Committee and Line of Authority.

Three (3) members of the Town Council shall be appointed by the Mayor to constitute the Police Committee. The Police Committee shall recommend policy to the Mayor and advise the Mayor in his administration of the Police Department. The Committee and individual members of the governing body shall act in all matters relating to the police function through the Mayor as Chief Executive of the Town government.

4-5. Appointments.

The Mayor with the advice and consent of Council shall appoint the Chief of Police, which is deemed to be the highest ranking position in the Police Department of the Town of Hackettstown, In addition, the Mayor may appoint persons to fill such other offices and positions as set forth in the next section as shall in his discretion see fit and deem necessary from time to time with the advice and consent of Council. The annual compensation for the positions shall be as provided in the salary ordinance or as provided in any applicable collective bargaining agreement.

4-6. Creation of Offices and Positions.

The Police Department shall consist of the following offices and positions, which are hereby created:

- A. Chief of Police

- B. Lieutenant
- C. Sergeant
- D. Patrolman
- E. Special Police Officer
- F. Other Employees

4-7. Line of Authority.

Unless otherwise directed by the Chief of Police, command shall be by virtue of rank. Rank in the Hackettstown Police Department shall descend in the following order:

- A. Chief of Police
- B. Lieutenant
- C. Sergeant
- D. Patrolmen

When officers are of the same grade, they shall rank according to their seniority determined by time in rank. When two or more officers are appointed to the same grade on the same day, each shall rank according to their examination score position, which determined the order of their appointment to that grade.

4-8. Authority and Responsibility of Chief of Police.

The Chief of Police shall be the head of the police force and the Chief shall be the final departmental authority in all matters of policy, operations, and discipline, and shall be directly responsible to the Mayor for the efficiency and routine day-to-day operations thereof and shall pursuant to policies established by the Mayor:

- A. Administer and enforce rules and regulations 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.
- D. Delegate such authority as the Chief may deem necessary for the efficient operation of the force to be exercised under the Chief's direction and supervision.

E. Report at least monthly to the Mayor in such form as may be prescribed by the Mayor on the operation of the force during the preceding month and make such other reports as may be requested by the Mayor.

4-9. Adoption of Rules and Regulations.

The present rules and regulations of the Department dated August 13, 1979 are hereby continued in force subject to the changes set forth therein.

The Mayor may hereafter amend, repeal, adopt and promulgate rules and regulations for the government of the Police force and the discipline of its members which shall be placed on file with the Chief of Police and Town Clerk. Subject to the laws of the State, ordinances of the Town, and the instruction of the Mayor, the Chief of Police shall administer and enforce the written manual of rules and regulations for the organization, control, disposition, conduct and discipline of the Police Department.

4-10. Power to Amend or Repeal Ordinance or Rules and Regulations.

The Mayor and Common Council of the Town shall at all times have full power and authority in its sole discretion to repeal, amend or supplement this ordinance and the Mayor shall have full power and authority to amend, supplement and repeal rules and regulations which are now or hereafter adopted by the Mayor pursuant hereto.

4-11. Designation of Appropriate Authority.

Pursuant to R.S. 40A:14-118 the "appropriate authority" is hereby designated as the Mayor.

4-12. Removal from Office.

Except as otherwise provided by law, 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. Said complaint shall be filed in the office of Chief of Police and a copy shall be served upon the member or officer so charged, with notice of a designated hearing thereon by the Mayor and Common Council which shall be not less than 10 nor more than 30 days

from date of service of complaint. A failure to comply with said provisions as to the service of the complaint shall require a dismissal of the complaint.

#### 4-13. Suspension of Officers Charged with Offense.

Whenever any 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 their duties with pay until the case against said officers 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 their duties without pay, until the case is disposed of at trial, until the complaint is dismissed, or until the prosecution is terminated. If a suspended police officer is found not guilty at trial, or if the charges are dismissed, or if the prosecution is terminated, said officer shall be reinstated in their position, and shall be entitled to recover all pay withheld during the period of suspension, subject to any disciplinary proceedings or administrative action. If any police officer is suspended with pay and is found guilty of any of the charges brought against them, said police officer shall reimburse the Town for all pay received by him or her during the period of their suspension.

#### 4-14. Procedures Upon Charges Being Preferred.

The procedures set forth in R. S. 40A:14-147 et seq., or as hereafter amended, shall be followed in the disciplinary proceedings referred to herein.

#### 4-15. Committees and Investigations.

Nothing herein contained shall prevent the appointment by the Mayor and Common Council of committees or commissions to conduct investigations of the operation of the Police Force or the performance of any officer or member thereof or to infringe on or limit the power of the Mayor to act to provide for the health, safety or welfare of the Town in an emergency situation through special emergency directives.

#### 4-16. Applicability of Other State Laws.

This Chapter and the powers conferred herein are subject to Civil Service regulations, the New Jersey Employer-Employee Relations Act, and such other laws as are applicable.