

*Township of East Hanover, NJ
Tuesday, April 20, 2021*

Chapter 42. Police Department

[HISTORY: Adopted by the Township Council of the Township of East Hanover 3-2-1995 by Ord. No. 9-1995.^[1] Amendments noted where applicable.]

[1] *Editor's Note: This ordinance also repealed former Ch. 42, Police Department, consisting of: Art. I, Department Generally, adopted 10-4-1979 as Ord. No. 38-1979, as amended; Art. II, Examinations for Reserves, adopted 10-21-1976 as Ord. No. 22-1976, as amended; Art. III, Fees for Services and Materials, adopted 12-16-1976 as Ord. No. 32-1976, as amended; and Art. IV, Special Law Enforcement Officers, adopted 12-4-1986 as Ord. No. 32-1986.*

§ 42-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPROPRIATE AUTHORITY

The Mayor.

CHIEF OF POLICE

The executive head of the Police Department of the Township of East Hanover.

EAST HANOVER POLICE DEPARTMENT (DEPARTMENT)

The Police Department of the Township of East Hanover as established by ordinance.

MAYOR

That elected official of the Township of East Hanover through which the executive power of the municipality shall be exercised.

TOWNSHIP COUNCIL

Those elected officials of the Township of East Hanover through which legislative and investigative functions of the municipality are exercised.

§ 42-2. Establishment; appointment of personnel.

- A. There is hereby created and established in the Township of East Hanover a Police Department, which shall be known as the "East Hanover Police Department." The Police Department is established in accordance with the provisions of N.J.S.A. 40A:14-118 et seq.
- B. Table of Organization. The Table of Organization for the Police Department shall be as established by the Township Council and the Township Council reserves the right to decrease the number of members or officers of the Police Department for reasons of economy pursuant to N.J.S.A. 40A:14-143.
[Amended 5-13-1999 by Ord. No. 6-1999]

- C. The appropriate authority may designate a Council member as liaison to the Police Department. The Council person selected shall serve for a period of one year and shall be designated as "Police Commissioner."

§ 42-3. Designation of appropriate authority; responsibilities; Council role; power of inquiry.

[Amended 5-13-1999 by Ord. No. 6-1999]

- A. The Mayor is hereby designated as the appropriate authority in accordance with N.J.S.A. 40A:14-118. The appropriate authority shall adopt and promulgate rules and regulations for the governance of the Department.
- B. Nothing herein contained shall prevent the appropriate authority, or any executive or administrative officer of the Township charged with the general administrative responsibilities within the Township, from examining at any time the operations of the police force or the performance of any officer or member thereof.
- C. Nothing herein contained shall infringe on or limit the power or duty of the appropriate authority to act to provide for the health, safety or welfare of the Township in an emergency situation through special emergency directives.
- D. The Township Council and individual members thereof shall act in all matters relating to the police function in the municipality as a body, or through the appropriate authority.
- E. Nothing herein contained shall prevent the appointment by the Township Council of committees or commissions; to conduct investigations of the operation of the police force and the delegation to such committees or commissions of such owners of inquiry as the Township Council deems necessary to conduct such hearing or investigation authorized by law.

§ 42-4. Appointments; terms of office; qualifications; promotions.

[Amended 6-18-1998 by Ord. No. 17-1998; 5-13-1999 by Ord. No. 6-1999]

- A. Appointments. All police officers shall be appointed by the Mayor.
- B. Term of office. The term of office for any police officer appointed pursuant to this Code shall be indeterminate and continuous during good behavior. No permanent officer of the Police Department shall be removed from his or her office, employment or position for political reasons or for any cause other than incapacity, misconduct or disobedience of the rules and regulations of the Police Department in accordance with N.J.S.A. 40A:14-147. No member of the Police Department can be removed from office except by the Mayor.
- C. Qualifications.
 - (1) Individuals will be appointed to the Police Department in accordance with the provisions of N.J.S.A. 40A:14-122.

- (2) A candidate for appointment to the Police Department must possess a bachelor's degree from an accredited college or university located in the United States.
- (3) Candidates for appointment to the Police Department must successfully complete physical agility, medical and psychological examinations. A background investigation will be conducted on each applicant.
- (4) Appointments to the Police Department will be made after consultation with and recommendation from the Chief of Police pursuant to a list ranking applicants according to their scores on tests and interviews as may be directed by the appropriate authority. A list shall be valid for 18 months from the date of promulgation unless specifically extended by the appropriate authority.
- (5) Nothing herein contained shall preclude the Mayor from selecting for appointment the individual he/she deems to be the most qualified from among the highest-ranking three candidates on the list formulated pursuant to the provisions of Subsection **C(4)** above, taking into account the requirements set forth in Subsections **C(2)** through **C(4)**, inclusive.
[Amended 6-17-1999 by Ord. No. 8-1999]

D. Promotions.

- (1) No person shall be eligible for promotion to be a superior officer until he/she shall have previously served as a patrol officer in the Department, pursuant to N.J.S.A. 40A:14-129 and 40A:14-130.
[Amended 6-17-1999 by Ord. No. 8-1999]
- (2) All promotions within the Department shall be based upon merit which shall be determined by prior work performance, experience and suitable promotional tests for such positions, as may be directed by the appropriate authority.
- (3) All persons who shall have served at least one year in the rank immediately below the rank to be filled shall be eligible for promotion to that rank, provided that in cases where the appropriate authority deem it in the best interests of the Township, he/she may, but is not obligated to, open eligibility to one or more additional subordinate ranks, provided that promotion to the rank of Lieutenant or above shall require a minimum of one year of service as a Sergeant.
- (4) Eligibles for promotion shall be ranked based upon the criteria set forth in Subsection **D(2)** above, and the Mayor, after consultation with the Chief of Police, shall select for promotion the individual he/she deems to be the most qualified from among the highest-ranking three eligibles on the list formulated pursuant to the provisions hereof. In cases where there are three or fewer eligibles for promotion and the appropriate authority has not deemed it necessary to open eligibility to additional ranks, the Mayor may, after consultation with the Chief of Police, make the promotion based upon the education and experience of the candidates without additional testing.
[Amended 6-17-1999 by Ord. No. 8-1999]

§ 42-5. Personnel; duties.

[Amended 5-13-1999 by Ord. No. 6-1999; 7-16-2001 by Ord. No. 29-2001]

There are hereby created the following positions within the Police Department for the Township of East Hanover and certain duties of each position which are not inclusive of all the duties of the said positions.

- A. Chief of Police. The Chief of Police shall be appointed by the Mayor and shall be subject to the direction and supervision of the appropriate authority. The Chief of Police shall be the executive head of the Police Department and shall be directly responsible to the appropriate authority for the efficiency and routine day-to-day operations of the Police Department. The Chief of Police shall, pursuant to the policies established by the appropriate authority:
- (1) Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel.
 - (2) Have, exercise and discharge the functions, powers and duties of the Police Department.
 - (3) Prescribe the duties and assignments of all subordinates and other personnel.
 - (4) Delegate such of his/her authority as he or she may deem necessary for the efficient operation of the Police Department to be exercised under his or her direction and supervision.
 - (5) Report at least monthly to the appropriate authority in such form as shall be prescribed by such authority on the operation of the Police Department during the preceeding month, and make such other reports as may be requested by such authority.
 - (6) Report immediately, but no later than 24 hours, to the appropriate authority and file a written report to the appropriate authority in regard to:
 - (a) Any accident, motor vehicle or otherwise, in which any member of the Township of East Hanover Police Department is involved while such member is acting in his or her official capacity.
 - (b) Any investigation of the Police Department being conducted by any federal, state, county or municipal agency which concerns either the Township of East Hanover or a member thereof.
 - (c) Any lawsuit, federal, state or otherwise, in which the Township of East Hanover Police Department or a member of the East Hanover Police Department is named either as a defendant or plaintiff.
- B. Captain. There shall be one Captain who shall be the second in command of the Police Department and shall have the authority and responsibility ascribed to the Chief when the Chief is absent. The Captain shall have such other duties as shall be assigned by the Chief.
- C. Lieutenant. There shall be three Lieutenants. Two shall be assigned to the Patrol Division and one to the Investigation Division. The Lieutenants shall have such duties as shall be assigned by the Chief.
- D. Sergeant. There shall be seven Sergeants. Four shall be assigned to the Patrol Division, one to the Investigation Division, one to administrative duties which shall include supervision over the Reports Bureau and one who shall be assigned to

administrative duties in the office of the Chief. The Sergeants shall have such duties as shall be assigned by the Chief.

[Amended 7-12-2004 by Ord. No. 29-2004; 5-14-2007 by Ord. No. 9-2007; 7-1-2008 by Ord. No. 11-2008]

- E. Patrol officer. There shall be not fewer than 23 nor more than 27 patrol officers who shall be assigned at the discretion of the Chief to patrol, investigative or administrative duties. The patrol officer is responsible for the general law enforcement work involved in the protection of life and property through the enforcement of laws and related preventive and investigative work. A patrol officer shall perform all duties assigned by the Chief or by any other superior officer.

[Amended 7-12-2004 by Ord. No. 29-2004; 5-14-2007 by Ord. No. 9-2007; 7-1-2008 by Ord. No. 11-2008]

§ 42-6. General duties of the Police Department.

Duties imposed upon all members of the East Hanover Police Department are:

- A. The preservation of the peace;
- B. The protection of life and property;
- C. The arrest of violators of the law and recovery of property;
- D. The prevention and detection of crime;
- E. The enforcement of all laws and ordinances;
- F. Aid and service to the public;
- G. Regulation of traffic and parking;
- H. Youth guidance.

§ 42-7. Disciplinary procedure.

[Amended 5-13-1999 by Ord. No. 6-1999]

The appropriate authority shall promulgate rules and regulations consistent with applicable law which shall set forth procedures and rules governing disciplinary actions applicable to the Police Department.

§ 42-8. Special law enforcement officers; appointment; duties.

- A. Appointment. The Mayor may, as he/she deems necessary, appoint special law enforcement officers in accordance with the applicable statutes for terms not to exceed one year. The appointment may be revoked by the Mayor for cause after adequate hearing, unless the appointment is for four months or fewer, in which event the appointment may be revoked without cause or hearing. The Mayor is not required to reappoint upon expiration of the term.

[Amended 5-13-1999 by Ord. No. 6-1999]

- B. Duties. Special law enforcement officers shall not be members of the Department, and their powers and duties shall cease at the expiration of the term for which appointed. Special law enforcement officers will serve on a temporary or intermittent basis to supplement the regular Police Department during emergent or unusual conditions, for traffic and crowd control and/or to provide extra security at parades, sporting events, riots, natural disasters and for other similar purposes. No special law enforcement officer will have authority to carry a firearm or effect an arrest except as specifically set forth in N.J.S.A. 40A:14-146.14 and 40A:14-146.15.
- C. There shall be the following three classes of special police officers pursuant to law:
[Added 10-1-2018 by Ord. No. 15-2018]
- (1) Class 1. Officers of this class shall be authorized to perform routine traffic detail, spectator control and similar duties. Such officers shall have the power to issue summonses for disorderly persons offenses, petty disorderly persons offenses, violations of Borough ordinances and violations of N.J.S.A. 39:1-1 et seq. The use of a firearm by an officer of this class shall be strictly prohibited, and no officer of this class shall be assigned any duties which may require the carrying of or use of a firearm. The Chief of Police may authorize the use of mechanical force weapons, but such special law enforcement officers must train and demonstrate proficiency with such mechanical force weapons with the same frequency as regular police officers.
 - (2) Class 2. Officers of this class are authorized to exercise powers and duties commensurate with those of a regular police officer. The use of a firearm by such officer may only be authorized upon successful completion of training and instruction as required by law. The Chief of Police may authorize the use of mechanical force weapons, but such special law enforcement officers must train and demonstrate proficiency with such mechanical force weapons with the same frequency as regular police officers.
 - (3) Class 3. Officers of this class must be a retired law enforcement officer under the age of 65, who had retired from his/her agency in good standing and possesses a valid New Jersey Police Training Commission basic police officer certification. Such Class 3 officers must be physically capable of performing the functions of the position in accordance with New Jersey Police Training Commission guidelines. Such Class 3 officers are authorized to exercise powers and duties commensurate with those of a regular police officer. The use of a firearm by such officer may only be authorized upon successful completion of training and instruction as required by law. The Chief of Police may authorize the use of mechanical force weapons, but such special law enforcement officers must train and demonstrate proficiency with such mechanical force weapons with the same frequency as regular police officers.

§ 42-9. Medical examination.

[Amended 5-13-1999 by Ord. No. 6-1999]

As the efficient operation of the Department depends, to some extent, on the health of its members, all members of the Department shall be required to submit to a medical examination every two years from the date of appointment. Such examinations will be conducted by the Township Physicians or such other physician as the Township may

designate, at no cost to the member. The results of the medical examinations, which shall be kept as confidential as possible, shall be reported to the Chief of Police. If, in the opinion of the Chief, action is required, he shall report with his recommendation to the appropriate authority and to the Mayor if the same is not also the appropriate authority.

§ 42-10. Adoption of rules and regulations.

- A. Rules and regulations for the efficient operation of the Police Department, the governance of the police force and for the discipline of its members as promulgated by the appropriate authority shall be provided to all members of the Police Department. The rules and regulations may be amended at any time by the appropriate authority; copies of such amendments or additions shall be supplied to all members of the Police Department.
[Amended 5-13-1999 by Ord. No. 6-1999]
- B. Whenever there is a conflict between the provisions of the rules and regulations of the Police Department and this chapter, the provisions of this chapter shall control.

§ 42-11. Additional personnel.

The following positions are hereby established within the Department. The positions being established are civilian in character, and the persons being appointed to these positions shall not have the right to bear firearms or the power of arrest:

- A. A school crossing guard shall be appointed pursuant to the provisions of N.J.S.A. 40A:9-154.1, and their qualifications, training and removal will be governed by N.J.S.A. 40A:9-154.1 and 40A:9-154.2.
- B. Female prisoner attendant shall be a female, appointed by the Mayor, upon recommendation of the Chief of Police, for the purpose of performing strip searches of female prisoners, should there exist no available female police officer or female special police officer. Strip searches will be conducted in accordance with N.J.S.A. 2A:161A-1 et. seq. and applicable rules and regulations of the East Hanover Police Department.

§ 42-12. Promotions of civilian members.

[Amended 5-13-1999 by Ord. No. 6-1999]

Promotions of civilian members of the Police Department shall be made by the Mayor and upon recommendation of the Chief of Police. Promotions shall be based upon merit as may be determined by suitable promotional tests for such positions, which will rank employers on the basis of test scores as well as prior work performance and experience.

§ 42-13. Outside employment.

Every officer and member of the Police Department shall devote his or her whole time and attention to the business of the Department, and he or she is expressly prohibited from following any other calling or being employed in any other business during the hours in which he or she is on duty. He or she may, however, accept any respectable employment, at any time that he or she is not on duty, provided that such employment shall not affect his

or her efficiency as a police officer nor reflect adversely upon his or her character or that of the Department.