

CHAPTER IV
POLICE DEPARTMENT*

4-1 Establishment.

There is hereby established in the borough a police department which shall consist of a chief of police, one captain, two lieutenants, four sergeants, seven patrol officers, and such other members and officers as shall be deemed necessary by the mayor and council, including temporary officers and members in an emergency, who shall be appointed to these positions together with their compensation by resolution of the council. (Ord. #480-99; Ord. #542-03, S 1)

4-2 Powers and Duties.

The police department shall:

Preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Borough of Little Silver; direct and control traffic; provide attendance and protection during emergencies; rendering kindly and efficient aid and direction in all cases; provide appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers. (Ord. #480-99)

4-3 Police Committee.

The mayor and council may designate from among its membership one or more members who shall constitute a police committee. The police committee appointed by the mayor and council shall be designated as the appropriate authority as provided in the New Jersey Statutes. It shall be responsible for the overall performance of the police department. It shall adopt and promulgate rules and regulations for the government of the police department and for the discipline of its members. All such rules and regulations promulgated by the police committee shall be recognized and obeyed by the members of the police department. The mayor and council, however, at any regular meeting or special meeting called for such purpose, may

* The establishment, maintenance, regulation and control of the municipal police department is provided for in N.J.S.A. 40A:14-118, et seq. (Ord. #480-99)

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annul or set aside any rules or regulation of the police committee or the chief of police. (Ord. #480-99)

4-4 Chief of Police.

The chief of police shall be the head of the police department and shall be directly responsible to the police committee for its efficiency and day-to-day operations. Pursuant to policies established by the police committee, the chief of police shall:

a. Administer and enforce the rules and regulations of the police department and any special emergency directive for the disposition and discipline of the department and its members and officers;

b. Have, exercise, and discharge the functions, powers and duties of the police department;

c. Prescribe the duties and assignments of all members and officers;

d. Delegate such authority as may be deemed necessary for the efficient operation of the police department to be exercised under the chief's direction and control; and

e. Report at least monthly to the police committee in such form as shall be prescribed on the operation of the police department during the preceding month and make such other reports as may be requested by the police committee.
(Ord. #480-99)

4-5 Command.

The chief of police shall have charge of police headquarters and command over the members of the police department, subject always to the orders of the police committee or mayor and council. (Ord. #480-99)

4-6 Salaries.

The salaries of the members of the police department shall be determined by ordinance. No temporary police officer shall be entitled to pay except for services rendered by virtue of an order by the police

committee and for such services he or she shall be paid only the amount determined by ordinance of the mayor and council, except when any temporary officers may be designated to perform regular patrol duty at the pleasure of the mayor and council. (Ord. #480-99)

4-7 Longevity.

In addition to the annual salary of the members of the police department as determined by ordinance aforesaid, the officer or designated employee shall receive longevity.

The longevity payment by way of salary shall be paid bi-weekly and shall be reported to the New Jersey Police Pension Fund, together with the annual salary as regular base salary as part of the officers' salaries. The aforesaid longevity payment program for each officer shall continue until such time as the officer retires. The longevity payment shall not be compounded annually but shall be added to the annual salary as the annual salary may be increased.

4-8 Equipment.

Any equipment which may be supplied to the members of the police department shall be the property of the borough. All equipment used in the police department shall be as prescribed by the mayor and council. (Ord. #480-99)

4-9 Qualification, Appointment and Regulation of Members.

4-9.1 Permanent Appointment. The members of the police department shall be appointed by the mayor and council in accordance with the requirements of the statutes of New Jersey and they shall hold office in accordance therewith. No person shall be appointed to the police department who is not qualified as provided in the New Jersey Statutes. The mayor and council may also require that an applicant for appointment to the police department shall successfully complete a physical, mental, and psychological examination.

No such appointment shall be made unless such person has successfully completed a police training course at a school approved and authorized by the Police Training Commission in the Department

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of Law and Public Safety of the State of New Jersey pursuant to N.J.S.A. 52:17B-66 et seq. (Ord. #480-99)

4-9.2 *Probationary Period.* The probation period for police officers shall be for a period of one year; provided, however, that a six-month extension may be granted, by resolution of the mayor and council, if an officer is enrolled in an approved training course prior to expiration of the one year period, or is scheduled prior to expiration of the one year period to attend an approved training course which commences subsequent to the one year period. No person shall be permitted to take a police training course unless he or she holds a probationary or temporary appointment as a police officer in the borough and the appointee shall be entitled to a leave of absence with pay during the period of the police training course. The probationary police officer may be dropped from the rolls or discharged at any time during such probationary period without notice and without hearing. The mayor and council may, at any time appoint such probationary member of the police department as a permanent member of the police department by official resolution. The continued employment of any probationary police officer after the expiration of his probationary period shall be deemed a permanent appointment. (Ord. #480-99)

4-9.3 *Temporary Appointment.* The mayor and council may, subject to subsection 4-9.30 et seq., hereinafter, appoint such temporary police personnel as it deems necessary to provide adequate police protection to the Borough of Little Silver. Temporary police personnel shall be employees of the police department. However, they shall be subject to the terms and conditions of the personnel resolutions of the borough and so far as vacation time, sick time and other benefits afforded employees of the borough, they shall be paid on an hourly basis and only for those times when authorized by the chief of police or the superior officer on duty as necessary and actually on duty as a police officer.

No person shall be appointed as a temporary police officer who is not qualified by law to serve as a regular police officer. (Ord. #480-99)

4-9.4 *Additional Physical Examination.* Every member of the police department shall submit to a thorough physical examination every three years. In addition each member of the police department is hereby charged with the duty of notifying the mayor and council of any accident resulting in injury to said member or any illness suffered by said member and the nature and extent of same and if ordered by the mayor and council the member shall submit to a physical

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examination by a physician designated by the mayor and council for determination as to his or her fitness for service. (Ord. #480-99)

4-9.5 *Promotions.* All promotions shall be made from the membership of the department as constituted at the time of the promotion and shall be made with regard to the length of service of the person proposed to be promoted and his or her merit in the department. No promotion may be granted any officer who has not served three years with the Little Silver police department prior to his or her promotion. The mayor and council may direct all candidates for a superior position to submit to an examination to be conducted by the State Police Association. The results of the examinations shall be advisory only and shall not be binding in making promotions. (Ord. #480-99)

4-9.6 *Discipline.* No member or officer of the police department shall be suspended, removed, fined, or reduced in rank for any cause other than for incapacity, misconduct, or disobedience as provided in the New Jersey Statutes and the police department's rules and regulations.

Offenses constituting incapacity, misconduct, or disobedience, in addition to those specifically enumerated below, shall be those listed under N.J.A.C. 4A:2-23. Additional specific offenses shall include:

- a. Failure to read the daily reports when entering upon or leaving his or her tour of duty.
- b. Failure to carry on or follow through unfinished duties without orders from his or her superiors.
- c. Failure to divulge to the police department all information, evidence and other relevant data pertaining to any active case.
- d. Failure to report the extent of the violation of any ordinance or law coming to his or her attention.
- e. Intoxication while on or off duty.
- f. Willful disobedience of orders of the mayor and council, the police committee, the chief of police or any superior officer.
- g. Indecent, profane or harsh language.
- h. Disrespect to a superior officer.

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- i. Unnecessary violence to prisoners.
 - j. Leaving assignment of duty without just cause.
 - k. Neglect in paying just debts for rent or necessities contracted while in the service.
 - l. Immorality, indecency or lewdness.
 - m. Absence without leave.
 - n. Incompetency, lack of energy and incapacity, mentally or physically.
 - o. Entering, while in uniform, any place in which intoxicating beverages may be sold or furnished or introducing any intoxicating beverage into the police station, unless in discharge of duty.
 - p. Drinking of any kind of intoxicating beverages while on duty.
 - q. Sleeping on duty.
 - r. Neglect of duty.
 - s. Violation of any criminal law.
 - t. For making known the proposed action or movements of the force or the provisions of any orders to persons outside the force.
 - u. Conduct not becoming to a police officer.
 - v. Conduct subversive of good order and the discipline of the force.
 - w. Not properly patrolling assignment of duty.
 - x. Publicly commenting upon the official conduct of a superior officer or any borough official.
 - y. Violation of any regulation, rule or order of the mayor and council, police committee, police chief or of any of the provisions contained in this chapter.
 - z. Visiting places of public resort in uniform except in the performance of duty.
- (Ord. #480-99)

4-9.7 *Outside Employment.* Each and every member of the police department shall devote his or her time and attention to the business

of the department. At all times they shall be prepared to act immediately on notice that their services are required. The mayor and council, upon application by the chief of police of any member for permission to do so, may authorize such member of the police department to engage in outside or additional employment which does not conflict or interfere with his proper performance of his or her duties as a police officer. (Ord. #480-99)

4-9.8 *Attendance.* Punctual attendance, prompt obedience to orders, and conformity to the rules of the department shall be rigidly enforced. (Ord. #480-99)

4-9.9 *Department.* Each member, in his or her conduct and deportment shall be quiet, civil and orderly and in the performance of his duty he or she shall maintain decorum and attention, command of temper, patience and discretion. Each member shall at all times refrain from harsh, violent, coarse, profane or insolent language, yet at the same time when required, act with firmness and sufficient energy to perform his or her duty. Members shall be civil and respectful to each other on all occasions. (Ord. #480-99)

4-9.10 *Intoxicants Prohibited.* No member of the department shall, while on duty, drink any kind of intoxicating liquor, or, except in the immediate performance of his duty, enter any place in which intoxicating drink may be sold or furnished. No intoxicating drink of any kind upon any pretext shall be introduced into the police station, except when prescribed by a physician, or in discharge of duty. (Ord. #480-99)

4-9.11 *Gifts or Gratuities.* No member shall accept from any person while in custody or after he or she shall have been discharged, nor from any of such person's friends or family, any gratuity or gift, directly or indirectly, nor from any person, without the written permission of the mayor and council, compensation for damages sustained in the discharge of his duty. (Ord. #480-99)

4-9.12 *No Other Compensation.* Members of the department shall not receive any compensation or reward for services, other than their pay as police officers of this department, unless by permission of the police committee of the mayor and council. (Ord. #480-99)

4-9.13 *Complaints Not Withdrawn.* No member of the department shall withdraw any complaint without sufficient cause. (Ord. #480-99)

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4-9.14 *No Assistance to Criminals.* No member shall communicate to any person any information, which may enable such person to escape from arrest or punishment, or enable such person to dispose of secrets, any goods or valuable thing stolen or embezzled. (Ord. #480-99)

4-9.15 *No Orders Revealed.* No member shall communicate except to such persons as directed by his or her superior in office, any information respecting orders, which such member may have received, or any regulations that may be made for the government of the department. (Ord. #480-99)

4-9.16 *Record Keeping.* Each member shall enter the names of persons taken in charge by said member, any particulars in each case as will be important in case of trial and shall file the same with the chief of police. (Ord. #480-99)

4-9.17 *No Absence Without Permission.* No member of the police department shall be absent from duty without permission from the chief of police or the officer in charge of the department. (Ord. #480-99)

4-9.18 *Active Partisan Politics.* The right of every member of the police department to entertain political or partisan opinions and to express the same freely when it shall not concern the immediate discharge of his or her official duties and the right of elective franchise shall be deemed sacred and inviolate, but no regular member of the police force will be permitted to be a delegate or representative to or member of any political or partisan convention whose purpose is the nomination of any candidate to any political office. No member of the police department shall act as a member of the board of registry and election for any election. (Ord. #480-99)

4-9.19 *Resignation Under Charges.* No member of the force shall withdraw or resign while charges are pending against such member, except by permission of the mayor and council. The unexplained or unauthorized absence for five days or more of any member of the force shall be deemed and held to be a resignation by such member and so accepted. (Ord. #480-99)

4-9.20 *Home Address.* Members of the force are required to report their places of residence to the chief of police and also report any change of residence within 24 hours after change shall occur. (Ord. #480-99)

4-9.21 *Enforce Ordinances.* Police officers shall, to the extent of their ability, enforce all ordinances of the Borough of Little Silver, prevent assaults, breaches of the peace and all crimes about to be committed. (Ord. #480-99)

4-9.22 *Appearance at Headquarters.* Every officer shall appear in person at police headquarters when going on and off duty and shall at all times be neat in his or her person and clothes, with shoes clean and attired in conformity with regulations. (Ord. #480-99)

4-9.23 *Uniform and Shield.* All police officers, when on duty, shall wear the shield on the outside of their outermost garment over the left breast, so that the entire surface of the shield may be easily and distinctly seen; and it shall be deemed a neglect of duty on the part of any officer carelessly to lose said shield or other insignia of office or having lost the same, to fail to report the fact as soon as practicable to the chief of police. (Ord. #480-99)

4-9.24 *Court Appearance.* Officers of every rank in the police force when on duty or when attending court, or at the meetings of the police committee as witnesses, or on trial of charges preferred against them, shall appear in full uniform or other appropriate attire as determined by the chief of police. (Ord. #480-99)

4-9.25 *Surrender of Equipment.* Members of the force dismissed or resigning or suspended shall immediately surrender to the chief of police all property of the department which may be in their possession. (Ord. #480-99)

4-9.26 *Service Stripes.* Service stripes shall be worn upon the sleeves of the uniform to denote the length of service as follows:

a. Police Officers: For each five years of service as a Class "A" police officer regardless of jurisdiction of service, one stripe shall be placed on the left sleeve just above the cuffs.

b. Dispatchers: For each five years of service as a full-time dispatcher or Class "A" police officer, one stripe shall be placed on the left sleeve just above the cuffs.
(Ord. #480-99; Ord. #568-04, S 1)

4-9.27 *Defects in Streets or Sidewalks.* Police officers shall carefully observe and report to the mayor and council any defects in the streets or sidewalks or street lights. They shall report any culverts that may not carry off water freely and anything in the streets or elsewhere within their assignment of duty likely to produce danger or public inconvenience, or anything offensive or unpleasant to the residents. (Ord. #480-99)

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4-9.28 *Maltreatment of Prisoners.* Members of the police force who shall willfully maltreat or use unnecessary violence toward a prisoner or citizen may, on complaint being made and the fact being established by competent testimony, be immediately dismissed from the department. (Ord. #480-99)

4-9.29 *Vagrancy.* Each member of the department is required to enforce the law against vagrancy, and for that purpose shall apprehend all persons found begging in the streets and deal with them as prescribed by law. (Ord. #480-99)

4-9.30 *Hiring Procedure.* It is the intent of this subsection to define a police department hiring procedure which will result in the appointment of the best qualified person or persons available based on a selection process which is open, impartial, competitive and thorough.

The following hiring procedure shall be adhered to prior to the appointment by the mayor and the confirmation of the council for any regular, probationary or temporary police officer:

a. The filling of any vacancy for a regular, probationary or temporary police officer shall first be authorized by the mayor and council. An application period of not less than two weeks shall be specified and an individual responsible for receiving applications.

b. Notice of this opening must be posted on borough bulletin boards provided for that purpose, also advertised in no fewer than two local newspapers. This advertisement must be prominently located in the newspaper. It shall appear no fewer than two times in each newspaper.

c. At the completion of the application period, all candidates at the discretion of the mayor and council may be required to take the Monmouth County Police Chiefs Examination, or an equivalent examination which is approved by the mayor and council. Any candidates who have already taken the examination on a prior occasion, may, at their option, retake the examination, with the highest score to apply.

d. An interviewing committee, designated by the mayor and council, shall then interview a specified number of applicants who scored highest on the examination, as determined by the mayor and

council. The mayor and council may, at their option, include in the group to be interviewed any borough employee who has applied for the position, provided the mayor and council judge this candidate to be qualified for the position. The number of candidates interviewed shall be no fewer than ten, unless the mayor and council authorizes a smaller number. At the conclusion of the interviewing period, the committee shall select, by whatever process they choose, a final group of applicants to be professionally evaluated. The interviewing committee's decision should be based on but not necessarily limited to the following characteristics: intelligence, maturity, judgment, experience, desire, communication skills, self-confidence, and the physical capability to discharge the duties of the position.

e. Prior to hiring a regular or probationary police officer, the mayor and council shall designate at least one independent professionally qualified consultant or authority on police science and psychology to interview the final applicants. After the interview, the consultant shall make written confidential assessments and recommendations as to the professional and psychological fitness of each final applicant. This final group of applicants shall be no fewer than five, unless the mayor and council has authorized a smaller number.

f. After reviewing all the applications and recommendations with the borough council, the mayor shall appoint, subject to council confirmation, the individual or individuals who, in his or her judgment, are best qualified for the position following the further requirements of this chapter and the Statutes of New Jersey.
(Ord. #480-99)

4-9.31 *Special Police Officers.* The mayor and council, whenever they shall deem it necessary, may appoint special police officers for terms not exceeding one year. Such officers shall possess and exercise all the powers and duties provided by said statutes during their term in office. Such officers shall not be members of the police force, and their powers and duties shall cease at the expiration of the terms for which they were appointed or upon revocation of their appointments. The police chief may authorize special law enforcement officers when on duty to exercise the same powers and authority as regular members of the police department, including the carrying of firearms and the power of arrest.

No person shall be appointed as a special police officer unless he or she:

- a. Is a citizen of the United States;

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- b. Is able to read, write and speak the English language well and intelligently;
- c. Is sound in body and of good health;
- d. Is of good moral character; and
- e. Has not been convicted of any criminal offense involving moral turpitude.
- f. Has passed an appropriate psychological review, as required by N.J.S.A. 40A:14-146.1.

Any person, who at any time prior to his appointment had served as a duly qualified, fully trained, full-time police officer in any municipality of this State shall be eligible to serve as a special police officer pursuant to this act.

No such special police officer shall carry a revolver or other similar weapon when off duty. The on duty weapon shall be returned to the officer in charge of the shift at the conclusion of the special officer's tour of duty.

Every such special police officer shall have his or her fingerprints taken and they shall be filed with the Division of State Police and the Federal Bureau of Investigation. Such special police officer shall be under the supervision and direction of the chief of police of the municipality wherein he or she is appointed and shall perform his or her duties only in such municipality unless in fresh pursuit of any person pursuant to Chapter 156 of Title 2A of the New Jersey Statutes. Such special police officer shall comply with the rules and regulations applicable to the conduct and decorum of the regular police officers of the municipality.

Before any such appointment is made the chief of police of the municipality shall ascertain the eligibility and qualifications of the applicant and make a report thereon to the governing body.
(Ord. #480-99)

4-10 **Stolen Property.**

Property stolen or embezzled, or allegedly stolen or embezzled, or any property found in the possession of persons arrested, shall be

delivered to the chief of police, or officer in charge of the station house, who shall keep a record with all the facts in the case. All lost property coming into the possession of any member of the department shall be delivered to the chief or his designee for safe keeping. (Ord. #480-99)

4-11 Sickness.

Any member of the force who is prevented from reporting to the station house at any time when it may be his or her duty to do so, shall immediately report the reason for such absence to the chief or officer in charge of the station house. Members of the force absent from duty because of sickness shall be paid in accordance with the current collective bargaining agreement then in force between the parties. In the event that the police officer exceeds all benefits under the current collective bargaining agreement, he or she may be paid his or her salary at the discretion of the mayor and council. (Ord. #480-99)

4-12 Suspected Negligence.

When a crime has been committed and the chief has cause to suspect that negligence is attributable to the police officer on whose assignment of duty the crime has been committed, the police officer shall be subject to immediate suspension, with or without pay, as allowed by Statute and shall be subject to the disciplinary procedures set forth herein and in the New Jersey Revised Statutes, Chapter 40A, Title 14. (Ord. #480-99)

4-13 Loitering.

No person shall be permitted to remain in the police station without permission from the officer in charge, except members of the department and persons on business relating to the department. (Ord. #480-99)

4-14 Procedure Upon Arrest.

All persons who may be arrested shall be conveyed to the police station. Property shall be removed from a prisoner if: it is unlawfully carried; is required as evidence; is lawfully carried but is dangerous to

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life; would facilitate escape; can be used to damage or deface department property.

All personal property including money which is taken from a prisoner shall be placed in an envelope, sealed and shall be signed by the arresting officer in the presence of the prisoner and held for safe keeping. The person receiving the property shall be required to sign a receipt. (Ord. #480-99)

4-15 **Medical Insurance Benefits During Retirement.**

Medical insurance benefits of police officers of the borough shall continue to cover retired officers to the same extent and under the same conditions as for active police officers as of the date of employee's retirement. (Ord. #480-99)