

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 14
("DEPARTMENT OF PUBLIC SAFETY"), ARTICLE II ("DIVISION OF
POLICE") OF THE CODE OF THE TOWNSHIP OF PLAINSBORO**

WHEREAS, the Township of Plainsboro desires to amend and supplement the Township's Ordinance regarding the Department of Public Safety; and

WHEREAS, the Township of Plainsboro desires to clarify provisions within Chapter 14 ("Department of Public Safety"), Article II ("Division of Police") regarding the composition of the Police Department and the process for appointing members.

WHEREAS, ordinances regulating police departments are subject to modification and revision due to changing needs of a municipality and to enhance the efficiency and effectiveness of the operations of the police department.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Plainsboro, as follows:

SECTION I.

The Code of the Township of Plainsboro, Chapter 14 ("Department of Public Safety"), Article II ("Division of Police") shall be amended and supplemented as follows (additions are underlined and deletions are struck through):

§ 14-7 Establishment; composition.

The Division of Police of the Township of Plainsboro is hereby established and shall consist of one Chief of Police and/or a Police Director, up to four Lieutenants, up to seven Sergeants, up to four Corporals, up to 21 police officers, and such other personnel as the Township Committee may designate from time to time. Any deviations or adjustments to this staffing level and composition shall be reviewed, approved and authorized by Township Administrator and Township Committee. Said Division shall be governed by applicable laws of the State of New Jersey, this chapter and other applicable ordinances of the Township of Plainsboro, and rules and regulations adopted pursuant hereto, and headed by the Police Director, absent the appointment of a Chief of Police.¹

The Police Director shall be appointed by the Township Committee and shall hold office at the pleasure of the Township Committee. The Director shall be a full-time employee of the Plainsboro Township at the time of appointment. The Director shall be knowledgeable, by reason of education and experience, in administering a Police department. Each unit of the Police department shall report to the Police Director, who in turn shall report to the Township Administrator and Township Committee. The Police Department, under the direction of its Police Director, shall be responsible for the proper and efficient coordination and/or management of public safety, emergency and emergency-related services.

In order to carry out these responsibilities, the Police Director shall implement, including but not limited to: assist the divisions in preparing annual budget requests to the Township Administrator; coordinate the preparation and submission of at least monthly, and annual

¹ See PBA Local 160 v. Twp. Of North Brunswick, 318 N.J. Sper. 544 (App. Div. 1999).

reports when appropriate; coordinate training of the units of the Police department in a variety of matters of interest to the divisions; coordinate drills with any or all units of Public Safety; develop plans and programs for dealing with public safety issues and emergency situations; keep records, review and analyze the performance of all divisions of the Department; maintain responsibility for all media relations at crime scenes, disasters or other emergencies and any other duties consistent with N.J.S.A. 40A-14-118.

A. The Police Director shall:

1. Establish by policy, rule, and regulation the procedures to be followed by the Chief of Police and other subordinate officers for the purchase of equipment and supplies.
2. Keep a record of all business transacted by the Police department.
3. Keep and maintain accurate records and submitting an annual report to the Township Committee and Township Administrator, which shall assess the operations of the Police Department, and its personnel, equipment and property.
4. Keep and maintain all records, reports, documents and other data required to be kept and maintained by the federal and/or state government and/or any of their respective subdivisions.
5. Keep and maintaining a record of all appointments, dismissals, removals, resignations and deaths of officers and other Department employees as they take place, with such other information as may be necessary.
6. Develop the annual budget for the Police Department and overseeing any and all expenditures of the Police Department.
7. Analyze crime trends and statistics to ensure that the Police Department makes the best use of the available funds, personnel, equipment, and supplies.
8. Evaluate the effectiveness of work programs and procedures of all units and within the Police Department and developing effective work methods and subordinates.
9. Undertake special studies pertaining to the public safety functions and promoting close coordination of planning efforts.
10. Establish and maintaining helpful and cooperative relations with civic and business organizations, schools, and court offices, and with others interested in the maintenance of law and order.
11. Perform all other duties not specifically reserved to the Chief of Police pursuant to NJSA 40A:14-118.
12. The Chief of Police shall report directly to the Police Director, and the Police Director shall receive daily or other periodic reports, as designated by the Police Director, from the Chief of Police. Absent the appointment of a Police Chief, the designated Officer in Charge shall report directly to the Police Director, and the Police Director shall receive daily or other periodic reports, as designated by the Police Director, from the Officer in Charge.
13. The Police Director shall communicate and coordinate with the Fire District/Department and the Plainsboro Rescue Squad.

§ 14-7.1 Police Division Authority.

The Police Division shall preserve the public peace; protect life and property; detect, arrest and prosecute offender(s) of the laws of New Jersey and ordinances of the Township of Plainsboro; direct and control traffic; provide attendance and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers.

§ 14-7.2 Appropriate Authority.

The Township Committee shall be designated as the Appropriate Authority unless there is a Police Director, who then shall serve as the Appropriate Authority as provided in the New Jersey Statutes. The Police Director will coordinate with the Township Committee on a regular basis, and upon their request. The Appropriate Authority shall be responsible for the overall performance of the Police Department. The Appropriate Authority shall adopt and promulgate Rules and Regulations for the government of the Police Department and for the discipline of its members.

§ 14-8 Policy and administration.

The Police Director, absent the appointment of a Chief of Police shall be the head of the Police Division and shall be directly responsible to the Appropriate Authority for its efficiency and day to day operations. Pursuant to policies established by the Appropriate Authority, the Chief of Police shall;

- A. Administer and enforce the Rules and Regulations of the Police Division and any special emergency directive for the disposition and discipline of the Division and its members and officers;
- B. Have, exercise and discharge the functions, powers and duties of the Police Division;
- 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 Division to be exercised under Police Director direction and control, absent the appointment of a Chief of Police;
- E. Report at least monthly to the Appropriate Authority in such form as shall be prescribed on the operation of the Police Division during the preceding month and make such other reports as may be requested by the Appropriate Authority.

§ 14-9 Power to adopt or modify rules and regulations.

The Township Committee shall have the power to adopt such rules and regulations for the government and discipline of the Division of Police not inconsistent with this chapter. The same may include the delegation to the Police Director, absent the appointment of a Chief of Police the power to adopt such rules, regulations, procedures and orders as shall be deemed to promote the efficiency of the Division. Any such rules, regulations, procedures or orders of the Police Director, absent the appointment of a Police Chief may be modified by the Township Committee. The regulations heretofore adopted entitled "Plainsboro Township Police Division, Police Manual for Rules and Regulations", as may be amended from time to time by resolution of the Township Committee, are incorporated herein and made a part hereof and are reinstated as if set forth herein in its entirety.

§ 14-10 Appointment of members.

All members of the Division of Police shall be appointed by the Township Administrator, with the exception of the Chief of Police and/or a Police Director, who shall be appointed by the Township Committee. Appointment to positions in the Division of Police shall be drawn from eligible candidates established through a process, such as an examination or test procedures drafted by the Police Director and provided to the Township Administrator for final review, approval and authorization. Such eligible candidates shall be active for consideration for 18 months. When a vacancy may occur for member positions, such candidates identified will be eligible upon screening by the procedure as outlined above.

§ 14-11 Qualifications of members.

- A. Each applicant shall comply with all laws of the State of New Jersey pertaining thereto. No person shall be appointed to the Police Division who is not qualified as provided in the New Jersey Statutes.
- B. No person shall be given or shall accept a permanent appointment as a police officer in the Township unless such person has been given a probationary or temporary appointment in such office for a period of one year after successful completion of a police training course at a school approved and authorized by the Police Training Commission and Department of Law and Public Safety of the State of New Jersey pursuant to the provisions of Chapter 56 of the Laws of 1959.
- C. Each candidate for appointment to the Division of Police may be required to submit to a written examination and oral examination as may be prescribed by the Chief of Police, to a physical examination by a licensed practicing physician of the State of New Jersey and to a psychological examination by a licensed practicing psychologist or psychiatrist of the State of New Jersey. The character and scope of such examination shall be for the purpose of reviewing the extent to which such applicant may be physically, mentally and otherwise qualified to perform the appropriate duties of the Division. Any applicant who fails to pass the written or oral examination or who fails to meet the physical qualifications as may be set up by the Police Director, absent the appointment of a Chief of Police or who is in the opinion of the examining physician, psychologist or psychiatrist incapable of performing the duties of a police officer in a safe and efficient manner shall be ineligible for appointment to the Police Division.

§ 14-12 Qualifications of superior officers.

- A. No member will be maintained in a command or supervisory position who does not demonstrate an aptitude for such position within the probationary period of one year from the date of appointment to such position. Aptitude for membership for a command or supervisory position will be determined by the Police Director, absent the appointment of a Chief of Police subject to approval and appointment by the Township Administrator.
- B. Candidates for command or supervisory positions may also be tested using such tests as may be deemed appropriate by the Police Director, absent the appointment of a Chief of Police and approved and authorized by the Township Administrator. The results of such tests will establish candidates for each position. Such candidates shall remain active for consideration for a period of 12 months for when a vacancy may occur at which time such candidates will be eligible upon screening.

§ 14-13 Removal and suspension; appointments to specialized positions.

- A. Each permanent member or officer shall hold office and continue in said employment during good behavior and efficiency, and no permanent member or officer 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 Division's Rule and Regulations.
- B. Any permanent member or officer of the Division of Police may be suspended, removed, fined or reduced in rank for just cause in accordance with the provisions of N.J.S.A. 40A:14-147. All such disciplinary hearings shall be held before the Township Administrator or designee.
- C. From time to time the Police Director, absent the appointment of a Chief of Police shall assign members to areas of specified work within the Police Department.

These areas may include, but are not limited to, investigations, juvenile and traffic; These assignments will be made by the Police Director, absent the appointment of a Chief of Police with no additional financial remuneration to the members assigned to the area. All assignments to these areas will be temporary, and members shall serve in these capacities at the pleasure of the Police Director, absent the appointment of a Chief of Police and may be reassigned at any time by the Police Director, absent the appointment of a Chief of Police. The Township Administrator shall be informed prior to such assignments.

§ 14-14 Uniforms and equipment.

Police uniforms and other pertinent equipment shall be furnished to all sworn members of the Division of Police and shall at all times be and remain the property of the Township of Plainsboro and, upon separation from the Division, shall be returned to the Township.

§ 14-15 (Reserved).

SECTION II. REPEALER

All ordinances or parts thereof inconsistent herewith are repealed as to such inconsistencies. This Ordinance amends the Township of Plainsboro's housing regulations to ensure that any dwelling offered for sale or rent is subject to the provisions of this Chapter and any reference or enforcement action toward vacant structures and hotels is removed. Provisions for these structures are regulated under other ordinances.

SECTION III. SEVERABILITY

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 portions thereof.

SECTION IV. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduced at a Meeting of the Township Committee of the Township of Plainsboro on November 9, 2022 and Published on November 10, 2022. Adopted at a Meeting held on November 21, 2022 and Published on November 22, 2022.