

FIRST READING:

SECOND & FINAL READING:

**ORD. NO. 60-53**

PUBLIC NOTICE is hereby given that the ordinance set forth below was introduced at a meeting of the City Council of the City of Linden in the County of Union, held on June 21, 2016 and that said ordinance will be further considered for final passage at a meeting of the City Council of the City of Linden at City Hall, located at 301 N. Wood Avenue, Linden New Jersey on July 19, 2016 at 7:00 o'clock P.M., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning this ordinance. During the week prior to and up to the time for final passage, copies of said ordinance will be available in the City Clerk's office, at no cost, in said City Hall, to the members of the general public who shall request a copy of same. This ordinance will also be posted outside the City Clerk's office, as required by law.

JOSEPH BODEK

City Clerk

**AN ORDINANCE AMENDING CHAPTER TWO OF THE CITY CODE ENTITLED "DEPARTMENT OF POLICE" BY THE CITY COUNCIL IN OF THE CITY OF LINDEN (This ordinance creates the position of Police Director and Deputy Chief)**

Section 1.

**2-12 DEPARTMENT OF POLICE.**

**2-12.1 Created – Department of Police.**

The Department of Police is hereby created pursuant to N.J.S.A. 40A:14-118 and shall consist of the following positions: (1) Police Director; (1) Chief; (1) Deputy Chief (5) Captains; (12) Lieutenants; (16) Sergeants; (101) Patrol Officers; and civilian personnel as the Council may determine by ordinance. The Department shall be under the day to day supervision and control of the Chief, pursuant to N.J.S.A. 40A:14-118, who shall be appointed by the Mayor. (1979 Code § 2-10.1; Ord. No. 29-38; Ord. No. 31-29 § 1; New; Ord. No. 44-41; Ord. No. 46-30 § 1; Ord. No. 46-31 § 1; Ord. No. 46-39 § 1; Ord. No. 48-15 § 1; Ord. No. 49-28 § 1; Ord. No. 51-10 § 1; Ord. No. 53-59 § 1; Ord. No. 55-37; Ord. No. 58-33)

**2-12.2 ~~Appropriate Authority.~~ Head of Police Department- Mayor**

The Mayor shall be the Head of the Police Department pursuant to N.J.S.A. 40A:61-4f. The Police Director shall be directly responsible to the Mayor for the efficiency and operation of the Police Department. ~~and also the Appropriate Authority over the Linden Police Department pursuant to N.J.S.A. 40A:114-118, and shall promulgate rules and regulations for the government of the force and for the discipline of its members.~~

~~The Appropriate Authority shall supervise the Chief of Police with respect to the efficiency and routine day-to-day operations of the department, and shall establish policies as he or she deems necessary to ensure the proper and effective delivery of police services with the City.~~

~~The Appropriate Authority may also appoint committees or commissions to conduct investigations of the operation of the police force, and may delegate to such committee or commission such powers of inquiry as it deems necessary or may itself conduct any hearing or~~

~~investigation authorized by law. The Appropriate Authority may direct the examination at any time of the operations of the force or the performance of any officer or member thereof. The Appropriate Authority may also provide for the health, safety or welfare of the municipality in an emergency situation through special emergency directives. (1979 Code § 2-10.2; Ord. No. 29-38; Ord. No. 51-10 § 1)~~

## **2-12.2A Police Director.**

- a. Duties of Police Director: The duties of supervising and establishing the policies for the operation of the Police Department and such other duties and responsibilities as created by this article are hereby established. The Police Director shall constitute the appropriate authority in accordance with N.J.S.A. 40A:14-118.
- b. Appointment; removal of Police Director: The Police Director shall be appointed by Mayor with the advice and consent of City Council and shall serve a term of office which is co-extensive with that of the Mayor.
- c. Removal from office: The Police Director may be removed from office at anytime, for cause;
  - (1) "For cause" is defined as:
    - (a) Failure to perform the duties of the Police Director as defined in this article.
    - (b) Mental and/or physical incompetence to perform the duties of the position of Police Director.
    - (c) Conviction of a felony.
  - (2) If the Police Director is notified that he is to be removed for cause, he may request a public hearing which shall be held not earlier than 15 days nor later than 30 days after his submission of his request to the office of the Mayor. Within five days after the submission of a request for a public hearing, the specification of charges shall be supplied to the Police Director.
- d. Salary of Police Director: The salary of the Police Director shall be as set forth in a salary ordinance adopted by the City Council as such ordinance shall be amended from time to time.
- e. Responsibilities of Police Director: The Police Director shall be charged with the duties of supervising and establishing the policies for the operation of the Police Department and shall be directly responsible to the Mayor for the efficiency and operation of the Police Department.
- f. Powers and duties of Police Director: The Police Director shall be the executive officer of the Police Department and, under the supervision of the Mayor, shall:
  - (1) Exercise such powers as set forth in the applicable statutes, which shall specifically include the powers granted to the appropriate authority, who shall be the Police Director, pursuant to N.J.S.A. 40A:14-118, including but not limited to promulgation and adoption of rules and regulations for the government of the Police Department and discipline of its members.
  - (2) Be responsible for the efficiency and operations of the Police Department and be the person to whom the Chief of Police shall directly report. The Police Director shall supervise the Chief of Police with respect to the efficiency and routine day-to-day operations of the department.

- (3) Provide recommendations from time to time to the Mayor and the City Council for the establishment of ordinances to assist in the governance and management of the Police Department.
  - (4) Provide monthly reports to the Mayor concerning the state of the Police Department during the preceding month in such form as shall be prescribed by the Mayor. The Director shall make such other reports as may be requested from time to time by the Mayor.
  - (5) Issue any operations orders, general orders or standard operating procedures or policies as is necessary for the efficiency and operation of the Police Department.
  - (6) Receive daily reports or other periodic reports, as designated by the Police Director, from the Chief of Police, including but not limited to:
    - (a) Budget and expenses.
    - (b) Manpower allocations, including overtime, vacation, sick and compensatory time accumulation and usage reports for all personnel, as well as the schedules of the Chief of Police and Captains of Police.
    - (c) Accident reports.
    - (d) Incident reports.
    - (e) Personnel-related issues.
  - (7) The Police Director may also appoint committees or commissions to conduct investigations of the operation of the police force, and may delegate to such committee or commission such powers of inquiry as it deems necessary or may itself conduct any hearing or investigation authorized by law. The Police Director may direct the examination at any time of the operations of the force or the performance of any officer or member thereof. The Police Director may also provide for the health, safety or welfare of the municipality in an emergency situation through special emergency directives.
- g. Maintenance of table of organization by Police Director: A graphic table of organization shall be maintained by the Police Director to show the divisional structure of the Police Department, subject to the approval of the Mayor. The function and duties of each position in the table of organization shall be defined by policies established by the Police Director and be in accordance with the job description for each position.
- h. Policies of Police Director: Pursuant to N.J.S.A. 40A:14-118, the Police Director shall issue any operations orders, general orders or standard operating procedures or policies as the Director deems necessary for the efficiency and operation of the Police Department.

**2-12.2A-2-12.2B Line of Authority.**

The following shall constitute the line of authority relating to the police function as required by N.J.S.A. 40A:14-118:

- a. Appropriate Authority. The Linden Police Department shall come under the jurisdiction of the appropriate authority, which is hereby created pursuant to N.J.S.A. 40A:14-118. Said appropriate authority shall be the Police Director. The Police Director shall be directly responsible to the Mayor for the efficiency and operation of the police department.

- b. *Chief of Police.* The Chief of Police shall possess those powers and duties set forth at N.J.S.A. 40A:14-118, and shall be the head of the police force and directly responsible to the Appropriate Authority for the efficiency and routine day to day operations thereof. The Chief of Police shall, pursuant to 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 force.
  3. Prescribe the duties and assignments of all subordinates and other personnel.
  4. Delegate such of his or her authority as he or she may deem necessary for the efficient operation of the force 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 the Appropriate Authority on the operation of the force during the preceding month, and make such other reports as may be requested by the Appropriate Authority.

It is the duty of the Chief of Police to cause public peace to be preserved and to see that all laws and ordinances, written orders, resolutions and policies of the City of Linden pertaining to the Police Department and properly complied with. He or she shall faithfully and properly obey and cause all the personnel under him or her to obey all rules, regulations, resolutions, orders and policy directives which may from time to time be prescribed by the Appropriate Authority.

- b. *Deputy Chief of Police.* Immediately subordinate to the Chief of Police in the line of authority is the Deputy Chief of Police who shall possess all of the powers of the Chief of Police in the latter's absence and who shall perform such duties and responsibilities as may be assigned by the Chief or as may be set forth in departmental rules and regulations or otherwise imposed by law.
- c. *Captain of Police.* Immediately subordinate to the Deputy Chief of Police in the line of authority is the Captain of Police, who shall assist the Chief in the administration of the department and who shall perform such duties and responsibilities as may be assigned by the Chief or Deputy Chief of Police or as may be set forth in departmental rules and regulations or otherwise imposed by law. In the absence of the Chief of Police and Deputy Chief of Police, the senior ranking Captain shall perform the duties and possess the powers of the Chief of Police.
- d. *Lieutenant of Police.* Immediately subordinate to the Captain in the line of authority is the Lieutenant of Police, who shall perform such duties and responsibilities as may be assigned by the Chief, Deputy Chief or Captain of Police or as may be set forth in departmental rules and regulations or otherwise imposed by law.
- e. *Sergeant of Police.* Immediately subordinate to the Lieutenant of Police in the line of authority is the Sergeant of Police who shall perform such duties and responsibilities as may be assigned by the Chief of Police, Captain or Lieutenant or as may be set forth in departmental rules and regulations or otherwise imposed by law.
- f. *Patrolman.* Immediately subordinate to the Sergeant of Police in the line of authority is the position of Patrolman, who shall perform such duties and responsibilities as may be assigned by the Chief of Police, Deputy Chief of Police, Captain of Police, Lieutenant of Police or Sergeant of Police or as may be set forth in departmental rules and regulations or otherwise imposed by law.

Nothing contained herein shall prevent the Chief of Police from directing that a particular sworn officer or position bypass the aforesaid line of authority and/or chain of command and report directly to the Chief of Police or such other officer as the Chief may direct.

(Ord. No. 51-10 § 1)

**2-12.3 Discipline.**

The ~~Mayor~~ Police Director shall establish policies and procedures for the discipline of the employees of the Police Department which shall be administered and enforced by the Chief in accordance with New Jersey Department of Personnel statutes, rules and regulations. The ~~Mayor~~ Police Director or his designee shall serve as hearing officer over all such disciplinary proceedings. The Mayor and Police Director shall also possess such powers over the Police Department as set forth in N.J.S.A. 40A:61-4f. (1979 Code § 2-10.3; Ord. No. 29-38; New)

~~**2-12.4 Rules and Regulations.**~~

~~The Mayor shall have the power and authority to issue, promulgate and enforce rules and regulations governing the operation of the Department of Police and its divisions, provided that such rules and regulations are not in abrogation or repeal of, or are inconsistent with statutory law or local ordinance or resolution. Such rules and regulations, and any departmental orders, verbal or written, shall be applicable to all personnel of the Department, including when engaged in outside employment. (1979 Code § 2-10.4; Ord. No. 29-38)~~

Section 2.     **Severability:**

If any section, subsection, sentence clause phrase or portion of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

Section 3.     **Repealing Conflicting Ordinance Provisions:**

All provisions of any City Ordinance deemed inconsistent with the provisions or intent of this Ordinance are hereby repealed.

Section 4.     **Effective Date:**

This Ordinance shall be effective upon its final passage and publication as required by law.

PASSED:

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President of Council

APPROVED:

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Mayor

ATTEST:

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City Clerk