

# Ordinance 2024-11

BOROUGH OF HIGHTSTOWN  
COUNTY OF MERCER  
STATE OF NEW JERSEY

## AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE 2-19, ENTITLED “POLICE DEPARTMENT,” OF PART 1, “ADMINISTRATIVE CODE,” OF CHAPTER 2, “ADMINISTRATION,” OF “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN.”

**WHEREAS**, the Borough of Hightstown (the “Borough”) has previously established Article 2-19, entitled “Police Department,” of Part 1, “Administrative Code,” of Chapter 2, “Administration,” of “The Revised General Ordinances of the Borough of Hightstown” (the “Borough Code”); and

**WHEREAS**, the Mayor and Council wish to revise Article 2-19 of the Borough Code in accordance with the provisions set forth herein.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Hightstown in the County of Mercer and State of New Jersey, as follows:

1. That Article 2-19, entitled “Police Department,” of Part 1, “Administrative Code,” of Chapter 2, “Administration,” of the Borough Code is hereby amended and supplemented as follows (additions are shown with underline; deletions are shown with ~~strikeout~~):

### **Article 2-19. Police Department**

**Editor's Note: Prior ordinance history includes portions of prior 1991 Code §§ 37-1-31-4, 37-6-37-8, 37-10-37-14, 37-16 and Ordinance Nos. 94-7, 94-12, 19-1994.**

#### **§ 2-19-1. Establishment; Composition; Chain of Command.**

[Ord. No. 1998-7; Ord. No. 2011-10; Ord. No. 2012-07; Ord. No. 2016-03]

- A. Establishment. The Borough Council, as the governing body of the Borough of Hightstown, hereby creates and establishes, pursuant to N.J.S.A. 40A:14-118, as an executive and enforcement function of municipal government, a police force which shall be known as the Police Department of the Borough of Hightstown (referred to herein as the "Police Department"). The Police Department shall be governed by the applicable laws of the State of New Jersey, this article of the Hightstown Borough Code, other applicable ordinances of the Borough, and rules and regulations adopted pursuant thereto.
- B. Composition. Under the supervision of the Chief of Police, the composition of the Police Department shall be as follows: a maximum of one lieutenant, a maximum of ~~threetwo (2)~~ three (3) sergeants, a maximum of ~~10~~ twelve (12) patrol officers, and any civilian personnel as deemed appropriate by the Borough Council. In addition to the regular members of the Police Department, the Borough may ~~employ up to 10 Class~~ employ up to 10 Class ~~not exceed two (2) Class~~ not exceed two (2) Class One special law enforcement officers and Class Two special law enforcement officers in an

amount not to exceed 25% of sworn officers, pursuant to N.J.S.A. 40A: 14-146.8, et seq., and § 2-19-18 below.

C. Chain of Command. All necessary orders and directives for the management and regulation of the Police Department shall be given through the chain of command. The chain of command shall be as follows:

- (1) The Borough Administrator as the Appropriate Authority, pursuant to N.J.S.A. 40A:14-118;
- (2) The Chief of Police;
- (3) The lieutenant, ~~if one is then serving~~;
- (4) The sergeant(s);
- (5) The patrol officers; and
- (6) The special law enforcement officers, if necessary.

#### **§ 2-19-2. Appropriate Authority.**

[Ord. No. 1998-7; Ord. No. 2011-10; Ord. No. 2016-03]

The Borough Administrator shall serve as the Appropriate Authority pursuant to N.J.S.A. 40A:14-118. Notwithstanding any other provision of this article or any police rules and regulations, the Appropriate Authority shall, in addition to the other duties permitted by N.J.S.A. 40A:14-118, conduct hearings in connection with minor discipline of police officers in accordance with § 2-19-15.

#### **§ 2-19-3. Police Commissioner.**

[Ord. No. 1998-7; Ord. No. 2011-10]

The Mayor shall, as soon as possible after the organization of the Council each year in January, name one of the members of [the](#) Council as Police Department Liaison, who shall also be known as the Police Commissioner. The Police Commissioner shall act as liaison between the Borough Council and the Police Department, with the assistance of the Borough Administrator, as needed. In the event of any vacancy in the office of Police Commissioner which the Mayor has not filled within 30 days, the Borough Council shall have the authority, by majority vote, to designate a Council Member to serve as Police Commissioner for the duration of that calendar year.

#### **§ 2-19-4. Chief of Police.**

[Ord. No. 1998-7; Ord. No. 2011-10; Ord. No. 2016-03]

A. Duties and Responsibilities. The Chief of Police shall be the executive head of the Department, and shall have complete authority regarding the day-to-day operations of the Police Department. The Chief shall consult and cooperate with the Borough Administrator, as [the](#) Appropriate Authority. The operations for which the Chief shall be responsible shall include but not be limited to the following:

- (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 in the Department.
  - (4) Delegate such of his authority as the Chief may deem necessary for the efficient operation of the force to be exercised under his direction and supervision.
  - (5) Report monthly to the Borough Council in such form as shall be prescribed by the Council on the operation of the force during the preceding month, and make such other reports as may be requested by the Council or on its behalf by the Borough Administrator or Police Commissioner.
- B. ~~Officer in Charge~~ Acting Chief. In the temporary absence or disability of the Chief of Police, the Chief shall point on a temporary basis one of the senior officers of the Department who will act in place of the Chief under the title of "Acting Chief," this title to be used only for the duration of the temporary appointment. The Chief shall notify the Borough Administrator in writing of any such temporary appointment.
- C. Department Equipment. The Chief of Police shall recommend to the Borough Administrator from time to time the purchase of new equipment or the repair or rearrangement of such old equipment as will improve the Department. The Chief shall have full charge and control of all apparatus of the Department and its assignment and use, and shall be held responsible for its care, cleanliness and safe keeping.
- D. Qualifications of the Chief of Police. Selection and evaluation of the individual to be appointed Chief of Police shall be based upon the following criteria, and the requirements of New Jersey law:
- (1) Demonstrated possession of a thorough knowledge of the principles and practices of modern police and emergency management administration, modern police science and crime prevention, and the ability to command the respect of officers and support staff and to plan, assign, direct, supervise and evaluate their performance.
  - (2) Ten years of police experience as a member of a police department or force, including supervisory experience.
  - (3) Education, including at a minimum must consist of a high school diploma or accredited equivalent. Post-secondary courses and degrees are desirable and will be considered in the selection process. ~~Attendance at and completion of a police training course and successful physical and psychological tests are mandatory.~~
  - (4) Residence within the State of New Jersey and within a radius of 1560 miles of the Borough ~~Police Headquarters~~ of Hightstown.
  - (5) Receipt of a satisfactory grade on any qualifying examination for the office of Chief as may be selected by the Borough Council.

**§ 2-19-5. Duties of Department.**

[Ord. No. 1998-7; Ord. No. 2011-10; Ord. No. 2016-03]

- A. The Chief of Police shall take all appropriate and necessary steps to make sure that the Police Department shall:
- (1) Preserve the public peace, protect life and property and prevent crime; detect and arrest offenders against the penal laws and ordinances effective within the Borough; suppress riots, mobs and insurrections; disperse unlawful or dangerous assemblages; and preserve order at all elections, public meetings and assemblages.
  - (2) Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic and the use of the streets by vehicles and persons, protect the safety and facilitate the convenience of motorists and pedestrians and make and enforce rules and regulations not inconsistent with the ordinances and resolutions of the Borough for such purposes.
  - (3) Remove or cause to be removed all nuisances in the public streets, parks and other public places of the Borough, inspect and observe all places of public amusement or assemblage and all places of business requiring any State or municipal license or permit and report thereon to the appropriate department.
  - (4) Provide proper police attendance and protection at fires and emergencies.
  - (5) Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses and cooperate fully with the law enforcement and prosecuting authorities of Federal, State and County governments.
  - (6) Operate training programs to maintain and improve police efficiency of the members of the Department.
- B. All police officers and employees shall, at all times, while holding office or appointment under the authority of this article, whether on or off duty, abide by the Constitutions of the United States and of the State of New Jersey.
- C. All police officers and employees shall, at all times, while holding office or appointment under the authority of this article, whether on or off duty, show abiding respect for government by complying with all laws, statutes, codes, ordinances, rules and regulations, including those of the State of New Jersey, [the Hightstown Police Department](#) and the Borough of Hightstown.
- D. All police officers shall, at all times, while holding office or appointment under the authority of this article, whether on or off duty, conduct themselves as police officers in accordance with their oath of office.

**§ 2-19-6. Rules and Regulations of Department.**

[Ord. No. 1998-7; Ord. No. 2011-10; Ord. No. 2016-03]

- A. The Borough Council shall have the power, by resolution, to adopt such rules and regulations for the government and discipline of the Police Department as are not inconsistent with New Jersey law or this article. The Chief of Police shall have the power to adopt such additional rules, regulations, procedures and orders as shall be deemed necessary by him to promote the efficiency of the Department. Any such rule, regulation, procedure or order of the Chief of Police shall be sent immediately to the Borough Administrator and to the Borough Council, and they may be modified or annulled by resolution or motion of the Borough Council.
- B. Such rules, regulations, procedures and orders shall be binding upon each member and civilian employee of the Police Department, and copies shall be made available by the Chief of Police for all such members and employees.
- C. Within five days after the promulgation of any rule, regulation, procedure or order, same shall be posted by the Police Chief or designee in the Police Department and a copy shall be made available to each member of the Department and to each civilian employee of the Department, all of whom shall acknowledge receipt of same on a form supplied by the Chief.
- D. In the event of any inconsistency between this Article 2-19 and the rules, regulations, procedures or orders, the provisions of this article shall control. In the case of inconsistency with any applicable collective bargaining agreement, the provisions of such agreement shall control.

**§ 2-19-7. Decrease for Reasons of Economy and/or Efficiency.**

The Borough Council may decrease the force for reasons of economy and/or efficiency. In accordance with N.J.S.A. 40A:14-143, the Council, if it shall deem necessary for reasons of economy and/or efficiency decrease the number of members and officers of the Police Department or force or grades or ranks. In case of demotion from the higher ranks, the officers or members to be so demoted shall be in inverse order of their appointment. Any member or officer who is demoted by reason of such decrease shall be placed on a special employment list, and in the case of subsequent promotion or hiring, a person demoted shall be reinstated to the original rank, if it exists, and in case of termination of service and a new appointment, prior consideration shall be given to the persons on said special employment list.

**§ 2-19-8. Application; Appointments and Qualification; Probationary Period.**

[Ord. No. 1998-7; Ord. No. 2011-10; Ord. No. 2012-07; Ord. No. 2016-03]

- A. Application. Any applicant for the position of police officer ~~of any rank, other than Chief of Police,~~ shall make written application therefor, on forms supplied by the Borough, to the ~~Borough Administrator~~Chief of Police, and at the same time shall submit such proofs as shall be required with respect to the qualifications as set forth in said application. Every such application shall be signed and sworn by the applicant. No applicant shall be appointed to ~~any position with~~the position of Probationary Police Officer within the Police Department until after the applicant is fingerprinted and said fingerprints are filed and investigated with the New Jersey State Police and the Federal Bureau of Investigation. No

applicant shall be appointed until after there has been a thorough background and character investigation of the candidate that will also determine the candidate's fitness for the position. Every person who shall have made ~~due an~~ application to be appointed a police officer shall undergo a physical and psychological examination by a physician hereinbefore specified after the initial application and interview process and after a conditional offer of employment. ~~The report of such physical examination shall be delivered to the Borough Administrator, who shall submit said report together with the interview committee's recommendation, to the Borough Council prior to its consideration of the making of any such appointment; provided, however, that no person shall be appointed a police officer unless such person shall have undergone a physical examination by a physician, and the report of such examination shall show that the applicant possesses the required physical qualification.~~

B. Procedure for Evaluation and Appointment of Patrolman. Applications shall be reviewed by the Borough Administrator and Police Chief, and selected candidates shall be interviewed by the Police Committee consisting of the Borough Administrator, Police Chief, Mayor, and Police Commissioner, with the Police Commissioner serving as the Chair, and making recommendations to the Borough Council. The Borough Administrator and Police Chief reserve the option of mandating applicants to pass a written examination prior to the interview process, whereby the top written scoring applicants are interviewed. Said Police Committee shall then recommend a name or names to the Council, which may determine to conduct interviews itself prior to confirming employment. In either case, no member of the Police Department shall be appointed prior to consideration by the Council and formal appointment by resolution of the Council.

C. Probationary Appointment.

(1) No person shall be appointed as a permanent member of the Borough Police Department prior to demonstrating an aptitude for police employment in the Borough of Hightstown for a period of one year, during which time said person shall be known as a probationary police officer. During the probationary period, the appointment as a police officer shall be subject to revocation at any time for any cause and without any hearing. The probationary period may be extended by the ~~Borough Council~~Chief of Police to a maximum of an additional six months ~~if necessary in order for an officer to successfully complete a police training course as prescribed by law. In particular, no person shall be eligible or qualified to be~~ appointed as a probationary police officer unless at the time of his/her appointment:

(a) She/he shall be a citizen of the United States and resident of the State of New Jersey.

(b) She/he shall not be less than 21 years of age and shall be sound in body and of good health sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey as to her/his eligibility for membership in the retirement system. Age shall not be considered in the promotion of any officer to a higher rank.

- (c) She/he shall demonstrate the ability to read and write the English language intelligently.
  - (d) She/he is of good moral character and shall not have been convicted of a crime or disorderly persons offense that, in the judgment of the Borough Council, would be prejudicial to the morale or the reputation of the Police Department.
  - (e) She/he must successfully pass the required physical fitness examination, drug and alcohol screening, psychological examination administered by a physician or laboratory of the Borough's choosing and be a successful graduate of a certified police academy as she/he may be assigned by the Borough. Any drug screening, psychological or medical examination or physical fitness examination shall be conducted after a conditional offer of employment or promotion has been made by the Borough.
  - (f) She/he is a holder of a valid New Jersey driver's license.
  - (g) She/he has obtained and continues to hold the required license for Law Enforcement Officers in the State of New Jersey.
  - (h) Education, at a minimum, must consist of a high school diploma or accredited equivalent. Post-secondary courses and degrees are desirable and will be considered in the selection process.
- (2) For purposes of this section, the probationary period for any police officer shall be for a period of one year following the candidate's graduation from a police academy, or if the candidate has prior police experience, said probationary period shall be for one year from the date of employment or from the date of the successful completion of any police refresher courses required to be taken as a condition of employment, whichever shall occur last. ~~No person shall be appointed or promoted to a command or supervisory position above patrolman or patrolwoman unless he or she shall have demonstrated an aptitude for such position.~~ Candidates for and members of the Police Department shall have all other qualifications prescribed by law.
- (3) Probationary employees will be evaluated on a **monthly regular** basis throughout the entire period of their probation in an effort to determine their suitability for continued employment. Probationary employees will be advised of their progress and counseled when necessary in an effort to correct any deficient performance or behavior.
- (4) Upon the completion of the probationary period, the Chief of Police shall recommend the officer for permanent appointment or dismissal by the Borough Council. If the officer is made permanent, the officer shall be subject to the provisions of New Jersey law with respect to discipline and removal. Such recommendation shall be set forth in a written report along with the Chief's

observations and findings leading to such recommendation. These recommendations shall be submitted to the Appropriate Authority no later than 10 days prior to the end of the probationary employee's period of probation. Nothing herein shall prohibit the Chief of Police from submitting such recommendation at any time during the employee's probationary period when such employee demonstrates that he/she does not possess the qualities and abilities to competently perform the duties of Borough police officer. Prior to achieving permanent status, probationary members shall not be considered as regular or permanent members of the Department.

- (5) The Borough Council may terminate a probationary employee at any time during or at the end of the probationary period, or affirm the retention of the candidate as a permanent member of the police force.

#### **§ 2-19-9. Uniforms to Be Furnished.**

[Ord. No. 1998-7; Ord. No. 2011-10; Ord. No. 2012-07; Ord. No. 2016-03]

Police uniforms shall be furnished to all regular or permanent members of the Borough Police Department and shall, at all times, be and remain the property of the Borough. Upon separation from service for any reason whatsoever, all uniforms and other equipment and accessories furnished by the Borough shall be promptly returned to the Police Chief.

#### **§ 2-19-10. Qualifications for Police Officers.**

[Ord. No. 1998-7; Ord. No. 2011-10; Ord. No. 2012-07; Ord. No. 2016-03; Ord. No. 2019-03]

No person shall be appointed as a regular or permanent member of the Police Department unless that person is qualified in accordance with the requirements of N.J.S.A. 40A:14-122 and the age requirements set forth in N.J.S.A. 40A:14-127 et seq. In particular, no person shall be eligible or qualified to be appointed as a regular or permanent police officer unless, at the time of his/her appointment:

- A. She/he shall be a citizen of the United States and resident of the State of New Jersey.
- B. She/he shall not be less than ~~18~~21 years of age and shall be sound in body and of good health sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey as to her/his eligibility for membership in the retirement system. Age shall not be considered in the promotion of any officer to a higher rank.
- C. She/he shall demonstrate the ability to read and write the English language intelligently.
- D. She/he is of good moral character and shall not have been convicted of a crime or disorderly persons offense that, in the judgment of the Borough Council, would be prejudicial to the morale or the reputation of the Police Department.
- E. She/he must successfully pass the required physical fitness examination, drug and alcohol screening, psychological examination administered by a physician or laboratory of the Borough's choosing and be a successful graduate of a certified police academy as she/he may be assigned by the Borough. Any drug screening, psychological or medical



examination or physical fitness examination shall be conducted after a conditional offer of employment or promotion has been made by the Borough.

- F. She/he is a holder of a valid New Jersey driver's license.
- ~~G. She/he must have an associate's degree or 60 college credits from an accredited college or university PLUS at least 24 months of satisfactory employment or military experience.~~
- G. She/he has obtained and continues to hold the required license for Law Enforcement Officers in the State of New Jersey.
- H. Education, at a minimum, must consist of a high school diploma or accredited equivalent. Post-secondary courses and degrees are desirable and will be considered in the selection process.

### **§ 2-19-11. Residency Requirements.**

[Ord. No. 1998-7; Ord. No. 2011-10; Ord. No. 2012-07; Ord. No. 2016-03]

- A. Findings of Fact. The Borough Council specifically finds that requiring all regular or permanent police officers to be residents of the Borough would seriously impede its ability to establish and maintain competent personnel for its Police Department and would be in violation of N.J.S.A. 40A:14-122.1.
- B. Preference in promotions shall be given to residents in accordance with N.J.S.A. 40A:14-122.6, but also shall be based on merit and fairness.
- C. Residency in State. Every regular or permanent member of the Police Department shall be a resident of the State of New Jersey in accordance with N.J.S.A. 40A:14-122.8.

### **§ 2-19-12. Chief of Police; Qualifications; Promotion.**

[Ord. No. 2016-03]

Candidates for the position of Chief of Police shall participate in a promotional procedure administered by the reviewing committee. The reviewing committee, which shall be made up of the Administrator, Police Commissioner, and Mayor, his/her designees and the current Chief of Police (unless there has been no chief or the Chief is involved in pending discipline or litigation with the Borough) shall consider the following: the candidates' knowledge of criminal law and procedure, police science and police administration, leadership and management ability, general knowledge of Borough's local government and N.J.S.A. 40A:14-118, the candidates' poise, alertness, ability to communicate clearly and effectively, ability to effect good working and public relations, and moral character. To be considered for the position of Chief of Police, the candidates must be serving as Borough Lieutenant or Sergeant.

### **§ 2-19-13. Promotions to the Rank of Sergeant and/or Lieutenant.**

[Ord. No. 2016-03]

- A. The Borough Council desires to promote the most qualified candidates to positions of higher rank. This section establishes the eligibility requirements and the process for promotion to all higher ranks. The promotion process shall be on the basis of merit, experience, education, demonstrated ability and competitive examinations. In accordance with N.J.S.A. 40A:14-129, promotion of any officer shall be made from the membership of the Department. No person shall be eligible for promotion unless he or she shall have served as a full-time police officer in the Hightstown Borough Police Department for a period of three years (N.J.S.A. 40A:14-130).
- B. Upon receiving instructions from the Borough Council, the Chief of Police shall announce the promotional process to members of the Department at least 45 days before a written test is to be given and at least 15 days before a written submission is to be submitted. The announcement shall be posted in common areas of the Department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled, the dates of the exams, source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates who qualify shall notify, in writing, the Chief of Police of his or her interest in taking the examination by submitting a letter of interest no later than 10 calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.
- C. Where two or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129, or a resident over a nonresident pursuant to N.J.S.A. 40A:14-122.6.
- D. The Borough Council shall appoint the reviewing committee for departmental promotions, which shall, at a minimum, consist of the Chief of Police, Administrator, Police Commissioner, and Mayor.
- E. Promotion Testing Procedures. The promotion testing procedure shall consist of a written examination (and/or narrative) and an oral examination in which all candidates will be given the same questions, a review of the candidates' service record, education, merit and experience.
- (1) Written Examination. The written test shall be supplied by a professional testing company, professional law enforcement organization or such other written examination approved by the Chief of Police. The top five scoring candidates shall then proceed to the Oral Examination.
  - (2) Oral Examination.
    - (a) Candidates shall be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Chief of Police or his/her designee.
    - (b) The oral examination shall take place after the receipt of the written examination scores.
    - (c) The Oral Examination with the Chief of Police shall focus on leadership and management skills, knowledge of Borough's form of government,

knowledge of the Police Department Ordinance, familiarity with municipal budget process and knowledge of N.J.S.A. 40A:14-118. The Reviewing Committee shall grade each candidate on a one-hundred-point scale. The Chief of Police and/or his designee (excluding Chief interviews) shall be present at this step.

- (d) The top three scoring candidates of the written and oral examination shall then proceed to the record review portion of the examination.
- (3) Record Review.
- (a) The Reviewing Committee shall examine the length and merit of candidate's service. The examination process shall give specific weight to performance evaluations, experience, military service, demonstrated leadership ability, education and disciplinary history.
- F. The review committee shall rank each candidate based on the total score. The list shall include the candidates' names and the final scores of the top three candidates who are eligible for the promotion. The Borough Council shall then appoint from the top three to fill the promotional position.
- G. Eligibility for Testing. All candidates for promotion [to Sergeant](#) must have served three years with the Borough as full-time police officers by the date of the written test in order to be eligible to participate in the promotional process. [All candidates for promotion to Lieutenant must have served one year with the Borough as a Sergeant by the date of the written test in order to be eligible to participate in the promotional process.](#)
- H. Probationary Period for Promoted Officers.
- (1) All officers promoted to a higher rank will serve a ~~six-month~~[one year](#) probationary period during which time the officer will be evaluated on a monthly basis to ensure the officer has the requisite skill set to perform the duties of the position to which he/she has been promoted. [At the sole discretion of the Chief of Police, the probationary period may be extended by 6 months.](#)
  - (2) The Chief of Police shall make a recommendation to the Borough Council concerning the suitability for [the](#) transition from probationary status to regular status for each newly promoted officer. Such recommendation shall be set forth in a written report along with the Chief's observations and findings leading to such recommendation. These recommendations shall be submitted to the Appropriate Authority and the Borough Council no later than 10 days prior to the end of the probationary period. Nothing herein shall prohibit the Chief of Police from submitting such recommendation at any time during an officer's probationary period when such officer demonstrates that he/she does not possess the qualities and abilities to competently perform the duties of the position to which the officer has been promoted.

**§ 2-19-14. Oath Required.**

[Ord. No. 1998-7; Ord. No. 2016-03]

Each member of the Police Department shall, before entering upon the performance of official duties, take and subscribe an oath to bear true faith and allegiance to the government established in this Borough and this State, to support the constitutions of the United States of America and the State of New Jersey and to faithfully, impartially and justly discharge and perform all the duties of office, which oath or affirmation shall be filed with the Clerk.

#### **§ 2-19-15. Procedure for Implementation of Disciplinary Hearings.**

[Ord. No. 1998-7; Ord. No. 2000-04; Ord. No. 2011-10; Ord. No. 2016-03]

- A. The Chief of Police is responsible for issuing major or minor discipline. The Chief of Police shall serve or cause to be served upon the member of the Police Department a signed copy of the complaint and/or charges against the member, along with a written notice that a disciplinary hearing for suspension or termination, shall be scheduled no sooner than 10 days nor later than 30 days after the notice is personally served upon him or her. The Appropriate Authority or an appointed hearing officer, and the member, themselves or through their representatives, if any, may agree to reasonable postponements. The Chief of Police may impose an oral or written reprimand without formal charges or hearing. The officer shall have the right to challenge the reprimand through the negotiated grievance procedure contained in the applicable collective negotiations agreement.
- B. Minor discipline, which includes a suspension of ~~is any discipline that is~~ five days or less, ~~including reprimands,~~ may be heard and determined before and by the Appropriate Authority, or through the grievance procedures. Major discipline, which is any discipline that is over five days shall be heard and determined before and by the Appropriate Authority, or an appointed third party hearing officer, at the time and place set forth in the notice.
- C. In cases of major discipline, ~~A~~ written copy of the recommendation of the Appropriate Authority or the hearing officer, whichever is applicable, shall be served upon the member of the Police Department and the Borough Council as soon as possible, but in no event later than 21 days after the hearing. The Borough Council shall review the recommendation and record established during a hearing, and may accept, amend or reject said recommendation. The Mayor shall participate in the decision, and shall vote to break a tie, if necessary.
- D. The Mayor and Council shall use ~~Chapter 8 of~~ the Police Rules and Regulations as a nonbinding guideline in the conduct of the hearings authorized herein.
- E. All disciplinary actions shall be subject to the requirements and time frames set forth in N.J.S.A. 40A:14-147, et seq.

#### **§ 2-19-16. Reimbursement for Legal Costs.**

[Ord. No. 1998-7; Ord. No. 2016-03]

Where the Borough Council determines that the provisions of N.J.S.A. 40A:14-155 require that the Borough provide a means of defense or reimburse a police officer for legal costs, the hourly rate for which the Borough shall be responsible shall not exceed the hourly rate charged by the Borough Attorney for litigation matters. All statements for professional services submitted by

attorneys representing police officers under this article shall be subject to review by the Borough Attorney and review and approval by the Borough Administrator.

**§ 2-19-17. Term of Service.**

[Ord. No. 1998-7; Ord. No. 2012-07; Ord. No. 2016-03]

The term of service of any regular or permanent member of the Police Department shall be to the age of 65 and shall be calculated as beginning on the date of formal appointment by the Borough Council. If the minutes or records of the Borough Council do not disclose such date, the payroll or other records of the Borough shall be used to determine it. At the age of 65 the officer shall be retired by resolution of the Borough Council and his or her services as a police officer shall be at an end; provided, however, that the Borough Council may, in its discretion, continue any officer temporarily in case of emergency, or as the needs and interest of the Borough may require, provided said officer remains qualified for said employment.

**§ 2-19-18. Special Law Enforcement Officers.**

[Ord. No. 1998-7; Ord. No. 2011-10; Ord. No. 2012-07; Ord. No. 2016-03]

- A. Definitions. Whenever any words and phrases are used in this section, the meanings respectively ascribed to them in N.J.S.A. 40A:14-146.9 shall be deemed to apply to such words and phrases used herein.
- B. Position Established. There is hereby established the position of special law enforcement officer (also referenced as "special police officer") in and for the Borough of Hightstown.
- C. Determination of Eligibility. Before any special law enforcement officer is appointed, the Chief of Police shall ascertain the eligibility and qualifications of the applicant and report these determinations, in writing, to the Mayor and Council.
- D. Appointment. Special law enforcement officers may be appointed for terms not to exceed one year, and the appointments may be revoked by the Mayor and Council for cause, after adequate hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein shall be construed to require reappointment upon the expiration of the term. The special law enforcement officers so appointed shall not be members of the police force of the Borough, and their powers and duties shall cease at the expiration of the term for which appointed.
- E. Qualifications.
  - (1) No person may be appointed as a special law enforcement officer unless the person:
    - (a) ~~Is at least 18 years of age;~~
    - (b) ~~Is a resident of the State of New Jersey during the term of appointment;~~
    - (c) ~~Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent;~~
    - (d) ~~Is sound in body and of good health;~~

- ~~(e) Is of good moral character;~~
- ~~(f) Has not been convicted of any offense involving dishonesty or which would make him or her unfit to perform the duties of his or her office; and~~
- ~~(g) Has successfully undergone the same psychological testing that is required of all full-time police officers in the Borough or, with regard to a special law enforcement officer hired for a seasonal period which required psychological testing of its full-time police officers, has successfully undergone a program of psychological testing approved by the Police Training Commission (the "Police Training Commission" or the "Commission") established in the New Jersey Department of Law and Public Safety, pursuant to N.J.S.A. 52:17B-70.~~
- (a) She/he shall be a citizen of the United States and resident of the State of New Jersey.
- (b) She/he shall not be less than 21 years of age and shall be sound in body and of good health sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey as to her/his eligibility for membership in the retirement system. Age shall not be considered in the promotion of any officer to a higher rank.
- (c) She/he shall demonstrate the ability to read and write the English language intelligently.
- (d) She/he is of good moral character and shall not have been convicted of a crime or disorderly persons offense that, in the judgment of the Borough Council, would be prejudicial to the morale or the reputation of the Police Department.
- (e) She/he must successfully pass the required physical fitness examination, drug and alcohol screening, psychological examination administered by a physician or laboratory of the Borough's choosing and be a successful graduate of a certified police academy as she/he may be assigned by the Borough. Any drug screening, psychological or medical examination or physical fitness examination shall be conducted after a conditional offer of employment or promotion has been made by the Borough.
- (f) She/he is a holder of a valid New Jersey driver's license.
- (g) Education, at a minimum, must consist of a high school diploma or accredited equivalent. Post-secondary courses and degrees are desirable and will be considered in the selection process.
- (h) She/he has obtained and continues to hold the required license for Law Enforcement Officers in the State of New Jersey.

- (2) Every applicant for the position of special law enforcement officer shall have fingerprints taken, which fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation.
- (3) No person shall be appointed to serve as a special law enforcement officer if that person serves as a special law enforcement officer in another municipality; nor shall any permanent, regularly appointed full-time police officer of any other municipality in the State of New Jersey be appointed as a special law enforcement officer. No public official with responsibility for setting law enforcement policy or exercising authority over the budget of any municipality in the State of New Jersey or supervision of the Police Department of a municipality in the State of New Jersey shall be appointed as a special law enforcement officer.
- (4) Any person who at any time prior to this appointment had served as a duly qualified, fully trained, full-time officer in any municipality in the State of New Jersey, and who is separated from that prior service in good standing, shall be eligible to serve as a special law enforcement officer consistent with the guidelines promulgated by the Police Training Commission. If the Police Training Commission waives the training requirements which are required by statute, the Mayor and Council, if it chooses, may appoint such person as a special law enforcement officer.

F. Training Course and Certification Requirements. No person may commence his or her duties as a special law enforcement officer unless he or she has successfully completed the training course and certification requirements of N.J.S.A. 40A:14-146.11, unless such training requirements have been waived by the Police Training Commission.

G. Classification of Officers. There are hereby established two classifications of special law enforcement officers as follows:

- (1) Class One. Officers of this class shall be authorized to perform routine traffic detail, spectator control and similar duties. Class One officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances and violations of Title 39 of the Revised Statutes. The use of a firearm by an officer of this class shall be strictly prohibited, and no Class One officer shall be assigned any duties which may require the carrying or use of a firearm.
- (2) Class Two. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as prescribed by the Police Training Commission.

H. Uniforms. Every special law enforcement officer prior to the commencement of his or her duties shall be furnished with a uniform which shall identify the officer's function. The uniform shall include, but not be limited to, a hat and appropriate badges which shall bear an identification number or name tag and the name of the Borough of Hightstown. The uniform shall also include an insignia issued by the Police Training Commission which clearly indicates the officer's status as a special law enforcement officer and the type of

certification issued by the Commission. All special law enforcement officers prior to the commencement of duties shall be in uniform properly displaying the appropriate insignia.

- I. Return of Equipment and Uniform Upon Termination. Whenever a special law enforcement officer's appointment is revoked or a special law enforcement officer is not reappointed upon the expiration of the term, the special law enforcement officer shall return to the officer in charge of the station house all Borough of Hightstown issued uniforms, badges and equipment within 15 days of the revocation or expiration of the term.
- J. Firearms. The special law enforcement officers shall carry and return firearms pursuant to the guidelines established in N.J.S.A. 40A:146.14(b).
- K. Conduct of Officers. Special law enforcement officers shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the Borough, as well as any rules and regulations applicable to the conduct and decorum of special law enforcement officers.
- L. Performance of Duties.
  - (1) A special law enforcement officer shall be under the supervision and direction of the Chief of Police, and shall perform his or her duties only in the Borough unless in fresh pursuit of any person pursuant to Chapter 156 of Title 2A of the New Jersey Statutes.
  - (2) The Chief of Police may authorize special law enforcement officers when on duty to exercise the same powers and authority as permanent, regularly appointed police officers of the Borough, including, but not limited to, the carrying of firearms and the power to arrest subject to rules and regulations; any such authorization shall not be inconsistent with the certification requirements of § 2-19-18F above.
- M. Hours of Employment. The provisions of N.J.S.A. 40A:14-146.16(a) and (c) regarding the maximum hours of employment of special law enforcement officers are hereby incorporated as if stated in full herein.
- N. Limitation of Use of Officers. Special law enforcement officers may be employed only to assist the Borough's law enforcement unit but may not be employed to replace or substitute for full-time regular police officers or in any way to diminish the number of full-time officers employed by the Borough.
- ~~O. Number of Positions Designated.~~
  - ~~(1) There are hereby created 10 positions as special law enforcement officers designated as Class One members.~~
  - ~~(2) There are hereby created positions as special law enforcement officers designated as Class Two members that do not exceed 25% of the total sworn officers on the force.~~

### **§ 2-19-19. Engagement of Services of Off-Duty Police Officers.**

[Ord. No. 1998-7; Ord. No. 2011-10; Ord. No. 2016-03; Ord. No. 2020-10]



A. Purpose. To establish a policy regarding the hiring and use of off-duty Hightstown Borough police officers by any entity or person other than the Borough of Hightstown.

B. Policy; Procedure.

- (1) Members of the Police Department shall be permitted to accept police-related outside employment services work (also referenced herein as “outside employment services” or “outside employment detail” or “off-duty detail” or “off-duty work”) only during off-duty hours, ~~only if authorized by the Chief of Police,~~ and only at such time(s) as will not interfere with the efficient performance of regularly-scheduled or emergency duty responsibilities for the Borough, so long as such request is approved in advance by the Chief of Police, who is the sole authorized official of the Borough for approving such off-duty work.
- (2) Any person or entity wishing to employ ~~off-duty~~ Hightstown Borough police officers for off-duty work shall first contact the Police Department to obtain the Borough's contracted Third Party Outside Employment ~~Administrator~~ Company information for such services.
- (3) Police officers engaged in off-duty work shall be deemed “on-duty” for the duration of the outside employment detail and shall conform to all Hightstown Borough Police Department rules, regulations, procedures, and orders.

**BC.** Requests for Outside Employment Services.

- (1) Any party or employer requesting the outside employment services of an off-duty Borough police officer shall submit the following information to the Chief of Police for approval; the estimated length (number of days) of the detail, work hours of the detail and number of officers requested. The Chief of Police shall review the request and determine if it includes an adequate number of off-duty officers to ensure security, crowd control or traffic safety. The Chief of Police shall have the authority to require the requesting party to hire additional officers to make sure that any security, crowd control or traffic safety concern is met.
- (2) No officer shall arrange with any party to work outside employment privately, ~~or without the authorization of the Police Chief, to provide such services.~~
- (3) Every officer shall have the right to turn down without any penalty any request to work an outside employment detail. No officer shall be required or ordered to work any ~~extra~~ off-duty detail.
- (4) The Police Chief shall keep in view the needs of the Borough for shift coverage in determining whether to approve or to deny any request for off-duty officer outside employment services by any party or entity.
- (5) Requests by a party to hire off-duty officers must be made to the Borough's Outside Employment ~~Administrator~~ Company at least three business days prior to the date off-duty officers are needed. Emergency requests to hire off-duty officers will be evaluated on a case-by-case basis, ~~and~~ All requests must be approved by the Chief of Police before the commencement of the off-duty detail.

**ED.** Outside Employment services assignment/rate for extra duty.

- (1) The rate charged by the Borough of Hightstown for outside employment services performed by officers of the Hightstown Police Department shall be in accordance with the collective negotiations bargaining agreement between the Borough and FOP, a copy of which is on file in the Municipal Clerk's office.
- (2) A \$15 per hour Administrative Fee shall apply for each hour of outside employment detail performed by officers of the Hightstown Police Department. This fee shall be in addition to the hourly rate determined by the negotiations bargaining agreement between the Borough and FOP. The Administrative Fee shall be retained by the Borough and shall not be paid to officers who perform the services.
- (3) The Borough of Hightstown utilizes an Outside Third-Party Employment Company to administer and perform the above-mentioned actions related to the off-duty detail employment process. These actions include, but are not limited to: communicating with the requesting person or company to schedule off-duty detail "jobs," securing the Police Chief's approval for the assignment, scheduling the officers for the said jobs, invoicing the requesting person or company, and receiving escrow and/or payment from the requesting person or company in a manner set forth by the Third Party Outside Employment Company. The Third Party Outside Employment Company may charge an additional fee for services that are above and in addition to the fee structure stated above and shall utilize business-type collection rules as set forth in the contract between Hightstown Borough and the Third Party Outside Employment Company. The Third Party Outside Employment Company will reimburse the Borough for funds due to the Borough via ACH or other funds transfer method, according to the fees set forth in the collective bargaining agreement and in the contract between the Borough and the Third Party Outside Employment Company, in a timely manner. Reimbursement shall usually coincide with payroll periods that the officers have performed or were scheduled for, in accordance with the above-listed rules of employment between the Borough and the person(s) or company seeking services. The Borough will subsequently pay the police officers for their outside employment services through the Borough's payroll schedule.

**DE.** Minimum number of hours.

- (1) There shall be a minimum obligation of four-hour's pay for each off-duty officer hired to work an outside employment detail. This four-hour pay obligation shall not apply to any Borough/Board of Education and related entities for off-duty activities/events.

**EF.** Use of ~~Marked~~ Police Vehicles. In the event that a party or employer employs any off-duty Borough police officer pursuant to this article, in addition to any compensation to be paid to the Borough pursuant to the requirements herein, there shall also be a \$20 per hour per vehicle fee for the use of marked or unmarked police vehicles. The Police Vehicle Fee shall

be retained by the Borough and shall not be paid to officers who perform the outside employment services.

- FG.** Penalty. Any person or entity who employs off-duty Borough police officers in order to perform the above services without first having complied with the requirements of this article shall be subject to the fines set forth Article 1-5 of the Borough Code for each day that the party or entity employs any Borough police officer, unless a waiver of said requirements shall have been granted, in advance, by the Police Chief. Any officer or employee of the Hightstown Police Department who provides off-duty detail services in a manner other than as specified in this article shall be subject to prosecution for violation of the Borough Code, and also for disciplinary process and penalties, including administrative penalties up to and including dismissal, in addition to the penalties set forth in Article 1-5 of the Borough Code.
- GH.** Cancellation Policy. With the exception of Borough and Board of Education and related entities matters, if an outside employment services job is cancelled with less than twelve (12) hours notice, the applicable officer(s) will receive compensation for four (4) hours. This payment for said assignment, and the administrative fee shall apply and be payable by the person or entity who reserved said services. This four-hour pay obligation shall not apply to any Borough/Board of Education and related entities off-duty detail activities/events.
- HI.** Control Vested in the Police Chief. The Police Chief of the Borough of Hightstown shall be the authorized official of the Borough responsible for the overall conduct of the members of the Police Department in following the rules and regulations promulgated herein, and shall insure that the terms, conditions and provisions of this article shall be fully and faithfully carried out. Additionally, the Police Chief shall have authority to control officers engaged in off-duty ~~or~~ outside employment services pursuant to this article, and shall further have the authority and the duty to commence disciplinary process as to any and all officers so engaged in outside employment services by private employers, should cause for such charges arise or exist. The Police Chief shall be accountable for the failure to abide by or to enforce the terms of this article as to off-duty outside employment services by police officers.
- IJ.** Adherence to Department Rules and Regulations. While employed as an off-duty officer on an outside employment detail, officers shall adhere to all department rules, regulations, policies and procedures. Officers shall also follow any commands or directions given to them by the Chief of Police, Supervisor or On-Duty Officer In-Charge (OIC). Police officers engaged in off-duty outside employment services work shall be deemed "on-duty" and shall conform to all Hightstown Borough Police Department rules, regulations, procedures, and orders.

## **§ 2-19-20. Drug Screening Procedure for Applicants and All Employees of the Police Department.**

[Ord. No. 2011-10; Ord. No. 2016-03]

The Police Chief shall establish a drug screening procedure, including screening for steroids, for applicants and employees of the Police Department. The drug testing policy shall be in accordance

with the Office of the New Jersey Attorney General's Guidelines on Drug Testing and any policy mandated reviewed and approved by the Office of the Mercer County Prosecutor. The policy shall be adopted as a part of the Police Department's rules and regulations and shall be amended from time to time so as to insure that applicants to the Police Department and the Department's sworn law enforcement personnel and employees are drug free. The Police Chief shall make sure that random and unannounced drug tests are conducted as to every single police officer, with every reasonable precaution taken to ensure the integrity, reliability, and fairness of the screening process and of the individual samples collected, and to ensure the confidence of the public and the reputation of the Police Department. The Police Chief shall be accountable for the failure to abide by or to enforce the terms of this article as to all police officers.

2. That all parts and provisions of any Ordinance which are inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency.

3. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

4. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduced: July 1, 2024

Adopted: July 15, 2024

ATTEST:

  
MARGARET RIGGIO  
MUNICIPAL CLERK

  
SUSAN BLUTH  
MAYOR