

STRATFORD BOROUGH COUNCIL
REGULAR MEETING AGENDA
DECEMBER 13, 2022
7:00 P.M.

CALL TO ORDER: THE STRATFORD REGULAR COUNCIL MEETING FOR DECEMBER 13, 2022

PLEDGE OF ALLEGIANCE AND PRAYER:

STATEMENT OF ADVERTISEMENT:

Notice of this meeting has been provided to the Courier Post and The Retrospect and is posted on the Borough Hall Bulletin Board stating the time and the place of the meeting.

ROLL CALL:

MAYOR JOSH KEENAN	STUART PLATT, BOROUGH SOLICITOR
COUNCIL PRESIDENT PATRICK GILLIGAN	RON MORELLO, POLICE/OEM COORDINATOR
COUNCILMAN STEPHEN GANDY	BILL BRAY, BOROUGH CLERK
COUNCILMAN JAMES KELLY	
COUNCILMAN MICHAEL TOLOMEO	
COUNCILWOMAN LINDA HALL	
COUNCILWOMAN TINA LOMANNO	

PUBLIC PORTION FOR AGENDA ITEMS ONLY: (5 min per person)

Motion to go to open public portion on agenda items only:

Motion: _____ Second: _____ Voice Vote: _____

Motion to close public portion on agenda items:

Motion: _____ Second: _____ Voice Vote: _____

REPORTS:

POLICE	Councilman Patrick Gilligan
EMERGENCY SERVICES	Councilman Stephen Gandy
ORDINANCE & PROPERTY	Councilman James Kelly
PUBLIC WORKS & LIGHTING	Councilman Michael Tolomeo
PUBLIC EVENTS	Councilwoman Linda Hall
FINANCE & REVENUE	Councilwoman Tina Lomanno

OLD BUSINESS:

ORD. 2022-19 AMEND CHAPTER 2.12 - POLICE DEPARTMENT

Motion to open the public hearing on ORD. 2022:19: _____ Second: _____ Voice Vote: _____

Motion to close the public hearing on ORD. 2022:19: _____ Second: _____ Voice Vote: _____

Motion to adopt ORD 2022:19 _____ Second: _____ RCV: _____

NEW BUSINESS:

STRATFORD BOROUGH COUNCIL
 REGULAR MEETING AGENDA
 DECEMBER 13, 2022
 7:00 P.M.

RESOLUTIONS:

RESOLUTIONS 2022:193 THROUGH 2022:1XX WILL BE DONE AS A CONSENT AGENDA

Council can at this time request to remove any of the resolutions from the consent agenda and they can be voted on separately.

- RES. 2022-193 AUTHORIZE GRANT APPLICATION NJ DCA RECREATION IMPROVEMENT GRANT
- RES. 2022-194 AUTHORIZE ANIMAL SHELTER AGREEMENT - VOORHEES ANIMAL ORPHANAGE
- RES. 2022-195 AUTHORIZE BUDGET TRANSFERS
- RES. 2022-196 RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETING ACT, NJSA 10:4-12
The matters for executive session will pertain to matters relating to Litigation – Laurel Mills LLC Vs Stratford

Motion: _____ Second: _____ RCV: _____

APPROVAL OF BILLS:

Animal checks		through		
Manual checks		through		
Payroll checks		through		and
Payroll checks		through		
Automated checks		through		
Various electronic transfers and potential interim payments to				

Motion: _____ Second: _____ RCV: _____

COUNCIL COMMENTS:

GOOD AND WELFARE:

Motion to open the meeting to the public for Good and Welfare: (5 min per person)

Motion: _____ Second: _____ Voice Vote: _____

Motion to close the public portion for Good and Welfare:

Motion: _____ Second: _____ Voice Vote: _____

EXECUTIVE SESSION:

Motion to go into Executive Session:

Motion: _____ Second: _____ Voice Vote _____

Motion to leave Executive Session:

Motion: _____ Second: _____ Voice Vote _____

ADJOURN:

Motion: _____ Second: _____ Voice Vote: _____

ORDINANCE 2022:19

AN ORDINANCE AMENDING CHAPTER 2.12, ENTITLED "POLICE DEPARTMENT," AND APPENDIX TO CHAPTER 2.12 OF THE CODE OF THE BOROUGH OF STRATFORD WITH A NEW CHAPTER 2.12, ENTITLED "POLICE DEPARTMENT AND NEW APPENDIX TO CHAPTER 2.12 ENTITLED "POLICE DEPARTMENT RULES AND REGULATIONS"

WHEREAS, the Borough of Stratford is a municipal corporation organized and operating under the laws of the State of New Jersey; and

WHEREAS, pursuant to N.J.S.A. 40A:14-118 the Mayor and Borough Council, by ordinance, may create and establish, as an executive and enforcement function of the Borough government, a police force, whether as a department or as a division, bureau or other agency thereof, and provide for the maintenance, regulation and control thereof; and

WHEREAS, pursuant to N.J.S.A. 40:48-2 the Mayor and Borough Council may make, amend, repeal and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the Borough and its inhabitants; and

WHEREAS, the Mayor and Borough Council deem it in the best interest of the Borough to repeal and replace Chapter 2.12, entitled "Police Department" and Appendix to Chapter 2.12, with a new Chapter 2.12, to be entitled "Police Department" and new Appendix to Chapter 2.12 entitled "Police Department Rules and Regulations".

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Stratford that the Code of the Borough of Stratford is hereby amended, repeal, revised and/or supplemented as follows:

SECTION 1. Chapter 2.12 of the Code of the Borough of Stratford, entitled "Police Department," and Appendix to Chapter 2.12, are hereby repealed and replaced with a new Chapter 2.12, entitled "Police Department," and new Appendix to Chapter 2.12 entitled "Police Department Rules and Regulations" as follows:

CHAPTER 2.12 POLICE DEPARTMENT

Article 1 - Establishment

2.12.010 Establishment and composition.

There shall be established a police department in the borough, which may consist of one (1) Chief of Police, a Deputy Chief of Police and such Captains, Lieutenants, Sergeants, Corporals, full & part-time police officers, special law enforcement officers, and civilian employees as the Borough Council shall deem advisable & necessary. Said Chief of Police, Deputy Chief of Police,

Captains, Lieutenants, Sergeants, Corporals, police officers, special law enforcement officers, shall be nominated and appointed by the Mayor of the Borough, by and with the consent of the Borough Council. Certain unclassified positions are made by the appointing authority only, and are subject to approval by the New Jersey Civil Service Commission. All appointments of this type, shall be processed via the New Jersey Civil Service Commission, using the approved personnel management system. If for any reason, a Police Chief is not appointed, any of the duties and which cannot be transferred otherwise, shall be delegated to a Chief Law Enforcement Officer, or Officer in Charge which shall be a ranking sworn officer, as designated by the Appropriate Authority.

2.12.020 Salary and compensation.

The salaries of the Chief of Police, who shall be the highest paid officer pursuant to N.J.S.A. 40A:14-179, and all members of the police department are as fixed by the Mayor and Borough Council and contained in the salary schedule on file in the office of the Borough Clerk.

2.12.030 Designation of Appropriate Authority.

The Mayor and Borough Council, shall designate the appropriate authority as the department head as permitted in the state statute N.J.S.A. 40A:14-118. The appropriate authority shall be responsible for the overall performance of the Police Department. The Chief of Police shall be the head of the police force and shall be directly responsible to the appropriate authority for the efficiency and routine day to day operation of the police department pursuant to policies, rules and regulations established by said appropriate authority.

2.12.040 Police Department Rules and Regulations and Police Manual.

A. The appropriate authority pursuant to N.J.S.A. 40A:14-118 is hereby authorized to update, adopt and promulgate rules and regulations for the governing of the Police Department and for the discipline of its members with a view to making the Police Department and all members thereof efficient, vigilant and effective in the service of the Borough of Stratford. Said rules and regulations will be in manual form and shall be called the "Rules and Regulations of the Police Department for the Borough of Stratford" and shall govern the conduct of and be binding upon the entire membership of said Police Department, including the Chief and all subordinates as listed in Section 2.12.010 hereof. Said rules and regulations shall provide for penalties and forfeitures for violations thereof.

B. The rules and regulations shall be distributed in manual form as follows: A copy will be issued to and signed for by each employee of the Police Department for the Borough of Stratford. The copy may be an electronic version with an acknowledgement of receipt.

C. All members and employees who are assigned a manual shall be responsible for its maintenance and care. Said manuals shall remain the property of the Borough of Stratford and, upon separation from police service, each person is bound to return same. Each person will be responsible for the security of his/her manual, and loss of the same will constitute neglect of duty and will result in disciplinary action. All manuals shall be kept current, and supplementary pages

concerning additions, revisions or amendments shall be promptly and properly inserted. No Police Department operating policies will be inserted as part of this manual unless and until properly assimilated by the appropriate authority.

D. Each police officer and each civilian employee is duty-bound to thoroughly familiarize himself/herself with the provisions of the Police Manual. Failure to comply shall be considered neglect of duty.

E. In the event neglect of duty is charged against a member for failure to observe the rules and regulations or Department procedures or orders, ignorance of any provision of this manual may not be accepted as an excuse.

2.12.050 Duties.

The duties of the officers appointed to the police department shall be those ordinarily performed by police officers generally and such duties as may be designated by the Borough Council.

2.12.060 Acquisition of Equipment.

A. The Borough Council may prescribe and establish such rules and regulations respecting the Department and its operation and make provisions for the acquisition of such apparatus, equipment and vehicles as it may deem necessary or useful for the Police Department, upon the recommendation of the Chief of Police or department head.

B. The purchase of all equipment for the police department in excess of one hundred dollars (\$100.00) shall be approved by the Chief of Police or department head and submitted on purchase orders and approved by the Municipal Administrator or Chief Financial Officer and paid in accordance with law.

Article 2 – Prerequisites to Permanent Employment

2.12.070 Qualifications.

A. Each member and officer shall be a citizen of the United States, be of good moral character, sound in body and in good health and be able to read, write and speak the English language well and intelligently. In addition, every member and officer shall be a high school graduate and shall comply with all eligibility requirements as set forth in the laws of the state of New Jersey. No person shall be appointed to the police force who has not been a resident of the state of New Jersey for at least six months prior to the date of appointment. Qualified residents of the Borough of Stratford shall receive hiring preference.

B. No person shall be appointed or retained as an officer or member of the Police Department who has been convicted of a crime constituting an indictable offense or one involving moral turpitude or who is not within the age limits as specified by law. Nothing herein contained shall be construed to prohibit the continuance in office or employment of any person who was

employed by the Borough in the capacity of a policeman at the time of the adoption of Ordinance No. 98:6 in 1998.

C. No person shall be given a permanent appointment as an officer or member of the Police Department unless he or she has passed a medical and psychological examination; and he or she has received a certificate of completion from a certified police training academy within the state in accordance with the laws of the state.

2.12.080 Probationary Period.

A. Each person appointed as an officer to the Department shall first serve a probationary period of 12 months from the date of receipt of written certification by a certified police training academy within the state. During the probationary period, he or she shall be known as a "probationary officer." At the termination of the probationary period, the appointment as an officer shall become final upon the recommendation of the Chief of Police and or the consent of the appropriate authority. However, the appropriate authority, for good cause shown, by resolution, may waive the probationary period or any part thereof for any appointee who has had previous experience as a police officer and who otherwise meets the qualifications as set forth in this chapter and the laws of the state.

B. This Article 2 shall not prohibit the appointment of a probationary officer, who otherwise qualifies, for a period not to exceed 12 months to enable the probationary officer seeking a permanent appointment to complete a certified police training academy within the state in accordance with the laws of the state.

C. No person shall be permitted to take a police training academy course unless he or she is a probationary officer of the borough, and such probationary officer shall be entitled to a leave of absence with pay during the period of the police training academy course.

Article 3 – Special Law Enforcement Officers

2.12.090 Appointment of Special Law Enforcement Officers.

The Borough Council may appoint from time to time special law enforcement officers in accordance with N.J.S.A. 40A:14-146.8 *et seq.*, for terms not exceeding one year. Such special law enforcement officers shall possess and exercise all the powers and duties provided by these statutes during their term in office, but shall not be members of the Police Department and shall not be entitled to tenure. The Chief of Police 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. Any such appointment of special law enforcement officers shall be revoked at any time without cause and without hearing, if the original appointment was for four months or less, otherwise, pursuant to N.J.S.A. 40A:14-146.14, with cause and after a hearing.

2.12.100 Categories.

A. There shall be three classifications of special officers. The New Jersey State Police Training Commission shall prescribe by rule or regulation the training standards to be established for each classification. The classifications shall be based on the duties to be performed by the special law enforcement officer, as follows:

(1) Class I - Officers of this class are authorized to perform routine traffic detail, spectator control and similar duties. They 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 category shall be strictly prohibited and no Class I officer shall be assigned any duties which may require the carrying or use of a firearm. There may be appointed such number of Class I special law enforcement officers as may be required.

(2) Class II - 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 pre-scribed by the New Jersey Police Training Commission. The number of Class II special law enforcement officers shall not exceed twenty-five percent (25%) of the total number of regular police officers.

(3) Class III – 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 while providing security at a public or nonpublic school on the school premises during hours when the public or nonpublic school is normally in session or when it is occupied by public or nonpublic school students or their teachers or professors. While on duty in the jurisdiction of employment, an officer may respond to offenses or emergencies off school if they occur in the officer's presence while traveling to a school facility, but an officer shall not otherwise be dispatched or dedicated to any assignment off school property.

2.12.110 Qualifications for Special Law Enforcement Officers.

A. No person may be appointed as a special law enforcement unless the person:

- (1) Is a resident of this State during the term of appointment;
- (2) Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent;
- (3) Is sound in body and of good health;
- (4) Is of good moral character;
- (5) Has not been convicted of any offense involving dishonesty or which would make him unfit to perform the duties of his office;

(6) Has successfully undergone the same psychological testing that is required of all full-time police officers in the Borough or county;

(7) Shall have had fingerprints taken, which finger-prints shall be filed with the Division of State Police and the Federal Bureau of Investigation; and

(8) Is not serving as a special law enforcement officer or regularly appointed full-time police officer of any municipality. Is not a public official with responsibility for setting law enforcement policy or exercising authority over the budget or supervision of the police department of any municipality.

B. In addition to the qualifications in subsection A. of this Section, a person shall not be appointed as a Class III special law enforcement officer unless the person:

(1) is a retired law enforcement officer who is less than 65 years of age; for the purposes of this paragraph, a law enforcement officer shall not be considered retired if the officer's return to employment violates any federal or State law or regulation which would deem the officer's retirement as not being bona fide;

(2) had served as a duly qualified, fully-trained, full-time officer in any law enforcement position eligible for participation in the Police and Firemen's Retirement System or in any federal or bi-state law enforcement agency or as a member of the State Police and was separated from that prior service in good standing;

(3) is physically capable of performing the functions of the position, determined in accordance with Police Training Commission guidelines;

(4) possesses a New Jersey Police Training Commission Basic Police Officer Certification, New Jersey State Police Academy Certification, or other proof of basic police training approved by the Police Training Commission;

(5) has completed the training course for safe schools resource officers developed pursuant to N.J.S.A. 52:17B-71.8; and

(6) is hired in a part-time capacity.

Article 4 – Contracted Off-Duty Employment

2.12.120 - Purpose.

For the convenience of those persons and entities which utilize the services of off-duty law enforcement officers of the Stratford Police Department and to authorize the outside employment of borough police while off-duty, the borough establishes a policy regarding the use of said officers.

A. Members of the police department may be permitted to accept police related employment for private employers or school districts only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty for the borough. Any employee seeking outside employment shall comply with internal policies of the police department subject to department approval prior to commencing employment.

B. Any person or entity wishing to employ off-duty police shall first obtain the approval of the Chief of Police or department head, which approval shall be granted if, in the opinion of the chief, or department head such employment would not be inconsistent with the efficient functioning and good reputation of the police department, and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work. Staffing levels of any outside employment shall be determined by the Chief of Police or department head as negotiated with the outside vendor.

2.12.130 - Escrow accounts.

A. Any person or entity requesting the services of an off-duty law enforcement officer in the Stratford Police Department shall estimate the number of hours such law enforcement services are required, which estimate shall be approved in writing by the Chief of Police or department head, and shall establish an escrow account with the borough CFO by depositing an amount sufficient to cover the rates of compensation and administrative fees set forth in section 2.12.150 for the total estimated hours of service. An escrow account may be waived for good cause on a case-by-case basis.

B. Prior to posting any request for services of off-duty law enforcement officers, the Chief of Police, or his or her designee or department head shall verify that the balance in the escrow account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Chief of Police or department head shall not post a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited with the borough CFO. No officer shall provide any such services for more hours than are specified in the request for services unless approved by the designated supervisor or department head.

C. In the event the funds in such an escrow account should become depleted, services of off-duty law enforcement officers shall cease and requests for further or future services shall not be performed or posted until additional funds have been deposited in the account in the manner prescribed above.

D. The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services and shall provide at least 2 hours prior notice in the event of a cancellation or postponement of work. Notifications shall be made in person at the Stratford Police Department or via telephone. Notifications of cancellations with less than 2 hours, shall result in payment of 4 hours to the scheduled police officers.

2.12.140 - Request for services.

All requests to the borough for services of off-duty law enforcement officers in the Stratford Police Department for a period of one (1) week or longer shall be forwarded to the Chief of Police or department head for scheduling at least three (3) days before such services are required. Any law enforcement officers, when so employed by the borough, shall be treated as an employee of the borough; provided, however, that wages earned for outside employment shall not be applied toward the pension benefits of law enforcement officers so employed, nor shall hours worked for outside employment be considered in any way compensable as overtime.

2.12.150 - Rates of compensation—Payment for services.

The rates of compensation for off-duty services performed by police officers shall be as set forth in Chapter 1.12.

2.12.160 - (Reserved).

Article 5 – Police Department Records

2.12.170 - Fees established—Obligation of custodian.

The fees which are to be prepaid by the requestor are established for the furnishing of copies of records, reports, documents, photographs and other services prepared, maintained and performed by the police department of the borough, shall be as set forth in Chapter 1.12.

2.12.180 - Exemption from payment of fees.

No charge or fee shall be made for the furnishing of copies of records, reports, documents, photographs and other information to any federal, state, county or municipal law enforcement department agency.

2.12.190 - Requests for copies of records.

All requests for copies of records, reports, documents, photographs and other services prepared, maintained and performed by the police department of the borough shall be made and directed to the police record division of said department. All requests must provide sufficient and accurate data for search and furnishing of the same, such as the names of the drivers, the time, location and date of the accident or incident, the name of the defendant, the summons number, the date of the violation, etc.

2.12.200 - Payment of fees.

All fees shall be pre-paid by requestor. All fees shall be payable to the borough and presented to and collected by the CFO of the borough who shall issue a duplicate receipt therefor, one of which shall be given by the CFO or person making the request to the custodian of records in the police record division of the police department.

**Appendix to Chapter 2.12
Police Department Rules and Regulations**

Article I

Headquarters of the Police Department

Section 1-1: A police station, which shall be the headquarters of the Police Department, and which shall be known and designated the Police Headquarters of the Borough of Stratford, New Jersey (hereinafter referred to as the Police Headquarters) is hereby established on premises known as No. 315 Union Avenue, in the Borough of Stratford, and at such other or additional place or places as the Governing Body of the Borough may from time to time designate.

Section 1-2: The Police Headquarters shall be open during normal business hours, from (9:00 a.m. to 5:00 p.m.) Monday through Friday, and such additional hours and days as manpower may permit.

Article II

Members or Personnel of the Police Department; Eligibility and Qualification; Method of Appointment; Terms of Office; Acting or Substitute Personnel; and Official Titles of Members or Personnel of The Police Department

Section 2-1: There shall be established a police department in the borough, which may consist of one (1) Chief of Police, a Deputy Chief of Police and such Captains, Lieutenants, Sergeants, Corporals, full & part-time police officers, special law enforcement officers, and civilian employees as the Borough Council shall deem advisable & necessary. Said Chief of Police, Deputy Chief of Police Captains, Lieutenants, Sergeants, Corporals, police officers, special law enforcement officers, shall be nominated and appointed by the Mayor of the Borough, by and with the consent of the Borough Council. Certain unclassified positions are made by the appointing authority only, and are subject to approval by the New Jersey Civil Service Commission. All appointments of this type, shall be processed via the New Jersey Civil Service Commission, using the approved personnel management system. If for any reason, the office of police chief is temporarily vacant, any of the duties and which cannot be transferred otherwise, shall be delegated to a Chief Law Enforcement Officer, or Officer in Charge which shall be a ranking sworn officer, as designated by the appropriate authority which may be conferred to the department head or municipal administrator.

(Amended by Ord. No. 2001:18, § 2001; Ord. No. 2002:11, § 2, 8-13-2002)

Eligibility and Qualifications, Method of Appointment and Terms of Office of Members of the Police Department

Section 2-2: The Chief of Police shall be appointed by the governing body of the Borough from an approved Civil Service list for an initial probation period, pursuant to the Civil Service Act and regulations. Upon satisfactory termination of the probationary period, such appointment shall be for an indefinite term.

Section 2-2.1: The Deputy Chief of Police shall be appointed by the governing body of the Borough from an approved Civil Service list for an initial probation period, pursuant to the Civil Service Act and Regulations. The Police Deputy Chief shall be appointed from an approved Civil Service list from among the Captain and Lieutenant who have served in the capacity of Captain and Lieutenant in the Borough of Stratford Police Department for at least three (3) years immediately preceding such appointment. Upon satisfactory termination of the probationary period, such appointment shall be for an indefinite term.

(Ord. No. 2002:11, § 3, 8-13-2002)

Section 2-3: The Police Captain shall be appointed by the governing body of the Borough from an approved Civil Service list for an initial probation period, pursuant to the Civil Service Act and Regulations. The Police Captain shall be appointed from an approved Civil Service list from among Lieutenants who have served in the capacity of Lieutenant and Sergeant in the Borough of Stratford Police Department for at least three years immediately preceding such appointment. Upon satisfactory termination of the probationary period, such appointment shall be for an indefinite term.

(Amended by Ord. No. 2001:18, § 3, 2001)

Section 2-3.1: The Police Lieutenant shall be appointed by the governing body of the Borough from an approved Civil Service list for an initial probation period pursuant to the Civil Service Act and Regulations. The Police Lieutenant shall be appointed from an approved Civil Service list from among Sergeants who have served in that capacity in the Borough of Stratford for at least 3 years immediately preceding such appointment in the capacity of Sergeant. Upon satisfactory termination of the probationary period, such appointment shall be for an indefinite term.

(Added by Ord. No. 2001:18, § 4, 2001)

Section 2-4: The Police Sergeant shall be appointed by the governing body of the Borough from an approved Civil Service list for an initial probation period pursuant to the Civil Service Act and Regulations. If he shall be appointed by the governing body of the Borough to said office upon satisfactory termination of the probationary period, such appointment shall be for an indefinite term.

Section 2-5 The Police Corporal, shall be selected by the governing body. The Police Corporal is a designation and not an official title recognized by the New Jersey Civil Service Commission.

Section 2-6: Each Patrolman shall be appointed by the governing body of the Borough from an approved Civil Service list for an initial probation period, pursuant to the Civil Service Act and Regulations. If appointed by the governing body of the Borough to said office upon the satisfactory completion of the probationary period such appointment shall be for an indefinite term. No person shall be eligible to be appointed a Patrolman unless: he shall be a citizen of the United States and of the State of New Jersey; he shall be not less than eighteen (18) years or more than thirty-five (35) years of age; he shall be of a good moral character and shall have

never been convicted of an indictable offense or shall not have been convicted of any lesser offense in the five (5) years proceeding his appointment; he shall satisfactorily pass a written, physical and medical examination conducted by the New Jersey Civil Service Commission; he shall satisfactorily pass a psychological or psychiatric examination conducted in such manner as shall be approved by the Chief of Police; he shall satisfactorily complete the course given at the State Police Academy at Sea Girt, New Jersey, or a like institution as prescribed under the New Jersey Statutes; and must have a valid New Jersey Driver's License.

Section 2-7: All appointments to the Offices of Chief of Police, Deputy Chief of Police, Police Captain, Police Lieutenant or Police Sergeant, respectively, shall be made in accordance with the procedures established under the Civil Service Act and the Rules and Regulations promulgated pursuant thereto.

(Amended by Ord. No. 2001:18, § 5, 2001; Ord. No. 2002:11, § 4, 8-13-2002)

Section 2-8: No person appointed to any office of the Police Department for a probationary period shall thereby possess or acquire any right or status or tenure of office, and every such probationary employment shall be subject to termination, at any time during the probationary period, at the pleasure of the appointee or of the governing body of the Borough with cause; and upon the termination thereof or by reason of prior termination at the instance of the appointee or of the governing body of the Borough, the appointee shall forthwith return to the Borough (unless the appointee, upon the expiration of the probationary period, shall be appointed to the contemplated office for an indefinite term) all uniforms, badges and equipment received by him for use in connection with his probationary employment, and the Borough shall forthwith pay over to him the proportionate part of the current installment of salary that shall have been earned by him in the course of such probationary employment.

Section 2-9: Reserved.

Section 2-10: Whenever a probationary period of employment shall have been fully served by an appointee to the satisfaction of the governing body of the Borough and the appointee shall thereupon have been duly appointed to the contemplated office for an indefinite term, the time during which such appointee shall have served under the probationary appointment shall constitute part of his length of service in the office to which he shall have been appointed.

Acting or Substitute Personnel of the Police Department

Section 2-11: In the event that by reason of absence, illness or other causes a temporary vacancy exists in the Office of Chief of Police, Deputy Chief of Police, Police Captain, Police Lieutenant, Police Sergeant, or Police Corporal, such duties shall be performed in the interim as hereinafter provided:

A member of the Police Department when so directed by the Director of Police, and or the appropriate authority, with approval by Mayor and Council) shall serve as Chief of Police Deputy Chief of Police, Police Captain, Police Lieutenant, Police Sergeant, or Police Corporal.

Any official acting status shall be in writing by or behalf of the appropriate authority and supported by memorandum of understanding stipulating terms. The designation of an Officer in Charge is not an Acting Chief of Police.

(Amended by Ord. 2001:18, § 6, 2001; 2002:06, 4-9-2002; Ord. No. 2002:11, § 6, 8-13-2002)

Section 2-12 In the event of an officer in any of the cited positions in this section being on leave immediately preceding an announced retirement or a suspension, the appropriate authority may, for the efficiency of the Department and subject to his discretion, name an interim, or may designate any such authority or responsibility to a replacement to serve in the vacant position, subject to that person meeting all of the qualifications for that position. Alternatively, the appropriate authority may leave a position vacant in its discretion.

Salaries of the Members of the Police Department

Section 2-13: The salary of any member of the Police Department serving in an Acting capacity shall not be increased due to service in said Acting capacity unless said capacity shall continue for more than ten (10) days. In that case, the present salary for said permanent rank shall commence on the eleventh (11th) day and shall continue until termination of said police officer's duties in said Acting capacity.

Article III

Special Police Officers, Their Number, Qualifications, Appointment and Compensation

Section 3-1: There shall be such number of Special Police Officers available for assignment to active police duty in the Borough as shall be appointed by the governing body of the Borough and who shall accept their appointments and qualify. Each Special Police Officer shall be appointed for a term not exceeding twelve (12) months, which term of office and employment may be terminated at any time by the Borough in its sole discretion, with or without cause and without prior notice or hearing. Every Special Police Officer, so appointed and qualified, shall be officially designated and have the title Special Police Officer of the Borough of Stratford, New Jersey.

Section 3-2: Each Special Police Officer shall receive compensation as provided for in the Salary Ordinance of the Borough of Stratford, New Jersey.

Section 3-3: No Special Police Officer, by virtue of his appointment as such, shall be or become a member of the Police Department.

Section 3-4: No Special Police Officer on- or off-duty shall be armed, unless specifically ordered otherwise by the Chief of Police during times of emergency or special conditions.

Section 3-5: No Special Police Officer shall wear the police uniform except while on-duty, nor shall any Special Police carry any police equipment in any private vehicle unless reporting to or returning.

Section 3-6: No Special Police Officer shall use his private vehicle on official police business unless directly ordered to do so by the Chief of Police.

Section 3-7: No Special Police Officer shall be ordered to carry a weapon unless the said Special Police Officer shall have satisfactorily completed an approved course as provided by the New Jersey Police Training Commission.

Article IV

Authorities and Duties of the Director of Police

Section 4-1: The Director of Police shall have and exercise the following authority and shall perform the following duties:

- (a) He shall, in the exercise of the authority vested in him, issue such orders and give such instructions as he may deem necessary or proper from time to time in the operation, administration and management of the Police Department and in relation to the work of the Special Police Officers assigned to active duty.
- (b) He shall attend all meetings of the Police Committee in connection with the administration and operations of the Police Department and the Special Police Officers assigned to active duty.
- (c) He shall, as he may deem advisable from time to time, direct any specific police duty or duties to be performed by the Chief of Police or any other senior officer on-duty or Special Police Officers assigned to active duty.
- (d) He shall issue and sign in triplicate all written orders made by him, and shall deliver one copy to the Chief of Police, shall cause another copy to be posted on the bulletin board at the Police Headquarters, and shall retain one (1) copy in his possession; provided, however, that copies or orders which, in his judgment, shall require secrecy, need not be posted at the Police Headquarters.
- (e) He shall, as Director of Police, preside over all investigations of any Police Officer who has charges filed against him.
- (f) He shall file all charges against any Police Officer where the penalty is greater than a five-day suspension pursuant to the New Jersey Civil Service Act.

Part Two

Authority and Duties of the Chief of Police

Section 4-2: The Chief of Police shall have and exercise the following authority and shall (except during hours when he shall be off-duty or absent on vacation pursuant to the order of the Director of Police) perform the following duties:

- (a) He shall serve as the active executive officer of the Police Department and shall command the Police Department and the Special Police Officers assigned to active duty and shall in all ways be the head of the Police Force.
- (b) He shall report to the Director of Police, and he shall be directly responsible to the appropriate authority for the efficiency and routine day to day operations thereof, and that he shall be governed by the policies established by the Borough Rules and Regulations and the appropriate authority, as defined and outlined in N.J.S.A. 40A:14-118. In any event, he will report no less than monthly. He shall promptly report to the Director of Police all matters of interest connected with the operation of the Police Department and he shall furnish the Director with such detail and special information as the Director may, from time to time, require concerning said operation.
- (c) He shall administer and enforce the rules and regulations of the Police Department and special emergency directives for the disposition and discipline of the force and its officers and personnel.
- (d) He shall have, exercise and discharge the functions, powers and duties of the police force. He shall prescribe the duties and assignments of all subordinates and other personnel.
- (e) He shall instruct and direct all other members of the Police Department and the Special Police Officers assigned to active duty with respect to their duties, and shall require that all such duties shall be properly performed and that all rules and regulations herein established shall be strictly obeyed and complied with; and shall generally maintain a high degree of efficiency on the part of the Police Department and the Special Police Officers assigned to active duty.
- (f) He shall subject to authorization of the appropriate authority, communicate to the other members of the Police Department and to the Special Police Officers assigned to active duty all orders made and instructions given by the Director of Police, and in relation to their work and shall require the prompt performance thereof and compliance therewith.
- (g) He shall observe the work of all other members of the Police Department and the Special Police Officers assigned to active duty and, as occasion may require, shall criticize constructively the work of individual officers and give such instruction and direction as may be appropriate to improve the efficiency of their work.
- (h) He shall subject to authorization of the appropriate authority, have charge of all property of the Borough used by the Police Department and by the Special Police Officers and shall attend to the repair and maintenance of all such property and equipment so that the same shall at all times be in proper condition for effective use; provided, however, that expenditure of money for the maintenance and repair of such property shall first be authorized by the governing body, except in case of emergency, when expenditures not exceeding one hundred dollars (\$100.00) may be made for such purposes. All emergency expenditures shall promptly be reported by the Chief to the Director of Police and also to the Municipal Administrator on the next following business day.
- (i) He shall receive and have the custody of lost personal property found by members of the Police Department, or by the Special Officers assigned to active duty, or by other persons

and delivered to the Police Department; he shall have also the custody of personal property stolen or wrongfully taken and thereafter recovered by the Police Department or by the Special Police Officers assigned to active duty; and he shall take proper measures for the purposes of returning all such personal property to the owner or owners thereof.

- (j) He shall subject to authorization of the appropriate authority verify and sign a weekly time sheet as of each Tuesday showing the names of the members of the Police Department and the Special Police Officers assigned to active duty who shall have rendered police services to the Borough during the period covered by such payroll, and showing also the dates and times when such services were performed which time sheet he shall deliver to the Director of Police and a copy to the Borough Clerk.
- (k) He shall, by virtue of his office, be vested with all the authority and duty of a Patrolman with respect to the making of arrests.
- (l) He shall keep himself fully informed at all times with respect to conditions in the Borough affecting the public safety and good order.
- (m) He shall report any violations of the internal rules and regulations established for the conduct of the Police Captain, any Police Sergeant, Patrolman or Special Police Officer to the Director of Police who shall make an investigation thereof.
- (n) The Chief of Police may, with the approval of the appropriate authority and governing body of the Borough, establish such bureaus or divisions as may be required for the proper functioning of the Department's work. He shall have the power to assign any and all members of the Department to their respective duties and require them to perform the same, and he shall assign the men in his command to such duties as in his judgment shall be for the best interests of the Department, and for the safety and welfare of the residents of the Borough of Stratford.
- (o) The Chief of Police may with the approval of the appropriate authority change the hours of the duty of the Deputy Chief of Police, Police Captain, Lieutenant, Sergeant, any Patrolman or Special Police Officer, assign such member of the Department to special duty, or require them to perform extra duty whenever there may be necessity for the same.
- (p) He shall, with the approval of the appropriate authority from time to time, promulgate orders and departmental police procedures and regulations and cause same to be executed. He shall also have the power to supplement the same from time to time by issuing such orders as are necessary to make the same effective. Such orders shall be subject to the approval of the Director of Police.
- (q) The Chief of Police shall enforce all the laws of the State and the Ordinances of the Borough and shall cause to be investigated all crimes, violations of the state statutes and of Borough Ordinances, and when appropriate, shall institute prosecution. It shall be his duty to take cognizance of any and all neglect of duty, disobedience of orders and other offenses on the part of the members of the Department and make a written charge should such neglect of duty occur to the Director of Police. To this end, he shall investigate or

cause to be investigated any such offenses, and shall submit a written report, along with any evidence, to the Director of Police.

- (r) The Chief of Police with the approval of the appropriate authority maintain complete files of personnel records and department equipment.
- (s) The Chief of Police shall devote his energies and plan his activities for the health, welfare, safety and general well-being of the citizens and residents of the Borough. He shall stimulate in the members of the Police Department a concern for well-being of all the people and property in the community, and an appreciation and respect for the rights and liberties of all persons. He shall constantly require the members of the Police Department to strive for a high degree of excellence in the quality of law enforcement and service rendered by them.
- (t) He shall, whenever in his judgment it may be necessary or advisable, assign any one or more of the Special Police Officers to the performance of active police duties.
- (u) He shall be the supervisory head of the Special Police Officers.
- (v) The Chief of Police shall be the supervisory head of any bureau or division that exists or may be formed within the Police Department, and he may with the approval of the appropriate authority designate a member of the Police Department to be the Officer in Charge of any bureau or division when he deems it necessary or advisable for the efficient operation of the same.
- (w) He shall be responsible or designate a member of the force for the scheduling of the work of the Deputy Chief of Police, Captain, Lieutenant, Sergeants, Patrolmen, and Special Police Officers to ensure the proper number of men will be on-duty at all times.

(Amended by Ord. 2001:18, § 7, 2001; Ord. 99:09, (part), 1999; Ord. No. 2002:11, §§ 7, 8, 8-13-2002)

Section 4-2.1: The Deputy Chief of Police shall have and exercise the following authority and perform the following duties:

He shall be next in command to the Chief of Police, and in case of absence or disability of the Chief of Police, he shall perform all the duties of the Chief of Police. He shall be superior in rank to Police Captain, Lieutenant, Sergeant, Patrolmen, and Special Officers assigned to active duty.

- (a) It shall be his duty to take cognizance of any and all neglect of duty, disobedience of orders and other offenses on the part of members of the Department. He shall also ensure that the Police Headquarters and other property of the police department are always kept in order and condition, and that strict discipline is always maintained and that efficient services is performed by the Department.
- (b) He may issue such orders to take such action as may be necessary, but in every case shall make a full report of the entire occurrence to the Chief of Police at the earliest practicable moment.

- (c) In every case of disobedience, violation of rules or other offenses, on the part of any member of the Department, he shall report the same, as soon as possible, to the Chief of Police, and in the case of negligence or other dereliction by any person on duty at Police Headquarters, who is not employed on the police service, shall make full report to the proper authorities.
- (d) He shall devote his energies and plan his activities for the health, safety, welfare and general well-being of the citizens and residents of the Borough, and for the efficient and responsible administration of the Police Department. He shall stimulate in the members of the Police Department a concern for the well-being of all of the people and property in the community, and an appreciation and respect for the rights and liberties of all persons. He shall constantly strive for a high degree of excellence in the quality of law enforcement and service rendered by them.
- (e) He shall insure that every person connected with the Department is properly instructed in his duties by the Captain, Lieutenant, Sergeants, paying particular attention to the instructions of new members of the force. He shall see that the Police Sergeants require all members of the Police Department to be attired in the proper uniform, with the proper equipment to perform their duties.
- (f) He shall assist the Chief of Police in the performance of his duties, and shall be responsible for seeing that all the laws of the State of New Jersey and Ordinances of the Borough are duly enforced and observed and that the public peace is maintained.
- (g) He shall be responsible for the maintenance of all records, files and reports pertaining to the operations of the Police Department.
- (h) He shall supervise the uniformed members of the Department and shall be responsible to the Chief of Police for the correct performance of their duties.
- (i) He shall initiate disciplinary action involving the Police Captain, Lieutenant, Sergeants, resulting from reports of any of the Patrolmen.
- (j) He shall, during his tour of the Borough, in addition to the performance of the duties herein listed, exercise the authority and perform the duties of a Patrolman as far as practicable.

(Ord. No. 2002:11, § 8, 8-13-2002)

Part Three

Authority and Duties of the Police Captain

Section 4-3: Each Police Captain shall have and exercise the following authority and perform the following duties:

- (a) He shall be next in command to the Deputy Chief of Police, and in case of absence or disability of the Deputy Chief of Police, he shall perform all the duties of the Deputy

Chief of Police. He shall be superior in rank to Police Lieutenant, Sergeants, Patrolmen and Special Officers assigned to active duty.

- (b) It shall be his duty to take cognizance of any and all neglect of duty, disobedience of orders and other offenses on the part of members of the Department. He shall also ensure that the Police Headquarters and other property of the police department are always kept in proper order and condition, and that strict discipline is always maintained and that efficient service is performed by the Department.
- (c) He may issue such orders to take such action as may be necessary, but in every case shall make a full report of the entire occurrence to the Chief of Police at the earliest practicable moment.
- (d) In every case of disobedience, violation of rules or other offenses on the part of any member of the Department, he shall report the same, as soon as possible, to the Chief of Police, and in the case of negligence or other dereliction by any person on-duty at Police Headquarters, who is not employed in the police service, shall make full report to the proper authorities.
- (e) He shall devote his energies and plan his activities for the health, safety, welfare and general well-being of the citizens and residents of the Borough, and for the efficient and responsible administration of the Police Department. He shall stimulate in the members of the Police Department a concern for the well-being of all of the people and property in the community, and an appreciation and respect for the rights and liberties of all persons. He shall constantly strive for a high degree of excellence in the quality of law enforcement and service rendered by them.
- (f) He shall insure that every person connected with the Department is properly instructed in his duties by the Lieutenants and Sergeants, paying particular attention to the instructions of new members of the force. He shall see that the Police Sergeants require all members of the Police Department to be attired in the proper uniform, with the proper equipment to perform their duties.
- (g) He shall assist the Chief of Police in the performance of his duties, and shall be responsible for seeing that all the laws of the State of New Jersey and Ordinances of the Borough are duly enforced and observed and that the public peace is maintained.
- (h) He shall be responsible for the maintenance of all records, files and reports pertaining to the operations of the Police Department.
- (i) He shall supervise the uniformed members of the Department and shall be responsible to the Chief of Police for the correct performance of their duties.
- (j) He shall initiate disciplinary action involving any of the Police Lieutenants or Sergeants, resulting from reports of any of the Patrolmen.
- (k) He shall, during his tour of the Borough, in addition to the performance of the duties herein listed, exercise the authority and perform the duties of a Patrolman as far as practicable.

(Amended by Ord. No. 2001:18, §§ 8, 9, 2001; Ord. No. 2002:11, § 10, 8-13-2002)

Part Three-One

Authority and Duties of the Police Lieutenant

Section 4-3.1: Each Police Lieutenant shall have and exercise the following authority and perform the following duties:

- (a) He shall be next in command to the Captain of Police, and in case of absence or disability of the Captain of Police, he shall perform all the duties of Captain of Police.
- (b) He shall be responsible for the scheduling of the work force of Police Sergeants, Patrolmen and Special Police Officers to ensure the proper number of men will be on-duty at all times. This schedule upon completion will be forwarded to the Captain of Police.
- (c) He shall, during his regular tour of duty, be superior in rank to and have charge of all Patrolmen and Special Police Officers who shall be serving on the same shift, and shall generally supervise the work of all said members and shall give instructions and directions as he shall deem necessary for the proper and efficient operation of this Police Department in accordance with the provisions and regulations of this Resolution.
- (d) He shall designate the streets, avenues and area of the Borough to be patrolled by members of the Police Department as shall have been assigned to patrol duty on his shift.
- (e) He shall see that men reporting to them properly relieve the officers going off-duty, and that their men are in proper uniform with the necessary equipment to perform their duties properly.
- (f) He shall assign all Patrolmen to their respective duties and shall note whether or not the men to be relieved are at their given relieving point and in proper condition.
- (g) He shall constantly patrol his assigned area and shall supervise the work of the patrolmen in patrol cars and performing any other type of duty.
- (h) During a tour of duty, he shall inspect all police vehicles used by the Police Department and if any vehicle is in need of repair, he shall submit a report to the Chief of Police and notify the officer relieving him of said need of repair.
- (i) He shall prefer a daily activity sheet in duplicate, listing the activities of the men under his supervision during their tours of duty. Upon completion of a tour of duty, the activity sheet shall be submitted to the Chief of Police.
- (j) He shall review for approval all written reports made by the men under his supervision during a tour of duty. If reports fail to meet with his approval, he shall instruct the men under his supervision as to the proper form and information to be supplied.
- (k) If a Lieutenant is unable to report for duty because of illness or injury, he shall notify the Chief at least four hours in advance so that proper relief may be obtained for him.

- (l) A Police Sergeant on-duty shall insure that all Patrolmen and Special Police Officers are on their assigned traffic posts and that all the posts are covered.
- (m) He shall perform his duties under the supervision and direction of the Police Chief and shall be responsible for seeing that all laws of the State of New Jersey and Ordinances of the Borough of Stratford are duly observed and enforced, and that the public peace is maintained. The Police Lieutenants shall perform such duties as may be assigned to them from time to time by the Director of Police, the Chief of Police or the Police Captain.
- (n) It shall be the duty of the Police Lieutenant to take cognizance of any and all neglect of duty, disobedience of orders and other offenses by members of the Department and to take immediate steps to correct or eliminate same, and to report same to their appropriate superiors. They shall also ensure that the Police Headquarters and property of the Police Department are kept in proper order and condition, and that strict discipline is always maintained, and that efficient service is performed by the force.
- (o) He shall devote his energies and plan his activities for the health, safety, welfare and general well-being of the citizens and residents of the Borough, and for the efficient and responsible administration of its Police Department. Police Lieutenants shall demand of their men an appreciation and respect for the rights and liberties of all persons. They shall constantly require their men to strive for a high degree of excellence in the quality of law enforcement and services rendered by them.
- (p) He shall, during his regular tour of duty, in addition to the performance of the duties of Lieutenant specified herein, exercise the authority and perform the duties of a Patrolman as far as practicable.
- (q) He shall determine the uniform of the day to be worn by all officers working the same tour of duty.
- (r) He shall be responsible for the initiation of any disciplinary action involving any Patrolman under his command.
- (s) He shall upon completing his tour of duty notify the officer in charge of the shift coming on-duty of any investigation or surveillance in process so that said investigation or surveillance will be continued.

(Added by Ord. No. 2001:18, § 10, 2001)

Part Four

Authority and Duties of the Police Sergeants

Section 4-4: Each Police Sergeant shall have and exercise the following authority and perform the following duties:

- (a) He shall, during his regular tour of duty, be superior in rank to and have charge of all Patrolmen and Special Police Officers who shall be serving on the same shift, and shall, generally, supervise the work of all said members and shall give such instructions and

directions as he shall deem necessary for the proper and efficient operation of this Police Department in accordance with the provisions and regulations of this Resolution.

- (b) He shall designate the streets, avenues and area of the Borough to be patrolled by members of the Police Department as shall have been assigned to patrol duty on his shift.
- (c) He shall see that men reporting to them properly relieve the officers going off-duty, and that their men are in proper uniform with the necessary equipment to perform their duties properly.
- (d) He shall assign all Patrolmen to their respective duties and shall note whether or not the men to be relieved are at their given relieving point and in proper condition.
- (e) He shall constantly patrol his assigned area and shall supervise the work of the patrolmen in patrol cars and performing any other type of duty.
- (f) During a tour of duty, he shall inspect all police vehicles used by the Police Department and if any vehicle is in need of repair, he shall submit a report to the Chief of Police and notify the officer relieving him of said need of repair.
- (g) He shall prepare a daily activity sheet in duplicate, listing the activities of the men under his supervision during their tours of duty. Upon completion of a tour of duty, the activity sheet shall be submitted to the Chief of Police.
- (h) He shall review for approval all written reports made by the men under his supervision during a tour of duty. If reports fail to meet with his approval, he shall instruct the men under his supervision as to the proper form and information to be supplied.
- (i) If a Sergeant is unable to report for duty because of illness or injury, he shall notify the Chief at least four hours in advance so that proper relief may be obtained for him.
- (j) A Police Sergeant on-duty shall insure that all Patrolmen and Special Police Officers are on their assigned traffic posts and that all the posts are covered.
- (k) He shall perform his duties under the supervision and direction of the Police Chief and shall be responsible for seeing that all laws of the State of New Jersey and Ordinances of the Borough of Stratford are duly observed and enforced, and that the public peace is maintained. The Police Sergeants shall perform such duties as may be assigned to them from time to time by the Director of Police, the Chief of Police or the Police Captain.
- (l) It shall be the duty of the Police Sergeants to take cognizance of any and all neglect of duty, disobedience of orders and other offenses by members of the Department and to take immediate steps to correct or eliminate same, and to report same to their appropriate superiors. They shall also ensure that the Police Headquarters and property of the Police Department are kept in proper order and condition, and that strict discipline is always maintained, and that efficient service is performed by the force.
- (m) Department are kept in proper order and condition, and that strict discipline is always maintained, and that efficient service is performed by the force.
- (n) He shall devote his energies and plan his activities for the health, safety, welfare and general well-being of the citizens and residents of the Borough, and for the efficient and responsible administration of its Police Department. Police Sergeants shall demand of

their men an appreciation and respect for the rights and liberties of all Persons. They shall constantly require their men to strive for a high degree of excellence in the quality of law enforcement and services rendered by them.

- (o) He shall, during his regular tour of duty, in addition to the performance of the duties of Sergeant specified herein, exercise the authority and perform the duties of a Patrolman as far as practicable.
- (p) He shall determine the uniform of the day to be worn by all officers working the same tour of duty.
- (q) He shall be responsible for the initiation of any disciplinary action involving any Patrolman under his command.
- (r) He shall upon completing his tour of duty notify the officer in charge of the shift coming on-duty of any investigation or surveillance in process so that said investigation or surveillance will be continuous.

Part Five

Authority and Duties of Patrolman

Section 4-5: Each Patrolman shall have and exercise the following duties:

- (a) Perform general police work and be the primary public relations representative of the Department.
- (b) Conduct preliminary investigations at the scene of crimes or accidents and shall gather evidence, administer first aid, locate and interview witnesses, make proper arrests and submit proper reports.
- (c) Watch particularly the actions of suspected criminals.
- (d) Be responsible for all phases of police work, not just his specific assignments.
- (e) Confine his patrol within the limits of the Borough of Stratford except when making arrests or making urgent investigations, or when ordered elsewhere by his superior officer.
- (f) Maintain constant patrol of the Borough; except when taking a proper lunch period, or for personal necessity.
- (g) Note and investigate all vehicles, the driver or occupants of which arouse suspicion, and shall question the occupants and driver, learning names ages, sexes, residence and other pertinent information together with the make, license number, serial number, color and type of vehicle.
- (h) Prohibit loitering on the sidewalks or streets to the inconvenience or danger of the public.

- (i) Note all defects in highways, sidewalks, buildings, etc., from which accidents might arise, and when unable to immediately adjust such defect, shall notify his superior officer by written report, or where urgency is required, by phone or other means.
- (j) Report at once to the Chief all defective traffic signals, street lights, etc.
- (k) Report to his superior officer as quickly as possible if, for any reason, he cannot report by police radio.
- (l) Be responsible for seeing that all laws of the State of New Jersey and Ordinances of the Borough of Stratford are duly observed and enforced, and that the public peace is maintained. He shall also be responsible for the protection of life and property, and for the health, safety, welfare and general well-being of the citizens and residents of the Borough.
- (m) Appreciate and respect the rights and liberties of all persons, and shall constantly strive for a high degree of excellence in quality of law enforcement and services rendered by him.
- (n) If, because of illness or injury he cannot report for duty, he shall advise the desk clerk at least four hours prior to this time of reporting for duty.

Part Six

Authority and Duties of all Department Personnel

Section 4-6: In addition to the general duties specified herein, each member of the Police Department, commensurate with the rank or assignment, shall:

- (a) Have the responsibility and obligation to uphold the Constitution and the laws of the United States; the Constitution and the laws of the State of New Jersey; the Ordinance of the Borough of Stratford and the lawful orders of the Director of Public Safety.
- (b) Have the responsibility to carry out the orders of the Chief of Police, and all other superior officers whether such orders are verbal or written.
- (c) Maintain order and morality, preserve the peace, prevent crime, protect life and property, and detect and arrest criminals.
- (d) Prevent accidents, provide emergency services for sick, injured and insane persons, recover missing persons and property, regulate traffic and give guidance and information about the Borough.
- (e) Investigate crime, make legal arrests and serve subpoenas.
- (f) Be responsible for maintaining good public relations.
- (g) Supervise the work of personnel assigned to him through individual discussions, conferences and written orders.

- (h) Be responsible for investigations of any unlawful acts being performed or existing in the Borough, including gambling, vice and crime.
- (i) Be responsible for the transmittal of all necessary orders and directives to his subordinates and to his relief.
- (j) Familiarize himself with all orders issued to him by superior officers and with all relevant orders issued to the man he relieves.
- (k) Assure himself that his subordinates are adhering to all rules, regulations, orders and procedures of the Department.
- (l) Be responsible for the quality and effectiveness of police services rendered by his subordinates.
- (m) Be responsible for the discipline and conduct of subordinates and of himself.
- (n) Prepare cases for court, attend hearings and testify before courts as required.
- (o) Make an immediate written report to his commanding officer of any bribe attempt.
- (p) Treat the public with courtesy and respect, keeping in mind the necessity of public respect for the police force.
- (q) Render police assistance when needed, regardless of whether he is on- or off-duty, or on a special assignment.
- (r) Ensure the order and cleanliness of Borough property and equipment assigned to him.
- (s) Report in writing immediately to his superior officer the loss of any equipment necessary for the performance of duty.
- (t) Give his name upon proper request.
- (u) When in uniform, salute the national colors as they pass in public parades or other ceremonies.
- (v) Maintain a notebook for the purpose of filing all departmental directives issued by the Chief of Police or the Director of Police. Such directives shall instruct and guide personnel in the performance of their duties.
- (w) Restrict all off-duty jobs to work which is approved by the Chief of Police and Director of Police. No off-duty job shall interfere with or impair the ability or availability of the Police Officer to perform all aspects of his duties as a member of the Police Department.
- (x) Be governed with regard to vacation leave, sick leave, compensatory leave, military leave, death leave, leave without pay, holiday leave, off-duty leave, insurance coverage and salary by the appropriate ordinances of the Borough of Stratford and the Civil Service Commission of the State of New Jersey.

Part Seven

Authority and Duties of Special Police

Section 4-7: Each Special Police Officer, while assigned to active duty, shall have and exercise the authority and shall perform the duties of a Patrolman as hereinbefore enumerated, and shall strictly obey and comply with all the other applicable terms and provisions of this Resolution and the rules and regulations herein established; and shall obey, perform and comply with all orders and instructions applicable to Police Officers and which, from time to time, shall be made or given by the Director of Police or by the Chief of Police, a Police Captain, or a Police Sergeant.

Article V

Disciplinary Code Rules of Conduct

Section 5-1: *Violation of Rules.* Members of the Police Department shall not commit any acts or omit any acts which constitute a violation of any rules, regulations, directives or orders of the Police Department whether stated in this code of conduct or elsewhere.

Section 5-2: *Standard of Conduct.* Members of the Police Department shall conduct themselves at all times, both on and off-duty, in such a manner as to reflect most favorably on the Police Department. Conduct unbecoming an officer shall include that which brings the Police Department into disrepute, or reflects discredit upon the officer as a member of the Police Department, or that which impairs the operation or efficiency of the Police Department.

Section 5-3: *Assistance.* All members and employees are required to take appropriate police action toward aiding a fellow peace officer exposed to danger or in a situation where danger might be impending. Members and employees shall assist other law enforcement agencies as prescribed by Police policy and procedure.

Section 5-4: *General Responsibilities.* Within the municipality, members shall at all times take appropriate action to protect life and property, preserve the peace, prevent crime, detect and arrest violators of the law, and enforce all Federal, State, Local Laws and Ordinances coming within the jurisdiction of the Police Department.

Section 5-5: *Duty responsibility.* Members shall at all times respond to the lawful order of a superior officer and other proper authorities, as well as calls for services from citizens. The administrative delegation of the enforcement of certain laws and ordinances to particular units of the Police Department does not relieve members of other units from the responsibility of taking prompt, effective police action within the scope of those laws and ordinances when the occasion so requires. Members assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary. All members and employees shall perform their duties as required or directed by law, Police Department Rule, Policy, or Order, or by the lawful order of a superior officer.

Section 5-6: *Insubordination.* Members and employees shall promptly obey any lawful order of a superior officer. This will include orders relayed from a superior officer by an officer of the same or lesser rank.

Section 5-7: *Questions Regarding Assignment.* Members and employees in doubt as to the nature or details of their assignment shall seek information from their supervisors by going through the chain of command.

Section 5-8: *Knowledge of Laws and Regulations.* Every member and employee is required to establish and maintain a working knowledge of all laws and ordinances in force in the municipality, the rules and policies of the Police Department, and all orders of the Police Department and Division thereof. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, rule, or policy in question.

Section 5-9: *Obedience to Laws and Regulations.* Members and employees shall obey and observe all Federal and State Laws and Municipal Ordinances of any jurisdiction in which the member or employee is present. A conviction for the violation of any law shall be prima facie evidence of a violation of this section. However, conviction is not a prerequisite to administrative action under this section.

Section 5-10: *Reporting Violation of Laws, Ordinances, Rules, Orders.* Members and employees having knowledge of other members or employees violating laws, ordinances, or rules of the Police Department, or disobeying orders, shall report said violations to the Chief of Police.

Section 5-11: *Conduct Toward Superior Officers, Subordinate Officers, and Associates.*

Members and employees shall treat superior officers, subordinates and associates with respect. They shall be courteous and civil at all times in their associations with one another. When on-duty, particularly in the presence of other members, employees, or the public, officers shall be referred to or addressed by rank.

Section 5-12: *Criticism.* Members and employees shall not publicly criticize or ridicule the Police Department, its policies, or other members and employees by talking, writing, or expressing in any other manner, where such talking, writing, or other expression is defamatory, obscene, unlawful, or tends to impair the operation of the Police Department by interfering with its efficiency, interfering with the ability of supervisors to maintain discipline, or having been made with reckless disregard for truth or falsity.

Section 5-13: *Manner of Issuing Orders.* Orders from superiors to subordinates shall be in clear, understandable language, and issued in pursuit of bureau business.

Section 5-14: *Unlawful Orders.* Members and employees shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, the person to whom the order is directed shall request the issuing officer to clarify the order or to confer with higher authority.

Section 5-15: *Conflicting Orders.* Members and employees who are given an otherwise proper order which is in conflict with a previous order, rule, regulation, or directive shall respectfully inform the superior officer issuing the order of the conflict. If the superior officer issuing the order does not alter or retract the conflicting order, the order shall stand. Under these

circumstances, the responsibility for the conflict shall be upon the superior officer. Officers shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation, or directive that was previously issued.

Section 5-16: *Soliciting or Accepting Gifts, Loans, Fees, Rewards, Etc.* Members and employees shall not under any circumstances solicit or accept from any person, business or organization any gift, gratuity, loan, fee, tangible or intangible personal property, food, beverage, promise, service, entertainment, or any other thing of value, arising from, or offered because of membership or employment with the Police Department or any activity connected with said membership or employment, if it may reasonably be inferred that the person, business or organization:

- (a) Seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty; or
- (b) Has an interest which may be substantially affected directly or indirectly by the performance or nonperformance of an official duty; or
- (c) Seeks to compensate the member or employee for any official action.

Section 5-17: *Disposition of Unauthorized Gifts, Gratuities, Etc.* Any unauthorized gifts, gratuity, loan, fee, or reward that comes into the possession of any member or employee shall be forwarded to the Chief of Police through official channels together with a written report that explains the circumstances connected therewith.

Section 5-18: *Abuse of Position.* Members and employees shall not use the color of their office for personal gain. This provision includes, but is not limited to, the display of Police Department identification for personal or financial gains, obtaining privileges not otherwise available to them except in the performance of duty, or for attempting to avoid consequences for illegal acts. Members and employees shall not lend to another person their Police Department Identification or permit them to be photographed or reproduced without the approval of the Chief of Police. Members and employees shall not authorize the use of their names, photographs, or official titles which identify them as members and employees, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief of Police.

Section 5-19: *Debts—Incurring and Payment.* Members and employees shall not undertake financial obligations which they know or should know they will be unable to meet, and shall pay all just debts when due. Nonpayment of debts that are in dispute between an employee and a creditor shall not be the subject of disciplinary action. An isolated instance of financial irresponsibility will not be grounds for disciplinary action except where specific reasons exist to question the propriety or legality of the financial obligation. However, repeated instances of financial difficulty may be cause for disciplinary action. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for disciplinary action. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for disciplinary action, provided that a good faith effort to settle all counts is being undertaken. No member or employee shall borrow any money or otherwise become indebted to any other member or employee to the

extent that such indebtedness interferes with the efficient operation of the Police Department or the job performance of either member or employee involved in the transaction.

Section 5.20: *Prohibited Activity on-duty.* Members and employees are prohibited from engaging in the following activities while on-duty: sleeping, loafing, recreational reading, conducting personal business, and consuming alcoholic beverages, possessing or using cannabis. Members and employees are prohibited from gambling while on-duty, except in the performance of an officially sanctioned police duty, and then only with the specific consent of a superior officer, and never in uniform.

Section 5.21: *Neglect of Duty.* Members and employees shall not read, play games, watch television or movies or otherwise engage in entertainment while on-duty, except as may be required in the performance of an official police duty. Members and employees shall not engage in any activity or personal business which would cause them to neglect or be inattentive to duty.

Section 5.22: *National Colors and Anthem.* Uniformed members and employees will render full military honors to the National Colors and Anthem at appropriate times. Members and employees in civilian dress shall render proper civilian honors to the National colors and Anthem at appropriate times.

Section 5.23: *Members and employees shall remain in their assignment areas and on-duty until properly relieved or until dismissed by the appropriate authority.* Officers shall not leave their assigned posts, sectors, districts, etc., during a tour of duty except when authorized by proper authority.

Section 5.24: *Meals.* Members and employees may be permitted the privilege of suspending patrol or other assigned duties and activities, subject to immediate recall at all times, for the purpose of meal periods during their tours of duty, but only for such a period of time, and at such a time and place, as established by Police Department policy and procedures.

Section 5.25: *Reporting.* Members and employees shall promptly submit such reports as are required by the performance of their duties or by appropriate authority. Members and employees shall submit all necessary reports on time and in accordance with established Police Department procedures. Reports submitted shall be truthful and complete, and no member or employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information, or intentionally neglect to make a proper entry in any Police report, log, etc.

Section 5.26: *Absence Without Leave and Tardiness.* Except in the case of illness or injury any member or employee who fails to appear for duty on the date, time and place specified without prior official approval of the appropriate authority is "Absent Without Leave". Any member or employee who, due to illness or injury, fails to appear for duty on the date, time and place specified without prior notification to the appropriate authority is "Absent Without Leave". Prior to notification is defined as communication between the employee or someone acting on his behalf and the employee's immediate supervisor, that takes place no later than thirty (30) minutes after the start of the employee's scheduled tour of duty. Any member or employee who is late

for any scheduled duty assignment without authorization shall be considered "Tardy". Members or employees who are "Absent Without Leave" or "Tardy" may be subject to disciplinary action.

Section 5.27: Fitness for Duty.

- (a) All members and employees shall maintain good physical condition. Members and employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Police Department as to the condition of their health. Members and employees shall be required to furnish a Doctor's certificate to substantiate requests for approval of sick leave when such sick leave exceeds five (5) consecutive workdays, or when management has given written notice to an employee that there is good reason to believe that the employee has abused the sick leave privilege and must therefore furnish a Doctor's certificate for each absence from work which is claimed as sick leave. Notwithstanding any of the foregoing provisions of this section, the Chief of Police or his designee may require examination of an employee by the Borough Physician at the expense of the Borough whenever he has reason to believe that an employee is physically or mentally unfit for duty.
- (b) The members and employees shall be required to have a physical examination by the Borough Physician every two years, at the expense of the Borough. The Borough Physician may make recommendations to the Borough to help improve the employee's general health. If the employee does not agree with the recommendation(s) of the Borough Physician, the said employee may go to a Physician of his or her choice for another opinion.

If the employee's Physician agrees with the recommendation(s) of the Borough Physician, the Chief of Police will manage the said recommendation(s) and goals detailed by the Physicians.

If the employee's Physician does not agree with the Borough's Physician the employee must be seen by a third Physician. The third Physician will be chosen by the employee from a list of three (3) to four (4) Borough supplied Physicians. Whatever the third Physician recommends, the employee must adhere to the said recommendation(s). The Chief of Police will manage the said recommendation(s) and goal(s) detailed by the third Physician.

The Chief of Police may at times, while managing the recommendation(s) and goal(s), set his own restrictions if the member or employee does not meet the recommendation(s) and goal(s) set by the Physician. If further action is necessary due to noncompliance with the recommendation(s) and goal(s) managed by the Chief of Police, the Governing Body will take the proper disciplinary action against the employee.

- (c) The purpose of this subsection is to provide all employees with notice of the provisions of the Borough of Stratford Drug Testing Program.
 - 1. It is the policy of this department that the critical mission of law enforcement justifies maintenance of a drug-free work environment through the use of a reasonable drug testing program.

The law enforcement profession has several uniquely compelling interests that justify the use of employee drug testing. The public has a right to expect that those who are sworn to protect them are at all times both physically and mentally prepared to assume these duties. There is sufficient evidence to conclude that the use of controlled substances, and other forms of drug abuse, will seriously impair an employee's physical and mental health, and thus, their job performance.

Where law enforcement officers participate in illegal drug use and drug activity, the integrity of the law enforcement profession, and public confidence in it are destroyed. This confidence is further eroded by the potential for corruption created by drug use.

Therefore, in order to ensure the integrity of the department, and to preserve public trust and confidence in a fit and drug-free law enforcement profession, this department shall implement a drug testing program to detect prohibited drug use by all employees of the said department.

The drug testing policy and procedures are available and on file with the Borough Clerk/Administrator for review. Said Policy and Procedures can and will be updated from time to time by Mayor and Council.

(Amended by Ord. No. 99:09, (part), 1999; Ord. No. 2000:04, 2000)

Section 5.28: *Alcohol Beverages and Drugs in Police Installations.* Members and employees shall not store or bring into any police facility, property or vehicle alcoholic beverages, controlled dangerous substances, narcotics or hallucinogens, or cannabis or cannabis paraphernalia except when said items are held as evidence and properly identified and stored consistent with Police policy.

Section 5.29: *Possession and Use of Drugs.* Members and employees shall not possess or use any controlled dangerous substance, narcotic, or hallucinogen except when prescribed in the treatment of members and employees by a physician or dentist. When controlled substances, narcotics, or hallucinogens are lawfully prescribed, members and employees shall notify their immediate supervisor.

Section 5.30: *Use of Alcohol on-duty or in Uniform.* Members and employees shall not consume any alcoholic beverage while on-duty except in the performance of duty and while acting under proper and specific orders from a Superior Officer but never in uniform. Members and employees shall not be on-duty while under the influence of an alcoholic beverage to any degree whatsoever, or with an odor of an alcoholic beverage on their breath.

Section 5.31: *Members and employees, while off-duty, shall refrain from consuming alcoholic beverages to the extent that such consumption results in irresponsible, obnoxious, or offensive behavior which discredits them or the Police, or renders them unfit to report for their next regular tour of duty.* Members and employees shall not engage in the consumption of an alcoholic beverage while dressed in full or partial uniform and while in public view.

Section 5.32: *Use of Tobacco.* Members and employees may use tobacco as long as: (1) they are not in a formation; (2) they do not have to vacate an assigned area or post for the sole purpose

of doing so; (3) they are not engaged in traffic control or in direct contact with the public. Smoking is not allowed in borough vehicles or on borough property.

Section 5.33: *Presence at Unauthorized Places.* Members and employees shall not knowingly visit, enter or frequent a house of prostitution, gambling house, or establishment wherein Federal, State, or local laws and ordinances are regularly violated except in the performance of duty or while acting under proper and specific order from a Superior Officer.

Section 5.34: *Immoral Conduct.* Members and employees shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the Police Department and the law enforcement profession. Members and employees shall not participate in any incident involving moral turpitude which impairs their ability to perform as law enforcement officers or causes the Police to be brought into disrepute. Moral turpitude is defined as any action that is contrary to justice, honesty or good morals.

Section 5.35: *Gambling.* Members and employees shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a Superior Officer.

Section 5.36: *Unsatisfactory Performance.* Members and employees shall maintain sufficient competency to satisfactorily perform their duties and the responsibilities of their position. Members and employees shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Police Department. Unsatisfactory performance may be demonstrated by: a lack of knowledge of the application of the laws to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention. In addition to other indications of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations; written record of repeated infractions of rules, regulations, directives, or orders of the Police Department. The failure of a superior officer to properly supervise subordinates, prefer disciplinary charges, or take other appropriate disciplinary action in accordance with Police Department policy and procedure, shall constitute unsatisfactory performance.

Section 5.37: *Address and Telephone Numbers.* Members and employees shall report their current address and telephone number to their Supervisor and to such other persons as may be appropriate in accordance with Police policy. Members and employees are required to have a telephone in place where they reside. Changes in address or telephone number shall be reported within twenty-four (24) hours of the change and shall be made in writing.

Section 5.38: *Uniforms, Equipment and Appearance.* Members and employees shall be neat in appearance and well-groomed while in uniform. All articles of the uniform shall conform to the Police uniform regulations. Civilian clothing will not be worn with any part of the uniform unless deemed absolutely necessary in the conduct of crime repression activity and only with prior approval from the appropriate Superior Officer.

Section 5.39: *Use and Maintenance of Bureau Equipment.* Members and employees shall utilize Police equipment only for its intended purpose, in accordance with established Police policy and procedure, and shall not abuse, damage or lose Bureau equipment. All Police equipment issued to members and employees shall be maintained in proper order. In the event that municipal property is found bearing evidence of damage which has not been reported, it shall be prima facie evidence that the last person using the property or equipment was responsible. Members and employees shall immediately report the loss, theft or damage of any Police property assigned to or used by them to the appropriate Superior Officer. The immediate Supervisor will be notified of any defects or hazardous conditions existing in any Police equipment immediately upon discovery.

Members and employees shall not mark, alter or deface any surface in any Police area or upon any Police equipment. No material shall be affixed to any wall or attachment without specific prior approval of the appropriate Superior Officer. Members shall not mark, alter, or deface any posted notice or memoranda of the Police. Notices or announcements shall not be posted on walls or attachments without specific permission from the appropriate Superior Officer. Members and employees are required to surrender all Police property in their possession upon separation from active service.

Section 5.40: *Use of Bureau Vehicles.* Members and employees shall operate vehicles in a careful and prudent manner, and shall obey all laws and Police orders pertaining to such operations. Revocation or suspension of any driver's license shall be reported to the appropriate Superior Officer immediately. Members and employees shall not use any Police vehicle without the permission of the appropriate Superior Officer. Police vehicles shall never be used for personal business or pleasure. Police vehicles shall not be driven outside the municipality except on official business without specific authorization from the appropriate Superior Officer. Citizens will be transferred in Police vehicles only when necessary to accomplish a Police purpose. Such transportation shall be done in conformance with Police policy at the direction of a Command Officer, Supervisor, or by Police Radio. Keys shall be removed from Police vehicles while unattended.

Section 5.41: *Firearms—Display, Discharge.* Members and employees shall carry firearms in accordance with law and established Police policy and procedure. Members and employees shall never display firearms unnecessarily or draw them in any public place except for authorized inspection or official use. Members and employees are required to report any discharge of firearms, accidental or otherwise. This report shall be in writing to the appropriate Superior Officer, according to Police policy and procedure.

Section 5.42: *Compensation for Other Damages Sustained on-duty.* Members and employees shall not seek in any way, nor accept from any person, money or other compensation for damages sustained or expenses incurred by them in the line of duty without first notifying the Chief of Police in writing through proper channels.

Section 5.43: *Communication and Correspondence.* Members and employees shall not use Police Department or Municipal letterheads for private correspondence, nor send correspondence out of the Police Department over their signatures without prior permission of

the Chief of Police. Any member or employee receiving a written communication for transmission to a higher command shall in every case forward such communication. A member or employee receiving a communication from a subordinate directed to a higher command shall endorse it indicating approval, disapproval, comments, or acknowledgement, and forward it through the chain of command.

Section 5.44: *Radio Discipline.* All members and employees operating a police radio shall observe regulations for such operation as set forth in Police orders and by the Federal Communications Commission.

Section 5.45: *Death and Injury Notifications.*

- (a) Should a member or employee be killed or seriously injured on- or off-duty, immediate verbal notification shall be made to the Chief of Police by a member or employee who has knowledge thereof. Serious injury in this instance means an injury which could result in death or disability. In cases where any injury is sustained while on-duty, serious or otherwise, inclusive of death, written reports shall be forwarded to the office of the Chief of Police through proper channels no later than the following day. Information shall include, but not necessarily be limited to, the date, time, location, cause, extent of injury, and any other information pertinent to the incident. The extent of injury and circumstance shall determine notifications to Command Staff personnel as prescribed in Police policy or procedure. The family of a member or employee who has been injured or killed shall be notified by the Chief of Police or the person to whom the authority has been delegated in accordance with Police policy.
- (b) All Police Officers who are injured on-duty (I.O.D.) and have I.O.D. status shall have the following obligations and duties:
 1. Officers must do everything within their power and ability to get well as soon as possible and return to active status.
 2. Officers must not engage in any activity which would be inconsistent with their injury or any activity which would interfere with a healthy recovery.
 3. Officers must keep the Department informed of their condition and any prognosis.
 4. Officers shall remain at his or her residence during any scheduled tour of duty.
 5. The scheduled tour of duty for officers on I.O.D. status shall be 9:00 a.m. through 5:00 p.m., Monday through Friday, inclusive.
 6. No officer on I.O.D. status shall leave home during the aforesaid tour of duty without notifying the Department and providing a reason for said absence from home.

Section 5.46: *Investigations, Arrests, Detention, Etc.* Investigations shall be conducted in accordance with Police policy and procedure. Members and employees shall not interfere with cases or investigations being handled by other members and employees of the Police or by any

other governmental agency unless ordered to intervene by the appropriate Superior Officer, or unless the intervening member or employee believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action. Members and employees shall not undertake any investigation or other official action not part of their regular duties without first obtaining permission from the appropriate Superior Officer unless the exigencies of the situation require immediate police action. Members and employees shall not make any arrest, search, or seizure which they know is not in accordance with the law. Transportation of prisoners shall be made according to Police policy and procedure. The use of physical force shall be limited to those occasions when a member or employee is in danger of injury, in order to protect third parties or innocent bystanders from injury, or to apprehend an individual who resists arrest or removal. Only reasonable force may be used. At no time shall an individual be abused, mistreated or denied his civil rights and due process of law. Members and employees shall safeguard against the escape or careless release of any prisoner coming within the scope of their responsibility.

Section 5.47: *Identification*. Members and employees shall furnish their name and badge number to any person requesting that information, when they are on-duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by the proper authority. Except when impractical or unfeasible, or when identity is obvious, members and employees shall identify themselves by displaying the official badge and identification card before taking police action or when acting as authorized representatives of the Police Department on official business when identification is necessary. Members and employees are required to carry the authorized official Police identification card and badge when off-duty and in public, except when impractical or dangerous to their safety.

Section 5.48: *Security of Operations*. Members and employees shall treat the official business of the Police Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established Police procedure. Members and employees may remove or copy official records or reports only in accordance with established Police procedure. Members and employees shall not release police information outside of the Police Department except as provided elsewhere and in accordance with Police policy and procedure. Information contained in police records, information ordinarily accessible only to members and employees, and names of informants, complainants, witnesses, and other persons known to the police are considered confidential.

Section 5.49: *Compromising Criminal Justice Process*. Members and employees shall not interfere with the service of legal process, nor interfere with the attendance or testimony of witnesses through coercion, bribery, or other means, nor take any other action which will interfere with the efficiency or integrity of the Administration of Criminal Justice. Members and employees shall not communicate in any manner, either directly or indirectly, any information which might assist persons charged with criminal or quasi-criminal acts to escape arrest or punishment, or which may enable them to dispose of or secrete evidence of unlawful activity, money, or merchandise or other property unlawfully obtained.

Section 5.50: *Referrals and Endorsements*. Members and employees shall not recommend or suggest in any matter, except in the transaction of personal business, the employment or

procurement of a particular person, product, or service. Members and employees shall not suggest, recommend, advise, or otherwise counsel the retention of any specific attorney or bail bond broker to any person coming to their attention as the result of a Police action involving any member or employee of the Police Department.

Section 5.51: *Acting as Bailor*. Members and employees shall not act as bailors for any person in custody except relatives and in no case where any fee, gratuity, or reward is solicited or accepted. Relief from the provisions of this section may be granted by the Chief of Police or his designee.

Section 5.52: *Associations*. Members and employees shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or Police Department for suspected present involvement in criminal activity, except as necessary in the performance of official duties, or where unavoidable because of other personal relationships of the member or employee.

Section 5.53: *Processing Property and Evidence*. Property or evidence which has been discovered, gathered, or received in connection with Police responsibilities will be processed in accordance with established Police procedures and according to law. Members and employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other Police action except in accordance with established Police procedures.

Section 5.54: *Public Appearance Requests*. Members and employees shall not address any individual or group, offer comments or grant interviews to the news media, or prepare any article for publication, while holding themselves out as representing the Police Department without the express permission of the Chief of Police or his designee.

Section 5.55: *Labor Activity*. Members and employees shall have the right to join labor organizations, but nothing shall compel the Police Department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law. Members and employees shall not engage in any work stoppage or strike. "Strike" includes, but is not limited to, the concerted failure to report for duty, the concerted stoppage of work, the concerted use of sick leave, boycotting or disruptive demonstrations by any employee or employee group, or the concerned absence in whole or in part from the full, faithful and proper performance of the duties of employment with the Borough for the purpose of inducing, influencing, condoning, or coercing a change in the terms and conditions of employment, or the rights, privileges, or obligations of public employment, or participating in any manner in any course of conduct which adversely affects the services to the Borough. Members and employees are prohibited from conducting, communicating, or otherwise transacting any union, labor organization or association business while on-duty, except as provided by law or the current collective bargaining agreement.

Section 5.56: *Personal Preferment*. No member or employee may seek the influence or intervention of any person outside of the Police Department for purposes of personal preferment, advantage, transfer or advancement.

Section 5.57: *Conduct Toward the Public*. All members and employees shall remain completely impartial toward all persons coming to the attention of the Police Department. Members and employees shall be courteous and orderly in their dealings with the public. They shall perform their duties avoiding harsh, violent, profane, or insolent language, and remain calm regardless of provocation to do otherwise. They shall exercise the utmost control over their emotions and shall not engage in argumentative discussions. Members and employees shall be immediately and readily available to the public during duty hours and shall attend to requests for services from the public quickly and accurately, avoiding unnecessary referral to other sections or units within the Police Department. When a person requests assistance or advice, or makes a complaint or report, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established Police policy and procedure. Members and employees shall never attempt to dissuade any citizen from lodging any complaint against the Police Department or authorized representatives thereof and shall follow established guidelines for processing complaints.

Section 5.58: *Availability When on-duty*. Members and employees shall not conceal themselves except for some Police purpose. They shall be immediately and readily available to the public during duty hours and respond to calls and requests for service and assistance from citizens or other members and employees. All calls for service shall be answered as soon as possible. Emergency calls will take precedence. As appropriate, the Communications Center will be appraised as to the status of available personnel.

Section 5.59: *Truthfulness*. Upon the order of the Chief of Police, or a Superior Officer having the authority, members and employees shall truthfully answer all questions specifically directed and narrowly related to their scope of employment and/or operations of the Police which may be asked of them. Members and employees are required to be truthful at all times whether or not under oath.

Section 5.60: *Court Appearances*. Members and employees shall, upon being directed or subpoenaed, attend court or quasi-judicial hearings. Permission to omit this duty shall be obtained from a competent court official. When appearing in court, either the standard uniform or clothing that complies with standards imposed on officers working in plain clothes shall be worn. Weapons shall not be displayed unless wearing the official uniform.

Section 5.61: *Testifying for the Defendant*. Any member or employee who is subpoenaed or directed to testify for the defense in any trial or hearing, or against the Municipality or Police Department in any hearing or trial, shall notify the Chief of Police in writing through proper channels prior to testifying.

Section 5.62: *Civil Action Interviews*. Civil Action Interviews involving members and employees which arise out of Police employment shall be conducted according to Police policy

and procedure. Members and employees shall notify the Chief of Police in writing through proper channels prior to said interview.

Section 5.63: *Civil Process*. Members and employees shall not serve civil processes unless the specific consent of the Chief of Police is obtained.

Section 5.64: *Civil Action, Court Appearances, Subpoenas*. Members and employees shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Members and employees will accept all subpoenas legally served. If the subpoena arises out of Police employment or if the member or employee is informed that he is a party to a Civil Action arising out of Police employment, he shall immediately notify the Chief of Police through proper channels. Members and employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with Police policy and procedure.

Section 5.65: *Civil Depositions and Affidavits*. Members and employees shall notify the Chief of Police before giving a Deposition or Affidavit in a Civil Case.

Section 5.66: *Falsification of Application*. Intentional falsification of application to gain employment shall be grounds for disciplinary action.

Section 5.67: *Political Activity*. Members and employees shall not use their official capacity to influence, interfere with or affect the results of a public election. Members and employees shall not use or give the appearance of using their official status at any time or place for the purpose of soliciting contributions or attempting to exert influence in respect to any election. This includes but is not limited to the use of title or the wearing of the uniform. Members and employees shall not engage in any political activity while on-duty, in uniform, or in any Borough work area.

Disciplinary Actions

Section 5.68: No member of the Police Department shall be removed from office, suspended, reduced in rank or subject to other penalty except for just cause, as hereinafter provided, and then only after hearing upon the charge or charges of the cause or charges of the complaint preferred against such member; which charge or charges shall be submitted, investigated, heard and disposed of in the following manner:

- (a) All charges preferred against a member of the Police Department shall be in writing and signed by the persons making the same and shall be delivered to the Chief of Police, Appropriate authority or the Director of Police.
- (b) The Director of Police may also prefer charges against members of the Police Department. These charges shall also be in writing.
- (c) At the Annual Municipal Re-Organization Meeting, the Mayor shall appoint a Police Committee of three (3) Borough Council members, one (1) of whom shall be the Director thereof. All charges preferred, in accordance with this section, shall be referred to the

Police Committee. Upon receiving such charges, said committee shall forthwith investigate the charges and if they shall find such charges to be true, by a majority vote, they may impose upon the offender punishment consisting of a warning, reprimand or suspension from duty without pay for a period not to exceed five (5) days. The Police Committee, at its discretion, may, upon investigation of the charges, refer the charges to the Mayor and the other members of the governing body of the Borough (who shall herein be known as the Police Disciplinary Board), even though the penalty may be a suspension of less than five (5) days.

- (d) If the Police Committee, after investigation, determines that any charges are true and that severity of the offense warrants discipline by suspension in excess of five (5) days, the charges shall be referred to the Police Disciplinary Board for disposition. Said referral shall be made upon a written Complaint of the Police Committee, setting forth the charge or charges against such member or officer. The Complaint shall be filed in the Office of the Borough Clerk, with the Chief of Police and with the officer so charged. After receiving same, the Police Disciplinary Board shall schedule a hearing, not less than ten (10) days, nor more than thirty (30) days from the date of receipt of same by the Police Disciplinary Board. Reasonable postponements may be made upon consent of the Board and the officer. At the time and place fixed for such hearing, the Police Disciplinary Board shall receive evidence from the Police Committee or its designee to support the charges and shall afford to the accused an opportunity to be heard, to cross-examine witnesses who appear in support of the charges, to present evidence on his or her own behalf, to be represented by counsel and in general to permit the accused every opportunity to make his defense. Each member of the Police Disciplinary Board shall have one (1) vote. If upon conclusion of the hearing the Police Disciplinary Board shall determine, by a majority vote, that the charges have been established, it shall, in its discretion: (1) remove the offender as an officer; (2) reduce the offender in rank; (3) suspend the officer without pay for a designated time period; (4) invoke such other penalty that it may deem appropriate.
- (e) Nothing contained herein shall deprive any member of the Police Department of any right of appeal accorded by the laws of the State of New Jersey or right to any administrative processes set forth by the New Jersey Civil Service Commission, consistent with current laws and procedures. Any practice, process or administrative procedure that conflicts with this regulation shall preempt this regulation.
- (f) Any complaint charging a violation of the internal rules and regulations shall be filed in the office of the body, officer or officers having charge of the department or force where the complaint is made no later than the forty-fifth (45th) day after the date on which the person filing the complaint obtains sufficient information to file the matter upon which the complaint is based. The forty-five-day time limit shall not apply if an investigation of a law enforcement officer for violation of the internal rules or regulations of the law enforcement unit is included directly or indirectly within a concurrent investigation of that officer for a violation of the criminal laws of this State. The forty-five-day limit shall begin on the day after the disposition of the criminal investigation. The forty-five-day requirement of this Paragraph for the filing of a complaint against an officer shall not apply to the filing of a complaint by a private individual.

Article VI

Miscellaneous Provisions

Section 6-1: The membership status (including any and all pertinent rights or seniority, rank, official title and tenure of office) of each and every member of the Police Department on the day when this Ordinance shall take effect, shall not be interrupted or impaired by the enactment and taking effect of this Ordinance.

Section 6-2: Pronouns used herein denoting masculine gender shall also denote feminine gender.

Section 6-3: The captions or subtitles contained herein shall not constitute a part thereof.

Section 6-4: The governing body of the Borough shall, at all times, have full power and authority, in their sole discretion, to amend or supplement this Ordinance and the rules and regulations herein prescribed and established; to repeal any part or parts of this Ordinance in its entirety; provided, however, that in the event that the governing body of the Borough should, for reasons of economy, find it necessary to decrease the number of members of the Police Department or of any rank thereof, the provisions of the Revised Statutes (R.S. 40A:14-143 included) shall be complied with.

SECTION 2. Except as set forth in Section 1 above, the balance of the Code of the Borough of Stratford shall not be affected by this Ordinance.

SECTION 3. All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION 4. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon posting, publication, final passage in the manner prescribed by law.

Mayor Josh Keenan

12/XX/2022
Date

ATTEST:

Bill Bray, RMC
Borough Clerk

NOTICE OF PENDING ORDINANCE

The ordinance published herewith was introduced and passed upon first reading at the Regular Meeting of the Governing Body of the Borough of Stratford, in the County of Camden, State of New Jersey, held on the 9th day of November, 2022. It will be further considered for final passage after public hearing thereon, at the meeting of the Governing Body to be held via electronic video conference provided by ZOOM or in the Borough Hall, in the Borough of Stratford on the 8th day of December, 2022 at 7:00 PM. To attend the meeting visit, <https://us06web.zoom.us/j/6553784906> or enter Meeting ID: 655 378 4906 in the Zoom application.

Copies of the ordinance will be made available during the week prior to and up to and including the date of such meeting at the Clerk's Office in the Borough Hall to the members of the general public who shall request the same.

Bill Bray, RMC
Borough Clerk

RESOLUTION 2022:193

**APPROVING APPLICATION FOR FY 2023 DEPARTMENT OF COMMUNITY AFFAIRS
LOCAL RECREATION IMPROVEMENT GRANT**

WHEREAS, the Borough of Stratford will apply for a Fiscal Year 2023 Local Recreation Improvement Grant from the New Jersey Department of Community Affairs in the amount of \$100,000 to Revitalize the Stratford Borough Community Center; and

NOW THEREFORE BE IT RESOLVED, that the Stratford Borough does hereby authorize the application for such a grant; and, recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between Stratford Borough and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Josh Keenan
Mayor, Stratford Borough

Bill Bray, RMC
Stratford Borough Clerk

CERTIFICATION

I, Bill Bray, Borough Clerk, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution duly adopted at a public meeting of the Governing Body of the Borough of Stratford held on December 13, 2022.

BILL BRAY, RMC
BOROUGH CLERK

RESOLUTION 2022:194

APPOINTMENT OF ANIMAL SHELTER – VOORHEES ANIMAL ORPHANAGE

WHEREAS, the State requires that each Municipality to appoint an Animal Shelter for the ACO to utilize; and

WHEREAS, the Voorhees Animal Orphanage has submitted a proposal for 2023; and

WHEREAS Mayor and Council of the Borough of Stratford appoints The Voorhees Animal Orphanage as the Animal Shelter for the Borough of Stratford for the year 2023; and

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council to authorize the Borough Clerk to sign an Agreement between the Borough of Stratford and The Voorhees Animal Orphanage for such services for the year 2023.

BE IT FURTHER RESOLVED that the Chief Financial Officer of the Borough has certified the availability of funds in the amount of \$4,485.00 in Animal Control Trust Fund account T-12-00-805-000-000.

CERTIFICATION

I, Bill Bray, Borough Clerk, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution duly adopted at a public meeting of the Governing Body of the Borough of Stratford held on December 13, 2022.

**BILL BRAY, RMC
BOROUGH CLERK**

RESOLUTION 2022:195
AUTHORIZE 2022 BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriations transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in the excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stratford, County of Camden, State of New Jersey, that the Chief Financial Officer Robin Sarlo, be and the same is hereby authorized to make transfers among the 2022 Municipal Budget as follows:

CURRENT FUND BUDGET

FROM:

Sanitation S&W	<u>\$11,000.00</u>
TOTAL	\$11,000.00

TO:

A & E-S&W	\$5,000.00
Finance S&W	\$2,000.00
Tax Collector S&W	\$2,000.00
Unemployment	<u>\$2,000.00</u>
TOTAL	\$11,000.00

SEWER UTILITY BUDGET

FROM:

Postage & Box Rent	\$2,000.00
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TO:

Social Security	\$2,000.00
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CERTIFICATION

I, Bill Bray, Borough Clerk, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution duly adopted at a public meeting of the Governing Body of the Borough of Stratford held on December 13, 2022.

BILL BRAY, RMC
BOROUGH CLERK

RESOLUTION 2022:196

RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, NJSA 10:4-12

WHEREAS, the Governing Body of the Borough of Stratford is subject to certain requirements of the *Open Public Meetings Act*, NJSA 10:4-6 et seq., and

WHEREAS, the *Open Public Meetings Act*, NJSA 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Governing Body of the Borough of Stratford to discuss in a session not open to the public certain matters relating to the item or items authorized by NJSA 10:4-12b and designated below:

_____ (1) ***Matters required by Law to be Confidential:*** Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

_____ (2) ***Matters Where the Release of Information Would Impair the Right to Receive Funds:*** Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

_____ (3) ***Matters Involving Individual Privacy:*** Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

_____ (4) ***Matters Relating to Collective Bargaining Agreements:*** Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

_____ (5) ***Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds:*** Any matter involving the purchase, lease, or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

_____ (6) ***Matters Relating to Public Safety and Property:*** Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.

 X (7) ***Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:***
The topic of discussion is related to Litigation; Re: *Laurel Mills LLC vs Stratford*

_____ (8) *Matters Relating to the Employment Relationship*: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

_____ (9) *Matters Relating to the Potential Imposition of a Penalty*: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Stratford, assembled via electronic video conference in public session on December 13, 2022 that an Executive Session closed to the public shall be held on December 13, 2022 at approximately 7:00 p.m. for the discussion of matters relating to the specified items designated above. It is anticipated that the deliberations conducted in Closed Session may be disclosed to the public upon the determination of the Governing Body that public interest will no longer be served by such confidentiality.

CERTIFICATION

I, Bill Bray, Borough Clerk, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution duly adopted at a public meeting of the Governing Body of the Borough of Stratford held on December 13, 2022.

BILL BRAY, RMC
BOROUGH CLERK