

**BOROUGH OF FREEHOLD  
COUNTY OF MONMOUTH  
NO. 2014/11**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2  
(ADMINISTRATION AND PERSONNEL), SECTION 2.44 (POLICE  
DEPARTMENT) OF THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF FREEHOLD**

**WHEREAS**, as part of the police accreditation process, the Rodgers Group has made certain recommendations regarding policies and regulations; and

**WHEREAS**, the Rodgers Group has recommended amendments to Chapter 2.44 ; and

**WHEREAS**, the Police Chief and Mayor and Council concur with the recommendations.

**NOW, THEREFORE BE IT ORDAINED** as follows:

**SECTION 1**

**Chapter 2.44 Police Department** shall be amended and supplemented as follows:

**Chapter 2.44.010 Department established.**

There is hereby created in and for the Borough of Freehold Police Department which shall consist of such employees and officers as shall be deemed necessary by the Mayor and Council and may include a Police Director and/or a Police Chief in accordance with N.J.S.A. 40A:14-118. The Mayor and Council shall, from time to time, determine the number of employees and officers of the Police Department, together with their compensation.

**Chapter 2.44.020 Appointment.**

The Freehold Borough Police Department is a New Jersey Civil Service Commission jurisdiction subject to NJSA 11A:1-1 et seq. and NJAC 4A:1-1 et seq. in all employment decisions. All appointments of members of the police department and all promotions of police officers within the department shall be by the mayor and council.

**Chapter 2.44.030 Line of authority.**

**A. Appropriate Authority.**

The Mayor and Council shall be designated as the "appropriate authority" as provided in the New Jersey Statutes. The appropriate authority shall be responsible for the overall performance of the Police Department. They shall, by resolution, adopt and promulgate rules and regulations for the government of the Police Department. The appropriate authority or their designee shall be responsible for the discipline of the members of the Police Department.

**B. Police Director.**

1. The Police Director shall report to the Administrator and the Mayor and Council. The Police Director shall serve as the administrative and executive head of the Police Department and shall establish the Rules and Regulations for the Department and the discipline of its members. The Police Director's duties include, but are not limited to:

a. Establish the procedures to be followed by the Chief of Police and other subordinate officers for the purchase of equipment and supplies. Such procedures may include the requirement that the Police Director approve all expenditures with regard to the equipment and supplies.

b. Keeping a record of all business transacted by the Police Department and approving all bills for the expense of the Police Department.

c. Keeping and maintaining accurate records and submitting an annual report to the Mayor and Borough of Freehold, on or before January 1, which shall assess the operations of the Police Department, and its personnel, equipment and property.

d. Keeping and maintaining all records, reports, documents and other data required to be kept and maintained by the Federal and/or State government and/or any of their respective subdivisions.

e. Keeping and maintaining a record of all appointments, dismissals, removals, resignations and deaths of officers and other Department employees as they take place, with such other information as may be necessary.

f. Developing the annual budget for the Police Department and overseeing any and all expenditures of the Police Department.

g. Analyzing crime trends and statistics to ensure that the Police Department makes the best use of available funds, personnel, equipment and supplies.

h. Evaluating the effectiveness of work program and procedures of all units and bureaus within the Police Department and developing effective work methods for subordinates.

i. Undertaking special studies pertaining to police functions and promoting close coordination of planning efforts.

j. Establishing and maintaining helpful and cooperative relations with civic and business organizations, schools, and court offices, and with other groups and public authorities and other jurisdictions, and with others interested in the maintenance of law and order.

k. All such other duties not specifically reserved to the Chief of Police pursuant to N.J.S.A. 40A:14-118.

2. The Chief of Police or designee shall report directly to the Police Director, and the Police Director shall receive daily or other periodic reports, as designated by the Police Director, from the Chief of Police or designee.

3. The Police Director shall also be responsible for ensuring that all Police Officers and employees are compensated in accordance with State and Federal Wage and Hour Requirements.

4. The Police Director shall be appointed by the Appropriate Authority for the term established by the Mayor and Council. The Police Director shall serve at the pleasure of the Mayor and Council and may be removed at their discretion.

### **C. Chief of Police.**

1. If a Police Chief is appointed, he/she shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police pursuant to N.J.S.A. 40A:14-118. Any other rights, authorities, powers and responsibilities not reserved solely to the Chief of Police by N.J.S.A. 40A:14-118 shall be assumed or delegated by the Police Director.

2. If a Police Chief is not appointed, any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police pursuant to N.J.S.A. 40A:118, which cannot be performed by the Police Director, shall be delegated to a Chief Law Enforcement Officer, which shall be highest ranking sworn officer, as designated by the Police Director.

#### **D. Public Safety Committee.**

At the reorganizational meeting in January of each year, the Mayor shall appoint, with the advice and consent of Council, three members of Council to act as the Public Safety Committee. It shall be the responsibility of the Public Safety Committee to recommend to the appropriate authority the approval of rules, regulations, policies and amendments thereto governing the conduct and organization of the police department and the members thereof. The Public Safety Committee may conduct investigations of the operation of the police force or the performance of any officer or member thereof and make recommendations to the appropriate authority and/or the governing body accordingly.

The Public Safety Committee may review and make recommendations regarding issues of traffic, public safety, emergency management, fire department concerns, staffing needs, equipment needs, shared services and inter-local agreements.

#### **Chapter 2.44.050.Recommendations--Appointment.**

**A.** The mayor and council shall receive such recommendation or recommendations from the Chief or the Chief's designee and the mayor and council may, at the next regular meeting, following the recommendation or recommendations, appoint the recommended applicant or applicants for a probationary term. Such police officer or police officers after the expiration and termination of the probationary term of employment may be appointed a regular member or members of the police force of the borough.

#### **Chapter 2.44.070Special and part-time special police officers.**

**A.** Special law enforcement officers may be appointed for terms not to exceed one year, and the appointments may be revoked by the local unit for cause after adequate hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing. Nothing herein shall be construed to require reappointment upon the expiration of the term. The special law enforcement officers so appointed shall not be members of the police force of the local unit, and their powers and duties as determined pursuant to this act shall cease at the expiration of the term for which appointed. Special law enforcement officers shall be deemed to be unclassified positions.

**B.** One full-time special law enforcement officer may be appointed as set forth hereinabove. Part-time special law enforcement officers may be appointed as

needed, provided that the number of Class Two special officers shall not exceed 25% of the regular officers, or as proscribed by law. Part-time special officers may be employed for no more than 20 hours per week except as permitted by N.J.S.A. 40A:14-146.6.

## **SECTION 2**

If any part of this Ordinance shall be deemed invalid such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

## **SECTION 3**

Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

## **SECTION 4**

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

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**NOTICE IS HEREBY GIVEN** that the forgoing Ordinance was approved for final adoption by the Mayor and Council of the Borough of Freehold at a meeting held on September 15, 2014.

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TRACI L. DI BENEDETTO  
BOROUGH CLERK