

ORDINANCE NO. 3529
INTRODUCED BY: COMMISSIONER ALPHONSE PETRACCO
INTRODUCED ON: SEPTEMBER 19, 2023
PUBLISHED: SEPTEMBER 28, 2023
PUBLIC HEARING: OCTOBER 17, 2023
PUBLISHED: OCTOBER 26, 2023

ORDINANCE NO. 3529

AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 131, ENTITLED “POLICE DEPARTMENT”, PARTICULARLY ARTICLE IV, ENTITLED “SPECIAL LAW ENFORCEMENT OFFICERS”

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY THAT CHAPTER 131 OF THE CODE OF THE TOWNSHIP OF NUTLEY, ENTITLED “POLICE DEPARTMENT”, ARTICLE IV, ENTITLED “SPECIAL LAW ENFORCEMENT OFFICERS”, IS HEREBY AMENDED AS FOLLOWS:

Chapter 131. Police Department

Article IV. Special Law Enforcement Officers

§ 131-19. Appointments.

The Director of Public Safety may, as he/she deems necessary, appoint special law enforcement officers sufficient to perform the duties and responsibilities permitted by this article as authorized by N.J.S.A. 40A:14-118 and within the conditions and limitations as may be established pursuant to the Special Law Enforcement Officers' Act.^[1]

[1]

Editor's Note: See N.J.S.A. 40A:14-146.8 et seq.

§ 131-20. Term.

Special law enforcement officers may be appointed for terms not to exceed one (1) year.

A.

Special law enforcement officers so appointed shall not be members of the police force of the Township of Nutley.

B.

Their powers and duties, as determined pursuant to the Special Law Enforcement Officers' Act, shall cease at the expiration of the term of which appointed.

§ 131-21. Qualifications, Duties and Responsibilities.

A.

Class One and Two — SLEO I and II. No person may be appointed as a Nutley special law enforcement officer SLEO I and II unless the person:

(1)

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Is able to read and speak the English language well and intelligently; or

(2)

Possesses 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 crime of the first, second, third or fourth degree, as designated by the Criminal Code of New Jersey, that constituted an indictable offense or that involved moral turpitude or, at time of application, is undergoing or awaiting court action of any kind in regard to such a crime.

(6)

Has successfully undergone the same psychological testing that is required of all full-time police officers.

(7)

Each applicant shall be at least 21 at the time of appointment to a full-time position in the Department as evidenced by a certificate of birth.

(8)

Every applicant appointed for the position of special law enforcement officer shall have fingerprints taken and subjected to a criminal background check.

(9)

No person shall be appointed to serve as a special law enforcement officer in the Township of Nutley during which time he/she is presently a special law enforcement officer in another local unit within the State of New Jersey, nor shall a regularly appointed full-time police officer of any local unit within the State of New Jersey be appointed as a special law enforcement officer in the Township of Nutley. No public official with responsibility for setting law enforcement policy or exercising authority over the budget of the Township of Nutley or supervision of the Nutley Police Department shall be appointed as a special law enforcement officer.

(10)

Before any special law enforcement officer is appointed pursuant to the Special Law Enforcement Act, the Chief of Police or, in his absence, other chief law enforcement officer of the Township of Nutley shall ascertain the eligibility and qualifications of the applicant and report those determinations in writing to the appointing authority.¹¹

[1]

Editor's Note: See N.J.S.A. 40A:14-118 et seq.

(11)

Any person who at any time prior to his appointment had served as a duly qualified, fully trained, full-time officer in any municipality of this state and who was separated from that prior service in good standing shall be eligible to serve as a special law enforcement officer consistent with guidelines promulgated by the Commission. Training requirements set forth in this subsection may be waived by the Commission with regard to any person eligible to be appointed as a special law enforcement officer pursuant to the provisions of this subsection. No person may commence his

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duties as a special law enforcement officer unless he has successfully completed a training course approved by the Commission, and no special law enforcement officer may be issued a firearm unless he has successfully completed the basic firearms course approved by the Commission for permanent, regularly appointed police and semiannual requalification examinations.

B.

Class Three SLEO III Officers. No person may be appointed as a Nutley special law enforcement officer SLEO III, unless the person:

(1)

Is a retired police officer who has previously served as a duly qualified, fully-trained, full-time officer in any municipality or county of this state, or as a member of the New Jersey State Police, and must be living in New Jersey.

(2)

Retired from that agency in good standing (necessary to have a letter of good standing issued by the agency from which officer retired), listing the date and type of retirement. A copy will be submitted to the Police Training Commission (PTC).

(3)

Is less than 65 years of age at time of appointment.

(4)

Passes a psychological exam.

(5)

Passes a medical exam and has a doctor complete the Medical Certification Form (Form PTC 8A).

(6)

Passes a Drug Test pursuant to Attorney General's Law Enforcement Drug Testing Policy.

(7)

Has an updated background investigation.

(8)

Limited Break in Service: During the first year of the program (July 1, 2017 to June 30, 2018), a new SLEO III's break in service may not exceed 5 years. Starting on July 1, 2018, a new SLEO III's break in service may not exceed 3 years.

C.

Once the SLEO III is appointed, the Township shall ensure that the SLEO III:

(1)

Completes SRO training within 12 months of being appointed.

(2)

Conforms to Attorney General's Mandatory in-service training requirements.

(3)

Is a uniformed officer, displaying the Special Law Enforcement Officer Class III patch provided by the Police Training Commission.

(4)

Acts under the authority of Police Department.

(5)

Completes Agency Training.

(6)

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Is appointed yearly and is less than 65 years of age (can only be reappointed up to age 65).

(7)

Adheres to any other required mandates by the Police Training Commission.

§ 131-22. Classifications.

There shall be three classifications for special police officers.

A.

Class One — S.L.E.O. I.

(1)

Officers of this class shall be authorized to perform routine traffic detail, spectator control, similar duties, issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances and violations to Title 39 of the Revised Statutes.

(2)

Use of a firearm by an officer of this class shall be strictly prohibited, and no Class One officer shall be assigned any duties which may require the carrying or use of a firearm.

(3)

There shall be no more than 20 Class One officers.

B.

Class Two — S.L.E.O. II.

(1)

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 firearms by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as prescribed by the Commission.

C.

Class Three — S.L.E.O. III.

(1)

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

D.

The total complement of special law enforcement officers shall not exceed 25% of the total number of regular officers.

§ 131-23. General Rules and Regulations.

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A.

Every special law enforcement officer's uniform shall include an insignia issued by the Commission which clearly indicates the officer's status as a special law enforcement officer and the type of certification issued pursuant to the Special Law Enforcement Act.^[1]

[1]

Editor's Note: See N.J.S.A. 40A:14-118 et seq.

B.

The Township of Nutley shall not be required to compensate a special law enforcement officer for time spent in training.

C.

Special law enforcement officers shall be under the supervision and direction of the Chief of Police or, in the absence of the Chief, other chief law enforcement officer of the Township of Nutley.

D.

Special law enforcement officers shall comply with all of the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the Township of Nutley, as well as any rules and regulations applicable to the conduct and decorum of special law enforcement officers.

E.

The Chief of Police or, in the absence of the Chief, other chief law enforcement officer of the Township of Nutley wherein the officer is appointed may at his discretion authorize special law enforcement officers, when on duty, to exercise the same powers and authority as permanent, regularly appointed police officers of the Township of Nutley, including but not limited to the carrying of firearms and the power of arrest, subject to rules and regulations, not inconsistent with certifications of the Special Law Enforcement Act.^[2]

[2]

Editor's Note: See N.J.S.A. 40A:14-146.8 et seq.

F.

The Chief of Police or, in his absence, other chief law enforcement officer may assign special law enforcement officers of the First and Second Class to perform authorized duties not to exceed 20 hours per week.

(1)

Special law enforcement officers may be assigned without limit during periods of emergency.

(2)

The Chief of Police or, in his absence, other chief law enforcement officer may designate one special law enforcement officer to whom the limitations of hours set forth in this Article shall not be applicable.

G.

The uniform of special law enforcement officers shall be determined by the Chief of Police.

§ 131-24. Use of Firearms.

A.

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No special law enforcement officer may carry a firearm except while engaged in the actual performance of the officer's official duties and when specifically authorized by the Chief of Police or, in the absence of the Chief, other chief law enforcement officer of the Township of Nutley to carry a firearm, and provided that the officer has satisfactorily completed the basic firearms course required by the Commission for regular police officers and annual requalification examination as required for permanent, regularly appointed full-time officers of the Township of Nutley.

(1)

A special law enforcement officer shall be deemed to be on duty only while he is performing the public functions on behalf of the Township of Nutley and assigned by the Chief of Police or in his absence, other chief law enforcement officer and when he is receiving compensation, if any, from the Township of Nutley at the rates established by the Chief of Police.

(2)

Private security duties.

(a)

A special law enforcement officer shall not be deemed to be on duty for purposes of the Special Law Enforcement Act while performing private security duties for private employers which duties are not assigned by the Chief of Police or, in his absence, other chief law enforcement officer of the Township of Nutley or while receiving compensation for those duties from a private employer.^[1]

[1]

Editor's Note: See N.J.S.A. 40A:14-146.8 et seq.

(b)

A special law enforcement officer may, however, be assigned by the Chief of Police or, in his absence, other chief law enforcement officer to perform public safety functions for a private entity if the Chief of Police or other chief law enforcement officer supervised the performance of the public safety functions. If the Chief of Police or other chief law enforcement officer assigns the public safety duties and supervises the performance of those duties, then, notwithstanding that the Township of Nutley is reimbursed for the cost of assigning a special law enforcement officer at a private entity, the special law enforcement officer shall be deemed to be on duty.

B.

Ownership and supply of firearms.

(1)

Any firearm utilized by a special law enforcement officer shall be returned at the conclusion of the officer's workday to the officer in charge of police headquarters, unless the firearm is owned by the special law enforcement officer and was acquired in compliance with a condition of employment established by the Township of Nutley, prior to the enactment of the Special Law Enforcement Officers Act.^[2]

[2]

Editor's Note: See N.J.S.A. 40A:14-146.8 et seq.

(2)

Any special law enforcement officer first appointed after October 1, 1986, shall only use a firearm supplied by the Township of Nutley.

C.

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No special police officer shall carry a handgun when off duty.

§ 131-25. Police-Related Employment; Approval By Chief.

Special law enforcement officers shall not accept any police-related employment without the prior approval of the Chief of Police. The Chief of Police shall have the sole discretion to approve the police-related employment of any special law enforcement officer.

§ 131-26. Procedure for Requesting Assignment of Special Law Enforcement Officers; Liability; Insurance Coverage.

Any organization or contractor that desires to hire special law enforcement officers shall submit the request in writing to the Chief of Police on a form prescribed by the Chief of Police. The organization or contractor shall hold the Township harmless from any and all claims that may arise as a result of the assignment of the special law enforcement officer to the organization or contractor. In addition, the organization or contractor shall submit with its application a certificate of insurance that shows evidence of not less than \$1,000,000 in both personal liability and comprehensive general liability insurance and \$300,000 in property damage coverage. A nonprofit, religious or charitable organization may submit a certificate of insurance in coverage amounts less than those set forth herein upon the organization's representation contained in its request that obtaining the required coverage would impose an undue hardship on the organization.

§ 131-27. Fees.

[Ord. No. 3390]

The organization or contractor that hires a special law enforcement officer shall pay a fee to the Township.

<i>Record of Vote</i>	<i>Commissioner John V. Kelly, III</i>	<i>Commissioner Thomas J. Evans</i>	<i>Commissioner Alphonse Petracco</i>	<i>Commissioner Mauro G. Tucci</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					