

**TOWNSHIP OF WATERFORD
COUNTY OF CAMDEN
STATE OF NEW JERSEY**

ORDINANCE # 2023- 19

**AN ORDINANCE OF THE TOWNSHIP OF WATERFORD REPEALING CHAPTER 50
OF THE CODE OF THE TOWNSHIP OF WATERFORD
CAPTIONED “POLICE DEPARTMENT” AND REPLACING IT WITH A NEW
CHAPTER 50 CAPTIONED “POLICE DEPARTMENT”**

WHEREAS, the Township Police Department is presently seeking Accreditation Certification for the Department; and

WHEREAS, as part of that process, it has been determined necessary to repeal and re-adopt Chapter 50 of the Code of the Township of Waterford captioned “Police Department” in its entirety, see attached.

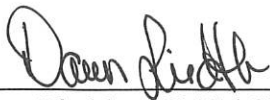
NOW THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Waterford, County of Camden, State of New Jersey, as follows:

SECTION 1. Chapter 50 of the Township Code of the Township of Waterford, captioned “Police Department”, is hereby repealed and replaced with a new Chapter 50 captioned “Police Department” which is attached hereto and incorporated by reference herein as part of the Township’s accreditation process.

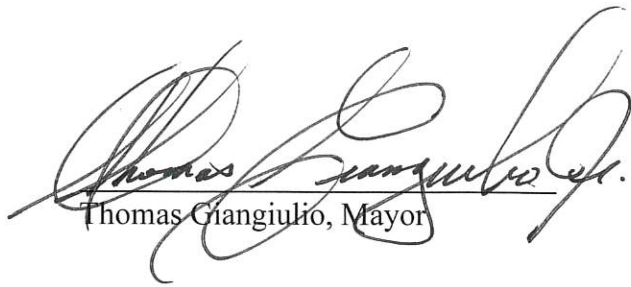
SECTION 2. All Ordinances or parts of Ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 3. 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 4. This Ordinance shall only take effect after final adoption and publication as required by law.



Dawn Liedtka, RMC / CMR Clerk



Thomas Giangiuolo, Mayor

Intro: August 9, 2023

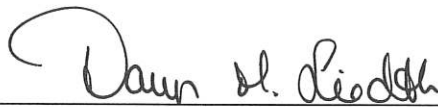
Public Hearing: August 23, 2023

Adopted: August 23, 2023

UPON INTRODUCTION ON AUGUST 9, 2023					
	Jones-Freitag	Thompson	Wade	Yeatman	Giangiuolo
YES	X	X	X	X	X
ABSTAIN					
NO					
ABSENT					
UPON ADOPTION ON AUGUST 23, 2023					
	Jones-Freitag	Thompson	Wade	Yeatman	Giangiuolo
YES	X	X	X	X	X
ABSTAIN					
NO					
ABSENT					

CERTIFICATION

I, Dawn Liedtka, Clerk of the Township of Waterford, Camden County, New Jersey, do hereby certify the foregoing to be true and exact copy of the Ordinance which was finally adopted by the Mayor and Township Committee of the Township of Waterford at a Meeting held on the day of August, 2023.



Dawn Liedtka, RMC / CMR Clerk

INTRODUCTION

The enclosed Code of Conduct, and Rules and Regulations are the result of a great deal of research and meetings between the Appropriate Authority, the Township Solicitor, and the Chief of Police, and all in coordination with State and Federal law. The basic format is taken from a "Model Police Manual" supplied by the Police Training Commission in the Division of Criminal Justice, Department of Law and Public Safety of the State of New Jersey. Modifications were made to the "Model" due to changes in the law and local needs that differ from those specified in the "Model". These Rules and Regulations are an in-depth coverage of police department organization, professional conduct and responsibilities, personnel regulations, disciplinary regulations, as well as a code of ethics for the police department.

The Rules and Regulations are adopted by the Appropriate Authority and govern police operations pursuant to N.J.S.A. 40A:14-118. All terms and conditions as set forth in the Waterford Township Police Ordinance (Chapter 50) are adopted herein at Chapter 4 and by reference thereto.

CHAPTER 1

ESTABLISHMENT; MISSION AND PURPOSE

1:1 There is hereby established a Police Department in the Township of Waterford, County of Camden and State of New Jersey, pursuant to the provisions of N.J.S.A. 40A:14-118 et seq. These Rules and Regulations ratify the existence and operation of the police department, which has historically operated within and served the Township of Waterford.

1:2 The mission and purpose of said police department is generally three-fold: to preserve life and property; to provide a general police service for the residents of the Township of Waterford; to enforce federal, state, county and municipal laws, statutes and ordinances; and as hereinafter may be more expressly defined.

CHAPTER 2

COMPOSITION, JURISDICTION

2:1 The Department: Said Police Department shall consist of one (1) Appropriate Authority, one (1) Chief of Police, one (1) Executive Assistant to the Chief of Police, one (1) Captain, two (2) lieutenants, four (4) Sergeants, two (2) detectives, sixteen (16) patrol officers, and civilian

employees as deemed necessary and appropriate by the Appropriate Authority in their discretion and judgment, with their approval, and as provided by ordinance.

2:2 Jurisdiction: Said Police Department shall come under the jurisdiction of the Appropriate Authority, which position is established pursuant to N.J.S.A 40A:14-118. Said Appropriate Authority within the Township of Waterford is the Mayor and Township Committee.

CHAPTER 3
POLICE DEPARTMENT RULES AND REGULATIONS
AND POLICE MANUAL

3:1 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 Township of Waterford. Said rules and regulations will be in electronic form and shall be called the "Rules and Regulations of the Police Department for the Township of Waterford" (commonly referred to as the Code of Conduct) and shall govern the conduct of and be binding upon the entire membership of said Police Department, including the Chief and all subordinates. Said Rules and Regulations shall provide for penalties and forfeitures for violations thereof.

3:2 These Rules and Regulations shall be distributed as follows: A copy will be issued to and signed for by each employee of the Police Department for the Township of Waterford utilizing Power DMS.

3:3 Each police officer and each civilian employee is duty-bound to thoroughly familiarize himself/herself with the provisions of the Rules and Regulations, and the provisions of the Waterford Township Police Ordinances, which are adopted by reference hereto. Failure to comply shall be considered neglect of duty.

3:4 In the event neglect of duty is charged against a member for failure to observe the rules and regulations or Departmental procedures or orders, ignorance of any provision of this manual or the Township Ordinances will not be accepted as an excuse.

3:5 The Official Police Logo heretofore utilized by the Police Department of the Township of Waterford is hereby recognized. The unauthorized display, use, sale or copying of this patch/badge without the express written approval of the Chief of Police is hereby prohibited.

CHAPTER 4

WATERFORD TOWNSHIP POLICE ORDINANCE

CHAPTER 50 OF THE CODE OF WATERFORD TOWNSHIP

ENTITLED POLICE DEPARTMENT•

Be it ordained by the Mayor and Committee of the Township of Waterford, Camden County, New Jersey, as follows:

Section 1, Chapter 50 of the Code of Waterford Township is hereby deleted in its entirety and replaced as follows:

50-1 ESTABLISHMENT; MISSION AND PURPOSE

A. There is hereby established a Police Department in the Township of Waterford, County of Camden and State of New Jersey, pursuant to the provisions of N.J.S.A. 40A:14-118, et seq. This ordinance is intended to ratify the existence and operation of the police department which has historically operated within and served the Township of Waterford and at the same time satisfy the statutory requirements of the legislation amended in 1981 and 1988 respectively.

B. The mission and purpose of said Police Department is generally three-fold; to preserve life and property; to provide a general police service for the residents of the Township of Waterford, Camden County, State of New Jersey; to enforce federal, state, county and municipal laws, statutes and ordinances; and as hereinafter may be more expressly defined.

C. The normal working hours of employment for the uniformed members and other officers of the Waterford Township Police Department shall not exceed twelve (12) continuous hours in any one day.

50-2 COMPOSITION; LINE OF AUTHORITY; JURISDICTION

A. Government and Composition of the Police Department: The Police Department will be governed by the Township Committee and shall consist of one (1) Appropriate Authority, one (1) Chief of Police, one (1) Executive Assistant to the Chief of Police, one (1) Captain, two (2) lieutenants, four (4) Sergeants, two (2) detectives, sixteen (16) patrol officers, and civilian employees as deemed necessary and appropriate by the Appropriate Authority in his/her discretion and judgment, with the approval of the Mayor and Township Committee. The express purpose for naming these offices is to establish a statutory line of authority from all police employees to higher elected authority. Whenever any office is left vacant, due to the absence of a qualified candidate, it will be deemed not to exist and will be by-passed in the chain of command. No person may be promoted or appointed to a position in the Township of Waterford Police Department until they have satisfied all statutory requirements and have complied with the selection process and standards established by this ordinance and the rules and regulations adopted by the Appropriate Authority to govern the police department.

B. Authority and Responsibilities:

(1) Chief of Police: The Chief of Police shall be the head of the department and shall be directly responsible to the Appropriate Authority for the conduct, efficiency, and management of the department, and pursuant to policies established by the Appropriate Authority, shall:

(A) Be the Chief Executive Officer of the police force;

(B) Organize and control all resources of the department and be responsible for their care and safekeeping;

(C) Administer and enforce rules and regulations for the control, disposition and discipline of the Department, and of its officers and employees. Also, recommend to the Appropriate Authority changes to said rules and regulations;

(D) Implement the procedures for the hearing and determination of charges alleging violation of department rules and regulations by any subordinate member of the police force; provided that a member may be penalized only on written charges made or preferred against him, after such charges have been examined, investigated and heard by the proper hearing authority, upon such reasonable notice to the member charged, and according to such practice, procedure and manner as may be prescribed by rules and regulations of the Department. Said written charges shall contain a request for penalization by the applicable staff officer. If the Chief of Police is the officer charged with a violation of departmental rules and regulations and is to be removed from service, demoted in rank or suspended, fined, or otherwise penalized, the appeal and hearing must be under the jurisdiction of the Appropriate Authority.

(E) Have, exercise, and discharge any functions, powers, and duties of the department;

(F) Prescribe the internal organization of the Department and the duties of his subordinates and assistants, pursuant to Township ordinance and policies established by the Appropriate Authority;

(G) The Chief of Police shall make periodic unannounced and unexpected inspections of police headquarters and patrols at various and diverse times during the day and night.

(H) Delegate such of his powers as he may deem necessary for the efficient administration of the Department to be exercised under his direction and supervision and shall hold supervisors responsible for effective performance of their duties;

(I) Report, as required monthly, on the work of the Department to the Appropriate Authority in the format prescribed by the Appropriate Authority to include the following:

The Chief of Police shall prepare a monthly report to the Public Safety Liaison which shall include:

- 1) Departmental Performance (calls for service, summons issued, arrests etc).
- 2) Police related training.
- 3) Highlights of the prior month's calls and incidents.
- 4) Upcoming events that may be of interest to the Township Committee and the public.

(J) In case of riot, insurrection or threat thereof, he shall take command of the police department in person and direct their movements and operations in discharge of their respective duties;

(K) He shall be responsible for the maintenance of all daily police records in which each member shall record his name, rank and time of reporting and leaving duty, complaints, and matters pertaining to the police department;

(L) Administer personnel and financial policies in conformance with the Ordinances of the Township of Waterford and the laws of the State of New Jersey, and shall:

- 1) Cause examination to determine the qualifications of persons applying for positions;
- 2) Recommend promotions, demotions, releases or other disciplinary measures to the Appropriate Authority subject to the Ordinances of the Township of Waterford and the laws of the State of New Jersey;
- 3) Administer personnel rating programs;
- 4) Require that all personnel be trained and approve training programs;
- 5) Grant temporary leaves of absence to members of the department with approval of the Mayor and Committee;
- 6) Submit the annual budget and proposed expenditure programs to the Mayor or other appropriately designated officials;
- 7) Approve payment from allotted funds for operating expenses and capital expenditures.

(M) Graphic Table of Organization: A graphic table of organization (T.O.), shall be maintained by the Chief of Police to show the following:

- 1) The Waterford Township Police Department operational structure.
- 2) The Waterford Township Police Department personnel structure.

The express function of each position will be as defined by this ordinance and within the Rules and Regulations of the Waterford Township Police Department promulgated by the Appropriate Authority, but is not necessarily limited to the same.

(N) In accordance with N.J.S.A. 40A:14-118, the Chief of Police shall be responsible to the Appropriate Authority for the performance of the Chief's duties. As such, the Chief of Police shall be considered a subordinate in relation to the Appropriate Authority, and shall be duty-bound to obey any otherwise lawful direct orders or policies of the Appropriate Authority in the discharge of his or her duties. As such, the Appropriate Authority may issue such orders directing the day-to-day performance of the Police Chief's duties in any manner and to any degree not directly prohibited by law, specifically including N.J.S.A. 40A:14-118 and case law thereunder, as applicable.

(2) Executive Assistant: This is an administrative position and the Executive Assistant is a "Confidential Employee" with the following duties: The Executive Assistant provides executive support services such as, data processing, accounting, purchasing, personnel and scheduling consistent with organizational need. This is a salaried, administrative position, which falls outside of any union representation or bargaining unit. Additionally, the following duties are assigned, but the position is not necessarily limited to same:

(A) Edits detailed correspondence containing factual content that may also convey management opinion concerning personnel and related matters and programs.

- (B) Keeps currently informed of new and revised personnel policy statements, regulations, directives, and other communications received from the Township, and develops plans and procedures for implementation of such communications.
- (C) Assists in writing procedural instructions for use in personnel manuals, bulletins, and management directives.
- (D) Collects data for and assists in preparation of executive reports in support of department activities.
- (E) Collects data for and assists in preparation of executive aspects of the annual budget request.
- (F) Expedites services such as maintenance, repairs, supplies and mail.
- (G) Grant development, application and management.
- (H) Assists with coordination of office operations including clerical work, internal reporting systems, forms, space and office equipment, and suggests methods for office improvements.
- (I) Plans, schedules, and/or attends meetings and conferences, and prepares reports thereon.
- (J) Directs the establishment and/or maintenance of records and files required for effective personnel and executive operations resulting in efficient data retrieval.
- (K) Maintains and organizes executive administrative police records consistent with approved record retention procedures and schedules.
- (L) Performs alternative responsibilities of Executive Assistant assigned to the Chief of Police.
- (M) Reviews and/or prepares routine correspondence.
- (N) Will be required to learn to utilize various types of electronic and/or manual recording and information systems used by the agency, office or related units.
- (O) Proficiency in various computer programs, included but not limited to Microsoft Word, Excel, Access, etc.
- (P) Maintain confidential files including but not limited to personnel, medical, disciplinary, firearms and expungement.
- (Q) Develop forms, policies and procedures necessary for the implementation and maintenance of an Integrated System of Personnel Management.

(3) Police Captain: In the absence of a Chief of Police the Captain will serve as the Chief Executive Officer of the department. The Captain holds an administrative position falling directly under the supervision of the Chief of Police. The Captain shall be responsible for carrying out the orders of the Chief of Police in regards to the general administrative operation and efficiency of the Police Department. The Captain shall perform such other duties as directed by the Chief of Police. He/She shall assist the Chief of Police in formulating and implementing policy, regulations, goals and objectives of the Police Department: and is further assigned the following responsibilities:

- (A) Community Services – Community Services directs its efforts toward reducing criminal opportunity through educational programming and crime prevention activities. Crime prevention programming is provided to both the residential and the business communities.

(B) Training – responsible for ensuring compliance with all regulatory and statutory training requirements in addition to those requirements set forth by the New Jersey Attorney General's Office, the Camden County Prosecutor's Office, the Waterford Township Police Department, and other relevant entities with controlling authority.

(C) Accreditation Manager - the primary duties of this position include reviewing, editing, amending and/or developing agency written directives (rules and regulations, policies, and procedures, etc.) to comply with certification/accreditation standards. The Accreditation Manager is responsible for ensuring that the agency is properly and adequately prepared to demonstrate its compliance documentation during the on-site assessment process

(D) To coordinate Departmental and all interagency activities relevant to major or priority criminal investigations, at the discretion of the Chief of Police.

(E) School Resource Officer- responsible for the Township wide school resource officer program and associated Special Officer Class III officers assigned.

(4) Police Lieutenant: The Lieutenant shall be responsible for carrying out the orders of the Chief of Police in regards to the general operational efficiency of the Police Department. The Lieutenant shall perform such other duties as directed by the Chief of Police. The Lieutenant is further assigned the following responsibilities:

(A) Supervision Serve as the overnight Watch Commander, for their respected platoons, and supervise the activities of their subordinates, making corrections where necessary and commending where appropriate.

(B) Leadership Provide on-the-job training as needed for efficient operation and coordination of effort when more than one member or employee is involved.

(C) Direction Exercise direct command, when necessary, in a manner that assures the good order, conduct, discipline, and efficiency of subordinates. Exercise of command may extend to subordinates outside their usual sphere of supervision if the police objective or reputation of the department so requires, or if no other provision is made for personnel temporarily unsupervised. This authority shall not be exercised unnecessarily. If a supervisor required a subordinate other than his own to leave a regular assignment, the supervisor so directing will inform the subordinate's own supervisor as soon as possible.

(D) Enforcement of Department rules and regulations and requiring compliance with Department policies and procedures.

(E) Inspection of activities, personnel, and equipment under their supervision and initiation of suitable action in the event of a failure, error, violation, misconduct, or neglect of duty by a subordinate.

(F) Assisting Subordinates having a working knowledge of the duties and responsibilities of his subordinates. Observing contacts made with the public by his subordinates and being available for assistance or instruction as may be required. He shall respond to calls of serious emergencies, crimes in progress, assaults, and other serious matters. He should observe the conduct of the assigned personnel and take active charge when necessary.

(G) To conduct periodic inspections of the Department, as prescribed by the Chief of Police.

(H) To conduct an annual inspection of the Department, as prescribed by the Chief of Police.

(I) To execute all appropriate (echelon) performance evaluations.

(5) Police Sergeant: The Sergeants, during their tours of duty, exercise the same authority and have the same responsibilities as their Lieutenant, subject to the Lieutenant's authority. When two supervisory officers are assigned to the same command (i.e., a lieutenant and a sergeant assigned to the same platoon), they will coordinate their time off so that one is always present. In addition to the general and individual responsibilities of all members and employees, the Sergeant shall perform such other duties as directed by the Chief of Police. The Sergeants are specifically responsible for the following:

(A) Command - The direction and control of personnel under his command to assure the proper performance of duties and adherence to established rules, regulations, policies, and procedures. He shall provide for continuation of command and supervision.

(B) Good Order - The general good order of his command during his tour of duty includes proper discipline, conduct, welfare, field training, and efficiency.

(C) Loyalty and Esprit de Corps - The development and maintenance of esprit de corps and loyalty to the Department.

(D) Discipline and Morale - The maintenance of discipline and morale within the command and the investigation of personnel complaints not assigned elsewhere.

(E) Organization and Assignment - Organization and assignment of duties within his unit to assure proper performance of Department functions and those of his command.

(F) Reports and Records - Preparation of required correspondence, reports, and maintenance of records relating to the activities of his command. Assurance that information is communicated up and down the chain of command, as required.

(G) Reporting as required by the Chief of Police.

(H) Maintenance - Assurance that quarters, equipment, supplies and material assigned to his command are correctly used and maintained.

(I) Other such supervisory duties as may be assigned from time to time

(J) To execute all appropriate (echelon) performance evaluations

(6) Detective: Detective duties shall be carried out as assigned by the Chief of Police, with emphasis in such investigative assignments in the specialized areas as follows:

(A) Initial and follow-up investigations of serious crimes, vice crimes and other investigations specifically assigned by the Chief of Police.

(B) Preparation of cases for prosecution.

(C) Recovery of stolen property.

(D) Performance of all identification functions.

(E) Prevention and control of juvenile delinquency.

- (F) Processing of juvenile offenders.
- (G) Maintaining liaison with the juvenile courts.
- (H) Crime prevention.
- (I) Evidence storage and control.

(7) Patrol Officers: Patrol Officers are responsible for performing a variety of duties related to the protection of life and property, enforcement of criminal and traffic laws, prevention of crime, preservation of the public peace, and the apprehension of criminals. In addition to these and the general and individual responsibilities of all members and employees, patrol officers are specifically responsible the duties set forth in the Written Directive for the following:

(A) Police Mission A patrol officer is responsible for the accomplishment of the police mission on his patrol. He shall constantly be alert for violations of the laws and ordinances and shall make every effort to prevent breaches of the peace and offenses against persons and property. He shall be held accountable for crime, accidents, disorders, and other criminal conditions on his patrol beat or post.

(B) Reporting for Duty He shall report promptly at the designated hour and place, in proper uniform for assignment and inspection. He shall listen attentively to orders and instructions of his superior officers and read such materials as are made available to him. He shall make written memoranda of such information as necessary and shall immediately proceed to his post or beat upon completion of these tasks.

(C) Familiarization with Patrol A patrol officer shall thoroughly familiarize himself/herself with the Township. He/She shall be familiar with all public businesses, offices, and their entrances, exits, skylights, fire escapes, and other possible means of escape. While making security checks of doors, he shall familiarize himself with the location of safes and night lights. Changes in night lights will be particularly noted.

(D) Method of Patrol During his tour of duty, the patrolman shall continuously patrol every part of his assigned area giving attention to and frequently rechecking locations where the crime hazard is great. As far as possible, he shall not patrol his assigned area according to any fixed route or schedule, but shall alternate frequently and backtrack in order to be at the location least expected.

(E) Unlocked Buildings

1) When a door or window is found open under suspicious or unusual circumstances on any tour of duty, a patrol officer shall make a thorough investigation and determine, if possible, whether a burglary or other crime has been committed and whether the door or window can be secured. He shall, if necessary, summon assistance to examine the premises and to secure such doors and windows. He shall notify his shift commander and the property owner.

2) Under circumstances indicating that an intruder is still inside a building, the officer discovering same should immediately summon assistance and then stand guard. When the assistance arrives, he may enter and search the building.

(F) Field Interviews When the occasion demands it, the patrol officers shall courteously, but firmly, question persons on the public streets as to their names, addresses, reason for being on the street, and other matters relating to the circumstances. In all cases, good judgment, probable cause, and discretion shall be used in making a decision to arrest.

(G) Traffic Law Enforcement Patrol officers are charged with the enforcement of all provisions of local and state traffic codes. Failure to take appropriate action in traffic violation cases is considered neglect of duty.

(H) Complaint Action A patrol officer shall carefully investigate all complaints on or near his patrol which are assigned to him or which are brought to his attention by citizens. He shall take suitable action in those cases which come under his jurisdiction, and inform interested parties of the laws or ordinances relative to the particular complaint or incident. If the legal remedy of the complaint lies outside the jurisdiction of the police department, he shall advise the complainant accordingly and refer him to the proper authority.

(I) Preliminary Investigations At the scenes of major crimes, subject to direction from higher authority, the first officer at the scene, after it has been established that the perpetrator is no longer present, will begin the preliminary investigation (except in the case of homicide or apparent homicide; in those instances, the Chief of Police will be called to the scene immediately). In all instances, members not assigned will not enter the premises or do any other thing that might interfere with the investigation or destroy evidence. In cases of homicide, the first duty of the patrol officer is to guard the scene, exclude all unauthorized persons, and detain all witnesses for interrogation.

(J) Radio Failure Patrol officers shall pay strict attention to all regular radio transmissions. When they fail to hear any radio transmissions or time signals for a period not to exceed 15 minutes, they shall immediately call the dispatcher for a special test. If he fails to receive an acknowledgment, he shall immediately contact the dispatcher or commander. In case of radio trouble, the officer shall notify his shift commander and/or dispatcher of the nature of the trouble.

(K) Patrol officers will be further responsible for daily performance standards and such other duties as defined by Standard Operating Procedures

(8) Civilian Employees

Civilian employees shall:

- (A) Take appropriate action to perform the duties of their positions promptly, faithfully and diligently.
- (B) Exercise authority consistent with the obligations imposed by their position and in conformance with the policies of the department.
- (C) Be accountable and responsible to their supervisors for obeying all lawful orders.
- (D) Coordinate their efforts with other employees of the department to achieve department objectives.
- (E) Conduct themselves in accordance with high ethical standards, on and off-duty.
- (F) Strive to improve their skills and techniques through study and training.
- (G) Familiarize themselves with the area of authority and responsibility for the current assignment.
- (H) Abide by all rules, regulations and department procedures and directives governing civilian employees.
- (I) Perform all related work as required in a timely fashion.

50-3 ALL MEMBERS OF THE POLICE DEPARTMENT

It shall be the responsibility of all sworn police members of the police department to enforce the laws of the State of New Jersey and the Township of Waterford.

50-4 SALARIES AND WAGES:

The pay for all Waterford Police Department personnel will be as set forth in the Township Salary Ordinance and/or the applicable labor contracts. Said Ordinances and contracts will be made available to the public by request through the Township Clerk's Office.

50-5 SECONDARY / OFF DUTY EMPLOYMENT (MOONLIGHTING)

Waterford Township Police Officers are expected to give their whole time and attention to their duties in serving the public interest and public safety of/for the residents of Waterford Township. They are required by Police rules and regulations to be armed at all practical times and are subject to duty recall when determined to be necessary by the Chief of Police or other appropriate authority. Additionally, there are certain private employment activities that are in direct conflict with police power vested in the officer by the Township of Waterford. Accordingly, effective upon passage of this ordinance, no Waterford Township Police Officer will be allowed to Moonlight in employment apart from their Township held position except as follows:

Off duty employment may be performed in the event the employment is approved and meets the following criteria:

- (A) Employment is of a non-police nature in which police powers are not a condition of employment.
- (B) Employment that presents no potential conflict of interest between duties as a law enforcement officer and the duties required by the secondary employer.
- (C) Employment that does not constitute a threat to the status or dignity of law enforcement or the integrity of the Department.

All sworn personnel must comply with the Written Directive. Personnel requesting to work off duty employment shall submit their employment information through the chain of command to the Chief of Police on an "Outside Employment Declaration Form". The Chief of Police shall approve or disapprove the request and notify the employee in writing accordingly within 14 days. The Outside Employment Declaration Form shall be submitted on an annual basis, prior to the end of the calendar year.

50-6 POLICE RELATED EXTRA DUTY EMPLOYMENT

A. Police officers employed by the Township of Waterford shall be permitted extra-duty police related employment pursuant to the provisions set forth in the Written Directive and SOP herein. Off-duty employment shall not be permitted if the police officer and/or outside contractor fail to comply with the provisions set forth herein either prior to the commencement of the employment or at any time during the period of employment.

B. All off-duty police-related services performed by a Waterford Township police officer shall be in his/her official capacity as an employee of the Waterford Township Police Department and shall be subject to the control and supervision of the Police Department.

C. Waterford Township police officers are prohibited from engaging in any employment for police-related services with any private person, corporation or other entity except in the manner set forth in this ordinance.

50-7 DEFINITIONS

A. Extra-duty employment shall mean any employment by a Waterford Township police officer for police-related services where the source of compensation to the police officer does not originate from the municipal budget line item for police wages and salary.

B. Contractor shall mean the person, corporation, or other legal entity employing a Waterford Township police officer to provide off-duty police-related services.

50-8 REQUEST FOR EXTRA-DUTY EMPLOYEE; SPECIAL ASSIGNMENTS BY CHIEF OF POLICE

A. Contractors seeking to employ off-duty Waterford Township police officers shall make said request through the Waterford Township Police Department, to the attention of the Chief of Police. The request shall be in writing, except in case of emergency, and shall include the specific nature of the services desired.

B. The Chief of Police or his designee may assign Waterford Township police officers for police-related services based upon a determination that the police-related services are required for the public safety. The cost for said police-related services shall be the responsibility of the person or entity on whose behalf the services are provided or the property owner whose property or activities on said property cause the need for police-related services. All costs shall be paid as set forth at Section 50-13 hereof.

50-9 ASSIGNMENT OF POLICE OFFICERS

The Township Police Department shall maintain a list of police officers who have volunteered for off-duty employment. Assignment of off-duty police work shall be made in accordance with a rotation list to be maintained by the Chief of Police. When a police officer is assigned off-duty employment or if a police officer refuses an assignment, the officer's name will be placed at the bottom of the list.

50-10 EMERGENCY DUTY

Off-duty employment can be immediately terminated if the police officer performing said work is required for emergency police duty for the Township of Waterford as shall be determined by the Chief of Police.

50-11 POLICE UNIFORMS, EQUIPMENT, AND VEHICLES

Waterford Township police officers performing off-duty police-related services for private contractors shall be in full police uniform while said services are being provided. However, Waterford Township police vehicles shall not be used by police officers during the performance of off-duty police-related services unless specifically authorized by the Chief of Police.

50-12 AUTHORIZING CONTRACT

The Mayor and Township Clerk are hereby authorized to execute a contract with the contractor for the services required which contract shall set forth, inter alia, the specific nature of the services to be performed, the location that said services will be performed, the dates and hours of service, payment arrangements, arrangements for the use of police vehicles, arrangements for insurance coverage, and any other provisions mandated by this ordinance or any law or regulation of the State of New Jersey.

50-13 PAYMENT REQUIREMENT; ESCROW ACCOUNTS

A. Any person or entity requesting the services of an off-duty law enforcement officer in the Waterford Township 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, and shall establish an escrow account with the Chief Financial Officer of the Township by depositing an amount sufficient to cover the rates of compensation and administrative fees for the total estimated hours of service. A separate dedicated by rider trust fund shall be established by the Township of Waterford and all funds collected and disbursed relating to off-duty employment shall be made through said account.

B. Prior to posting any request for services of off-duty law enforcement officers, the Chief of Police or his designee 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 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 Chief Financial Officer. No officer shall provide any such services for more hours than are specified in the request for services, unless authorized by the Chief of Police.

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 escrow 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.

E. Contractors hiring township police officers for off-duty employment shall be charged pursuant to the following schedule which includes an hourly rate of pay for the police officer, the cost for the use of a police vehicle, plus a fair and reasonable sum representing the administrative costs, overhead and out-of-pocket expenses to the Township of Waterford for providing this service:

(1) Traffic control and police services - \$115.00 per hour per full-time police officer on any traffic control sites requiring work zone safety certifications

Amount Paid to full time or Class II Officer - \$85.00 per hour

Police Vehicle Fee - \$20.00 per hour

Administrative Fee - \$10.00 per hour

(2). Traffic control and police services requiring four (4) or more officers - \$100.00 per hour per full-time police officer on any traffic control sites requiring work zone safety certifications

A. Amount Paid to full time or Class II Officer - \$85.00 per hour

B. Police Vehicle Fee – \$10 per hour

C. Administrative Fee - \$5.00 per hour

The above mentioned rates will apply except when the job is funded by Camden County in which instance the rate will be that which is applicable according to current law and the amount received per hour shall be paid to the officer.

F. Contractor shall submit payment to Waterford Township within five (5) business days of receipt of said invoice. Failure of the contractor to make payment within said five (5) days shall result in the immediate cessation of the police services being provided and this agreement shall be deemed terminated. In the event this contract is terminated, the contractor shall forfeit all sums paid in advance and Waterford Township shall have the right to pursue any remedy at law for the collection of any amounts that may be due and owing for the services provided prior to termination.

50-14 PAYMENT TO OFFICERS

A. Police officers performing extra-duty police-related services for private contractors shall be paid for said services by the Township of Waterford at the rate set forth at Section 50-13(e).

B. All sums due a police officer performing off-duty employment shall be paid subsequent to the submission of a voucher which is approved by the Chief of Police or his designee.

50-15 INSURANCE

The contractor shall be responsible for providing all necessary insurance coverages as required by law, including, but not limited to, workers compensation and general liability insurance. Coincidental with the execution of the contract referred to in Section 50-12, the contractor shall provide the township with appropriate insurance binders ensuring that the police officer and Waterford Township are provided general liability coverage with respect to the services to be provided and that the police officer is covered by appropriate Workers Compensation Insurance.

50-16 INDEMNIFICATION

To the fullest extent permitted by law, contractor shall indemnify, defend, and hold harmless the Township of Waterford, its agents and employees, from and against all claims, damages, losses, liabilities and expenses, including, but not limited to, attorney’s fees and court costs, arising out of, resulting from or in any way relating to either directly or indirectly:

A. the performance of the work;

- B. any and all claims made by said police personnel for injuries and/or illnesses while performing the off-duty employment;
- C. the breach by contractor of any of the terms and conditions of the agreement;
- D. the negligent or intentional acts or omissions of the police, and/or the contractor, its employees, agents, and/or subcontractors;
- E. bodily injury, sickness and/or disease, including death, at any time resulting from such bodily injury, sickness or disease, sustained by any person while in, on or about the site and surrounding areas where such injury, sickness, disease and/or death arose out of or was in any way connected with the work of, the performance of, or failure to properly perform the work;
- F. any liability based upon contractor's negligence imputed to the Township of Waterford;
- G. damage to property of contractor, the Township of Waterford or any other person or entity arising out of, incident to, or in connection with the performance of the work;
- H. laborers, mechanics and materialmen's liens, and all other liens and charges of every character whatsoever, arising out of work to be performed by this agreement; and/or
- I. any other cause of action which may be brought against the Township of Waterford arising out of or in any way relating to the work and contractor's obligations hereunder.

This indemnification and hold harmless agreement shall apply in all instances whether the Township of Waterford is a plaintiff, or is made a direct party to the initial action or claim or is subsequently made a party to the action by third party in-pleading or is made a party to a collateral action arising, in whole or in part, from any of the issues from the original cause of action or claim.

50-17 THE APPROPRIATE AUTHORITY

A. Jurisdiction/Authority: The police department shall come under the jurisdiction of the Appropriate Authority, which position is hereby created pursuant to N.J.S.A. 40A:14-118. Said Appropriate Authority shall be the Mayor and Township Committee. The Appropriate Authority shall be responsible for the promulgation, adoption, updating, and/or ratification of rules and regulations for police personnel which shall be known as the Rules and Regulations for the Police Department of the Township of Waterford. (N.J.S.A. 40A:14-118)

B. Policies to Govern Day to Day Operations: Pursuant to N.J.S.A. 40A:14-118, the Chief of Police is directly responsible to the Appropriate Authority for the efficiency and routine day to day operations of the police force, and the Chief of Police performs his duties pursuant to policies established by the Appropriate Authority. Therefore, the Chief of Police shall issue whatever policies, which may be referred to as operational policies, general policies, standard operating policies or otherwise, that are deemed appropriate and necessary for the operation of the department. Any such policies promulgated by the Chief of Police shall require ratification by the Appropriate Authority. Any such policies issued by the Chief shall be submitted to the Public Safety Liaison and will take effect ten (10) days later, absent a response from the Appropriate Authority to the contrary, this provision to be referred to as the ten-day review rule.

50-18 PROBATIONARY PERIODS

All patrol officers are initially appointed 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. Sergeants, Lieutenants and the Captain promotions are subject to a probationary period of six months, after which time such promotions will become permanent. During the probationary period the position or promotion may be terminated without the necessity of giving any cause for termination. The officer will be dismissed or in the case of a probationary promotion, revert back to the previous rank/position held.

50-19 SPECIAL LAW ENFORCEMENT OFFICER

The Appropriate Authority shall, with the approval and consent of the Mayor and Township Committee, appoint such special law enforcement officers as he/she or they may deem necessary. They shall be a part of the police department established herein and subject to all the laws, rules and regulations governing the same. Pursuant to N.J.S.A. 40A:14-146.8 et seq., the term of said appointment shall be at the discretion of the Mayor and Township Committee, but in no event shall exceed one (1) year. The personnel referred to in this section shall be compensated at such hourly rate as designated in the Townships salary ordinance. Said personnel shall serve for the appointed term only and at the compensation, if any, established by Ordinance or as modified or changed by the Mayor and Township Committee.

There is hereby established the following classifications of special law enforcement officers; Class Two and Class Three.

- (1) Class Two officers shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer.
- (2) Class Three officers shall be authorized to exercise full powers and duties similar to those of a permanent regularly appointed full-time police officer. Class Three officers are strictly limited to provide security while on school premises during hours when school is normally in session or when occupied by students or their teachers.
 - (A) Class Three officers must be 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.
 - (B) Must be less than 65 years of age for appointment.
 - (C) Must pass a psychological examination.
 - (D) Must pass a medical examination.
 - (E) Must pass a drug test pursuant to Attorney General's Law Enforcement Drug Testing Policy.
 - (F) Must have passed background investigation.
 - (G) A new Class III Officer's break in service may not exceed three years.
 - (H) Complete SRO training within 12 months of being appointed.

In accordance with and subject to the terms, conditions and limitations of statute and law, special law enforcement officers may be appointed and assigned to perform the duties and responsibilities of Class Two and Class Three special police officers. Class Two and Class Three special police officers shall be limited to such numbers as, from time to time, shall be authorized and funded by Township Committee; provided, however, in no event shall the number of Class Two officers exceed that permitted by statute and law

50-20 CIVILIAN EMPLOYEES

The Appropriate Authority shall, with the approval and consent of the Mayor and Township Committee, appoint such civilian members of the police department to serve in the services division as he/she or they may deem necessary. Said members are to provide executive assistance to the Chief of Police, secretarial duties, dispatching services, clerical duties and logistics in support of the police department. Said positions will be One (1) Executive Assistant to the Chief of Police and (1) Police Records Clerk and additional civilian staff as deemed necessary.

50-21 POLICE EMPLOYEES

The Appropriate Authority shall, with the approval and consent of the Township Committee, appoint, promote, assign or reduce in force for reasons of economy all police personnel employed by the Township of Waterford. Appointment of any additional police personnel shall require an amendment of this ordinance.

50-22 APPOINTMENT

- A.** All members of the police department shall be appointed by the Appropriate Authority and are to hold their offices as provided by law.
- B.** No person shall be appointed a member of the police department in the Township of Waterford who has failed, prior thereto, to have duly executed and signed a written application for such employment, upon a form supplied by the Township Clerk, requiring relevant data to be submitted by the applicant therein, and shall have also indicated therein his willingness to undergo a required pre-employment physical examination, a pre-employment psychiatric examination and a drug screening.
- C.** The hours of employment of the uniformed members and officers of the Waterford Township Police Department shall not exceed twelve (12) continuous hours in any one day.
- D.** Appointments to new positions or offices or to fill vacancies shall also be subject to State laws.

50-23 QUALIFICATIONS

A. Each applicant shall comply with all the laws of the State of New Jersey pertaining thereto. No person shall be given or accept a permanent appointment as a police officer in the Township unless he has first been given a probationary or temporary appointment to such office for a period of one (1) year after successfully completing a police training course at a school approved and authorized by the Police Training Commission in the Department of Law and Public Safety of the State of New Jersey, pursuant to the provisions of Chapter 56 of the Laws of 1961 and amendments thereto.

B. No person shall be appointed to the police department as a regular or probationary member unless, at the time of making application, he is between the age of eighteen (18) and thirty-five (35) years of age, except as otherwise provided by law. The applicant shall be a citizen of the United States of America, the State of New Jersey, and preference shall be given to those applicants who have been residents of the Township of Waterford for a period of at least six (6) months prior to the date of application. The Township Committee shall also require that an applicant for or appointee to the police department shall successfully complete a medical examination, a psychological examination, an oral interview (to include a writing exercise with a handwriting sample) by a panel to be determined by the Chief of Police, and they must have attained a minimum of an Associate's Degree from an accredited institution of post-secondary education. The Township Committee may waive the educational requirement in lieu of on-the-job police experience or completing acceptable active-duty military service.

50-24 OATH OF ALLEGIANCE

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

50-25 DISCIPLINARY PROCEDURES

A. Hearing Authority:

(1) In the event of any disciplinary proceedings against any member of the police department of the Township of Waterford, the Appropriate Authority or his/her designee shall be the sole hearing officer and person in charge of all such proceedings. The decision of the Appropriate Authority shall be final. The right of appeal shall be to the New Jersey Superior Court pursuant to N.J.S.A. 40A:14-150 if and as applicable.

(2) In the event the Appropriate Authority designates a hearing authority other than himself/herself, and the designated hearing authority is to be an officer within the Waterford Township Police Department, only a person of greater rank than the person charged may be so designated for that purpose. Whenever Special Counsel is designated to be the hearing authority, prior approval must be obtained by resolution of the Mayor and Township Committee. The decision of said hearing authority shall be provided within 10 days to the Appropriate Authority who shall render the final and binding decision, both as to violation and penalty, within 10 days from when he/she receives the decision and supporting documentation such as a hearing transcript, to confirm, deny or modify the decision. The time lines established herein are to be construed flexibly in the interest of justice so that fair and reasoned decisions will follow. Should the Appropriate Authority fail to act within 10 days or give notice of necessary extension, the decision of the hearing authority shall become final.

B. Charging Authority:

(1) In the event a Waterford Township Police Department officer is to be charged in a disciplinary action and said employee is subordinate to the rank of the Chief of Police, only the Chief of Police

or his/her designee may initiate such charges (N.J.S.A. 40A:14-118). In the event the office of the Chief of Police has been abolished through intentional vacancy, pursuant to Section 50-2 paragraph A, then the Appropriate Authority or his/her designee shall function as the Charging Authority. Failure to initiate charges when same are indicated may constitute a neglect or dereliction of duty (Gauntt v. Bridgeton, 194 N.J. Super. 468, 477 A.2d 381 (App. Div. 1984), but the function of the Charging Authority may not be circumvented.

(2) In the event the Chief of Police for the Township of Waterford is to be charged in a disciplinary action against the Chief, the Appropriate Authority or Special Counsel named by the Appropriate Authority to act on his/her behalf shall be the Charging Authority.

(3) Whenever any person, whether police officer, Special Counsel, or the Appropriate Authority, serves in an investigative capacity and/or as the Charging Authority relevant to a Waterford Township Police Department disciplinary action; he/she may not thereafter be designated as or serve as the Hearing Authority in that same disciplinary action.

50-26 APPEALS

Disciplinary action against any member of the police department shall be taken in accordance with N.J.S.A. 40A:14-147. Any employee seeking to appeal disciplinary charges shall do so in writing submitted to the office of the Appropriate Authority. Said appeal shall be filed within five (5) days, not including Saturdays, Sundays and holidays, of the date said charges were served upon said employee. In either event, the Appropriate Authority shall schedule a hearing in accordance with the provisions of this Ordinance and State statute. Administrative disciplinary charges served on any employee shall contain the date, time and location for a prospective hearing as required by statute. Failure to submit the required written request for an appeal may affect the employee's rights pertaining to said statutory time lines, the discovery proceedings, as well as other legal rights and remedies appurtenant thereto.

50-27 ADMINISTRATIVE INVESTIGATIONS

The Appropriate Authority may appoint a committee and/or designate special counsel to conduct investigations of the operation of the police force and may delegate to such committee or special counsel any and all lawful powers of inquiry. The Appropriate Authority or his designee for this purpose, or special counsel appointed by the governing body, may examine the operations of the force or the performance of any officer or member thereof. Any resolution of the governing body appointing special counsel for the purpose of examining or investigating the operation of the police force or the performance of any officer or member thereof shall be considered to vest the examining or investigating official or body with the authority to perform a municipal investigation pursuant to N.J.S.A. 40:48-25 and the County and Municipal Investigations Law, N.J.S.A. 2A:67A-1 to 4. Any such subpoenas as authorized by N.J.S.A. 40:48-25 shall be in the name of the Appropriate Authority. In conducting any such external investigation or examination, the investigating or examining authority shall not be bound by those internal affairs investigation guidelines or regulations governing the police department in conducting its own internal investigations, although all applicable statutory restrictions and particularly N.J.S.A. 40A:14-147 shall not thereby be circumvented.

50-28 EMERGENCY DIRECTIVES

Nothing herein contained shall infringe upon or limit the power or duty of the Appropriate Authority to act to provide for the health, safety or welfare of the municipality in an emergency situation through special emergency directives. (N.J.S.A. 40A:14-118; 40A:14-146.9)

50-29 POLICE DEPARTMENT RULES AND REGULATIONS AND POLICE MANUAL

A. Adoption and Promulgation: 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 Township of Waterford. Said rules and regulations will be in manual form and shall be called the "Rules and Regulations of the Police Department for the Township of Waterford" and shall govern the conduct of and be binding upon the entire membership of said Police Department. Said Rules and Regulations shall provide for discipline of the members of the police force. In the event of any mutually inconsistent provisions between the police ordinance and the Rules and Regulations, the ordinance shall govern; however, both shall be interpreted so as to give full affect to both this ordinance and the Rules and Regulations wherever possible.

B. Distribution: The Rules and Regulations shall be distributed through Power DMS as follows: An electronic copy will be, issued to and electronically signed for, by each employee of the Police Department for the Township of Waterford. A copy will be maintained by the Township Clerk for the personnel designated as Special Officers and to provide public access to same.

C. Members Responsibility for Manuals No police department operating policies will be inserted as part of this manual unless and until properly assimilated by the Appropriate Authority. Each police officer and each civilian employee is duty-bound to thoroughly familiarize himself/herself with the provisions of the Rules and Regulations. Failure to comply shall be considered neglect of duty. 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 will not be accepted as an excuse.

50-30 ADOPTION

A. Repealer: All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

B. Severability: If for any reason any section or any provision of this Ordinance shall be questioned in any court and shall be held unconstitutional or invalid, the same shall not be held to effect any other sections or provisions of this Ordinance.

C. When Effective: This Ordinance shall take effect immediately after publication and as provided by law.

