

**CITY OF HACKENSACK
ORDINANCE NO. 03-2026**

**AN ORDINANCE TO AMEND CHAPTER 32 OF THE CODE OF THE CITY OF
HACKENSACK, "POLICE DEPARTMENT," TO ABOLISH THE POSITION OF POLICE
DIRECTOR AND RESTORE THE POWERS OF THE CHIEF OF POLICE**

WHEREAS, the Mayor and Council of the City of Hackensack ("City") have established a Police Department as provided for by N.J.S.A. 40A:14-118 and other related provisions of New Jersey law; and,

WHEREAS, Chapter 32 of the Code of the City of Hackensack ("City Code") sets forth the Police Department's Organization, Duties and Regulations; and

WHEREAS, the City of Hackensack Police Department is the largest police force in Bergen County; and

WHEREAS, The City of Hackensack Police Department was a diverse and professional police force hailed as a leader in the areas of investigation, community policing, dispatching, organized under one Chief of Police; and

WHEREAS, the Hackensack Police Department underwent a series of significant and sometimes quizzical changes to its leadership structure over a 12-year period from 2012 to 2024; and,

WHEREAS, one example of the curious nature of some of the changes is evidenced by the position of Chief of Police ("Chief") being abolished in 2016 only to be restored in 2024; and,

WHEREAS, the position of Director of Police was created in 2012 as a civilian-held position to perform the duties of Chief in the event of vacancy;

WHEREAS, in 2015 the Director of Police was assigned all of the Chief's powers and the position of Chief of Police was abolished; and

WHEREAS, the position of Deputy Chief was abolished in 2016; and

WHEREAS, in 2024 the Chief of Police office was restored; and

WHEREAS, the Mayor and Council find it necessary and proper to restore proper structure to the Hackensack Police Department for the most efficient discharge of the City's police function and to amend and update the Hackensack Police Department Table of Organization to reflect the current needs for appropriate supervision of the Department; and,

WHEREAS, the changes hereby made are tantamount to a final undoing of the ill-advised and *ad hoc* changes made by prior administrations over the last 10-15 years.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HACKENSACK, as follows:

Section 1:

The Code of the City of Hackensack (“City Code”), Chapter 32, “Police Department,” Article I, “Department Organization, Duties, and Regulations” is hereby replaced with the following:

§32-1 Establishment of Police Department.

- A. There is hereby created, in and for the City of Hackensack, a Police Department, which shall consist with no more than a Chief of Police, and up to one (1) Deputy Chief, up to five (5) Captains, up to twelve (12) Lieutenants, up to eighteen (18) Sergeants, and a maximum of 85 police officers, to be appointed to these positions by the City Manager with the budgetary approval of the City Council, as public need may require
- B. Civilian. Communication operators, mechanics, parking meter repairers, parking meter collectors and repairers, school traffic guards, office-clerical personnel and such other titles as may be established.
- C. Special law enforcement officers. The City of Hackensack hereby establishes special law enforcement officers pursuant to and in compliance with the Special Law Enforcement Officers Act (N.J.S.A. 40A:14-146.8 et seq.)
 - 1. Special law enforcement officers are subject to the personnel policies of the City of Hackensack.
 - 2. Special law enforcement officers are subject to the City of Hackensack Police Department's Rules and Regulations, and Written Directive System, where applicable.

§32.2 Purpose of the Police Department

The Police Department shall:

- A. Preserve the public peace;
- B. Protect life and property;
- C. Detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the City of Hackensack;
- D. Direct and control traffic;
- E. Provide attendance and protection during emergencies;
- F. Make appearances in court;
- G. Cooperate with all other law enforcement agencies; and
- H. Provide training for the efficiency of its members and officers.

§ 32-3. Chief of Police; powers and duties.

Pursuant to N.J.S.A. 40A:14-118, and to the fullest extent permissibly delegable to him under said statute, the Chief of Police shall be directly responsible to the appropriate authority for the efficiency and routine day-to-day operations of the Police Department. The Chief of Police shall, consistent with City ordinances:

- A. Administer and enforce the rules and regulations of the Police Department and any special emergency directives for the disposition and discipline of the Department and its officers and personnel.
- B. Have, exercise, and discharge the functions, powers and duties of the Police Department.
- C. Prescribe the duties and assignments of all subordinates and other personnel.
- D. Delegate such of his or her authority as he or she may deem necessary for the efficient operation of the Police Department to be exercised under his or her direction and supervision.

- E. Report at least monthly to the appropriate authority in such form as shall be prescribed by the appropriate authority on the operation of the force during the preceding month and make such other reports as may be requested by the appropriate authority.

§ 32-4. Appropriate authority designated.

In accordance with N.J.S.A. 40A:14-118, the City Manager is hereby designated as the appropriate authority and is hereby vested with the powers and duties of an appropriate authority as delegated by law.

§32-5. Appointment of officers and personnel.

No person shall be appointed to the Police Department who is not qualified as provided by New Jersey law. The selection criteria for a police officer shall be in accordance with Department policy and ordinances and New Jersey Law including but not limited to the rules and regulations of the New Jersey Civil Service Commission.

§32-6 Disciplinary action.

Discipline of police officers will be imposed consistent with New Jersey State statutes, New Jersey Administrative Code, the rules and regulations of the Hackensack Police Department, and the rules and regulations of the New Jersey Civil Service Commission. The written charges will be signed by the Chief of Police, or his/her designee, as provided in New Jersey law and the Police Department's rules and regulations. Police officers may also be subject to discipline for violating other statutes, ordinances, and policies

§ 32-7. Rules and regulations.

The appropriate authority shall, from time to time as may be necessary, adopt and amend the rules and regulations for the government and discipline of the Police Department and employees thereof. Said rules and regulations may fix and provide for the enforcement of such rules and regulations and the enforcement of penalties for the violation of such rules and regulations, and all employees of the Police Department shall be subject to such rules and regulations and penalties.

§ 32-8. Police officer extra-duty employment policy.

- A. Purpose. For the convenience of those persons and entities utilizing the services of Hackensack Police Department officers to perform extra-duty details and to authorize Hackensack police officers to perform voluntary extra-duty details within the City of Hackensack or within other local municipalities that extend beyond their regular assigned duties and responsibilities, the City hereby establishes a policy regarding the use of said officers.

- (1) Hackensack police officers shall 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 City. Any such extra-duty employment shall be voluntary, and may be accepted or declined solely at the option of the officer (provided the extra-duty employment is approved in accordance with the Hackensack City Code and any applicable rules, regulations, policies or procedures of the Hackensack Police Department). Accordingly, the performance of such extra-duty work for a separate and independent employer shall be excluded by the City in the calculation of the hours for which the officer is entitled to overtime.
- (2) Any person or entity wishing to employ a Hackensack police officer or officers for an extra-duty detail shall first obtain the approval of the Chief of Police or his/her

designee,). who shall grant such approval if in his or her judgment 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.

- (3) To the fullest extent permissible by law, the person or entity requesting the services of Hackensack police officer(s) for an extra-duty detail shall execute an appropriate hold harmless and indemnity agreement as approved by the City Attorney, which shall provide that such person or entity shall indemnify, defend, and hold harmless the City of Hackensack, along with its elected and appointed officers, employees, agents, servants and administrators, from and against any and all claims, or actions at law, whether for personal injury, property damage or liability, including any cost of defense incurred by the City, which arises from any acts or omissions of the insured, its agents, or employees arising out of or related to his, her or its use of Hackensack police officers to perform extra duty. This indemnification and hold harmless agreement and the duty to defend shall apply in all instances, whether the City is a defendant 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.
- (4) No person or entity shall employ a Hackensack police officer for extra duty without having first filed with the Police Department a certificate of insurance naming the City, its agents, servants and administrators as additional insureds, and evidencing that general liability coverage of not less than \$1,000,000 per occurrence is in effect with respect to the extra-duty services to be provided. All such certificates of insurance are subject to approval by the City's risk manager or other insurance professional and the City Attorney. All policies of insurance evidenced by any certificate filed hereunder shall be maintained in full force and effect at all times while any police officer is performing extra duty. Upon the change or renewal of any such policy of insurance, the person or entity utilizing the services of a Hackensack police officer for extra duty shall file with the Police Department a new and current certificate of insurance in compliance with the foregoing provisions within one business day. The City Manager may waive some or all of the foregoing requirements if in his or her determination it is in the best interest of the City and the City will still remain adequately protected in the absence of same.
- (5) The Chief of Police, or his/her designee, with the approval of the City Manager, may promulgate appropriate additional administrative regulations and requirements for the use of Hackensack police officers for extra-duty details, provided they are not inconsistent with any provision within the Code of the City of Hackensack. The Chief of Police, or in the absence of the Chief, the City's highest ranking law enforcement executive, shall monitor all extra-duty employment to ensure that the City's interests are protected.

B. Escrow accounts.

- (1) Any person or entity requesting the services of a Hackensack police officer to perform extra duty 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 his/her designee shall establish an escrow account with the City Treasurer by depositing an amount sufficient to cover the rates of compensation and administrative fees for the total

estimated hours of service. This may be waived for nonprofit organizations, public utilities, or for companies that have a working relationship with the City.

- (2) Prior to posting any request for the services of a Hackensack police officer to perform extra duty, the Chief of Police or, in the absence of the Chief or his/her 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 or his/her designee 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 City Treasurer. No officer shall provide any such services for more hours than are specified in the request for services.
- (3) In the event the funds in such an escrow account should become depleted, services of law enforcement officers performing extra duty shall cease and requests for further services shall not be performed or posted until additional funds have been deposited in the escrow account in the manner prescribed above.
- (4) 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.

C. Requests for services.

- (1) Any law enforcement officers, when so employed by the City, shall be treated as employees of the City; provided, however, that wages earned for outside employment shall not be applied toward the pension benefits of law enforcement officers so employed.

D. Rate of compensation.

- (1) The rate of compensation for a Hackensack police officer engaging in extra-duty employment shall be \$100.00 per hour, regardless of rank. Recognized public and not-for-profit educational and religious institutions shall receive a \$20 per hour reduction on the foregoing extra-duty employment rate of compensation.
- (2) There is no minimum period for a Hackensack police officer to be engaged in extra-duty employment, however, any such officer engaged for a period of less than four hours shall be compensated as if he or she actually worked four hours. In the event of a cancellation received two or less hours prior to the scheduled starting time of the extra-duty assignment, there shall be a cancellation charge of four hours per officer. Cancellations received more than two hours prior to the scheduled starting time of the extra-duty assignment shall be at no charge.
- (3) In addition to the compensation to be paid for the services of each Hackensack police officer, there shall be a \$25 per hour administrative/vehicle use fee, which is per officer engaged in extra-duty employment. The administrative/vehicle use fee is also subject to a four-hour minimum charge as set forth in Subsection D(2), above. Additionally, the City may pass along to the person or entity requesting such services any fees charged by an outside vendor contracted by the City to administer scheduling and/or notification services with respect to any extra-duty employment requested pursuant to this section. Recognized public and not-for-profit educational and religious institutions shall have this administrative fee waived by the City.

Section 2:

Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being

the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 3:

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4:

Codification. This Ordinance shall be a part of the Code of the City of Hackensack as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The City Clerk and the City Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hackensack in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Section 5:

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

Introduced: February 3, 2026
Adopted: February 17, 2026

ATTEST:

CITY OF HACKENSACK

By: _____
Timothy Hoffman, Acting City Clerk

By: _____
Caseen Gaines, Mayor