

ORDINANCE 2021-14

*Borough of Metuchen
County of Middlesex
State of New Jersey*

ORDINANCE AMENDING CHAPTER 37 OF THE CODE OF THE BOROUGH OF METUCHEN, ENTITLED, “POLICE DEPARTMENT” TO CLARIFY AND AMEND THE PROMOTIONAL AND APPOINTMENT PROCESS

WHEREAS, the Mayor and Council have determined that it is in the best interest of the effective operations and management of the Borough of Metuchen Police Department to clarify and amend the promotional and appointment process for the members of the Borough of Metuchen Police Department.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Metuchen, County of Middlesex, that it hereby amends Article 1, “General Provisions”, Article 3, “Superior Officers of the Police Department” and Article 4, “Sergeants” of Chapter 37 “Police Department” of the Code of the Borough of Metuchen, specifically § 37-1, entitled, “Composition; appointment”; § 37-31, entitled, “Duties of Captain of Operations/Deputy Chief.”; § 37-32, entitled “Lieutenant of Operations”; § 37-33, entitled, “Authority in absence of Chief, Captain of Operations and Lieutenant/s of Operations”; § 37-34, entitled, “Creation; responsibilities”; and § 37-35, entitled “Procedure for promotion from patrol officer to Sergeant” to state as follows:

CHAPTER 37 POLICE DEPARTMENT

ARTICLE 1

General Provisions

§ 37-1 Composition; appointment.

The Police Department of the Borough of Metuchen shall consist of no more than one (1) Chief of Police, one (1) Captain of Operations/Deputy Chief, two (2) Lieutenants, six (6) Sergeants, two (2) Detectives and seventeen (17) patrol officers, and such other employees as the Mayor and Borough Council may from time to time appoint. Patrol officers shall be appointed by the Mayor in consultation with the Appropriate Authority/Borough Administrator and the Police Chief upon confirmation by the Borough Council. The Police Chief shall be appointed by the Mayor in consultation with the Appropriate Authority/Borough Administrator upon confirmation by the Borough Council. The Captain of Operations/Deputy Chief, Lieutenants, and Sergeants shall be appointed by the Mayor in consultation with the Appropriate Authority/Borough Administrator and the Police Chief.

§ 37-2 Definitions.

For the purposes of this Part I, the following words and phrases shall have the meanings respectively inscribed to them by this section:

OFFICER

Any member of the Police Department of the Borough, from the rank of Sergeant to the rank of Chief, inclusive.

POLICE COMMISSIONER

That member of the Borough Council, acting as Council liaison to the Police Department, as annually appointed by the Borough Council.

POLICE OFFICER

Any member of the Police Department of the Borough.

SUPERIOR OFFICER

A member of the Police Department holding the rank of Lieutenant or any rank above.

§ 37-3 Qualifications.

No person shall be appointed to membership in the Police Department unless he or she shall comply with the requirements of the statutes in such cases made and provided and with such other requirements as the Borough Council shall from time to time determine.

§ 37-4 Oath of members.

Every member of the Police Department, before serving as such and also upon promotion to any of the advanced ranks within the Department, shall swear to the following oath of office before the Clerk of the Borough, and the oath shall be transcribed in the police blotter under the date taken and signed by the member:

"I do solemnly swear that I will support the Constitution and laws of the United States and the State of New Jersey and the ordinances of the Borough of Metuchen and obey all the rules and regulations and lawful orders of the Metuchen Police Department and faithfully discharge the duties of, and faithfully serve the Borough of Metuchen according to the best of my knowledge and ability, so help me God."

ARTICLE 3

Superior Officers of the Police Department

§ 37-31. Captain of Operations/Deputy Chief.

A. There is hereby created the rank of Captain of Operations/Deputy Chief who shall be appointed by the Mayor in consultation with the Appropriate Authority/Borough Administrator and the Police Chief.

B. Under the direction of the Chief of Police the Captain of Operations/Deputy Chief shall have day-to-day operational command of the activities of the Uniform and Investigative Divisions of the Police Department. The Captain of Operation/Deputy Chief shall provide direction and supervision to subordinate officers and personnel, assign their duties, evaluate their performance and recommend appropriate action within the guidelines of established Departmental policies and procedures. He or she shall develop and implement programs and activities of the Police Department under guidelines set by the Chief of Police. He or she shall operate under the supervision and direction of the Chief of Police, whom he or she shall serve as Deputy. In the absence of the Chief of Police, he or she shall assume command of the Police Department. His or her recommendation respecting the hiring, discharge and discipline of police personnel shall be given substantial weight by the Chief of Police and by the appropriate authority of the Borough. The Captain of Operations/ Deputy Chief, within the procedures prescribed by law, shall have the authority to give oral and written reprimands to its officers and personnel. He or she shall provide assistance to the Chief of Police and the Mayor and Council in the formulation of policies and goals for the Police Department.

C. The Captain of Operations/Deputy Chief shall serve in this rank as both a managerial and supervisory member of the Police Department. His or her duties shall include, but not be limited to, the following:

(1) Supervising and coordinating the work of the two major divisions or units of the Police Department.

(2) Within the framework of established policies, identifying service needs and resources available, determining optimum human resource utilization and scheduling and duty assignments.

(3) Supervising preparation of division budgets and assisting Chief in preparation of the Department budget by recommendations for service levels, programming and staffing.

(4) Identifying service needs, developing strategies and programs designed to meet them.

(5) Based on program review and Departmental effectiveness, recommending changes in the organizational structure, procedures and activities.

(6) Evaluating the performance of subordinate personnel and recommending appropriate personnel action to the Chief.

(7) Supervising maintenance or sick and vacation leaves, training, daily attendance and payroll records.

(8) Reviewing reports of shift activities and preparing periodic summary reports for the Chief. Together with Chief, reviewing effectiveness of current operations, staffing and assignments to identify areas for improvement or additional service needs.

(9) Attending and/or conducting staff meetings, squad meetings and in-house training sessions.

(10) Supervising the development of the Departmental training program.

(11) Interviewing applicants for employment.

§ 37-32. Lieutenant.

A. There is hereby created the rank of Lieutenant who shall be appointed by the Mayor in consultation with the Appropriate Authority/Borough Administrator and the Police Chief.

B. Duties.

(1) Under the direction of the Captain of Operations and the Chief of Police, the Lieutenant shall serve as the immediate subordinate of the Captain of Operations to provide direction and supervision to Sergeants and other subordinate officers as directed by the Chief and Captain of Operations.

(2) The Lieutenant shall, at the direction of the Chief of Police or the Captain of Operations, as his or her primary duties, be in charge of all records, act as Press Officer, act as Internal Affairs Officer, be in charge of the training of all police officers and all training programs where required or appropriate.

(3) The Lieutenant, at the direction of the Chief of Police or the Captain of Operations, shall also disseminate any information received regarding procedural changes from federal, state, county or municipal laws.

(4) In addition, the Lieutenant, at the direction of the Chief of Police or the Captain of Operations, shall research, test and compile data on all types of equipment and materials used by the Police Department.

(5) Notwithstanding any of the above, the Lieutenant shall have his or her duties expanded or contracted as the Chief of Police believes wise in the efficient operation of the Department.

C. In the absence of the Captain of Operations and the Chief of Police, the Lieutenant, designated by the Chief of Police, shall assume command of the Police Department and, while in command of the Police Department, exercise those duties and responsibilities as described by law.

D. The Lieutenant shall serve in this rank as both a managerial and supervisory member of the Police Department.

§ 37-33. Authority in absence of Chief, Captain of Operations and Lieutenant/s.

In the absence of the Chief of Police, temporarily or otherwise, and in the absence of the Captain of Operations, as the case may be, and in the absence of the Lieutenant/s , as the case may be, the Chief, at his sole discretion, shall designate a Sergeant to temporarily assume the duties of the Lieutenant/s and to assume some or all of the duties of the Chief of Police.

ARTICLE 4

Sergeants

§ 37-34 Sergeant; rank; responsibilities.

A. There is hereby created the rank of Sergeant who shall perform supervisory police work in the field and in police headquarters. Sergeants shall be appointed by the Mayor in consultation with the Appropriate Authority/Borough Administrator and the Police Chief as set forth herein.

B. The Sergeant is designated shift commander and is responsible for providing police patrol services during the duty tour and until properly relieved. He or she has direct control and supervisory authority over patrol division personnel operating on a squad basis on his or her shift. This includes both sworn police officers and civilian personnel. Under the general direction of the Lieutenant, the Sergeant is responsible for the effective implementation of programs and activities to meet departmental goals. Through human resource scheduling and assignment task prioritization and the direction and supervision of activities, the Sergeant is responsible for the most effective use of police human resources.

C. The following consists of examples of work performed by Sergeants:

- (1) Supervises and directs the work of patrol squad assigned to him or her.
- (2) Inspects officers prior to start of tour of duty, assigns duties and provides oral review of status of police operations within Borough.
- (3) Within the guidelines of standing orders and priorities determines appropriate police activities for shift period and assigns personnel accordingly.
- (4) Provides physical backup and takes operational control of field situations when necessary.
- (5) Reviews all reports, actions and decisions of squad personnel.

(6) Evaluates work of subordinates, provides or arranges for necessary guidance or training and makes recommendations to Captain of Operations.

(7) Prepares end-of-shift report to inform succeeding shift of events within the Borough and the status of police operations.

(8) Assists the division commander in reviewing program effectiveness and formulation of divisional budget request.

§ 37-35 Procedure for promotion from patrol officer to Sergeant.

A. Procedure.

(1) The promotional procedure to the position of Sergeant from that of patrol officer within the Department shall be comprised of the following criteria:

- (a) Seniority and service.
- (b) Evaluation of the Chief of Police.
- (c) Evaluation of the Captain of Operations.
- (d) Evaluation of the Lieutenant/s.
- (e) Evaluation of the Borough Administrator.

(f) A score of at least 65 on an oral examination administered by the New Jersey State Association of Chiefs of Police. Once the test scores are calculated, candidates will be ranked by their score, with the best score being first and the lowest score being last. Any candidates scoring less than a 65 will be eliminated from the remainder of the process.

(2) The weight assigned to each of the aforesaid criteria for the purposes of ranking the candidate shall be as follows:

Promotional Criteria	Maximum Points Per Category
Seniority and service	20
Chief of Police evaluation	65
Captain of Operations evaluation	30
Lieutenants' evaluation	20 each evaluation
Appropriate Authority/Borough Administrator evaluation	65

Seniority. In accordance with the chart set forth above, the maximum 20 points for seniority and service shall be determined for each candidate by allotting 1 point per year for each of the first 15 years in service and 1/2 point for each year of service between a candidate's 16th through 25th year of service. Additionally,

no patrol officer shall be eligible for a promotion to the position of Sergeant until he/she has served with the Borough of Metuchen Police Department as a sworn law enforcement officer for at least five complete years. Fractional years of service shall not be calculated in the numbers of whole years for purposes of the calculation of points and shall be determined as of the date when the position is to be made available.

B. Police Chief evaluation. The Chief of Police shall allot to each individual candidate a mathematical score, up to a maximum of 65 points, based upon an evaluation which shall consider past performance, leadership skills, management skills, personal strengths and weaknesses and other factors reasonably considered by the Chief to be related to the responsibilities of the position of Sergeant.

C. Captain of Operations evaluation. The Captain of Operations shall make a similar, but independent, appraisal of the individual candidates based upon the same factors as the Chief of Police, with a maximum point total of 30 points.

D. Lieutenants' evaluation. The Lieutenant/s shall make a similar, but independent, appraisal of the individual candidates based upon the same factors as the Chief of Police and Captain of Operations, with a maximum point total of 20 points for each Lieutenant's evaluation.

E. Appropriate Authority/Borough Administrator evaluation. The Borough Administrator shall assign a point total, up to 65 points, based upon the Administrator's estimate of the personality strengths and weaknesses, leadership and supervisory qualities, ease and skill in interacting with the public, management skills and other qualities reasonably considered as relevant to the responsibilities of the position of Sergeant.

F. Selection process. The individuals' names with the top three scores will be submitted to the Mayor for his/her consideration.. If a promotion is made, the Mayor shall promote any one of the top three candidates, regardless of ranking. If there are two Sergeant positions available, the top four candidates' names will be submitted to the Mayor. For each additional position available, one candidate's name will be added to the list submitted to the Mayor for consideration.

G. Maintenance of ranking list. Once posted, the ranking list shall remain in effect for up to two years, unless the Mayor exercises its discretion to call for a new test because additional candidates would be eligible for consideration to the position of Sergeant or the Mayor exercises its discretion to extend the list beyond two years for a period of time determined by the Mayor.

H. Removal from list. The name of any candidate may be removed from the list based on disciplinary action taken by the Department against the candidate after the list has been established.

§ 37-36 Detective duties.

The Sergeants assigned to detective duties shall perform under the supervision of the Captain of Operations and Chief of Police in accordance with all special and general orders, rules and regulations of the Department. All Sergeants shall conform to all the rules and regulations of the Police Department insofar as they do not conflict with other instructions of superior officers.

§ 37-37 Report of violations.

Sergeants of police shall carefully note every case of neglect, misconduct or other violation of the rules and regulations of the Police Department on the part of any member and shall promptly report the same to the Chief of Police.

BE IT FURTHER ORDAINED by the Mayor and Council that all prior ordinances, or sections of ordinances, inconsistent with the within ordinance are hereby repealed.

BE IT FURTHER ORDAINED by the Mayor and Council that all remaining sections of Chapter 37 not amended or referenced herein shall not be affected thereby and shall remain in full force and effect.

BE IT FURTHER ORDAINED by the Mayor and Council that if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED by the Mayor and Council that this ordinance shall become effective immediately upon final passage and publication as provided by law.

Introduction: August 23, 2021
 Date of Publication: August 26, 2021

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
DELIA	X				KOSKOSKI	X			
HIRSCH	X				RASMUSSEN	X			
KANDEL	X				RUBIN	X			
MOTION	KOSKOSKI				SECOND	RASMUSSEN			
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on August 23, 2021.

Deborah Zupan
Acting Borough Clerk

Adopted: September 13, 2021
Date of Publication: September 16, 2021

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
DELIA	X				KOSKOSKI	X			
HIRSCH	X				RASMUSSEN	X			
KANDEL	X				RUBIN	X			
MOTION	KOSKOSKI				SECOND	RASMUSSEN			
X – INDICATES VOTE		AB- ABSENT			NV- NOT VOTING				

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on September 13, 2021.

Deborah Zupan
Acting Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

Deborah Zupan
Acting Borough Clerk

By: _____
Jonathan M. Busch
Mayor