

**TOWNSHIP OF WYCKOFF
340 FRANKLIN AVENUE
COUNTY OF BERGEN, STATE OF NEW JERSEY**

ORDINANCE #1992

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 54
(POLICE DEPARTMENT), ARTICLE I (ESTABLISHMENT AND
ORGANIZATION), SECTION 54-3.1 (PROMOTIONAL PROCESS) OF
THE CODE OF THE TOWNSHIP OF WYCKOFF**

BE IT ORDAINED by the Township Committee of the Township of Wyckoff, in the County of Bergen, New Jersey, that those portions of the aforesaid set forth below are hereby amended as follows and that those portions not set forth below shall remain unchanged:

SECTION 1. Section 54-6.7 (Marshals) of Chapter 54 (Police Department), Article I (Establishment and Organization) shall be deleted in its entirety and Reserved.

SECTION 2. Chapter 54 (Police Department), Article VI (Special Law Enforcement Officers) shall be deleted in its entirety and supplemented as follows:

CHAPTER 54 Police Department

ARTICLE VI Special Law Enforcement Officers

§ 54-11 Appointments.

The Township Committee may, as they deem necessary, appoint special law enforcement officers sufficient to perform the duties and responsibilities permitted by this article as authorized by *N.J.S.A. 40A:14-118* and within the conditions and limitations as may be established pursuant to the Special Law Enforcement Officers' Act.

§ 54-12 Term.

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

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

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

§ 54-13 Classifications.

There shall be three classifications for special law enforcement officers.

- A. Class One — SLEO I.
 - (1) Officers of this class shall be authorized to perform routine traffic detail, spectator control, similar duties, issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances, and violations to Title 39 of the Revised Statutes.
 - (2) Use of a firearm by an officer of this class shall be strictly prohibited, and no SLEO I officer shall be assigned any duties which may require the carrying or use of a firearm.
 - (3) The total complement of Class One special law enforcement officers shall not exceed 20% of the total number of permanently appointed officers.
- B. Class Two — SLEO II.
 - (1) Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanently appointed law enforcement officer. The use of firearms by an officer of this class may be authorized only after the officer has been fully certified as completing training as prescribed by the Commission.
 - (2) The total complement of Class Two special law enforcement officers shall not exceed 25% of the total number of permanent officers.
- C. Class Three — SLEO III.
 - (1) Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanently appointed law enforcement officer while providing security at a public or nonpublic school or a county college, on the school or county college premises during hours when the

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

- (2) There shall be no limit to the number of Class Three special law enforcement officers.

§ 54-14 Qualifications.

- A. No person may be appointed as a special law enforcement officer unless the person:
 - (1) Is a resident of the State of New Jersey and maintains residency in the State of New Jersey during the term of appointment.
 - (2) Is able to read and speak the English language well and intelligently.
 - (3) Possesses a high school diploma or its equivalent.
 - (4) Is sound in body and of good health and able to perform the physical functions of the duties assigned.
 - (5) Must be of good moral character and shall not have been convicted of any crime or offense involving dishonesty or which would make them unfit to perform the duties of their office.
 - (6) Possess a valid driver's license that is valid in the State of New Jersey.
 - (7) Has successfully undergone the same psychological testing required of all permanently appointed law enforcement officers.

- (8) Each applicant shall be at least 21 at the time of appointment to a permanently appointed position in the Department as evidenced by a birth certificate.
- (9) Every applicant appointed to a special law enforcement officer position shall have fingerprints taken and subjected to a criminal background check.
- (10) No person shall be appointed to serve as a special law enforcement officer in the Township during which time they are presently a special law enforcement officer in another local unit within the State of New Jersey, nor shall a permanently appointed law enforcement officer of any local unit within the State of New Jersey be appointed as a special law enforcement officer in the Township. No public official with responsibility for setting law enforcement policy or exercising authority over the budget of the Township or supervision of the Police Department shall be appointed as a special law enforcement officer.
- (11) Before any special law enforcement officer is appointed pursuant to the Special Law Enforcement Act, the Chief of Police or, in their absence, the chief law enforcement officer of the Township shall ascertain the eligibility and qualifications of the applicant and report those determinations in writing to the appointing authority.
- (12) Any person who at any time prior to their appointment had served as a duly qualified, fully trained, permanently appointed law enforcement officer in any municipality of this state and who was separated from that prior service in good standing shall be eligible to serve as a special law enforcement officer consistent with guidelines promulgated by the Police Training Commission (hereinafter the "Commission"). The Commission may waive training requirements set forth in this subsection with regard to any person eligible to be appointed as a special law enforcement officer pursuant to the provisions of this subsection. No person may commence their duties as a special law enforcement officer unless he has successfully completed a training course approved by the Commission, and no special law enforcement officer may be issued a firearm unless he has successfully completed

the basic firearms course approved by the Commission for permanently appointed police and semiannual requalification examinations.

- B. In addition to the requirements in Section A, no person may be appointed as a Class Three special law enforcement officer unless the person:
- (1) Is a retired law enforcement officer who has previously served as a duly qualified, permanently appointed, full-time law enforcement officer in any municipality, county, agency of this state, bi-state agency, or federal agency and must be living in the State of New Jersey.
 - (2) Retired from that agency in good standing (necessary to have a letter of good standing issued by the agency from which the officer retired, listing the date and type of retirement. A copy will be submitted to the Commission).
 - (3) Must be less than 65 years of age at the time of appointment.
 - (4) Passes a psychological exam.
 - (5) Passes a medical exam and has a doctor complete the Medical Certification Form (Form PTC 8A).
 - (6) Passes a Drug Test pursuant to Attorney General's Law Enforcement Drug Testing Policy.
 - (7) Has an updated background investigation.
 - (8) A new SLEO III's break in service may not exceed three years.
 - (9) Once the SLEO III is appointed, the Township shall ensure that the SLEO III:
 - i. Completes SRO training within 12 months of being appointed.
 - ii. Conforms to Attorney General's Mandatory in-service training requirements.

- iii. Is a uniformed officer displaying the Special Law Enforcement Officer Class III patch provided by the Commission.
- iv. Acts under the authority of the Police Department.
- v. Completes Agency Training.
- vi. Is appointed yearly and is less than 65 years of age (can only be reappointed up to age 65).
- vii. Adheres to any other required mandates by the Commission.

§ 54-15 General Rules and Regulations.

- A. Every special law enforcement officer's uniform shall include an insignia issued by the Commission which clearly indicates the officer's status as a special law enforcement officer and the type of certification issued pursuant to the Special Law Enforcement Act.
- B. Special law enforcement officers shall be under the supervision and direction of the Chief of Police or, in the absence of the Chief, the chief law enforcement officer of the Township.
- C. Special law enforcement officers shall comply with all of the rules and regulations applicable to the conduct and decorum of the permanently appointed law enforcement officers of the Township, as well as any rules and regulations applicable to the conduct and decorum of special law enforcement officers.
- D. The Chief of Police or, in the absence of the Chief, the chief law enforcement officer of the Township wherein the officer is appointed may at their discretion authorize special law enforcement officers, when on duty, to exercise the same powers and authority as permanently appointed law enforcement officers of the Township, including but not limited to the carrying of firearms and the power of arrest, subject to rules and regulations, not inconsistent with certifications of the Special Law Enforcement Act.
- E. The Chief of Police or, in their absence, the chief law enforcement officer of the Township may assign Class One and Class Two

special law enforcement officers to perform authorized duties at most 25 hours per week.

- (1) Special law enforcement officers may be assigned without limit during periods of emergency.
 - (2) The Chief of Police or, in their absence, the chief law enforcement officer of the Township may designate one special law enforcement officer to whom the limitations of hours set forth in this Article shall not be applicable.
- F. The uniform of special law enforcement officers shall be determined by the Chief of Police.

§ 54-16 Use of Firearms.

- A. No special law enforcement officer may carry a firearm except while engaged in the actual performance of the officer's official duties and when specifically authorized by the Chief of Police or, in the absence of the Chief, the chief law enforcement officer of the Township to carry a firearm, and provided that the officer has satisfactorily completed the basic firearms course required by the Commission for permanently appointed law enforcement officers and annual requalification examination as required for permanently appointed officers of the Township.
- (1) A special law enforcement officer shall be deemed to be on duty only while he is performing public functions on behalf of the Township and assigned by the Chief of Police or, in their absence, the chief law enforcement officer of the Township and when he is receiving compensation, if any, from the Township at the rates established by Township.
 - (2) Private security duties.
 - (a) A special law enforcement officer shall not be deemed to be on duty for purposes of the Special Law Enforcement Act while performing private security duties for private employers which duties are not assigned by the Chief of Police or, in their absence, the chief law enforcement officer of the Township or while receiving compensation for those duties from a private employer.

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

B. Ownership and supply of firearms.

- (1) A special law enforcement officer shall only use a firearm supplied by the Township.

- C. No special law enforcement officer shall carry a handgun when off duty, except Class Three special law enforcement officers that are permitted to carry a handgun as a retired law enforcement officer pursuant to Federal and State law.

§ 54-17 Law Enforcement-Related Employment; Approval By Chief.

Special law enforcement officers shall only accept law enforcement-related employment with the prior approval of the Chief of Police. The Chief of Police shall have the sole discretion to approve the law enforcement-related employment of any special law enforcement officer.

§ 54-18 Procedure for Requesting Assignment of Special Law Enforcement Officers; Liability; Insurance Coverage.

Any organization or contractor that desires to hire special law enforcement officers shall submit the request in writing to the Chief of Police on a form prescribed by the Chief of Police. The organization or contractor shall hold the Township harmless from any and all claims that may arise as a result of the assignment of the special law enforcement officer to the organization or contractor. In addition, the organization or contractor shall submit with its application a certificate of insurance showing evidence of at least \$1,000,000 in both personal and comprehensive general liability insurance

and \$300,000 in property damage coverage. A nonprofit, religious, or charitable organization may submit a certificate of insurance in coverage amounts less than those set forth herein upon the organization's representation contained in its request that obtaining the required coverage would impose an undue hardship on the organization.

§ 54-19 Fees.

The organization or contractor that hires a special law enforcement officer shall pay a fee to the Township as established in Chapter 113, Fees.

SECTION 3. If any section, sub-section, paragraph, sentence, or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 4. All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: This ordinance shall take effect after final adoption and publication and otherwise as provided by law.