

**BOROUGH OF HARRINGTON PARK**  
**ORDINANCE # 653**

**AN ORDINANCE TO AMEND CHAPTER 66 OF THE CODE OF THE BOROUGH  
OF HARRINGTON PARK ENTITLED, "POLICE DEPARTMENT".**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Harrington Park, County of Bergen, and State of New Jersey, as follows:

**Section 1.**

Chapter 66 of the Code of the Borough of Harrington Park, Police Department, Article I, Establishment, Section 66-1, Police Department, Police Committee: Establishment and Composition, be and is hereby amended to read as follows:

A. No change.

B. The Police Department shall consist of the following:

(1) The Chief of Police **or Director** shall be the head of the Police Department and

shall be directly responsible to the Police Committee, **as the appropriate authority pursuant to N.J.S.A. 40A:14-118,** for the efficient and routine day to day operations of the Police Department and shall, pursuant to policies established from time to time by the Police Committee, and pursuant to the rules and regulations established from time to time by the Mayor and Council for the government of the Police Department and for the discipline of its members (the "Police Rules and Regulations") as said Police Rules and Regulations are from time to time (i) amended, supplemented and/or superseded by directives from any law enforcement agency (including, but not limited to, the State Attorney General and the Bergen County Prosecutor) or (ii) supplemented by general and/or special orders issued by the Chief of Police or Director

(a) No change.

(b) No change.

(c) No change.

(d) No change.

(e) No change.

(f) Personally, or through a designee, promptly investigate any conduct by any

member of employee of the Police Department which constitutes or may constitute an unauthorized absence, or a dereliction of duty, or improper conduct, or a violation of any law or any of the Police Rules and Regulations (as amended and/or supplemented) and, if the Chief of Police **or Director** deems it appropriate, he/she may cause written

charges or a letter of  
Clerk pursuant to law.

reprimand to be filed with the Borough

(g) In all cases in which, in the discretion of the Chief of Police **or Director**, emergency discipline is required, he/she may immediately suspend with pay any member or employee of the Police Department and, in the event of such a suspension, he/she shall, as soon as practically possible thereafter, report such action to the Mayor and Council.

(2) No change.

C. The terms of office of the Chief of Police **or Director** and such other members, officers and personnel as shall be deemed necessary by the Mayor and Council, their compensation and their powers, functions and duties shall be such as the Mayor and Council shall deem necessary for the effective government of the Police Department.

D. The Police Department shall be under such supervision and control of the Police Committee of the Mayor and Council as is delegated to the Police Committee from time to time by the Mayor and Council. The Police Committee shall, on a day to day basis, be the **appropriate** authority pursuant to **N.J.S.A. 40A:14-118** to whom the Police Chief **or Director** shall be immediately responsible for the efficiency and routine day to day operations of the Police Department, and shall have the authority to establish from time to time policies to insure the efficiency and orderly operation of the Police Department. In addition, it shall be the responsibility of the Police Committee to make recommendations to the Mayor and Council with respect to decisions such as, but not limited to: hiring, firing and promoting personnel; compensation; the purchase of equipment; the organization of the Police Department; and all other like matters. The Police Committee shall be appointed by the Mayor and confirmed by the Borough Council. The Police Committee shall consist of three members of the Borough Council. One member shall be Chairperson of the Police Committee. Another member shall be its Vice-Chairperson. Each appointment shall be for a term not exceeding one year. The Police Committee, **the Police Chair**, the Vice-Chairperson of the Police Committee who shall act as Police **Chair** in the absence of the Police **Chair**, and the third member of the Police Committee, shall have such authority in connection with police or related matters as is from time to time conferred upon or delegated to each by ordinance or resolution of the Mayor and Council. The Police Committee shall have the power and duty to act to provide for the health, safety or welfare of the municipality in an emergency situation through special emergency directives.

## **Section 2.**

Chapter 66 of the Code of the Borough of Harrington Park, Police Department, Article I, Establishment, Section 66-2, Police Officers and Other Personnel, be and is hereby amended to read as follows:

A. In addition to the Chief of Police **or Director**, the permanent members of the Police Department may, in the discretion of the Mayor and Council, include one or more Captains of Police, Lieutenants of Police and Sergeants of Police, as well as such number of patrol officers as the Mayor and Council deem necessary.

B. No change.

C. No change.

D. No change.

E. No change.

F. No change.

### **Section 3.**

Chapter 66 of the Code of the Borough of Harrington Park, Police Department, Article I, Establishment, Section 66-3, Suspension and Removal of Members and Officers; Complaint; Hearing, be and is hereby amended to read as follows:

A. No change.

B. Said complaint shall be signed by the Chief of Police **or Director** and filed in the office of the Borough Clerk, except where the complaint is against the Chief of Police **or Director**, in which case the complaint shall be signed by the Police **Chair** or any member of the Police Committee or the Mayor and filed in the office of the Borough Clerk.

C. No change.

D. No change.

E. No change.

F. Although the Mayor and Council shall be the sole authority for the imposition of any discipline against permanent members and officers and other personnel of the Police Department, the Mayor and Council may, in its sole discretion to be exercised by resolution, either constitute itself as a committee of the whole to hear a complaint brought pursuant to N.J.S.A. 40A:14-147, or delegate the hearing function to (i) the Police Committee, (ii) the Chief of Police **or Director**, (iii) an independent hearing officer or tribunal or (iv) one or more members of the Mayor and Council designated as a hearing officer or tribunal; provided, however, that all charges deemed by the Mayor and Council to be of a serious nature and any charge made against the Chief of Police **or Director** shall be heard by either (i) the Mayor and Council, (ii) the Police Committee or (iii) an independent hearing officer or tribunal. In deciding who

shall conduct a hearing on a complaint, the Mayor and Council may consider, among other factors, the nature and severity of the charges, the possible bias and lack of impartiality of one or more members of the Mayor and Council, and the like.

G. At the hearing on the complaint, the matter may be presented by the Chief of Police or Director alone, or, in the discretion of the Mayor and Council, by the Chief of Police or Director with the assistance of special counsel appointed by the Mayor and Council.

- H. No change.
- I. No change.
- J. No change.
- K. No change.
- L. No change.

#### **Section 4.**

Chapter 66 of the Code of the Borough of Harrington Park, Police Department, Article I, Establishment, Section 66-5, Chain of Authority, be and is hereby amended to read as follows:

A. The police force shall comprise of such a number of personnel as the Mayor and Council shall resolve to employ but not to exceed nine patrolmen, three sergeants, two lieutenants, one captain and one chief or director.

B. The chain of authority and reporting shall be as follows: The Chief or Director shall have authority over all lesser rank, followed by the captain, followed by the lieutenants, followed by the sergeants, followed by the patrolman assigned as “patrolman in command” and if no such designation, then in the absence of personnel with greater rank, then the most senior patrolman.

- C. Delete in its entirety.
- D. No change.
- E. No change.

#### **Section 5.**

Chapter 66 of the Code of the Borough of Harrington Park, Police Department, Article II, Mutual Aid, Section 66-7, Response To Calls, be and is hereby amended to read as follows:

##### **§66-7. Response to calls.**

The Police Department of the Borough of Harrington Park shall respond to such calls for assistance when so ordered by the Chief of Police or Director or his/her

designee and shall provide such personnel or equipment as requested to the  
extent possible without endangering persons or property within the  
Borough of Harrington Park.

**Section 6. Severability.**

If any section, 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 but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

**Section 7. Inconsistent Ordinances Repealed.**

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

**Section 8. Effective Date.**

This Ordinance shall take effect immediately upon final passage and publication as provided by law.