

TOWNSHIP OF MAPLE SHADE

Ordinance 2019-06

AN ORDINANCE AMENDING CHAPTER 36 OF THE TOWNSHIP CODE TO IMPLEMENT A SPECIAL LAW ENFORCEMENT OFFICER PROGRAM

WHEREAS, N.J.S.A. 40A:14-146.8 *et seq.*, provides for the appointment of special law enforcement officers to temporarily or intermittently perform duties similar to those performed by members of a municipal police department, or to provide assistance to a police department during unusual or emergency circumstances, and to provide security in a school system; and

WHEREAS, the Township has previous experience with the use of Class II officers and now wishes to provide for the appointment of Class III Officers to support the School Resource Officer program for the Township School District; and

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Maple Shade, that the Township Code be and is hereby amended as follows: that the title of ‘Special Law Enforcement Officer’ is hereby established in new Article II, of Chapter 36 of the Township as follows:

Section 1. The following new Article II shall be added to Chapter 36 “Police Department” of the Township Code.

Article II. Special Law Enforcement Officer

[NOTE: This article shall begin with Section 36-15 reserving sections 36-6 through 36-14 under Article I.)

§36-15 The Township of Maple Shade authorizes the use of special law enforcement officers to assist the regular police department in the performance of its duties and responsibilities subject to the eligibility criteria and limitations set forth in the Special Law Enforcement Officers Act, N.J.S.A. 40A: 14-146.10 et seq. and further subject to the Maple Shade Police Department Rules and Regulations incorporated herein by reference pursuant to §36-2. No special law enforcement officers shall be appointed to any term exceeding one year.

A.Special Law Enforcement Officer (SLEO) shall mean any person appointed annually by the governing body pursuant to N.J.S.A. 40A:14-146.8, et seq., to temporarily or intermittently perform duties similar to those performed regularly by members of a municipal police department, or to provide assistance to a police department during unusual or emergency circumstances, and to provide security in a school system within Maple Shade. Nothing here in shall be construed to require reappointment at the expiration of the term.

B. No special law enforcement officer, by virtue of his/her appointment as such, shall be or become a regular member of the police department.

C. Special law enforcement officers are considered at-will part-time employees and can be terminated for cause after adequate hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing (N.J.S.A. 40A:14-146.14).

D. The number of SLEO Class II officers employed by the Maple Shade Police Department shall not exceed 25% of the total number of regular police officers pursuant to N.J.S.A. 40A:14-146-7.

E. Every special law enforcement officer, while on duty, shall abide by the Police Department Rules and Regulations and those policies, general order or standard operating procedures established by the Chief of Police.

§36-16 Qualifications

No person shall be appointed as a special law enforcement officer **unless the person meets the criteria of N.J.S.A. 40A:14-146.10, including but not limited to the provision that the person:**

1. Is legally permitted to work in the United States.
2. Is a resident of the State of New Jersey during the term of appointment.
3. Is at least 18 years of age.
4. Shall possess and maintain a valid New Jersey driver's license.
5. Shall be able to read, write and speak the English language well and intelligently and have a high school diploma or its equivalent.
6. Shall be sound in body and of good health and be able to perform the physical functions of the duties assigned.
7. Shall be of good moral character and shall not have been convicted of any crime or offense involving moral turpitude (dishonesty) or a crime or offense that would render him/her unfit for duty.
8. Shall successfully undergo the same psychological testing that is required of full-time police officers.
9. Additionally, SLEO III personnel:
 - a. Must be retired law enforcement officers who are less than 65 years of age. For the purposes of this paragraph, a law enforcement officer shall not be considered retired if the officer's return to employment violates any federal or state law or regulation, which would deem the officer's retirement as not being bona fide;
 - b. Must have 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 was separated from that prior service in good standing, within three years of appointment. Good standing means to exclude a retirement resulting from injury or incapacity.
 - c. Must be physically capable of performing the functions of the position, determined in accordance with PTC guidelines.
 - d. Must possess a valid New Jersey PTC basic police officer certification or New Jersey State Police Academy certification.

- e. Must be hired only in a part-time capacity.

§36-17 Classification of Special Law Enforcement Officers/Duties

A. SLEO Class II (SLEO II) are authorized to perform all duties of regular full-time police officers subject to the authorization of the Chief of Police.

1. SLEO II are authorized to carry firearms and must qualify and demonstrate proficiency with the same frequency as regular police officers.
2. SLEO II are authorized to carry designated mechanical and enhanced mechanical force weapons while on duty and must qualify and demonstrate proficiency with the same frequency as regular police officers.
3. SLEO II are authorized to utilize handcuffs and other restraining devices consistent with this department's policies and only after demonstrating proficiency in the use of these devices.
4. SLEO II have the power of arrest and the authority to issue summonses and uniform traffic tickets the same as regular full-time police officers. SLEO II can enforce crimes, disorderly person offenses, petty disorderly person offenses and township ordinances.

B. SLEO Class III (SLEO III) are authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer while providing security at a public or nonpublic school premises while occupied by the public or nonpublic school students and/or its staff.

1. SLEO III personnel are authorized to carry a handgun and must qualify and demonstrate proficiency with the handgun and any other authorized firearms with the same frequency as regular police officer but must first comply with the requirements of N.J.S.A. 2C:39-6 authorizing a retired law enforcement officer to carry a handgun.
2. SLEO III are authorized to carry designated mechanical and enhanced mechanical force weapons while on duty and must qualify and demonstrate proficiency with the same frequency as regular police officers.
3. SLEO III are authorized to utilize handcuffs and other restraining devices consistent with this department's policies and only after demonstrating proficiency in the use of these devices.
4. SLEO III personnel are not eligible for health care benefits or enrollment in any state-administered retirement system.
5. Specific SLEO III duties are contained within the Police Department Rules and Regulations.

§36-17 Appointment

A. The Township Manager, subject to approval by resolution of the Township Council, shall make appointments upon recommendation by the Chief of Police or his/her designee. The Chief of Police or his/her designee shall certify the eligibility and qualifications of all applicants, in writing, to the Township Manager prior to appointment.

Section 2. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 3. Severability. In the event that any section paragraph, clause, phrase, term, provision or part of this ordinance shall be adjudicated by a court of competent jurisdiction to be involved or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 4. This ordinance shall take effect immediately upon adoption and publication according to law.

Introduction: March 28, 2019

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Manchello						x
Nunes		x	x			
Volpe	x		x			
Wiest						x
Kauffman			x			

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Maple Shade Township Council at a meeting held on May 9, 2019.

Andrea T. McVeigh, Township Clerk

Adoption: May 9 , 2019

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Manchello		x	x			
Nunes			x			
Volpe	x		x			
Wiest			x			
Kauffman			x			