

TOWNSHIP OF FRANKLIN
O-5-22
AMENDING AND REPLACING
CHAPTER 98 ENTITLED “POLICE DEPARTMENT,”
OF THE CODE OF THE TOWNSHIP OF FRANKLIN

WHEREAS, the Township Committee of the Township of Franklin have determined that certain amendments to the Code of the Township of Franklin are required.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Franklin that Chapter 98 entitled “Police Department” of the Code of the Township of Franklin is hereby amended in its entirety and replaced as follows (additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

SECTION 1. Section 98 of the Code of the Township of Franklin entitled “Police Department” is hereby replaced as follows:

§98-2. Establishment.

[Amended 8-26-2014 by Ord. No. O-19-2014; 2-9-2016 by Ord. No. O-1-2016]

The person/entity hereby established as the “appropriate authority,” as required by N.J.S.A. 40A:14-118, shall be the Director of Public Safety as established by appointment of the Mayor annually at reorganization of the Township Committee. The individual holding the title of Director Public Safety shall be the person appointed by the Mayor in the first *liaison* position of the list of committee appointments of the Township Committee known as the “Police/Public Safety/Emergency Management Committee.”

§ 98-14. Composition.

[Amended 8-26-2014 by Ord. No. O-19-2014]

Said Police Department shall consist of one Public Safety Director as the appropriate authority, one Chief of Police, one Deputy Chief of Police, and such captains, lieutenants, sergeants, corporals, *detectives*, police officers, officers in charge and civilian employees as deemed necessary and appropriate by the appropriate authority in his or her discretion and judgment, with the approval of the Mayor and Township Committee. The appropriate authority and/or Mayor and the Township Committee may, from time to time, leave one or more of the above positions vacant, as they see fit. The express purpose for renaming these offices is to establish a statutory line of authority ~~from~~ *for* all police employees to a higher elected authority. No personnel may be appointed to the Franklin Police Department until they have satisfied all statutory requirements and have complied with the selection process and standards established by the rules and regulations adopted by the appropriate authority to govern said Police Department.

§ 98-34. Line of authority.

[Amended 4-23-2013 by Ord. No. O-8-2013; 12-28-2015 by Ord. No. O-14-15]

The line of authority of the Township of Franklin Police Department shall consist of the Chief of Police as the head of the Department followed by *Deputy Chief*, Captain, Lieutenant, Sergeant, Corporal, and Patrol Officer.

§ 98-35. ~~Police Captain~~ Deputy Chief

The position of Deputy Chief shall be second in command to the Chief of Police. The Deputy Chief’s powers, functions and duties shall be as currently prescribed by Article IV, Subsection B, of the Franklin Township Police Department Rules and Regulations Manual

§ 98-35 -36. Police Captain

[Amended 4-23-2013 by Ord. No. O-8-2013; 12-28-2015 by Ord. No. O-14-15]

The position of Captain shall be ~~second~~ *third* in command to the Chief of Police *and Deputy Chief*. The Captain's powers, functions and duties shall be as currently prescribed by Article

IV, Subsection ~~B~~ **C**, of the Franklin Township Police Department Rules and Regulations Manual.^[1]

[1] *Editor's Note: See Art. **III**, Police Manual, of this chapter.*

§ 98-36 -37. Police Lieutenant.

[Amended 4-23-2013 by Ord. No. O-8-2013; 12-28-2015 by Ord. No. O-14-15]

The position of Lieutenant shall be ~~third~~ **fourth** in command to the Chief of Police, **the Deputy Chief** and Captain. The Lieutenants' powers, functions and duties shall be as currently prescribed by Article **IV**, Subsection ~~E~~ **D**, of the Franklin Township Police Department Rules and Regulations Manual.

§ 98-37 -38. Police Sergeant.

[Amended 4-23-2013 by Ord. No. O-8-2013; 12-28-2015 by Ord. No. O-14-15]

The position of Sergeant shall be ~~fourth~~ **fifth** in command to the Chief of Police, **the Deputy Chief**, Captain and Lieutenant. The Sergeants' powers, functions and duties shall be as currently prescribed by Article **IV**, Subsection ~~F~~ **E**, of the Franklin Township Police Department Rules and Regulations Manual. The position of Sergeant within the Detective Bureau, however, shall fall under the authority of a Lieutenant but shall only direct the activities of the Detective Bureau and shall only have authority over the detectives and any other positions which the Chief of Police shall deem necessary to grant to a Sergeant in the Detective Bureau. The detectives within the Detective Bureau shall fall under the authority of the Sergeant assigned to the Detective Bureau.

§ 98-38 -39. Police Corporal.

[Amended 4-23-2013 by Ord. No. O-8-2013; 12-28-2015 by Ord. No. O-14-15]

The position of Corporal shall be ~~fifth~~ **sixth** in command to the Chief of Police, **the Deputy Chief**, Captain, Lieutenant and Sergeant. The Corporal's powers, functions and duties shall be as currently prescribed by Article **IV**, Subsection ~~J~~ **H**, of the Franklin Township Police Department Rules and Regulations Manual.

§ 98-39 -40. Patrol Officer.

[Amended 4-23-2013 by Ord. No. O-8-2013; 12-28-2015 by Ord. No. O-14-15]

The position of Patrol Officer shall be ~~sixth~~ **eighth** in command to the Chief of Police, **the Deputy Chief**, Captain, Lieutenant, Sergeant, ~~and~~ Corporal **and Detective**. The Patrol Officer's powers, functions and duties shall be as currently prescribed by Article V, Subsection B, of the Franklin Township Police Department Rules and Regulations Manual.

§ 98-40 -41. Detective Sergeant.

[Amended 4-23-2013 by Ord. No. O-8-2013; 12-28-2015 by Ord. No. O-14-15]

Future positions are eliminated.

§ 98-41 -42. Detective.

[Amended 4-23-2013 by Ord. No. O-8-2013; 12-28-2015 by Ord. No. O-14-15]

The position of Detective shall be ~~sixth~~ **seventh** in command to the Chief of Police, **the Deputy Chief, Captain**, Lieutenant, Sergeant, and Corporal. The position of Detective shall fall under the authority of the Sergeant assigned to the Detective Bureau. The Detective's powers, functions and duties shall be as currently prescribed by Article V, Subsection A, of the Franklin Township Police Department Rules and Regulations Manual.

Article II. (Reserved)

[1] *Editor's Note: Former Art. II, Third-Party Overtime, was superseded 5-14-2013 by Ord. No. O-9-2013. See now Ch. **290**, Police Services, Use of.*

§ 98-42 -43 through § 98-45-46 (Reserved)

Article III. Police Manual

§ 98-46 -47. ~~Adoption of Manual~~ New Adoption Dates

The Department of Police, Franklin Township, New Jersey, Police Manual, dated ~~2006~~ **2022**, ~~shall be~~ **was** adopted **by Ordinance #__-22** as the rules, regulations and standard operating procedures for the efficient operation of the Township of Franklin Police Department.

[1] *Editor's Note: The full text of the Police Manual is on file in the Township offices.*

Article IV. Promotions

[Added 4-23-2013 by Ord. No. O-8-2013; amended 12-28-2015 by Ord. No O-14-15]

§ 98-47 -48. Statutory requirements.

The provisions of N.J.S.A. 40A shall apply to all appointments and promotions.

§ 98-48 -49. -Eligibility requirements.

No member of the Police Department shall be promoted to a position of *Deputy Chief*, Captain, Lieutenant, Sergeant, or Corporal, Sergeant, unless:

A. *For the rank of Deputy Chief, an applicant must have at least three years of consecutive service with the Franklin Township Police Department, prior to the closing date of the test announcement, in the position of Captain, Lieutenant or Sergeant within the Franklin Township Police Department.*

~~A.~~ **B.** For the rank of Captain, they have at least three years of consecutive service, prior to the closing date of the test announcement, in the position of Lieutenant or *Sergeant* within the Franklin Township Police Department.

~~B.~~ **C.** For the rank of Lieutenant, they have at least three years of consecutive service, prior to the closing date of the test announcement, in the position of Sergeant within the Franklin Township Police Department.

~~C.~~ **D.** For the rank of Sergeant, they have at least three years of consecutive service prior to the closing date of the test announcement, in the position of Corporal within the Township of Franklin Police Department.

~~D.~~ **E.** For the rank of Corporal, they have at least three years of consecutive service prior to the closing date of the test announcement, in the position of Patrolman within the Township of Franklin Police Department.

~~E.~~ **F.** At the discretion of Chief of Police, the required years of consecutive service set forth above to be considered for promotion may be waived in the event that there are no candidates that meet the consecutive service requirement for a particular rank.

§ 98-49 -50. Testing process for promotion.

A. Promotion shall be on the basis of merit, demonstrated ability and competitive examination and shall otherwise comply with the provision of N.J.S.A. 40A:14-129. The Chief of Police shall be responsible to the appropriate authority for the testing process delegated to him. .

(1) Section 1. Written examination: 25%.

(a) A written examination relating to law enforcement shall be conducted by a qualified testing association selected by the Chief of Police and approved by the appropriate authority.

(b) A candidate for the position of Sergeant, Lieutenant, ~~or~~ Captain **or Deputy Chief** must receive a minimum written score of 70% on the written examination. The actual numerical number of the written score shall remain confidential until final determination of the promotion.

(2) Section 2. Oral examination: 25%.

- (a) The Chief of Police shall select an independent oral review board through the New Jersey State Association of Chiefs of Police which shall interview and evaluate the successful candidates from Section 1.

(3) Section 3. Performance evaluation: 40%.

- (a) The candidate shall be evaluated by the Chief of Police, based on, but not limited to, the candidate's career development, job performance, work history, and leadership skills.

- (b) Each criterion will be assigned a fixed number of points, adding up to the total for this section of 40%, and will be calculated using the following scales:

[1] Career development = 10 points. This score is based on the candidate's education/military service and is assigned the following values:

Masters Degree = 5

Bachelors Degree = 4

Associates Degree = 3

Completion of advanced police-related classes = 1 to 2

Active military service at or above the rank of E-5 = 2

[2] Disciplinary history = 10 points. This portion is comprised of commendations and negative discipline, each worth five points.

Commendations five points

Above average commendations = 5

Average commendations = 4

Below average commendations = 2.5

Only 1 commendation = 1

No commendations = 0

Negative 5 points

No negative discipline = 5

**East negative discipline decreases the number of points given by 1

1 instance of negative discipline = 4

2 instances of negative discipline = 3

3 instances of negative discipline = 2

4 instances of negative discipline = 1

5 instances of negative discipline = 0

[1] Leadership skills and job performance = 20 points. The candidates will be evaluated on leadership traits and job performance. Examples of factors that will be considered include, but are not limited to:

Directing others

Initiative

Innovation

Interpersonal skills

Collaborative leadership skills

Decision making

Oral communication skills

Written communication skills

Projection as role model

Self-sacrifice

Honesty

Acceptance of responsibility

Knowledge of policy and procedures
Judgment and decisions
Quality of work
Performance under stress
Community involvement
Maturity
Leadership potential
Team building

(4) Section 4. Seniority scale: 10%.

(a) A candidate will receive one-half point for every year of service to the Franklin Township Police Department for every year over three, to a maximum of five points.

§ 98-50 -51. Vacancy.

- A. Upon determining that a need exists to fill a vacancy of an open Corporal, Sergeant, Lieutenant, or Captain *or Deputy Chief* position, the Township shall post a promotional testing announcement within 60 days of the Township's determination. However, nothing within this article shall be interpreted or deemed to require the Township to make a vacancy determination or to fill a specific rank within the Department.
- B. All applicants shall notify the Township in writing of their intent to participate in the promotional testing process within two weeks of the promotional testing announcement being posted.
- C. At the discretion of the Chief of Police, the provisions of § ~~98-49A(1)~~ *50A(1)* or ~~(2)~~ may be waived in situations where the number of candidates is equal to or less than the number of vacancies for a particular rank *three*. In this case, the provisions of § ~~98-49A(3)~~ *50A(3)* and ~~(4)~~ shall be used to determine a candidate's suitability for promotion. A candidate shall be considered suitable for promotion with a total number of points awarded equal to or greater than 25.
- D. The promotional testing shall occur within three months of that posting which includes written and verbal testing.
- E. The entire promotional process shall be completed within one year from the date of the Township's determination of a vacancy.
- F. A list of eligible candidates shall be established based upon all final scores of all candidates. The list shall remain in effect for three years. All permanent promotions shall be made from this list of eligible candidates.
- G. The appropriate authority and the Chief of Police shall create a list of the three candidates for each available vacancy, with the highest total scores on the applicable eligibility list.
- H. All promotions shall be recommended by the Chief of Police then approved by the Mayor with advice and consent of the Township *Committee* from that list of three candidates. Nothing in this article, however, shall be deemed to require the Township to promote on a permanent promotional basis. However, if the Township does promote on a permanent promotional basis, it must promote from the list of eligible candidates.

SECTION 2

This Ordinance shall take effect upon final passage and publication according to law.

SECTION 3

If any part of this Ordinance shall be deemed invalid by an administrative agency or court of competent jurisdiction, such decision shall not affect the legality and enforceability of any other provision hereof.

SECTION 4

All ordinances, policies and or procedures or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency.

SECTION 5

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

ATTEST:

TOWNSHIP OF FRANKLIN

Barbara Freijomil, Clerk

John Bruno, Mayor

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do here certify that the foregoing Ordinance was introduced at the Regular Meeting of the Township of Franklin held on February 22, 2022 and thereafter duly advertised in the legal newspaper of the Township at least seven (7) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on March 8, 2022 at which time any person interested therein will be given an opportunity to be heard.

Barbara Freijomil, Municipal Clerk

Introduced February 22, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Doyle						
Deegan						
Petsch-Wilson						
Flaim						
Bruno						

Adopted March 8, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Doyle						
Deegan						
Petsch-Wilson						
Flaim						
Bruno						