

**TOWNSHIP OF LONG HILL
ORDINANCE 544-24
AN ORDINANCE CONCERNING POLICE DEPARTMENT DISCIPLINE PROCEDURES AND
AMENDING CHAPTER 2 OF THE TOWNSHIP CODE ENTITLED "ADMINISTRATION"**

BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, New Jersey that Section 2-14 "Police Department" in Chapter 2 of the Township Code entitled "Administration" is hereby amended as follows:

Section 1. Subsection 2-14.6 entitled "Disciplinary Action" is hereby amended to read as follows:

§ 2-14.6 Disciplinary Action.

- a) Disciplinary action shall be taken against sworn members of the Police Department in accordance with the Rules and Regulations adopted by resolution pursuant to Subsection 2-14.5 above.
 - b) Disciplinary action against a police officer may include counseling, oral reprimand, written reprimand, fine, suspension, demotion and/or removal from the police force.
- ~~a) No sworn officer shall be suspended, removed, fined or reduced in rank from or in office, employment, or position therein, except for just cause and then only upon a written complaint setting forth the charge or charges against such officer in accordance with N.J.S.A. 40A:14-147 et seq. and this subsection:~~
- ~~1. The complainant shall file the complaint with the Chief of Police and simultaneously serve a copy upon the respondent.~~
 - ~~2. The complaint shall specify the disciplinary charge(s) and shall notify the respondent of the date, time and place of the hearing which shall be not less than 10 nor more than 30 days from the date of service of the complaint. Failure to comply with the provisions of this section as to the service of the complaint shall require dismissal of the complaint.~~
 - ~~3. A complaint charging a violation of the rules and regulations adopted pursuant to Subsection 2-14.5 above shall be filed no later than the 45th day after the date on which the person filing the complaint obtains sufficient information to prepare the complaint. The 45-day time limit shall not apply if an investigation of a respondent for a violation of the rules or regulations is included directly or indirectly within a concurrent investigation of that officer for violation of the criminal laws of this State, in which case the forty-five day limit shall begin on the day after the disposition of the criminal investigation. A failure to file a complaint within the forty-five day limit of this subsection shall require dismissal of the complaint, except that the forty-five day limit shall not apply to complaints filed against respondents by private individuals. Upon the filing of a complaint by a private individual, the Chief of Police shall cause the Department to conduct an internal investigation. If the internal investigation finds probable cause to believe that there has been a violation of Department rules and regulations, the officer in charge of the investigation shall file departmental charges and the matter shall proceed as otherwise provided in this subsection. If the internal investigation does not find probable cause, departmental charges shall not be filed.~~
 4. The Appropriate Authority Chief of Police shall be the hearing officer relative to all disciplinary proceedings involving a permanent sworn member of the Police Department when the penalty is a suspension of five days or less. The Appropriate Authority Chief of Police shall review each and every disciplinary matter involving a sworn officer and shall determine whether on the face of the complaint, the penalty for the alleged charges would exceed the above limit. If the penalty will involve a suspension of more than five

days, a demotion or dismissal from the Department, an independent hearing officer appointed by the Appropriate Authority Township Committee shall conduct the hearing and make recommended findings and conclusions to the Appropriate Authority who shall forward them along with his or her recommendations to the Township Committee which shall retain full authority to accept, reject or modify the hearing officer's and the Appropriate Authority's recommendations and to make a final determination.

- 5. All disciplinary hearings shall be held in accordance with the provisions of N.J.S.A. 40A:14-148.
- 6. Any sworn police officer who has been tried and convicted under this subsection may obtain a review thereof by the Superior Court of New Jersey pursuant to N.J.S.A. 40A:14-150. ~~All such appeals from decisions of the hearing officer, whether it was the Chief of Police or the Township Committee,~~ shall be taken directly to the Superior Court.

Section 2. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. This ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, June 12, 2024 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, July 17, 2024, by a meeting when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. To obtain details of the meeting please refer to Wednesday, July 17, 2024, public agenda, or email municipalclerk@longhillnj.gov.

ATTEST

Megan Phillips, RMC

Guy Piserchia, Mayor

First Reading and Introduction: June 12, 2024

1st Publication: Echoes Sentinel June 20, 2024

Second Reading and Adoption: on agenda July 17, 2024

2nd Publication: