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Title: AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE 2, ADMINISTRATION, CHAPTER 22, DEPARTMENT OF PUBLIC SAFETY, SECTION 3, DIVISION OF POLICE, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY THE INSERTION OF A NEW SUBSECTION 12, ESTABLISHING AN AUXILIARY POLICE PROGRAM.

Sponsors: Council of the Whole

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Date	Ver.	Action By	Action	Result
5/31/2017	1	Municipal Council	Close on Public Hearing and Adopt	Pass
5/17/2017	1	Municipal Council	Adopt on First Reading	Pass
5/3/2017	1	Municipal Council	Advance to First Reading	Pass

AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE 2, ADMINISTRATION, CHAPTER 22, DEPARTMENT OF PUBLIC SAFETY, SECTION 3, DIVISION OF POLICE, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY THE INSERTION OF A NEW SUBSECTION 12, ESTABLISHING AN AUXILIARY POLICE PROGRAM.

WHEREAS, in accordance with the "New Jersey Civilian Defense and Disaster Control Act," N.J.S.A. App. A:9-33, et seq., the City of Newark is authorized to establish an Auxiliary Police Program in order provide assistance to the City of Newark's Department of Public Safety, Police Division, during times of State or local emergencies or disasters; and

WHEREAS, the City of Newark's Public Safety Director recommends that the Newark Municipal Council adopt an ordinance establishing a Newark Police Division Auxiliary Police Program in order to provide assistance to the Police Division during times of State or local emergencies or disasters; and

WHEREAS, the Newark Municipal Council desires to adopt an ordinance establishing a Newark Police Division Auxiliary Police Program in order to provide assistance to the Police Division during times of State or local emergencies or disasters.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

SECTION 1. ADOPTION OF ORDINANCE ESTABLISHING AUXILIARY POLICE PROGRAM

Title 2, Administration, Chapter 22, Department Of Public Safety, Section 3, Division of Police, of the Revised General Ordinances of the City of Newark, New Jersey 2000, is hereby amended and supplemented

by the insertion of the following new Subsection 12, Auxiliary Police:

2:22-3.12 Auxiliary Police.

a. *Establishment.*

There shall be within the Police Division an Auxiliary Police Program. The Auxiliary Police Program is a volunteer organization, whose members shall not receive any compensation, monetary or otherwise, from the City of Newark for the performance of their Auxiliary Police duties. Auxiliary Police Officers shall not be members of the Newark Police Division. There shall be no more than twenty-five (25) Auxiliary Police Officers at any one time.

b. *Firearms and Lethal Weapons Prohibited.*

Auxiliary Police members shall not be armed with firearms or any other lethal weapons, nor shall they be allowed to carry or have in their possession any firearms or any other lethal weapons while they are performing their Auxiliary Police duties. The foregoing prohibitions shall apply even if the Auxiliary Police member has been issued a New Jersey Permit to Carry a Handgun.

c. *Qualifications.*

1. All members of the Auxiliary Police must be residents of, and maintain residence in, the City of Newark.
2. The selection criteria for membership in the Auxiliary Police include:
 - (a) citizen of the United States and resident of the City of Newark;
 - (b) be between 18 and 65 years of age;
 - (c) have a high school diploma or equivalent certificate;
 - (d) be able to read, write and speak the English language;
 - (e) be of good moral character (as determined solely by the Public Safety Director and/or his designee, the Chief of Police);
 - (f) be physically qualified to perform assigned duties (physical disability is not a disqualifier if the person is able to perform the assigned duties);
 - (g) be free of any criminal conviction involving moral turpitude;
 - (h) possess a valid New Jersey driver's license by date of appointment if vehicle operation is required;
 - (i) accurate completion of the application packet; and
 - (j) submit to extensive background investigation, including having fingerprints taken (the fingerprints shall be filed with, and checked by the New Jersey State Police and the Federal Bureau of Investigation).

3. Auxiliary Police members may not simultaneously be members of the regular Newark Police Division.
4. Auxiliary Police members must successfully complete basic auxiliary police academy training prior to taking the auxiliary police oath of office.
5. Prior to appointment for training, an oral examination of applicants shall be conducted by the Chief of Police to determine individual qualification.

d. *Rules and Regulations.*

The Public Safety Director, the Director of the Office of Emergency Management and the Chief of Police shall promulgate appropriate rules, regulations, policies and procedures necessary to effectuate the purpose of the Auxiliary Police Program, including, but not limited to, recruitment, designation of uniforms and equipment, and the general operation of the Auxiliary Police Program in accordance with the relevant provisions of the "New Jersey Civilian Defense and Disaster Control Act," N.J.S.A. App. A:9-33, et seq., and the "State of New Jersey Auxiliary Police Organization and Training Plan."

e. *Powers and Duties.*

1. All Auxiliary Police Officers, before assuming the duties of their office, shall take and subscribe to the oath required by N.J.S.A. 41:1-1 et seq. The original executed oaths shall be filed with the Office of the City Clerk. Copies shall be forwarded to:
 - (a) the Auxiliary Police Officer taking the oath;
 - (b) the Director of the Office of Emergency Management; and
 - (c) the Chief of Police.
2. Auxiliary Police Officers are not regular sworn police officers. Auxiliary Police shall have the powers of a regular police officer only during [i] a State emergency or disaster as declared by the Governor of the State of New Jersey, [ii] a local emergency or disaster as declared by the Mayor of the City of Newark or [iii] an assigned training mission.
 - (a) Regular police officers, regardless of rank or assignment, shall not relinquish their authority to any member of the Auxiliary Police.
 - (b) Powers granted to the Auxiliary Police can be restricted and controlled in accordance with applicable laws, statutes, guidelines, and directives issued by the New Jersey Legislature, New Jersey Office of Emergency Management, New Jersey Attorney General, Essex County Prosecutor, or the City Public Safety Director.
3. Auxiliary Police Officers shall be issued a Newark Police Division Auxiliary Police Identification Card signed by the Public Safety Director.
4. Auxiliary Police Officers are prohibited from using their identification card, insignia, or affiliation with the Newark Auxiliary Police or the City of Newark for any financial gain, advantage, or other unethical purpose, as determined by the Public

Safety Director in his or her sole discretion. All Auxiliary Police Officers, while on duty, shall be in the uniform provided by the Newark Police Division, which shall be clearly distinctive from that of a regular Newark police officer. The Auxiliary Police uniform must at all times bear an insignia provided by the Police Division, which shall clearly indicate "Auxiliary Police".

5. The Public Safety Director may authorize the Auxiliary Police to be armed with, and appropriately use, less-than-lethal weapons while they are performing their Auxiliary Police duties. The only less-than-lethal weapons that the Auxiliary Police may be armed with, however, are those that are issued to them by the Police Division. Under no circumstances, however, will any member of the Auxiliary Police be authorized to be armed with less-than-lethal weapons unless and until: [i] the Auxiliary Police member has received appropriate training, as determined by the Public Safety Director, relative to the Newark Police Division's use of force and weapons directives; [ii] the Auxiliary Police member has received appropriate training, as determined by the Public Safety Director, relative to the proper use of the particular type of less-than-lethal weapon to be carried; [iii] the Auxiliary Police member has demonstrated an adequate understanding of the Newark Police Division's use of force and weapons directives; and [iv] the Auxiliary Police member has demonstrated adequate proficiency relative to the proper use of the particular type of less-than-lethal weapon to be carried. The foregoing training and demonstrations of understanding and proficiency shall continue on an ongoing refresher basis with the same frequency as a regular police officer, but not less than annually.
6. Auxiliary Police may carry and use handcuffs while they are performing their Auxiliary Police duties. The only handcuffs that the Auxiliary Police may carry, however, are those that are issued to them by the Police Division. Auxiliary Police members must use handcuffs in comportment with training provided in basic training and in-service training provided by the Police Division.
7. Authorized less-than-lethal weapons and police equipment may only be carried or used while on duty during a disaster, declared emergency, or authorized training mission.
8. The only less-than-lethal weapons and police equipment that the Auxiliary Police may carry and use are those that are issued to them by the Police Division.
9. While off-duty, Auxiliary Police must store issued less-than-lethal weapons and police equipment in a safe and secure manner to prevent theft or unauthorized possession or use.
10. Auxiliary Police members shall report any lost or stolen less-than-lethal weapons or police equipment to the Newark Police Division immediately following the discovery of the loss or theft.
11. Any use of force by Auxiliary Police members must comply with the Newark Police Division's use of force directive.
12. Under no circumstances shall an Auxiliary Police Officer initiate or participate in any motor vehicle stop, pursuit or high-speed response. A high-speed response is any call response that exceeds the posted speed limit.

13. Auxiliary Police may use emergency lights and sirens during assigned on-the-job training for [i] traffic control during certain types of events, such as parades and funerals, and [ii] special events as authorized by the Public Safety Director. Auxiliary Police may not utilize emergency lights or sirens while driving to any fixed-post assignment.
14. Auxiliary Police Officers may use Newark Auxiliary Police vehicles only with the approval of the Public Safety Director during declared emergencies or disasters, or assigned on-the-job training missions. Newark Auxiliary Police vehicles must be clearly identified by a sign or emblem denoting Auxiliary Police.
15. The following list is representative of the type of functions which may be proper and appropriate for assignment to Auxiliary Police for on-the-job training. This list is not all-inclusive, and other on-the-job training functions may be assigned to Auxiliary Police at the discretion of the Public Safety Director or Chief of Police. All on-the-job training functions assigned to Auxiliary Police must be bona fide, and must not be abused as to extent.
 - (a) Vehicular and pedestrian traffic control.
 - (b) Dissemination of warnings or information and instructions to the public as directed.
 - (c) Crowd control.
 - (d) Security of Federal, State, County or municipal government buildings, excluding the Newark Municipal Court, located within the City of Newark.
 - (e) Assist with staffing and functioning of the City's Emergency Operations Center, field command posts, staging areas, or police headquarters operations.
 - (f) Maintenance of order as directed.
 - (g) Satisfactory documentation of all assigned tasks initiated or completed, and reporting unusual incidents encountered during assigned duty.
16. Auxiliary Police Officers are required to attend mandatory training made necessary by their assignment or duties. Those training topics statutorily required of regular police officers shall be provided. These topics shall include, but shall not be limited to:
 - (a) use of force;
 - (b) proficiency with authorized less-than-lethal weapons;
 - (c) Right to Know laws;
 - (d) hazardous materials awareness; and
 - (e) other topics as may be mandated by the Public Safety Director or Chief of Police.
17. Auxiliary Police Officers must volunteer a minimum of eight hours every month

(ninety-six hours yearly) for on-the-job training.

f. *Appointment of Members.*

The Public Safety Director shall have the authority to, and shall be responsible for the appointment of Auxiliary Police Officers in accordance with New Jersey laws. In appointing Auxiliary Police Officers, the Public Safety Director shall consult with the Chief of Police. Auxiliary Police Officers shall possess and exercise all the powers and duties provided by New Jersey law and regulations and this ordinance during their term of appointment. Auxiliary Police Officers shall not be regular members of the Police Division, and shall not be entitled to tenure.

g. *Term of Appointment; Revocation.*

Auxiliary Police Officers shall be appointed for terms of one (1) year, and shall be reappointed annually thereafter by the Public Safety Director in the Public Safety Director's sole discretion. The appointment of an Auxiliary Police Officer may be immediately terminated at any time, with or without cause, by the Public Safety Director or Chief of Police. An Auxiliary Police Officer whose appointment is terminated, or who is not reappointed, shall not be entitled to any type of hearing or appeal process whatsoever. Upon an Auxiliary Police Officer's resignation, termination, or non-reappointment, the former Auxiliary Police Officer shall immediately return to the Police Division all equipment issued or provided to the former auxiliary officer by the Police Division, including, but not limited to, the Auxiliary Police Identification Card, uniforms, patches, insignias, weapons and handcuffs.

h. *Reporting Responsibilities.*

The Public Safety Director, and/or his or her designee, shall ensure that all reports that are required to be made to the New Jersey Office of Emergency Management and/or the Essex County Emergency Services regarding Auxiliary Police, are complied within a timely manner.

SECTION 2. Any prior ordinances or parts thereof inconsistent herewith shall be amended and supplemented to conform to the provisions contained herein.

SECTION 3. If any part of this Ordinance is declared unconstitutional or illegal, the remaining provisions shall continue in full force and effect.

SECTION 4. This Ordinance shall take effect upon final passage and in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance amends and supplements an Auxiliary Police Program in the Department of Public Safety.