

**BOROUGH OF EMERSON
COUNTY OF BERGEN**

ORDINANCE 1699-25

**AN ORDINANCE TO ESTABLISH CHAPTER 77 "POLICE DEPARTMENT",
ARTICLE IV ENTITLED "AUXILIARY POLICE"**

BE IT ORDAINED by the Governing Body of the Borough of Emerson, County of Bergen, State of New Jersey that Chapter 77, Article IV of the Code of the Borough of Emerson, entitled "Auxiliary Police" be and is hereby established as follows:

§ 77-23: Creation of Unit

- A. Pursuant to N.J.S.A. 40A:14-146.10 et seq., there is hereby created within the Borough of Emerson an auxiliary police force to be known as the "Borough of Emerson Auxiliary Police." This is a volunteer organization whose members shall be unarmed, will not receive compensation, other than a yearly clothing allowance, will not receive health insurance, and shall not be members of the Borough of Emerson Police Division.
- B. There shall be no more than 25 auxiliary police officers at any one time.
- C. This unit shall not impede with the responsibilities and/or obligations of police officers pursuant to any collective bargaining agreement.

§ 77-24: Qualifications

- A. All members of the auxiliary police may be residents of, and maintain residence in, the Borough of Emerson, or from a town that does not have a Police Auxiliary.
- B. The selection criteria for membership in the auxiliary police include:
 - 1. Citizen of the United States and resident of the Borough of Emerson or town without a Police Auxiliary;
 - 2. Be between 18 and 65 years of age;
 - 3. Have a high school diploma or equivalent certificate;
 - 4. Be able to read, write and speak the English language;
 - 5. Be of good moral character (as determined solely by the Emergency Management Coordinator and/or his designee, the Chief of Police);
 - 6. Be physically qualified to perform assigned duties (physical disability is not a disqualifier if the person is able to perform the assigned duties);
 - 7. Be free of any criminal conviction involving moral turpitude;
 - 8. Possess a valid New Jersey driver's license by date of appointment if vehicle operation is required;
 - 9. Accurate completion of the application packet; and
 - 10. 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).

- C. Auxiliary police members may not simultaneously be members of the regular Borough of Emerson Police Division.
- D. Auxiliary police members must successfully complete basic auxiliary police academy training prior to taking the auxiliary police oath of office.

§ 77-25: Rules and Regulations

- A. The Emergency Management Coordinator 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.

§ 77-26: Powers and Duties

- A. 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 Borough Clerk. Copies shall be forwarded to:
 - 1. The auxiliary police officer taking the oath;
 - 2. The Director of the Office of Emergency Management; and
 - 3. The Chief of Police.
- B. Auxiliary police officers are prohibited from using their identification card, insignia, or affiliation with the Emerson Auxiliary Police or the Borough of Emerson for any financial gain, advantage, or other unethical purpose, as determined by the Emergency Management Coordinator in his or her sole discretion. All auxiliary police officers, while on duty, shall be in the uniform provided by the Emerson Police Division, which shall be clearly distinctive from that of a regular Emerson police officer. The auxiliary police uniform must at all times bear an insignia provided by the Police Division, which shall clearly indicate "Auxiliary Police."
- C. The Police Chief, Chief Law Enforcement, or OEM Coordinator 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 Chief of Police, relative to the Emerson Police Division's use of force and weapons directives; (ii) the auxiliary police member has received appropriate training, as determined by the Chief of Police, 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 Emerson 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.
- D. 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.
- E. 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.

- F. 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.
- G. 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.
- H. Auxiliary police members shall report any lost or stolen less-than-lethal weapons or police equipment to the Emerson Police Division immediately following the discovery of the loss or theft.
- I. Any use of force by auxiliary police members must comply with the Emerson Police Division's use of force directive.
- J. 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.
- K. 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 Chief of Police. Auxiliary police may not utilize emergency lights or sirens while driving to any fixed-post assignment.
- L. Auxiliary police officers may use Emerson auxiliary police vehicles only with the approval of the OEM Coordinator or Chief of Police during declared emergencies or disasters, or assigned on-the-job training missions. Emerson auxiliary police vehicles must be clearly identified by a sign or emblem denoting auxiliary police.
- M. 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 OEM Coordinator 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.
 - 1. Vehicular and pedestrian traffic control.
 - 2. Dissemination of warnings or information and instructions to the public as directed.
 - 3. Crowd control.
 - 4. Security of municipal government buildings, excluding the Emerson Municipal Court, located within the Borough of Emerson.
 - 5. Assist with staffing and functioning of the Borough's Emergency Operations Center, field command posts, staging areas, or Police Headquarters operations.
 - 6. Maintenance of order as directed.
 - 7. Satisfactory documentation of all assigned tasks initiated or completed, and reporting unusual incidents encountered during assigned duty.
- N. 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:
 - 1. Use of force;
 - 2. Proficiency with authorized less-than-lethal weapons;

3. Right-to-know laws;
 4. Hazardous materials awareness; and
 5. Other topics as may be mandated by the OEM Coordinator or Chief of Police.
- O. Auxiliary police officers must volunteer a minimum of eight hours every month (96 hours yearly) for on-the-job training.

§ 77-27: Appointment of Members

- A. The OEM Coordinator 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 OEM Coordinator 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 section during their term of appointment. Auxiliary police officers shall not be regular members of the Police Division, and shall not be entitled to tenure.

§ 77-28: Term of Appointment

- A. Auxiliary police officers shall be appointed for terms of one year, and shall be reappointed annually thereafter by the OEM Coordinator in the OEM Coordinator's sole discretion. The appointment of an auxiliary police officer may be immediately terminated at any time, with or without cause, by the OEM Coordinator 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.

§ 77-29: Reporting Responsibilities

- A. The OEM Coordinator, 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 Bergen County Emergency Services regarding auxiliary police are compiled within a timely manner.

§ 77-30: Chain of Command

- A. The chain of command of the Emerson Auxiliary Police Force shall be as follows: The Emerson Emergency Management Coordinator and/or Chief Law Enforcement Officer shall supervise and be responsible for all such operations. Under the Emergency Management Coordinator and/or Chief Law Enforcement Officer, there may be the following positions within the Emerson Auxiliary Police Force (listed in descending order), each of which shall report to the next highest position: one Auxiliary Police Captain; one Auxiliary Police Lieutenants; Auxiliary Police Sergeants; and auxiliary police officers. Training officers may be designated from the membership at the discretion of the Police Chief.

§ 77-31: Legal Authority

- A. Auxiliary police personnel are not regular sworn police officers. N.J.S.A. App. A:9-45 states that auxiliary police shall have the powers of a regular officer only during a declared emergency, disaster, or assigned training mission.
1. Regular police officers, regardless of rank or assignment, shall not relinquish their authority to any member of the auxiliary police.
 2. Auxiliary police officers shall obey the instructions of any regular police officer except as

provided in the Emerson Police Department Rules and Regulations.

3. 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, Bergen County Prosecutor, Borough Council, or the Chief Law Enforcement Officer.
4. Auxiliary police personnel are covered by state and federal statutes for compensation insurance in case of death or personal injury only when on duty during a declared emergency, disaster, or assigned training mission.
5. Auxiliary police officers are provided with public liability protection equal to that provided to regular police officers.

§ 77-32: Duty Procedures

- A. The Borough of Emerson shall provide auxiliary police officers with a uniform. This uniform will be the property of the Borough of Emerson and must be returned at time of termination or resignation from the organization. The specific uniform worn will be outlined in the organization bylaws.
- B. Auxiliary police officers shall document all tasks initiated or completed and shall report any and all incidents encountered during their tours of duty as necessary.
- C. Auxiliary police officers shall be issued an ID number, which shall be used on all documentation, electronic or paper.
- D. Auxiliary police officers must comply with all rules and regulations of the Borough of Emerson Police Department, those established for the Auxiliary Police Unit and applicable written directives as prescribed by the Chief of Police.
- E. Before assuming their assignment(s), each auxiliary police officer shall report to the duty with the Shift OIC and be logged into the CAD system.
- F. Once on duty, whether for disasters, emergencies or training missions, they can be given assignments utilizing existing CAD codes to account for their duty time upon completion of their tour of duty.

§ 77-33: Expulsion or Suspension

- A. Auxiliary police personnel can be suspended or expelled for the following reasons:
 1. Failure to obey a lawful order of a regular police officer;
 2. Negligent or willfully improper conduct in his/her duties;
 3. Violation of the provisions of this general order or any other applicable ordinance or statute, or any rule or department regulation, shall constitute grounds for suspension and/or expulsion from the organization.
- B. If the Emerson Police Department's liaison, auxiliary police captain, or any regular police officer has reason to believe that there are grounds for expulsion or suspension of any member of the organization for any reason established in Subsection J (above), he/ she shall prepare a written statement of the charges against such a member. If such charges are made by a line officer, other than the liaison or auxiliary police captain, they shall submit the written charges to the police liaison.
- C. The Auxiliary Captain shall fix a date, time, and place when such charges against the member shall be heard and served upon that member in written copy. At that meeting, the Auxiliary Captain and liaison will hear the charges made against such member by the line officer making such charges.

D. If any member is suspended from the organization, such member may appeal such suspension to the Emerson Chief of Police. Such appeal shall be made by giving notice to the Emerson Police Department auxiliary liaison within 10 days after notice of suspension is given to such member. The Emerson Chief of Police shall hear the matter and may affirm such suspension if he/she finds the member guilty. If he/she finds the member guilty, but believes the penalty imposed to be unduly severe, he/she may reduce such penalty. If he/she finds the member not guilty, he/she shall forthwith reinstate him/ her as an active member of the organization.

§ 77-33: When Effective

A. This chapter shall take effect upon passage and publication according to law.

BE IT FURTHER ORDAINED that except as modified herein, all other provisions of Chapter 77 shall remain in full force and effect as previously adopted.

Council	Motion	Second	Yes	No	Abstain	Absent
Rice			X			
Sayers			X			
McGuire		X	X			
Argenzia	X		X			
Timmerman						X
Ciolino			X			

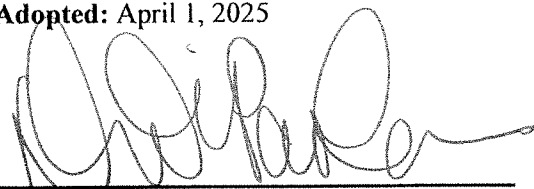
I hereby certify that Ordinance No. 1699-25 was adopted by the Governing Body of the Borough of Emerson at a meeting held on April 1, 2025.



Michelle Ryan
Acting Borough Clerk

Introduced: March 18, 2025

Adopted: April 1, 2025



Danielle DiPaola
Mayor