

ATTORNEY GENERAL

ment, however, is optional for nonveterans who do not have permanent status as a State employee under Civil Service.

It should be noted that the secretaries in question are not eligible for enrollment in any other public pension system, even though their enrollment in the Public Employees' Retirement System is optional. N.J.S.A. 43:15A-79 (c)

In answer to your inquiry, we conclude, therefore, that enrollment in the Public Employees' Retirement System of the secretaries in question who are nonveterans is at the option of the secretaries.

Very truly yours,
ARTHUR J. SILLS
Attorney General

By: RICHARD NEWMAN
Deputy Attorney General

December 14, 1964

MR. LEO CULLOO
Executive Secretary
Police Training Commission
24 Commerce Street
Newark, New Jersey

MEMORANDUM OPINION—NO. 10

Dear Mr. Cullo:

You have requested our advice as to whether police officers appointed by the Delaware River Port Authority come within the provisions of the Police Training Act (N.J.S.A. 52:17B-66 *et seq.*).

In our opinion such police officers do not come within the provisions of the Police Training Act.

The Delaware River Port Authority was established to operate and maintain bridge and other port facilities between the Philadelphia, Pennsylvania and Camden, New Jersey areas. N.J.S.A. 32:3-1, *et seq.*

The authority for the Delaware River Port Authority to appoint policemen is found in N.J.S.A. 32:4-6, which in part provides:

“The Delaware River Port Authority, a body corporate and politic, functioning under the legislation enacted by the Commonwealth of Pennsylvania and the State of New Jersey, shall have the power, and authority is hereby conferred thereon to appoint such number of policemen as may be found necessary to keep in safety and preserve order upon such bridges and tunnels and approaches thereto as the authority does or may hereafter operate; to administer to such policemen an oath or affirmation faithfully to perform the duties of their respective positions or offices; and to provide

FORMAL OPINION

for the payment of such policemen from the tolls and other revenue of Authority.”

The purpose of the Police Training Act is stated in N.J.S.A. 52:17B-66:

“The Legislature of New Jersey hereby finds and declares that a serious need for improvement in the administration of *local and county law enforcement* exists in order to better protect the health, safety and welfare of its citizens; . . .” (Emphasis added).

To effectuate this purpose N.J.S.A. 52:17B-66 provides:

“Any municipality may authorize attendance at an approved school by persons holding a probationary or temporary appointment as a police officer, and any municipality may require that no person shall hereafter be given or accept a permanent appointment as a police officer unless such person has successfully completed a police training course at an approved school.”

N.J.S.A. 52:17B-69 provides:

“Notwithstanding the provisions of Revised Statutes 11:22-6, a probationary or temporary appointment as a police officer may be made for a total period not exceeding 1 year for the purpose of enabling a person seeking permanent appointment to take a police training course as prescribed in this act. . . .”

N.J.S.A. 52:17B-67 defines “police officer” as

“. . . any employee of a law enforcement unit other than civilian heads thereof, assistant prosecutors and legal assistants, special investigators in the office of the county prosecutor as defined by statute, persons appointed pursuant to the provisions of R.S. 40:47-19 and persons whose duties do not include any police function.”

“Law Enforcement Unit” is defined as “any police force or organization in a municipality or county which has by statute or ordinance, the responsibility of detecting crime and enforcing the general criminal laws of this State.” N.J.S.A. 52:17B-67.

“Municipality” is defined as “a city of any class, township, borough, village, camp meeting association, or any other type of municipality in this State which, within its jurisdiction has or shall have a law enforcement unit as defined in this act.” N.J.S.A. 52:17B-67.

“County” is defined as “any county which within its jurisdiction has or shall have a law enforcement unit as defined in this act.” N.J.S.A. 52:17B-67.

The legislative history previous to the passage of the Police Training Act in 1961 discloses that police training was envisioned as pertaining to local law enforce-

ATTORNEY GENERAL

ment. This is reenforced by the Title of the Act:

“An Act relating to training of policemen prior to permanent appointment; appointments in certain *municipal and county law enforcement agencies*; establishing a police training commission; and providing an appropriation therefor.” (Emphasis added).

More particularly, the Legislative history demonstrates the intent of the Legislature that police officers eligible for training were not to include such persons as police officers of the Delaware River Port Authority. *A Study and Survey of Municipal Police Departments of the State of New Jersey* dated May 6, 1958, submitted to the Legislature by the New Jersey Law Enforcement Council included a proposed police training bill which was similar in many respects to the adopted Act and to the bills introduced prior and subsequent to it, but which differed in pertinent part from the definition of “police officer” as contained in those bills. Senate Bills Nos. 178, 36, 132, 141 and Assembly Bill No. 382 all contain the same definition of “police officer” as found in the Police Training Act which became law (Section 52:17B-67, *supra*). The proposed bill of the Law Enforcement Council defined “police officer” to mean:

“any employee of a law enforcement unit other than civilian heads thereof, assistant prosecutors and legal assistant; it shall include deputy sheriffs, county detectives, ad hoc district police, and all persons by whatever title or designation who exercise police powers, except persons whose duties do not include any police function. *Police officers of the Port of New York Authority, Palisades Interstate Park Police, and such other interstate police units as are presently authorized or which may in the future be established are specifically included in this definition.*” (Emphasis added).

The Legislature did not incorporate this proposed definition as it was presumptively aware of N.J.S.A. 32:4-6 providing for appointment of Delaware River Port Authority policemen. This is adequate evidence of its intent not to include police officers of the Delaware River Port Authority within the provisions of the Police Training Act.

The legislative history cited and the nature and purposes of the Delaware River Port Authority resolve any ambiguity that might otherwise be found in the definition of “law enforcement unit” contained in the Police Training Act. It is our conclusion that police officers of the Delaware River Port Authority are excluded from the coverage of that Act.

Very truly yours,
ARTHUR J. SILLS
Attorney General

By: LARRY F. LEFKOWITZ
Deputy Attorney General