



Department Resources		Rules & Regs
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BY THE ORDER OF: MATTHEW LLOYD CHIEF OF POLICE	REFERENCE(S):	
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PREAMBLE:

Pursuant to the authority vested in it by the statutes of the State of New Jersey and the ordinances of the Township of Aberdeen, the Township Manager hereby publishes the following Rules and Regulations for the control, disposition, and governance of the employees of the Aberdeen Police Department.

The Aberdeen Police Department Rules and Regulations have been compiled to assist members of the Aberdeen Police Department in performing their duties and responsibilities entrusted to them. These rules and regulations should provide broad guidance for police officer behavior. It is important to note that these rules and regulations have been adopted by the Township Council of the Aberdeen Police Department after being promulgated by Township Manager Bryan A. Russell, Q.P.A. in consultation with the Chief of Police Matthew Lloyd. The rules and regulations contained herein cover a wide range of subjects. Matters that are not addressed in the department's rules and regulations will be governed by Aberdeen Police Department Policies and Procedures or other written directives issued by the New Jersey Attorney General or the Monmouth County Prosecutor.

All previous rules and regulations are hereby rescinded. This document issued on October 1, 2024, contains the official Rules and Regulations of the Aberdeen Police Department.

Bryan A. Russell, Q.P.A.
Township Administrator

Matthew Lloyd
Chief of Police

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CHAPTER 1 INTRODUCTION

1:1 Establishment of the Aberdeen Police Department

1:1.1 Legal Authorization

The Aberdeen Police Department is established pursuant to N.J.S.A. 40A:14-118 and the Township of Aberdeen Municipal Code §2-19 revised by Aberdeen Resolution No. 2024-129 and shall hereafter be referred to as the "Aberdeen Police Department."

1:1.2 Rules and Regulations Established

The "Township Manager" of the Township of Aberdeen hereby adopts and promulgates the Department Rules and Regulations, in accordance with the Township of Aberdeen Municipal Code §2-19 revised by Aberdeen Resolution No. 2024-129 and shall be known as the "Aberdeen Police Department Rules and Regulations."

1:1.3 Right to Amend or Revoke

In accordance with N.J.S.A. 40A:14-118, the right is reserved by the appropriate authority, as the representative of the governing body, to amend or revoke any of the rules and regulations contained herein.

1:1.4 Previous Rules, Policies and Procedures

All rules and regulations previously issued, and policies and procedures that are contrary to the rules contained herein, are hereby revoked. All other policies and procedures shall remain in force.

1:2 THE NUMBERING SYSTEM

1:2.1 Chapter, Section and Subsection Designation

Title and number shall designate each chapter, section, and subsection. All numbering breakdowns shall be arranged according to a decimal sequence.

1:2.2 Chapter and Section Sequence

The number preceding the colon shall enumerate the chapter, while the number placed immediately to the right of the colon shall indicate the section.

1:2.3 Subsection Sequence

The number placed to the right of the decimal point shall designate the subsection.

1:2.4 Series Lettering

Letters listed in series under sections and subsections shall be enclosed within parentheses.

1:2.5 Flexibility of System

This system shall provide a simple and quick method of referral to material contained herein. This format has been designed to make specific reference to particular sections or subsections possible and to facilitate expansion and revision of the contents.

1:3 RULES AND REGULATIONS MANUAL

1:3.1 Application

These rules and regulations are applicable to all sworn employees and to all civilian employees of the department, where appropriate.

1:3.2 Distribution

One copy of these rules and regulations shall be electronically distributed to each employee of the department through the PowerDMS software, similar software and/or manual distribution.

1:3.3 Responsibility for Maintenance

Employees shall be responsible for maintaining a current copy of the rules and regulations, including all additions, revisions, and amendments as issued.

1:3.4 Familiarization

Employees shall thoroughly familiarize themselves with the provisions of the rules and regulations. Ignorance of any provision of these rules and regulations will not be a defense to a charge of a violation of these rules and regulations.

1:3.5 Severability

If for any reason any section of these Rules and Regulations shall be questioned in any court and shall be held unconstitutional or invalid, the same shall not be held to affect any other sections or provisions of this document. Where there is a conflict between these rules and regulations and the collective negotiations agreements ("CNAs") between the Township and any recognized negotiations unit within the Township, the CNA shall govern.

1:4 DEFINITION OF TERMS

1:4.1 Administrative Leave

Paid leave from regular duty that is authorized by the Chief of Police.

1:4.2 Township Manager

In accordance with the provisions of N.J.S.A. 40A:14-118, and the Township of Aberdeen Municipal Code, the Chief of Police will report directly to the Township Manager.

1:4.3 Authority

Authority is the statutory or written directive vested right to give commands, enforce obedience, initiate action, and make necessary decisions. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered in violation of the rules and regulations, and those persons in violation shall be subject to disciplinary action.

1:4.4 Chain of Command

The unbroken line of authority extending from the Chief of Police through one or more subordinates at each level of command down to the level of execution and vice versa.

1:4.5 Chief of Police

The Chief of Police of the Aberdeen Police Department shall be the highest-ranking officer of the Aberdeen Police Department.

1:4.6 Commanding Officer

Any rank of Captain and above.

1:4.7 Days Off

Those days on which a given employee is excused from duty by the Chief of Police or his/her designee, or is not required to report to duty.

1:4.8 Detail

A temporary assignment of personnel for a specialized activity.

1:4.9 Employee

All employees of the department, whether sworn officers or civilian employees.

1:4.10 Gender

The use of the masculine gender in any written directive or rules and regulations includes the female gender, when applicable.

1:4.11 Incompetence

Incapable of satisfactory performance of police duties.

1:4.12 Insubordination

Failure or deliberate refusal of any employee to obey a lawful order given by a superior officer. Ridiculing a superior officer or his order, whether in or out of his presence, is also insubordination. Disrespectful, mutinous, insolent, or abusive language towards a superior officer is insubordination.

1:4.13 Lawful Order

Any written or verbal directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty which is not in violation of any law, ordinance, or any department rule or regulation.

1:4.14 May/Should

As used herein, the words "may" and "should" mean that the action indicated is permitted.

1:4.15 Member

Any duly sworn police officer of the department and civilian employees of the department where appropriate.

1:4.16 Military Leave

The period of time during which an employee is excused from duty for service with the active or reserve armed forces of the United States or of the State of New Jersey, as provided by law, ordinance, or collective negotiations agreement.

1:4.17 Neglect of Duty

Neglect of duty is the failure to give suitable attention to the performance of duty. Examples include, but are not limited to, failure to take appropriate action on the occasion of a crime, disorder, or other act or condition deserving police attention; absence without leave; failure to report for duty at the time and place designated; unnecessary absence from the zone/post during the tour of duty; failure to perform duties or comply with provisions prescribed in the rules and regulations and written directives, and failure to conform to the department operating procedures. Failure to qualify with your issued duty weapon (handgun) shall be considered neglect of duty.

1:4.18 Off-Duty

The status of an employee during the period he is free from the performance of specified duties. Members are subject to recall at all times.

1:4.19 On-Duty

The status of an employee during the period of day when he is actively engaged in the performance of his duties.

1:4.20 Order

Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of police duty.

1:4.21 Plurality of Words

The singular includes the plural, and the plural includes the singular.

1:4.22 Probation Period – Promotions

All appointments shall be probationary, in accordance with the Township of Aberdeen Municipal Code and the rules of the Civil Service Commission.

1:4.23 Probation Period – Recruits

One (1) year period, in accordance with the Township of Aberdeen Municipal Code and the rules of the New Jersey Civil Service Commission.

1:4.24 Shall/Will

As used herein, the words “shall” and “will,” mean the action required is mandatory.

1:4.25 Shift

Any assigned tour of duty in accordance with existing collective negotiations agreements.

1:4.26 Staff Supervision

Staff supervision is an advisory relationship, outside the regular hierarchy of command and responsibility in which a supervisor may review the work of another employee who is responsible to another superior officer.

1:4.27 Subordinate

A member lower in rank than their superior officer.

1:4.28 Superior Officer

A member holding the rank of Sergeant or any rank above Sergeant.

1:4.29 Supervisor

An employee, usually holding the appropriate rank, who is assigned to a position requiring the exercise of immediate supervision over the activities of other employees.

1:4.30 Tense of Words

The words used in the present tense include the future.

1:4.31 Unpaid Leave of Absence

The period of time during which an employee is excused from duty and during which time no pay is received.

1:4.32 Working Test Period

The working test period shall be in accordance with N.J.A.C. 4A:4-5.1, et seq.

1:5 CODE OF ETHICS

1:5.1 All employees shall read and abide by the Law Enforcement Code of Ethics.

1:5.2 AS A LAW ENFORCEMENT EMPLOYEE, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I WILL keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officially or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession...**LAW ENFORCEMENT**.

1:6 MISSION STATEMENT AND CORE VALUES

1:6.1 Mission Statement

The mission of the Aberdeen Township Police Department is to preserve peace and order, and to reduce crime as well as the fear of crime, through proactive community-oriented policing to ensure the safety of those we serve.

1:6.2 Core Values

The Aberdeen Police Department's core values are Integrity, Professionalism, Courage, and Justice.

1:6.3 Motto

The motto of the Aberdeen Police Department is: **Your Police, Our Community.**

CHAPTER 2 ORGANIZATION

2:1 GENERAL DUTIES AND RESPONSIBILITIES

2:1.1 Chief of Police

Pursuant to N.J.S.A. 40A:14-118 and Township of Township Municipal Code §2-19 revised by Aberdeen Resolution 2024-129 the Chief of Police shall be the head of the Aberdeen Police Department and shall be directly responsible to the Township Manager for the efficiency and routine day-to-day operation of the Aberdeen Police Department.

2:1.2 Commanders and Supervisors

Commanders and supervisors shall be able to perform all of the general duties of a police officer. Commanders and supervisors shall:

1. Enforce department rules and ensure compliance with department policies and procedures.
2. Exercise proper use of their command, within the limits of their authority, to ensure efficient performance by their subordinates.
3. Exercise necessary control over their subordinates to accomplish the objectives for the department.
4. Guide and train subordinates to gain effectiveness in performing their duties.
5. Use department disciplinary procedures when necessary.
6. When using discipline, comply strictly with the provisions of the department disciplinary process.
7. Conduct themselves in accordance with high ethical standards, on and off-duty.

2:1.3 Police Officers

Police officers shall:

1. Exercise authority consistent with the obligations imposed by the oath of office and in conformance with the policies of the department.
2. Abide by all rules, regulations and department procedures and directives governing police officer employees.
3. Be accountable and responsible to their supervisor for obeying all lawful orders.
4. Coordinate their efforts with other employees of the department to achieve department objectives.
5. Conduct themselves in accordance with high ethical standards, on and off-duty.
6. Strive to improve their skills and techniques through study and training.
7. Familiarize themselves with the area of authority and responsibility for their current assignment.
8. Perform their duties promptly, faithfully, and diligently.
9. Perform all related work as required in a timely fashion.
10. Take appropriate action to:
 - a. Protect life and property;
 - b. Preserve the peace;
 - c. Detect and arrest violators of the law;
 - d. Enforce all federal, state, and local laws and ordinances coming within department jurisdiction;
 - e. Safeguard the rights of individuals as provided by the United States Constitution and Constitution of the State of New Jersey;
 - f. Safely and expeditiously regulate traffic;
 - g. Aid citizens in matters within police jurisdiction;
 - h. Take appropriate police action in aiding fellow officers as needed;
 - i. Provide miscellaneous services.

2:1.4 Civilian Employees

Civilian employees shall:

1. Perform the duties of their positions promptly, faithfully, and diligently.
2. Exercise authority consistent with the obligations imposed by their position and in conformance with the policies of the department.

3. Be accountable and responsible to their supervisors for obeying all lawful orders.
4. Coordinate their efforts with other employees of the department to achieve department objectives.
5. Conduct themselves in accordance with high ethical standards, on and off-duty.
6. Strive to improve their skills and techniques through study and training.
7. Familiarize themselves with the area of authority and responsibility for the current assignment.
8. Abide by all rules, regulations and department procedures and directives governing civilian employees.
9. Perform all related work as required.

CHAPTER 3 RULES OF CONDUCT

3:1 PROFESSIONAL AND GENERAL CONDUCT

3:1.1 Standards of Conduct

Employees shall conduct their private and professional lives in such a manner as to avoid bringing the department into disrepute.

3:1.2 Loyalty

Loyalty to the department and to associates is an important factor in department morale and efficiency. Employees shall maintain loyalty to the department and their associates as is consistent with the law and personal ethics.

3:1.3 Cooperation

Cooperation between the ranks and units of the department is essential to effective law enforcement. Therefore, all employees are strictly charged with establishing and maintaining a high spirit of cooperation within the department. Employees will also ensure that Interagency Cooperation is given to all federal, state, and local law enforcement agencies who work together to achieve a common goal.

3:1.4 Assistance

All members are required to take appropriate action toward aiding a fellow employee exposed to danger or in a situation where danger might be impending.

3:1.5 Performance of Duty

All employees shall promptly perform their duties as required or directed by law, rules and regulations or written directive, or by lawful order of a superior officer.

3:1.6 Action Off-Duty

While off-duty, police officers shall take appropriate action as needed in any police matter that comes to their attention within their jurisdiction as authorized by New Jersey law and department written directive.

While off-duty, police officers who take any police related action or any other action which may touch upon or reflect upon their position with the Aberdeen Police Department shall notify the highest-ranking officer on-duty as soon as possible and shall submit a written report to the Chief of Police via the chain of command as soon as practical but in no event later than 24 hours after the occurrence.

3:1.7 Obedience to Laws, Ordinances, Rules, and Written Directives

Employees shall obey all laws, ordinances, rules, and written directives of the department.

3:1.8 Withholding Information

Employees shall report any and all information concerning suspected criminal activity of others.

3:1.9 Reporting Violations of Laws, Ordinances, Rules, and Written Directives

Employees knowing of other employees violating laws, ordinances, rules, and written directives of the department, shall report the same to the Chief of Police through the chain of command. If the employee believes the information is of such gravity that it must be brought to the immediate, personal attention of the Chief of Police, the chain of command may be bypassed.

Employees charged with violating laws or ordinances shall report the same immediately to the Chief of Police through the chain of command.

3:1.10 Insubordination

Employees shall not:

1. Fail or refuse to obey a lawful order given by a supervisor;
2. Use any disrespectful or abusive language/action towards a specific supervisor.

3:1.11 Conduct Toward Other Department Employees

Employees shall treat other department employees with respect. They shall always be courteous and civil in their relationships with one another. When on duty and in the presence of the public, an officer shall be referred to by rank.

3:1.12 Compromising Criminal Cases/Investigations

Employees shall not interfere with the proper administration of criminal justice.

3:1.13 Recommending Attorney and Bail Bond Brokers Prohibited

Employees shall not suggest, recommend, or advise the retention of any attorney or bail bond broker to

any person as a result of police business.

3:1.14 Posting Bail

Employees shall not post bail for any person in custody, except relatives or unless authorized by the Chief of Police.

3:1.15 Use of Force

Members shall follow New Jersey State Law, New Jersey Attorney General Guidelines and the department written directive on the use of force.

3:1.16 Physical and Mental Fitness for Duty

Police officers are required to be capable of performing the essential functions of their assigned positions without posing a direct threat to their own health and safety, or that of others. Officers, who are aware of any reason why they are incapable of performing the essential functions of their assigned positions without posing a direct threat to their own health and safety, or that of others, shall notify their supervisors. The department reserves the right to take appropriate action in such circumstances, which may include deeming the member unfit for duty, placing the employee on sick leave status, or other action. The department reserves the right in appropriate cases to require medical clearance before allowing the member to return to regular duties. Nothing contained herein shall supersede any current collective negotiations agreements.

3:1.17 Driver's License

Employees operating department motor vehicles shall possess a valid New Jersey driver's license. Whenever an employee's driver's license is revoked, suspended, or lost, the employee shall immediately notify the appropriate supervisor giving full particulars.

3:1.18 Address and Telephone Numbers

Employees are required to have a telephone or cellular phone in the place where they reside. Changes in address or telephone number shall be reported in writing to the appropriate supervisor within twenty-four (24) hours of the change. Upon receipt of this information, the supervisor will immediately forward the change to the Office of the Chief of Police.

3:2 ISSUING ORDERS

3:2.1 Manner of Issuing Orders

Orders from a supervisor to a subordinate shall be in clear and understandable language.

3:2.2 Unlawful Orders

No supervisor shall knowingly issue an order which is in violation of any law or ordinance.

3:2.3 Improper Orders

No supervisor shall knowingly issue an order which is in violation of any department rules and regulations or

written directive.

3:3 RECEIVING ORDERS

3:3.1 Questions Regarding Orders

Employees, in doubt as to the nature or detail of an order, shall seek clarification from their supervisors by going through the chain of command.

3:3.2 Obedience to Unlawful Orders

Employees are not required to obey any order, which is contrary to any law or ordinance. Responsibility for refusal to obey rests with the employee, who will be required to justify the refusal to obey.

3:3.3 Obedience to Improper Orders

Employees who are given any order which is contrary to department rules and regulations or written directives, must first obey the order to the best of their ability, and then report the improper order as provided in 3:3.5.

3:3.4 Conflicting Orders

Upon receipt of an order conflicting with any previous order, the employee affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original order rests with the individual issuing the second order. If so directed, the latter order shall be obeyed first. Orders will be countermanded only when reasonably necessary for the good of the department.

3:3.5 Reports of Unlawful or Improper Orders

An employee receiving an unlawful or improper order shall advise the issuing supervisor of his/her belief that the order in question is unlawful or improper. If the matter is not resolved, the officer shall, at first opportunity, report in writing to the next highest-ranking supervisor above the supervisor who issued the unlawful or improper order. Action regarding such a report shall be conducted at the direction of the Chief of Police.

3:3.6 Criticism of Official Acts or Orders

Employees shall not criticize the actions or orders of any department employee in a manner which is defamatory, obscene, or which tends to impair the efficient operation of the department.

3:4 POLICE RECORDS AND INFORMATION

3:4.1 Release of Information

Employees shall not release any information nor reveal any confidential business of the department to the public or the press except as provided in department written directives.

3:4.2 Department Records

Contents of any record or report filed within the department shall not be exhibited or divulged to any person other than a duly authorized police officer, except with the approval of the appropriate supervisor, under due process of law, or as permitted under department written directives.

3:4.3 Reports

No employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false, or improper information on records of the department.

3:5 GIFTS, REWARDS, ETC.

3:5.1 Soliciting Gifts, Gratuities, Fees, Rewards, Loans, Etc.

Except as stated herein, employees shall not under any circumstances solicit any gift, gratuity, fees, rewards, loans, etc. where there is any direct or indirect connection between solicitations and their department membership or employment. All solicitations must stay within the parameters of Federal and State law, and directives from the Office of the New Jersey Attorney General and Monmouth County Prosecutor's Office. Employees shall not solicit for any organization that in any way references their employment as an employee of the Township of Aberdeen without the knowledge of the Chief of Police pursuant to the standards set forth above. Nothing herein is meant to prevent action authorized by N.J.S.A. 45:17A-18, et seq.

3:5.2 Acceptance of Gifts, Gratuities, Fees, Rewards, Loans, Etc.

Employees shall not accept either directly or indirectly any gift, gratuity, fees, rewards, loans, etc. or any other thing of value arising from or offered because of their police employment, or any activity connected with said employment or employment with the Township or which might tend to influence directly or indirectly the actions of said employee or any other employee in any matter of police business; or which might tend to cast an adverse reflection on the department or any employee thereof. No employee of the department shall receive any gift, gratuity, fees, rewards, loans, etc. from other employees without the express permission of the Chief of Police.

3:5.3 Other Transactions

Every employee is prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention, or which arose out of their department employment, except as may be specifically authorized by the Chief of Police.

3:5.4 Rewards

Employees shall not accept any gift, gratuity or reward in money or other consideration for services rendered in the line of duty to the community or to any person, business, or agency except lawful salary and that which may be authorized by the law and the Chief of Police.

3:5.5 Disposition of Unauthorized Gifts and/or Gratuities

Any unauthorized gift, gratuity, loan, fee, reward, or other object coming into the possession of any employee shall be forwarded to the Chief of Police together with a written report explaining the circumstances.

3:5.6 Debts - Incurring and Payment

1. No employee shall borrow any money or otherwise become indebted to any other employee.
2. Employees shall not solicit other members or employees to co-sign or endorse any promissory note or other loan.
3. No employee shall offer to act as a co-signer or endorser of any promissory note or other loan for another employee.
4. Paragraphs 1-3 do not apply to transactions among employees related to each other.
5. Employees shall promptly pay all just debts and legal liabilities incurred by them.

3:5.7 Intercession – Soliciting

Employees shall not attempt to circumvent, undermine, or improperly influence department procedures for determining promotions, assignments, disposition of disciplinary charges, appeals from department hearings, or related matters. Examples of circumventing, undermining or improperly influencing such procedures include, but are not limited to, soliciting unauthorized persons to intercede in such procedures, communicating or supplying information in a manner not authorized or permitted under such procedures, refusing to participate and/or cooperate in any investigation into alleged improper behavior. Members and employees may utilize the review, appeal and grievance procedures provided by statute, department rules and procedures, Township ordinance or policy, and collective negotiations agreements. Nothing in this section shall prohibit employees from lawful consultation with attorneys and union representatives. Any lawyer or union representative consulted shall not be permitted to speak on behalf of the employee and shall not interfere in any investigatory process, including a prohibition against delaying the process.

3:6 ALCOHOLIC BEVERAGES AND DRUGS

3:6.1 Alcoholic Beverages and Drugs

1. No employee of the department will appear for, or be on duty, under the influence of an alcoholic beverage (any beverage containing alcohol) (hereinafter "alcohol") or illegal drugs (including the illegal use of prescription drugs) (hereinafter "drugs") or be unfit for duty because of the use of drugs or an alcoholic beverage. The reasonable opinion of a supervising officer that the employee is under the influence of or has alcohol or drugs in the employee's system shall be sufficient to establish a violation of this provision. In addition, the presence of detectable level of alcohol or drugs as tested by blood, urine or other medical

test shall constitute a violation of this provision. The presence of any detectable level of alcohol or drugs, as determined by blood, urine, or other medical tests, shall be considered a violation of this provision, unless otherwise permitted by the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act or in accordance with the applicable regulations and guidelines issued by the New Jersey Office of the Attorney General. Superior officers shall not assign to duty any employee in an unfit condition due to the use or suspected use of alcohol or drugs and shall immediately relieve of duty and service weapon any employee found on-duty in such condition. Supervisors shall not allow to remain on duty, any employee whose fitness for duty is questionable due to the use or suspected use of alcohol or drugs. The superior officer shall submit a written report of the incident to the Chief of Police. (See Procedures for Employees Using Prescription Drugs in a Legal Manner Under Section 3 below).

2. Employees of the department shall not drink alcohol while on-duty, or take any drug as defined herein, except on special assignment authorized by the Chief of Police. Sworn employees shall not drink alcohol or take drugs while in uniform or during any activity where the employee is acting as a representative or has identified himself as an employee of the Department. An employee, while assigned to duty in civilian clothes, may use alcohol only when absolutely necessary in the performance of duty, provided such use does not render them unfit for proper and efficient performance of duty. Employees should not, to the extent possible, engage in any behavior that could put themselves in danger or the public in danger after consuming alcohol or drugs, for example, driving. All use of alcohol or drugs used in the performance of an employee's duty must be documented in writing, detailing the reasons therefore and the amounts consumed as soon as possible after such consumption. An employee may be subject to testing to confirm the level of alcohol/drugs in their system.

3. Taking Prescription or other Medication While on Duty/Notification about Medication – Employees in safety-sensitive roles (including but not limited to police officers, dispatchers, and those who carry firearms, operate vehicles, operating a radio, or perform emergency duties) must disclose to their supervisor if they are taking any medication (prescription or non-prescription) that could directly impair their ability to perform essential job functions related to public safety, such as using a firearm, operating a motor vehicle, or responding to emergencies. This disclosure must include the expected duration of the medication use.

For employees in non-safety-sensitive roles (e.g., administrative or non-emergency positions), such disclosure is required if the medication may impair their ability to perform the essential job functions of their position or the employee will pose a direct threat to him/herself or to others.

The department will evaluate each situation and, if necessary, may take appropriate action, such as placing the employee on sick leave or temporarily reassigning duties. If the employee has a disability as defined by law, the department will engage in an interactive process to determine whether a reasonable accommodation is appropriate.

In cases where impairment is suspected or where medication use may affect job performance, the department reserves the right to request medical clearance before allowing the employee to return to regular duties.

Failure to disclose medication use that could impair job performance in accordance with this policy may result in appropriate corrective action.

4. Alcohol may not be consumed at or in the police station or ancillary facilities.
5. No uniformed employee shall, at any time when in uniform, or any part thereof, except in the performance of duty, enter any place in which alcohol is served or sold, unless authorized by a supervisor. This provision does not include establishments with a separate dining area where the serving of alcohol is not the primary function (e.g., certain diners and restaurants which have a liquor license). If an employee is unclear whether an establishment would violate this section, the employee should contact their supervisor.
6. Employees shall not bring into or keep any alcohol or drugs on department premises except, medically required prescription medicine or when necessary in the performance of a police-related task. Alcohol or drugs brought into department premises in the furtherance of a police-related task shall be properly identified and stored according to department written directives.
7. Any employee reporting for duty with the odor of alcohol on his breath or appearing to be under the influence may be subject to testing as set forth in Section 3:6.1.
8. No liquor license shall be held by any police officer, or by any for-profit corporation or association in which any police officer is interested, directly or indirectly.
9. Pursuant to law, members of the Aberdeen Police Department may not be employed by a business located in the Township, which is licensed to sell alcoholic beverages in New Jersey. Members of the Aberdeen Police Department may be employed by such licensed businesses, which are located outside the Township of Aberdeen with prior notice to the Chief of Police and under the following legal conditions:
 - a. Police officers so employed shall not, while engaged in the selling, serving, possessing, or delivering of any alcoholic beverages: (1) have in his possession any firearm; or (2) wear or display any uniform, badge or insignia which would identify them as a police officer.
 - b. No police officer so employed shall be permitted to work in excess of twenty-four (24) hours per week in any such establishment.

When a licensee has circumstances that require the use of trained police officers to provide crowd or traffic control or security for money, the municipality may assign regular police officers to the licensed premises for these purposes. The municipality may either bill the licensee for such cost or may require the licensee to prepay for the services. In no event, however, may the licensee directly hire or pay these police officers. (See N.J.A.C. 13:2-23.31; N.J.S.A. 33:1-26.1).

The Chief of Police retains the right to advise any police officer that for the good of the Department or for other operational reasons (including but not limited to the ability to work overtime), the officer cannot obtain or retain such employment.

3:6.2 Substance Testing

1. Members will be ordered to submit to drug testing when there is a reasonable suspicion to believe that the member is using drugs illegally, in accordance with the following procedure.
 - a. The Chief of Police or Monmouth County Prosecutor must approve any reasonable

suspicion test.

- b. A written report shall be prepared to document the basis for the reasonable suspicion. The report will be reviewed by the Chief of Police or Monmouth County Prosecutor before the reasonable suspicion test may be ordered.
- c. The drug test must be administered in accordance with the procedures contained in the Attorney General's Law Enforcement Drug Testing Policy then in effect.
- d. Officers who refuse to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs. Officers who resign or retire after receiving a lawful order to submit a urine specimen for drug testing and who do not provide the specimen shall be deemed to have refused to submit to the drug test.
- e. A negative test result is a condition of employment as a sworn officer. A positive result will result in: a) the officer's termination from employment; b) inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and c) the officer being permanently barred from future law enforcement in New Jersey.

2. Random drug screening may be ordered by the Chief of Police from time to time. If the Chief of Police orders random drug screening it shall be in accordance with the Office of the New Jersey Attorney General's Guidelines on Drug Testing and any policy mandated by the Monmouth County Prosecutor. Drug testing is also controlled by Aberdeen Police Department policy. Additionally:

- a. All sworn members of the agency are eligible for random drug testing, regardless of rank or assignment.
- b. A minimum of ten percent (10%) of the number of sworn officers will be tested annually, divided into two tests per year.
- c. Random selection will be accomplished by an appropriate method to be approved by the Chief of Police.
- d. The process will be verified by the supervisor of Internal Affairs. The process and any associated reports will be documented and filed appropriately and in a confidential manner.
- e. One member of each collective negotiations unit may be permitted to witness the selection process but may not have knowledge of the names selected.
- f. Any member of the agency who discloses the identity of an officer selected for random testing or the fact that a random test selection is scheduled to take place prior to the collection of urine samples shall be subject to discipline.
- g. The system for collection will be prompt, efficient, and confidential to the extent possible. It will be conducted with minimal disruption to operations and will be carried out in a manner so as not to embarrass the officer.

- h. Any officer who refuses to submit to mandatory random drug testing will be subject to the same penalties as those officers who test positive for illegal use of drugs.

3:7 DUTY CONDUCT

3:7.1 Reporting for Duty

Employees shall report for duty at the time and place specified, properly uniformed, and equipped.

3:7.2 Absence from Duty

Every member who fails to appear for duty at the date, time and place specified without the consent of competent authority, is "absent without leave." Such absence must be reported in writing to the Commanding Officer within one (1) day. Absences without leave in excess of one day must be reported in writing to the Chief of Police. Any member who is absent without leave for a continuous period of 5 days shall forfeit their position in the department and be recorded as a resignation not in good standing, pursuant to N.J.S.A. 40A:14-122 and N.J.A.C. 4A:2-6.2(b).

3:7.3 Harassment in the Workplace

All employees of the department shall adhere to the written directive established by the Chief of Police and the Township of Aberdeen regarding Harassment in the Workplace.

3:7.4 Civil Rights

All employees shall observe and respect the civil rights of all persons.

3:7.5 Work Expectation

Employees are expected to perform their duties to the best of their abilities at all times.

3:7.6 Retaliation

No employee shall take any official action or engage in any conduct with the intent to retaliate against any individual for criticizing, reporting, or filing a complaint about an employee, or for participating in activities protected by local, state, or federal law, public policy, or internal Department or Township policies. This shall not apply to situations where employees are disciplined for engaging in actions which constitute insubordination.

3:7.7 Personal Relationships

If a supervisor and subordinate enter into a dating relationship, marital relationship, or civil union during the course of employment, and the department reasonably believes the relationship may create a conflict of interest, one of the employees may be transferred to another shift or assignment. A supervisor or subordinate involved in a relationship as described within shall report the relationship to the Chief of Police. Failure to report such a relationship may subject the involved employees to discipline.

3:7.8 Smoking/Chewing Tobacco Products

P.L. 2009, C.182 “NJ Smoke-Free Air Act” approved July 20, 2010, provides for an employer’s obligation to establish a policy protecting the health, welfare, and comfort of employees from those employees who smoke tobacco, to include electronic smoking devices. That written directive must establish designated non-smoking areas. It is the policy of this department not to allow smoking in any office or vehicle assigned to the Aberdeen Police Department. Employees desiring to smoke may do so outside or in an area designated for smoking. It is the rule of this department not to allow smoking in any designated crime scene area.

3:7.9 Distracters

The use of any item or object that distracts an employee from the performance of duty other than equipment authorized by the department is prohibited while on-duty.

3:7.10 Relief

Employees are to remain in their assignments and on-duty until properly relieved by other employees or until dismissed by competent authority.

3:7.11 Meals/Breaks

All meals/breaks are to be consumed within authorized areas, patrol districts or if properly signed out and acknowledged on police radio at a known location subject to modification by the supervisor.

3:7.12 Training

Employees shall attend training under the direction of the appropriate supervisor. Such attendance is considered a duty assignment unless the prevailing collective negotiations agreements provides otherwise.

3:7.13 Inspections

Employees directed to attend full dress inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection shall be considered absence without leave.

3:7.14 Prohibited Activity On-Duty

Employees who are on-duty are prohibited from engaging in activities which are not directly related to the performance of their duty with exceptions as noted:

1. Meeting with other officers (except in performance of their police duties) without permission of supervisor, sleeping, loafing, idling;
2. Reading material other than department required materials (except at meals);
3. Conducting private business while on-duty;
4. Unlawful gambling, unless to further a police purpose such as conducting an investigation of suspected criminal activity as authorized through the chain of command;

5. Smoking in public view;
6. Sexual conduct;
7. Soliciting or otherwise enhancing secondary employment interests while on-duty or as a result of an official duty;
8. Conducting secondary employment activities while on-duty;
9. Taking any photographs, pictures, digital images that are not related to the job, including but not limited to pictures of any crime scenes, traffic crashes, people, or job-related incidents or occurrence with any personal analog or digital device, camera, or cellular telephone, except as may be necessary for the furtherance of official duties, and only in accordance with established department procedures pertaining to preservation of evidence and chain of custody;
10. Releasing any personal or department photographs, pictures, digital images of any crime scenes, traffic crashes, people, or job-related incident or occurrence taken with a personal or department analog or digital device, camera or cellular phone to any person, entity, business, or media/Internet outlet without the express written permission of the Chief of Police;
11. Video or audio recording, which is not connected with an official investigation or duties, is prohibited; (i.e., inside any government facility, precinct, or on the street).
12. Employees are forbidden from making video or audio recordings of conversations with other employees unless related to the job and approved in advance by the Chief of Police. This prohibition does not apply to video recorded interviews of witnesses or suspects where two or more employees may be present, the routine recording of telephone calls over or through the department telephone system via any recording system approved by the Chief of Police, or to the use of mobile video recorders installed in police vehicles as authorized by the Chief of Police. The exception to this is for an Internal Affairs investigation as authorized by the Chief of Police or representatives of the involved prosecutorial authorities.
13. Any other activity deemed inappropriate by the Chief of Police.

3:7.15 All Other Conduct

Misconduct by a police officer need not be predicated on the violation of any particular department rule or regulation. Police officers are called upon to exercise tact, restraint, and good judgment in their relationship with the public and must present an image of personal integrity and dependability in order to have the respect of the public. The department will take appropriate disciplinary action against any officer whose actions violate this standard of good behavior.

3:8 UNIFORMS, APPEARANCE, AND IDENTIFICATION

3:8.1 Regulation Uniforms Required

All uniformed personnel of the department shall maintain in good order a regulation uniform. All uniformed personnel shall be neat appearing, and well-groomed while in uniform. All articles of uniform shall conform to the department uniform regulations. Uniforms shall be made of the material and the style prescribed in police orders, and such style shall not be altered or changed in any manner, whatsoever, unless authorized by the Chief of Police.

3:8.2 Manner of Wearing the Uniform

All uniformed personnel of the department shall wear the uniform on-duty as prescribed by department written directive for the employee's current assignment. However, commanding officers may prescribe other clothing as required by the nature of the duty to which a particular employee is assigned.

3:8.3 Manner of Wearing Civilian Attire

Members and employees permitted to wear civilian clothing while on-duty shall wear clothing that is suitable for a business environment and neat in appearance. Commanding officers may prescribe other types of clothing when necessary to meet a particular police objective.

3:8.4 Wearing or Carrying Identification

Members shall wear or carry their department identification at all times, provided that it is practical for the circumstances.

3:8.5 Identification as Police Officer

Except when impractical or where the identity is obvious, police officers shall identify themselves by displaying the official badge or identification card before taking police action.

3:8.6 Personal Appearance

Every employee of the department, while on-duty, must at all times be neat and clean in person, their clothes cleaned and pressed, and their uniform in conformity with the rules and regulations of this department. Commanding officers may prescribe other clothing as required by the nature of the duty, which a particular member is assigned. Non-uniformed civilian employees may be permitted deviations from this section as directed by the Chief of Police or designee and in keeping with a professional appearance.

1. Male Employees

- a. Hair shall be neatly trimmed and groomed. Hair shall be cut to present a tapered appearance on the side and back and when combed, shall not fall over the ears or eyebrows, or extend over the shirt or coat collar when standing with the head in a normal position. There shall be no designs cut into the head hair. Designs such as numbers, insignias, or other inscriptions are strictly forbidden. Hair coloring, if used, must appear natural.
- b. Sideburns shall not extend below the bottom of the earlobe. The width shall not exceed one- and one-half inches at the broadest point.

- c. Mustaches shall be neatly trimmed, and the extent of the growth shall be limited to being even with the line of the corner of the mouth. Length of the hair shall be no more than one half inch, nor appear bushy. The ends may not be waxed or twisted.
- d. Beards shall not be permitted. Personnel with a medical condition, which precludes shaving, shall be required to present a written statement, signed by a medical doctor, verifying such condition, and reviewed by the Township Medical Review Officer (MRO). Beards may be permitted for religious reasons upon approval of the Chief of Police. Non-uniformed employees may deviate from the above beard standard as authorized by the Chief of Police or designee.
- e. Hair growing from the chest, neck, ears, or nose shall be neatly trimmed. Chest hair shall not extend over the collar, tie, or exposed t-shirt.
- f. Fingernails shall be clean and trimmed. Nails shall not extend beyond the tips of the fingers.

2. Female Employees

- a. In order to conform with the above requirements regarding hair lengths and styles, female members on-duty/in uniform shall wear their hair pinned up in an appropriate manner: a bun is preferable if the length allows it. Female member on duty/in plain clothes shall wear their hair as prescribed by the Commanding Officer when necessary to meet a particular police objective.
- b. Cosmetics may be worn provided they are subdued and blended to match the natural skin color of the individual.
- c. False eyelashes are not permitted.
- d. Fingernails shall be clean and trimmed. Nails shall not extend beyond the tips of the fingers. Fingernail polish, if worn, shall be clear.

3. Jewelry and Apparel (All Employees)

- a. Police Officers on-duty shall not wear loose fitting jewelry which may be grasped during a struggle, or which can inflict injury or impede the mobility of the officer. This provision shall not prohibit non-uniform employees on-duty from wearing jewelry appropriate for the conditions of their current assignment in accordance with department written directive.
- b. No visible body piercing jewelry shall be worn while on-duty. This shall include but not limited to nose, eyebrow, and tongue piercing.
- c. The wearing of earrings by either male or female officers, while on-duty, is prohibited, except as permitted with approval and/or as may be necessary due to assignment.

4. Tattoos or Similar Markings (All Employees)

Definitions:

- a. Tattoo - the act or practice of marking the skin with designs, forms, figures, art, etc.
- b. Scarification - the act of intentional cutting of the skin for the purpose of creating a design, form, figure, or art.
- c. Branding - the act of intentional burning of the skin for the purpose of creating a design, form, figure, or art.

The following tattoos, scarifications, and brands are prohibited:

- a. Any tattoo, scarification or brand located on the head, face, or neck. The Chief of Police reserves the right to require an officer to cover up a tattoo(s) while the officer is in uniform.
- b. Depictions of nudity or violence; sexually explicit or vulgar art, words, phrases or profane language; symbols likely to offend other members, employees, or members of the public, i.e., swastikas, pentagrams or similar symbols; initials, acronyms or numbers that represent criminal or historically oppressive organizations, i.e., AB, KKK, SS, MM, BGF, HA, 666 or any street gang names, numbers and/or symbols; or, any language or depiction that may impair or disrupt the operations of the department, or is inconsistent with the mission of the department.

3:9 DEPARTMENT EQUIPMENT AND PROPERTY

3:9.1 Equipment On-Duty

Employees shall carry all equipment on-duty as prescribed by department written directive based on their assignment.

3:9.2 Equipment Off-Duty

Employees shall carry equipment off-duty as prescribed by department written directive.

3:9.3 Firearms

Employees shall follow department written directive on the care and handling of firearms.

3:9.4 Department Property and Equipment

Employees are responsible for the proper care of department property and equipment assigned to them or used by them in the course of duty. Equipment and/or property will be handled and maintained in accordance with department written directives.

3:9.5 Use of Department Property and Equipment

Employees are prohibited from using any department property, equipment, consumable supplies and other resources for personal business or pleasure.

3:9.6 Damaged or Inoperative Property or Equipment

Employees shall immediately report to their supervisors any loss of or damage to department property assigned to or used by them. The supervisor shall also be notified of any defects or hazardous conditions existing in any department equipment or property.

3:9.7 Care of Department Buildings

Employees shall not mark or deface any surface in any department building. No material shall be affixed to any wall in department buildings without specific authorization from the appropriate supervisor.

3:9.8 Notices

Employees shall not mark, alter, or deface any posted notice of the department. No notices or announcements shall be posted on bulletin boards without the permission of the appropriate supervisor, except those areas designated for use by the collective negotiations unit(s). No other form of communication of notices or announcements, including electronic communication of non-official police business shall be made unless authorized by the appropriate supervisor. No notices, pictures or other written communications may be posted that are degrading, obscene, or considered detrimental to the good order of the Police Department.

3:9.9 Use of Department Vehicles

Employees shall not use any department vehicle without the permission of the Chief of Police or his/her designee. The Chief of Police and command personnel may use their provided vehicles in accordance with written directives and/or current collective negotiations agreements.

3:9.10 Operation of Department Vehicles

When operating department vehicles, employees shall not violate traffic laws, except in cases of emergency and then only in conformity with state law, N.J. Attorney General Guidelines and department written directive regarding same.

3:9.11 Transporting Non-Township Employees

Non-Township employees shall not be transported in department vehicles, except as necessary in the performance of official police duties. Such transportation will be done in conformance with department written directives or at the direction of the commanding officer, immediate supervisor, or communications center. The Chief of Police and command personnel may transport individuals in accordance with any current collective negotiations agreements.

3:9.12 Reporting Accidents

Accidents involving department personnel, property, equipment, and vehicles must be reported in accordance with department written directives.

3:9.13 Inspection

Department property and equipment are subject to entry and inspection without notice. This includes, but is not limited to any vehicle, desk, filing cabinet, cellphone, department computer, department laptop, other electronic devices and/or locker, the use of which is provided to the employee by the department.

3:9.14 Liability

If any department property is damaged or lost as result of misuse or negligence by an employee, that employee will be held liable to reimburse the department for the damage or loss and is subject to disciplinary action.

3:9.15 Presumption of Responsibility

In the event that Township of Aberdeen property is found bearing evidence of damage which has not been reported, it shall be *prima-facie* evidence that the last person using the property or vehicle was responsible.

3:9.16 Surrender of Department Property

1. Upon Separation from the Department - Employees are required to surrender all department property in their possession upon separation from the service. For failure to return a non-expendable item, the employee will be required to reimburse the department for the fair market value of the article.

2. Under Suspension - Any employee under suspension shall immediately surrender their identification, firearm (if applicable), and all other department property to the appropriate supervisor pending disposition of the case.

3:10 COMMUNICATIONS AND CORRESPONDENCE

3:10.1 Restrictions

1. Employees shall not use department letterheads for private correspondence.

2. Employees shall only send official correspondence out of the department under the direction of the Chief of Police or his/her designee. This includes, but is not limited to, letters, subpoenas, e-mails, memorandums, and any other type of paper or electronic written communication.

3:10.2 Forwarding Communications

Any employee who receives a written communication for transmission to another employee shall forward same without delay.

3:10.3 Use of Department Address

Employees shall neither use the department as a mailing address for private purposes, nor use the

department address for any private vehicle registration or driver's license, unless authorized by the Chief of Police.

3:10.4 Telephones

Department telephone equipment may not be used for personal use involving toll charges without the express approval of a supervisor. The use of cell phones while driving a motor vehicle is prohibited, unless using hands free device.

3:10.5 Radio Discipline

Employees operating the police radios shall strictly observe the procedures and restrictions for such operations as set forth in department written directives and by the Federal Communications Commission.

3:11 PUBLIC ACTIVITIES

3:11.1 Publicity

Employees may identify themselves as employees of the Aberdeen Police Department. However, members and employees shall not use or refer to their affiliation with the Aberdeen Police Department for purposes of furthering or gaining advantage in personal pursuits or for any other reason that has or reasonably may have an adverse impact on the department or of the Township of Aberdeen. The Chief of Police shall determine whether an employee's conduct has violated this standard. Nothing herein is meant to prevent action authorized by N.J.S.A. 45:17A-18, et seq. or the New Jersey State Constitution.

3:11.2 Personal Preferment

No employee may seek the improper influence or intervention of any person outside of the department for purposes of personal preferment, advantage, transfer, or advancement. Members and employees may utilize where legally required and where not duplicative the review, appeal and grievance procedures provided by statute, ordinance, department rules and procedures, Township policy, and collective negotiations agreements. Nothing in this section shall prohibit employees from lawful consultation with attorneys and union representatives where required by law.

3:11.3 Commercial Testimonials

Employees shall not permit their names or photographs to be used to endorse any product or service without the permission of the Chief of Police. They shall not, without the permission of the Chief of Police, allow their names or photographs to be used in any commercial testimonial, which alludes to their position or employment with this department or their position as a police officer or employee of a police department.

3:11.4 Public Appearance Requests

All requests for public speeches, demonstrations, broadcast television, cable television, streaming services, social media or other online blogs, digital content, or radio, etc., will be forwarded to the Chief of Police in writing for approval and processing. Employees directly approached for this purpose shall suggest that the 3rd party submit their request to the Chief of Police in writing.

3:11.5 Courtesy

Employees shall be courteous and orderly in all dealings with the public. They shall perform their duties professionally, avoiding harsh, violent, profane, or insolent language, and always remain calm regardless of provocation to do otherwise. Upon request, employees are required to supply their name and identification in a courteous manner. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the department.

3:11.6 Impartial Attitude

All employees must remain completely impartial toward all people coming to the attention of the department. Violations of the law are against the people of the state and not against the individual officer. All citizens are guaranteed equal protection under the law. Exhibiting partiality for or against a person because of race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, domestic partner or civil union status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular or blood trait, genetic information, nationality, pregnancy or other protected class (N.J.S.A. 10:5-1, et seq.) is conduct unbecoming a public employee. Similarly, unwarranted interference in the private business of others when not in the interests of justice is conduct unbecoming a public employee.

3:11.7 Disparaging Comments Regarding Protected Personal Characteristics

Courtesy and civility toward the public is required of all employees of the department. Employees shall not use words which humiliate, disparage, demean, degrade, ridicule, or insult a person because of their race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, domestic partner or civil union status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular or blood trait, genetic information, nationality, pregnancy or other protected class (N.J.S.A. 10:5-1, et seq.).

3:11.8 Public Statements

Employees of the department shall not make public statements concerning the work, plans, policies, or affairs of the department which may impair or disrupt the operation of the department, or which are obscene, unlawful, or defamatory. While employees have a right to maintain personal webpages, websites, and blogs, their status as employees of the police department requires that the content of those web pages and websites not be in violation of existing department written directives. The right of the collective negotiations unit(s) representative to make public statements regarding the improvement of working conditions, or the betterment of the department shall be upheld.

3:11.9 Subversive Organizations

No employee shall knowingly become a member of, or engage in activities with, any organization that expressly advocates for the unlawful overthrow of the United States government, the subversion of the Constitution, or actions that threaten the mission of the Aberdeen Police Department. Exceptions may be made only when necessary in the performance of duty and under the explicit direction of the Chief of Police.

3:11.10 Affiliation with Certain Organizations Prohibited

Police officers shall not join or affiliate with any organization or enter into any business relationships that would interfere with the officer's ability to fulfill his or her obligations to the department, which may impair or disrupt

the operations of the department, or that is inconsistent with the mission of the department. This section shall not apply to active or reserve service in the armed forces of the United States or the State of New Jersey.

3:11.11 Affiliation with Radical Groups

No employee, except in the discharge of police duties, shall knowingly associate with or have any dealings with any person or organization which advocates, or which is instrumental in fostering hatred, prejudice, or oppression against any group set forth in Section 3:11.7 or any political entity.

3:12 POLITICAL ACTIVITIES

3:12.1 Political Activities Prohibited

Employees shall not be permitted to engage in political activity while on-duty, and no employee shall be permitted to use his official position to influence another person's partisan or non-partisan political activity.

3:12.2 Election to Public Office

Police officers may run for public office but may not campaign nor engage in any activity connected with candidacy for such office while on duty or in uniform.

3:12.3 Soliciting Prohibited

Employees of the department shall not solicit contributions for political purposes while on-duty or when such activity prevents the employee from performing his job with the department, nor shall any employee interfere with or use the influence of his office for political reasons.

3:12.4 Contributions

Employees may contribute funds or any other thing of value to candidates for public office subject to the provision of law governing such contributions.

3:12.5 Displaying of Political Material

Employees shall not display any political material on any government property or on their person while on-duty or in uniform or while representing the department or the Township.

3:13 JUDICIAL APPEARANCE AND TESTIMONY

3:13.1 Court Appearances

Employees must attend court or quasi-judicial hearings as required by a subpoena. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court official. When appearing in court, either the official uniform or appropriate business attire shall be worn. Weapons will not be displayed unless wearing the uniform. Members shall present a neat and clean appearance, avoiding any mannerism, which might imply disrespect to the court.

3:13.2 Testifying for the Defendant

Any employee subpoenaed to testify for the defense in any trial or hearing, or against the Township of Aberdeen in any hearing or trial shall notify the Chief of Police through the chain of command in writing upon receipt of the subpoena. He shall also notify the appropriate prosecutorial authority handling the case.

3:13.3 Duty of Employees to Appear and Testify

It shall be the duty of every employee to appear and testify upon matters directly related to the conduct of their office, position or employment before any court, grand jury, or the State Commission of Investigation, provided such testimony does not infringe on the employee's constitutional due process protection.

3:13.4 Department Investigations – Testifying

Employees shall be required to respond to questioning, provide reports, and render materials during department investigations in accordance with the provisions of the New Jersey Attorney General's Internal Affairs Policy & Procedures currently in effect.

3:13.5 Truthfulness

Employees are required to be truthful at all times whether under oath or not.

3:13.6 Civil Action, Court Appearances – Subpoenas

An employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Employees will accept all subpoenas legally served. If the subpoena arises out of department employment or if the employee is informed that he is a party to a civil action arising out of department employment, he shall immediately notify the Chief of Police in writing, who in turn shall notify the proper authorities. Employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with department directives.

3:13.7 Civil Depositions and Affidavits

Employees shall notify their supervisor in writing before giving a deposition or affidavit on a civil case. If the supervisor determines that the case is of importance to the Township of Aberdeen, the supervisor shall inform the Chief of Police in writing before the deposition or affidavit is given.

3:13.8 Civil Action, Expert Witness

Employees shall not volunteer or agree to testify as expert witnesses in civil actions without the prior written approval of the Monmouth County Prosecutor and the Chief of Police.

3:13.9 Civil Process

Members shall not serve civil process or intervene in civil disputes between third parties, except with the explicit consent of the Chief of Police. Officers and employees should avoid engaging in civil cases to which they are not a party, particularly while on duty, unless required to prevent or address a breach of the peace or crime.

3:13.10 Internal Affairs Investigations

The Aberdeen Police Department hereby adopts and incorporates the "Internal Affairs Policy & Procedures" of the Police Management Manual promulgated by the Police Bureau of the Division of Criminal Justice in the Department of Law and Public Safety to govern the conduct of internal affairs investigations.

CHAPTER 4 DISCIPLINARY REGULATIONS

4:1 DISCIPLINARY ACTION

4:1.1 Disciplinary Action

Department employees regardless of rank or assignment, shall be subject to disciplinary action, according to the nature or aggravation of the offense, for violating their oath and trust by committing an offense, incapacity, misconduct or disobedience of established department Rules and Regulations punishable under the laws or statutes of the United States, the State of New Jersey, municipal ordinances, or failure, either willfully or through negligence or incompetence to perform the duties of their rank of assignment; or for violation of any written directive or rule or regulations of the department; or for failure to obey any lawful instruction, order, or command of a superior or supervisor. Disciplinary action in all cases will be decided on the merits of each case.

The disciplinary system established herein shall reflect the overarching emphasis on improving the quality of service being delivered by employees of this department. Discipline should not engender a strictly negative connotation. The disciplinary process is meant to correct employee actions and conduct that tend to impede the efficient and effective operation of the department. The proper use of discipline can achieve this objective without realizing a reduction in morale. Training and counseling shall be a function of the department's overall disciplinary system. In lieu of discipline, training and counseling shall be corrective actions used to modify an employee's performance.

4:1.2 Establishing Elements of Violation

Existence of facts establishing a violation of the law, ordinance, or rule is all that is necessary to support any allegation of such as a basis for disciplinary action. Nothing in these rules and regulations prohibits disciplining or charging employees merely because the alleged act or omission does not appear herein, in the department, or in laws and ordinances within the cognizance of the department.

4:2 DEPARTMENT AUTHORITY FOR CORRECTIVE ACTION/DISCIPLINE

Final charging authority and responsibility rests with the Chief of Police. When necessary, the Chief of Police may suspend any employee from duty pending the filing of formal charges. A system of progressive discipline/corrective action shall be used, wherever appropriate and practicable. Discipline shall follow the basic concepts of due process as established in N.J.A.C. 4A:2-1.1, et seq. Basic guidelines include:

4:2.1 Corrective Action

In certain situations, formal discipline is not required in order to correct employee performance in various areas. Performance based issues may be corrected by using training and counseling.

Training - Training is encouraged as a means of improving employee effectiveness and performance through positive and constructive methods. Training and discipline are not mutually exclusive. Certain minor offenses may be handled through targeted training.

Supervisors have an affirmative obligation to observe the conduct and appearance of employees and detect those instances wherein corrective action (training) may be necessary. Training includes:

1. **Verbal Instruction** - The supervisor may, depending on the circumstances, provide individual on the spot training where such is indicated.
2. **Peer Training** - The supervisor may assign the employee to another employee with experience in the area where training is indicated.
3. **In-Service Training** - The supervisor may refer the employee to an in-service training program.

Counseling - Counseling is indicated where personal actions or job performance are in conflict with basic police practice and agency written directives. Certain first offenses that are sufficiently minor in nature may be handled by supervisors by documenting the counseling session on a performance notice. Facts to be considered in making these decisions will include, but are not limited to the person's intent, receptivity of the supervisory consulting and their desire to correct the problem. More serious infractions may indicate the need for a stronger response in place of, or in addition to, counseling. There is no right to a hearing for counseling notices, unless provided for in the current collective negotiation agreements. The final disposition notice regarding the corrective action shall be filed in the employee's personnel file.

All training and counseling resulting from a performance issue shall be documented and forwarded through the appropriate chain of command to the Chief of Police or his/her designee.

4:2.2 Discipline

Under the provisions of N.J.A.C. 4A:2-2.3, employees, regardless of rank, shall be subject to disciplinary action for:

1. Incompetency, inefficiency, or failure to perform duties;
2. Insubordination;
3. Inability to perform duties;
4. Chronic or excessive absenteeism or lateness;
5. Conviction of a crime;
6. Conduct unbecoming a public employee;
7. Neglect of duty;

8. Misuse of public property, including motor vehicles;
9. Discrimination that affects equal employment opportunity (as defined in N.J.A.C. 4A:7-1.1), including sexual harassment;
10. Violation of federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and State and local policies issued thereunder;
11. Violations of New Jersey residency requirements set forth in P.L. 2011, c. 70; and
12. Other sufficient cause.

Violations of any of the causes listed above may subject an employee to discipline up to and including dismissal. All disciplinary matters will be decided fairly and impartially on the merits of the case considering all mitigating and aggravating factors.

All disciplinary procedures shall be in accordance with the laws of the State of New Jersey, applicable case law, collective negotiations agreements, New Jersey Attorney General Guidelines, administrative regulations, Civil Service Commission rules and municipal ordinance.

4:2.3 Minor Discipline

Minor Discipline: Repeat performance-based issues or minor misconduct issues may be corrected through formal discipline by using the following actions:

1. Oral Reprimand - They are intended to be the least intrusive form of discipline. To be effective, however, written oral reprimands must be timely. Otherwise, the employee may believe future infractions will be tolerated. In some cases, a minor infraction may warrant more than counseling, but less than a written reprimand. In those instances, a report of the offense shall be documented and issued to the employee as a written verbal reprimand. There is no right to a hearing for a written oral reprimand, unless provided for in the current collective negotiations agreements. The disciplinary document shall be filed in the employee's personnel file.
2. Written Reprimand - In some cases, the misconduct may warrant more stringent measures. In these instances, a report of the offense shall be documented and issued to the employee as a written reprimand. There is no right to a hearing for written reprimands, unless provided for in the current collective negotiations agreements. The final disposition notice regarding the discipline shall be filed in the employee's personnel file.
3. Minor discipline includes discipline from a reprimand to a suspension (or equivalent fine) of five working days or less.
4. Minor discipline shall be administered under the provisions of N.J.A.C. 4A:2-3.1, et seq., N.J.S.A. 40A:14-147, current collective negotiations agreements, and applicable case law.

4:2.4 Major Discipline

Major Discipline: Serious misconduct issues or repeat minor misconduct issues may be corrected with more serious formal discipline. Major discipline shall be administered under the provisions of N.J.A.C. 4A:2-2, et

seq., N.J.S.A. 40A:14-149, and applicable case law, using one or more of the following actions:

1. Removal;
2. Loss of Promotional Opportunity;
3. Demotion;
4. Suspension or fine for more than five (5) working days;

Such disciplinary actions are taken when an employee's performance deficiency is repeated despite prior corrective action, or when a violation is serious and significant enough to require punitive action.

Depending upon the seriousness of the violation, punitive disciplinary action may not always be based upon the progressive disciplinary process. It may be necessary to utilize punitive disciplinary action with the first occurrence of an act or behavior.

All punitive actions applied as a result of discipline shall be documented in writing and forwarded through the appropriate chain of command to the Chief of Police or his/her designee.

4:2.5 Appeals Procedure

Appeals from penalties imposed as a result of discipline or corrective action may be taken as provided in the Township Personnel Policies, Manuals, ordinance, collective negotiations agreements, and New Jersey Civil Service Commission regulation and laws of the State of New Jersey.

1. Appeals to Civil Service Commission
 - a. Any employee of the department who has been issued a Final Notice of Disciplinary Action imposing major disciplinary charge or charges may obtain review by the Civil Service Commission pursuant to N.J.S.A. 11A:1-1, et seq., and N.J.A.C. 4A:2-1.1, et seq.
 - b. Disciplinary charges appealed to Civil Service Commission transmitted for hearing to the Office of Administrative Law before an Administrative Law Judge shall be adjudicated in compliance with N.J.A.C. 1:1-1.1, et seq.
 - c. Appeals of minor disciplinary actions may be processed pursuant to the terms of the applicable collective negotiations agreement.

All members of the Department will take cognizance of the foregoing Rules and Regulations of the Aberdeen Police Department and be guided accordingly. Each superior officer shall be responsible for directing the effective implementation of the Rules and Regulations of the Aberdeen Police Department.