



The Aberdeen Police Department Policies & Procedures Manual Chapter Contents



Chapter 05 Rules of Conduct & Internal Affairs

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Chapter 05 Rules of Conduct & Internal Affairs
Section 01 Oath of Office and Code of Ethics
CALEA 1.1.1, 1.1.2

GO 23-014, 09/06/2023
Supersedes GO 15-096

A. Policy

1. All personnel, prior to assuming sworn status, will take and abide by an oath of office. (1.1.1)
2. All members of the Department shall abide by the Code of Ethics (1.1.2)
3. All personnel shall receive documented Ethics Training at least every two years. (1.1.2)

B. The Oath of Office (1.1.1)

I, (Name of Officer), do swear (or affirm), that I will support the Constitution of the United States; and that I will be faithful and bear allegiance to the State of Maryland, and support the Constitution of laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of Police Officer for the City of Aberdeen, according to the Constitution and laws of this state.

C. Law Enforcement Officer Code of Ethics (1.1.2)

1. As a Law Enforcement Officer, my fundamental duty is to serve mankind; 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 men to liberty, equality and justice.
2. I will keep my private life unsullied as an example to all; 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 in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of the 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.
3. I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise with 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.
4. 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 the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession-- Law Enforcement.



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D. Civilian Code of Ethics (1.1.2)

1. As a non-sworn employee/volunteer of the Aberdeen Police Department I regard myself as a member of an important and honorable profession.
2. I will keep myself in the best physical and mental condition at all times.
3. I will perform my duties with efficiency to the very best of my ability.
4. I will be truthful at all times. My conduct and performance of duties will be accomplished in an honest manner, and in compliance with all laws: local, state, and federal.
5. I will adhere to the confidentiality of the Law Enforcement profession.
6. I will not work for unethical advantage or personal profit in the performance of my duties.
7. I will recognize at all times that I am a public safety employee and that ultimately, I am responsible to the public.
8. I will give the most efficient and impartial service of which I am capable at all times. I will be courteous in all my contacts at all times.
9. I will regard my fellow employees with equality, dignity, and respect.
10. I will be loyal to my fellow employees, my superiors, and my agency.
11. I will accept responsibility for my actions.
12. I will strive to do only those things that will reflect honor on my fellow employees, my agency and me.



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A. Policy (26.1.1)

1. It is the policy of the Aberdeen Police Department that all employees shall comply with the rules of conduct.
2. The violation of any rule of conduct, procedure, or lawful order, whether written or verbal, subjects the violator to disciplinary action.
3. Ignorance of the rules, procedures, and orders of the Department is not justification for any such violation.
4. An employee shall be responsible for his own acts and he may not transfer to others his responsibility for executing or failing to execute any lawful order or police duty.

B. Reporting for Duty (12.2.1g)

1. An employee shall not absent himself without properly approved leave.
2. An employee shall report for duty at the time and place specified by his superior and shall be physically and mentally fit to perform his duty.
3. He shall be properly equipped and cognizant of information required for the proper performance of duty so that he may immediately assume his duties.
4. Every officer shall be entered into the CAD System to indicate the actual time his tour of duty began and ended.
5. If any employee is unable to report for duty due to sickness or other causes, such employee shall, as soon as possible, notify the supervisor of the reasons for his absence.
6. Police officers, while off duty, shall be subject to call at all times.
7. In the event of an emergency or potential emergency, officers ordered to an "inactive - on call" duty status and those required to leave word where they may be reached, will notify the on-duty Police Communications Officer of the location and telephone number where they can be contacted.

C. Courtesy

1. An employee shall be courteous to the public and to fellow employees.
2. He shall be tactful in the performance of his duties, shall control his temper and exercise utmost patience and discretion, and shall not engage in argumentative discussions, even in the face of extreme provocation.
3. While on duty or in the performance of his duties, he shall not use coarse, violent, profane, or insolent language or gestures toward the public or fellow employees.
4. He shall not express any prejudice or use language which might be insulting or demeaning to the public or fellow employees concerning race, sex, religion, politics, national origin, lifestyle, or similar personal characteristics.
5. Employees will, at all times, show respect for their fellow employees and will conform to the rules of military courtesy and military discipline as prescribed by the Chief of Police.



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D. Department Identification

1. All Department personnel shall be issued an official Aberdeen Police Department Identification card that includes their photograph on the card. (22.1.8b)
2. Exceptions to displaying Department identification or Department badge shall be approved by the Chief of Police.
3. Displaying of Department identification at Police Headquarters:
 - a. Non-sworn employees shall display the Department identification card on the front between the shoulders and the waist; and
 - b. Plainclothes sworn officers shall display the Department identification card or their Department badge on the front between the shoulders and the waist.
4. All personnel, sworn and non-sworn, shall furnish his/her name and assignment when requested in person (22.1.8a) or on the telephone except: (22.1.8c)
 - a. When authorized not to do so by the Chief of Police; or
 - b. When refusal may be necessary for the proper performance of police duties.
5. An on-duty sworn officer, who is not readily identified by the uniform of the Aberdeen Police Department, shall carry his/her badge or identification card where it can be immediately displayed upon request.
6. A sworn plainclothes officer who makes a traffic stop or makes an arrest shall identify himself/herself to the violator and display his/her badge and/or identification card immediately upon request.

E. Personal Appearance

1. An employee shall maintain a neat, well-groomed appearance and shall style his/her hair and wear his/her uniform consistent with established Department policy and procedures. (22.1.6)

F. Unbecoming Conduct

1. Every employee shall conduct himself at all times, both on and off duty, in a manner which reflects most favorably on the Department.
 - a. The phrase, "reflects most favorably" pertains to the perceptions of both citizens and other Department employees.
2. Conduct unbecoming shall include that which
 - a. Tends to bring the Department into disrepute;
 - b. Reflects discredit upon the employee as a representative of the Department; or
 - c. Tends to impair the operation or efficiency of the Department or employee.
3. A supervisor shall not injure or discredit a subordinate through unreasonable, unjust, arbitrary, or tyrannical conduct, or abusive language.
4. An employee shall not maliciously threaten, strike, or assault any other employee of the Department.



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G. Following Orders (12.2.1g)

1. Employees of the Department shall, unless otherwise directed by competent authority, transact all official business with employees who are senior in rank or classification through the chain of command.
2. An employee shall promptly obey all lawful orders of a superior, including those from a superior relayed by an employee of equal or lesser rank. (12.1.3)
 - a. A lawful order is any order, either verbal or written, which an employee should reasonably believe to be in keeping with the performance of his duties or the responsibilities of his post.
3. Employees shall obey all orders from superiors, whether written or verbal, except when compliance with such orders would require the commission of an illegal act. (12.1.3)
 - a. An employee shall not, without adequate justification, intentionally issue an order that is contrary to an order issued by a superior.
 - b. Employees to whom conflicting orders are issued will call immediate attention to such conflict; however, if the conflict is not resolved, the last order will be obeyed.
4. Any order may be countermanded in an emergency.
 - a. An employee countermanding a prior order shall immediately report the reason for his action to his immediate supervisor.
 - b. Responsibility for all prudent and reasonable action necessary for compliance with orders shall remain with the superior issuing the order.
 - c. Accountability for all action taken in compliance with orders remains that of the person taking such action.
5. At the scene of any incident, the assigned police employee shall be in charge until relieved at the direction of another officer senior in rank.

H. Criticism

1. An employee shall not criticize or ridicule the Aberdeen Police Department, any other City Department, or the Maryland Judiciary, their policies, or their officers by speech, in writing, or by expression in any other manner, when such speech, writing, or other expression is defamatory, obscene, unlawful, exhibits a reckless disregard for truthfulness, or tends to undermine the operation of the Aberdeen Police Department, other City agency, or the Judiciary by impairing their efficiency or interfering with their operation or maintenance of discipline.

I. Abuse of Position

1. While deprived of police powers, employees will not wear the uniform and will not represent themselves in an official capacity as an employee of the Department.
2. An employee is prohibited from using his official position or his official identification card or badge for personal or financial benefit or as a means of obtaining privileges not otherwise available to him, or for avoiding consequences of illegal acts.
3. An employee may not lend his identification card or badge to another person, or permit it to be photographed or reproduced without the approval of the Chief of Police.



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4. An employee shall not permit or authorize the use of his name, photograph, or official title identifying him as an employee of the Aberdeen Police Department in connection with testimonials or advertisements of any commodity or commercial enterprise, or for personal reasons without the approval of the Chief of Police.
5. An employee shall not sign a petition, without the authority of the Chief of Police when his signature identifies him as an employee of the Department; nor shall any employee sign any petition which has an unlawful purpose.
 - a. However, any employee may sign a lawful petition as a private citizen.
6. An employee shall not address a public gathering, appear on radio or television, prepare any article for publication, act as a correspondent to a newspaper or a periodical, release or divulge investigative information or any other matters of the Department, either in an official or unofficial capacity without first having obtained permission from the Chief of Police.

J. Associations

1. An employee shall avoid associations or dealings with persons whom he knows, or should know, are racketeers, gamblers, felons, persons under criminal investigation or indictment, or others who have a reputation in the community for felonious or criminal behavior, except as directed otherwise by a superior.
2. An employee shall not visit or enter a house of prostitution, gambling house, or any other establishment wherein the laws of the United States, the laws of the State of Maryland, or any other law or ordinance of a political subdivision are violated except in the performance of duty and while acting in response to lawful and specific orders of a superior.
3. An employee shall not in any manner affiliate himself with any organization, association, movement, group or combination of persons which advocates the overthrow of the Government of the United States or any state, or which has adopted the policy of advocating or approving the commission of acts of force or violence to deny any person his rights under the Constitution of the United States or any state, or which seeks to alter the form of government of the United States or any state by unconstitutional means.

K. Immoral Conduct

1. Every employee shall maintain a level of moral conduct in his personal affairs which is in keeping with the highest standards of the law enforcement profession.
2. Employees shall not be participants in any incident involving moral turpitude which compromises or has the potential to compromise his ability to perform as a law enforcement officer or as an employee of the Aberdeen Police Department, or causes the Department to be brought into disrepute.

L. Conformance to Law

1. An employee shall not violate his oath of office and trust or any other condition of his employment with the City of Aberdeen or commit an offense punishable under the laws or statutes of the United States or any sovereign nation, the State of Maryland, or public local laws or ordinances.



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2. Any employee who has been charged with a violation of any law, statute, or public local law or ordinance stipulated in this Section must report the facts concerning such violation immediately to his commanding officer.
 - a. Parking violations, except when they are issued to a Department vehicle, are exempted from this subsection.

M. Payment of Debts

1. Employees of the Aberdeen Police Department shall make every effort to pay all just debts and legal liabilities. Disciplinary action may be taken when:
 - a. Judgments of creditors have been finally adjudicated and the employee, even though able to pay, has refused to comply with such judgment; or
 - b. The effects of such indebtedness have adversely affected the ability of the employee to perform his job or have negatively reflected on the reputation or effectiveness of the Department.
2. Absent extenuating circumstances, disciplinary action shall be inappropriate where:
 - a. The employee has made a genuine and sincere effort to pay his debts, or
 - b. The employee has filed for a voluntary bankruptcy petition.

N. Seeking or Accepting Gifts, Gratuities/Bribes

1. An employee shall not solicit, seek, or accept any gift or gratuity, including food or drink for himself or another from any individual, business establishment, or merchant, where such offer of acceptance can be construed to be an effort to influence his official conduct as an Aberdeen police officer.
2. An employee shall not receive, seek, solicit, or share in any fee, reward, or other reimbursement for the performance of his official duties, or for his failure to perform official duties, except as directed by the Chief of Police.
 - a. He shall immediately report any offer, or attempt to offer, of money, gift, or other gratuity made in an effort to influence his official conduct.
3. Employees shall not solicit or accept any subscription or contribution for any purpose whatsoever except in conformance with Department policy.
4. Employees shall not receive any money or other thing of value for any services performed by him/her as an employee of the Department or otherwise resulting from such employment except as permitted by the Workmen's Compensation Law, or rule.

O. Political Activity

1. Employees shall not engage in campaign work (voluntary or paid) during duty hours or other APD paid time, except vacation and compensated time off.
2. Employees shall not use their position as an Aberdeen Police Department employee to endorse or oppose a candidate or ballot issue.

P. Strike or Job Action

1. An employee shall not engage in any strike or job action.



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2. Strike or job action includes, but is not limited to, a failure to report for duty, willful absence from duty, unauthorized holidays, sickness unsubstantiated by physician's statement, stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

Q. Reports

1. An employee shall report to the supervisor all information received concerning organized crime, racketeering, vice conditions, etc.
2. Employees shall submit complete and truthful reports
3. Employees shall not knowingly report or cause to be reported any false information.
4. Employees shall write reports that are complete and do not contain improper or inaccurate information.
5. All employees shall treat Department official business and official reports as confidential.
6. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with established Department procedures.
 - a. An employee may remove or copy official records or reports from the Department only in accordance with established procedures.
 - b. An employee shall not divulge the identity of a person giving confidential information, except as authorized by the supervisor in the performance of police duties.

R. Promotional and Transfer Lists

1. Employees shall treat the content of draft promotional and transfer lists or other material labeled "Draft" or "Confidential" with the utmost sensitivity; the content may differ significantly when finalized.
2. Employees directed by a commander to review, discuss or have input into draft and confidential material may divulge the content to employees specifically authorized by a commander.

S. Fictitious Illness or Injury Reports

1. An employee shall not feign illness or injury, falsely report himself ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of his health.

T. Interference with Duty

1. An employee shall not attempt to bring influence to bear on the Chief of Police for the purpose of securing promotion or reassignment, or to avoid penalties for violations of the Department's policies, rules, procedures or orders.
2. An employee shall not interfere with cases assigned to other employees for investigation without consent, except by order of a superior officer; nor shall he interfere with the operation of a division, section, or unit.



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- a. An employee shall not interfere with any lawful arrest or any prosecution brought by other police employees of the Aberdeen Police Department or by any other Department or person.
- b. An employee shall not undertake any investigation or other police action not a part of his regular police duties without first obtaining permission from his superior unless he can justify the need for his immediate intervention.
3. An employee shall not be directly or indirectly concerned with making arrangements, agreements, or compromises between a criminal and a person who has suffered from his criminal acts for the purpose of allowing the criminal to escape any punishment prescribed by law.
 - a. Any employee having knowledge of such an arrangement, agreement, or compromise shall report such to his immediate superior without delay.
4. An employee of this Department shall not reveal the identity of an employee assigned to plain clothes or covert investigative work.
 - a. An employee shall not recognize such employees unless such other member salutes or acknowledges him/her first.

U. Abuse of Process/Withholding Evidence

1. An employee shall not intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information, or make any false accusations of a criminal charge.

V. Evidence/Found and Recovered Property

1. Property which has been received as evidence in connection with investigations or which, for any other reason, comes into the custody of this Department shall be processed in accordance with established procedures.
2. An employee shall not convert to his/her own use, manufacture, tamper with, or damage through negligence, or destroy, or in any other way misappropriate any evidence or any other material or property found in connection with an investigation or other police action, except in accordance with established Department procedures.

W. Suggestions Pertaining to Services

1. An employee shall not recommend or suggest in any manner, except in the transaction of personal business and then representing himself only as a private citizen, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance or towing service, bondsman, mortician, etc.).
2. In the case of ambulance or towing service when such service is necessary and the person needing service is unable or unwilling to procure it, the employee shall proceed as a law enforcement officer in accordance with Department procedure.

X. Requests for Assistance

1. When the public requests assistance or advice, either by telephone or in person, all pertinent information will be taken in an official and courteous manner, and will be acted upon consistent with established Department procedures.



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2. Police employees of the Department shall not act in an official capacity, without authority, in any civil case, except where such action will prevent a breach of the peace or assist in quelling a disturbance.

Y. Citizen Complaints

1. An employee shall courteously and promptly accept and report any allegation or complaint made by a citizen against any employee of the Aberdeen Police Department.

Z. Neglect of Duty (12.2.1g)

1. Department employees shall be punctual in attendance to all calls, requirements of duty, court appointments, and other assignments.
2. An employee will not read, play games, watch television or movies, or engage in any activity or personal business while on duty that would cause him to neglect or be inattentive to that duty.
3. The failure of an employee to take appropriate action, either on or off duty, on the occasion of a crime, disorder, or other condition deserving police or Department administrative attention is considered neglect of duty.
4. An employee will not, without proper authorization, absent himself from his assigned place of work during his tour of duty.
5. An employee will remain awake and alert while he is on duty. If unable to do so, he will report to his superior officer, who will determine the proper course of action.
6. An employee may be authorized to suspend patrol or other assigned activity, subject to immediate recall at all times, for the purpose of having meals during his tour of duty, but only for such periods and at such times as are authorized by his supervisor.
 - a. He will inform communications of the telephone number and location when he leaves service.

AA. Use of Alcoholic Beverages

1. An employee will not drink intoxicating beverages while in uniform or while on duty unless it is necessary for the performance of his duty.
 - a. In every case where it is necessary for an employee to use intoxicating beverages while on duty, written permission must be obtained from the employee's immediate superior.
 - b. An employee given written permission to consume intoxicating beverages while on duty may not do so to the extent that his ability to perform his duty is impaired.
2. An employee will not report to work with any level of alcohol in his system.
3. Inactive-on call/Unrestricted standby/Recalled to duty
 - a. Inactive-on call - An employee ordered to an inactive-on call duty status will not consume alcoholic beverages during the time that he is on call.
 - b. Unrestricted standby - An employee who, by virtue of a written or verbal order, duty schedule, etc., is informed that he has been placed on unrestricted standby duty status and that it is expected he will be able to immediately report for duty if called, will not consume alcoholic beverages.



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c. Recalled to duty - An employee not in an inactive-on call or unrestricted duty status who has consumed alcoholic beverages and is recalled to duty will notify the supervisor on duty of his condition and will refrain from further consumption of alcoholic beverages.

1) The employee will be afforded sufficient reporting time to assure the alcohol is no longer in his system.

4. No employee will bring any intoxicating beverage into any building or quarters officially occupied by the Aberdeen Police Department, nor will he permit the same to be brought therein, except as evidence or pursuant to Department property held procedures, and excluding commercial or prescribed medication.

BB. Use of Drugs

1. An employee will not use any controlled substance, narcotic, or hallucinogen, except when prescribed in the treatment of an employee by a licensed physician or dentist.
2. When controlled substances, narcotics, or hallucinogens are prescribed, an employee will notify the Chief of Police of this fact.

CC. Treatment of Persons in Custody

1. An employee will not mistreat persons who are in his custody. He will handle persons in accordance with established Department procedures.
2. An employee will not, without proper authority, release any prisoner in his charge or, through neglect or design, allow any prisoner in his charge to escape.

DD. Use of Force

1. An employee, acting in his official capacity, will not use unnecessary or excessive force.

EE. Firearms

1. Weapons shall not be used, displayed, or handled in a careless or imprudent fashion or contrary to Aberdeen Police Department policy.

FF. Department Equipment

1. Department equipment will be used and maintained in accordance with established Department procedures and will not be abused, damaged, altered, or through negligence, lost.
 - a. An employee will not cause or contribute to the damage, abuse, alteration, or loss of any Department equipment through negligence or carelessness.
 - b. An employee may not convert to his own use or in any way misappropriate Department equipment/property.
2. Any employee deprived of his police powers will turn in all Department issued equipment designated in the order suspending his police powers.
3. Employees under suspension are not permitted to operate a Department vehicle.
4. An employee will operate an official vehicle in a careful and prudent manner, and will not through negligent or careless operation incur or cause damage to be incurred to Department property or to the property of another.



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- a. He will obey all laws of the State of Maryland and all local ordinances, and conform to all Department procedures and regulations pertaining to operation and maintenance of any Department vehicle assigned to him on a permanent or temporary basis.
 - b. An employee will at all times set a proper example for other persons by his operation of a vehicle.
5. Damage to or loss of Department equipment will be reported in conformance with Department procedure.
 6. An employee will not have any item of Department equipment repaired, adjusted, or modified without official authorization.
 7. Only employees of this Department will be permitted to operate or attempt to operate any Department owned vehicle, or use any Department issued firearm, or use any other item of property owned by the Aberdeen Police Department; however, specific exceptions to this rule may be authorized by the Chief of Police.

GG. Incompetence

1. Employees shall be held strictly responsible for the proper performance of their duties.
2. Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.
3. Employees shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department.

HH. Sexual Behavior

1. An employee will not engage in any sexual behavior while on duty.
2. An employee will not engage in any sexual contact or sexual act during any investigation involving prostitution, lewdness or any other vice crime.
3. While off duty, employees will not engage in any sexual behavior in a Department facility or while using a Department vehicle.

II. Relationships

1. Employees shall not allow personal relationships between them to interfere with the performance of their duties, and the maintaining of professional behavior.
2. Supervisors and Command Staff shall not have direct supervision of a blood relative, spouse or domestic partner, or any Department employee with whom they are intimately or romantically involved, except in the event of an emergency where other supervisory personnel are not available.
3. An employee may not be involved in a romantic or intimate relationship with a probationary employee while the employee is fully or partially responsible for the evaluation of the performance or oversight of the probationary employee.
 - a. For Supervisors and Trainers, this includes all probationary employees until the end of their probationary status.
 - b. For Field Training Officers, this extends for the duration of a probationary employee's field training assignment with the Field Training Officer.



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4. A Supervisor or Command Staff member has the responsibility to make a prohibited relationship known to his/her Supervisor or the Chief of Police.
 - a. If a prohibited relationship is reported to a Supervisor or Command Staff member, the Supervisor or Command Staff member shall report the relationship to the Chief of Police through the chain of command.
5. After being advised of a prohibited relationship, the Chief of Police shall determine the appropriate course of action.

JJ. Political Activity

1. Except as noted, all employees of the Department have the same right to engage in political activities as any other citizen.
2. Employees uncertain of the propriety of the political activity in which they desire to participate should request the assistance of the Chief of Police.
3. Unauthorized Activity
 - a. Employees of the Department may engage in any political activity not prohibited by local, State, or federal statutes.
 - b. Employees of the Department shall not use their official authority or influence for the purpose of interfering with or affecting the results of an election, or a nomination for office.
 - c. Employees of the Department shall not directly or indirectly coerce, attempt to coerce, command, or promise to reward a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for political purposes.
 - d. Employees of the Department may not engage in political activity while wearing any portion of the official issued uniform, equipment, or while using an official Department vehicle.
4. Police Officers Holding State or Local Elective or Appointed Offices for Profit
 - a. A police officer, as a public officer, is prohibited from simultaneously holding two offices of profit.
 - b. Department sworn personnel will not hold an elective or appointed office of profit at the State or local level while employed as a police officer.
 - c. Upon taking the oath of office for such a position, an employee will forfeit his position as a police officer with the Aberdeen Police Department.
 - d. An employee's involvement in political activity on the Federal level will be governed by the Hatch Act.

KK. Tobacco Use

1. The Aberdeen Police Department strives to provide a healthful working environment for all employees while considering the needs and concerns of smokers, smokeless tobacco users, and non-users.
2. Tobacco Use Rules



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Chapter 05 Rules of Conduct & Internal Affairs
Section 02 Rules of Conduct
CALEA 12.1.3, 12.2.1g, 26.1.1, 22.1.6, 22.1.8

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- a. Smoking or carrying any lighted tobacco product or the use of smokeless tobacco, such as snuff or chewing tobacco, is prohibited in the following areas:
 - 1) All buildings and facilities owned, leased, or rented by the City of Aberdeen, except for established designated areas; and
 - 2) Any Department vehicle.
3. Enforcement
 - a. All employees share responsibility for following and enforcing this policy and shall be responsible for bringing it to the attention of all Department visitors.
 - b. Any alleged non-compliance with this policy shall be reported to the on-duty supervisor.

LL. Private Litigation

1. Private litigation is the litigation between private parties where neither the Department nor any of its employees are principals.
2. Employees may privately be in agreement with one side or the other in litigation but shall maintain an atmosphere of objectivity and impartiality when interacting with the parties.
 - a. Employees shall not actively assist or provide information to one litigant and not extend the same assistance to the other.
3. Guidelines
 - a. In instances when employees have been contacted by private litigants concerning matters in which the employee may have been officially involved, the employee is under no obligation to agree to an interview or to provide information.
 - b. There is no prohibition against granting interviews or providing information.
 - 1) Interview shall be given impartially and objectively.
 - 2) Employees shall the personal opinions of an employee from the official position or opinions of the Department.
 - 3) Employees shall neither directly nor indirectly give the impression that the employee's personal opinions represent those of the Department.
 - c. Personnel receiving a summons to testify in civil litigation as a result of their employment shall notify their supervisor in writing of the date, location, and nature of that summons.



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CALEA 26.2.2, 26.2.3, 26.3.1, 26.3.3, 26.3.4, 26.3.5, 26.3.6, 26.3.8, 35.1.9a

GO 23-014, 09/06/2023
Supersedes 14-111, 18-007

A. Policy

1. The Department's Internal Affairs (IA) function investigates complaints and allegations against Department employees.
2. The Internal Affairs investigators follow procedures and guidelines in the course of responding to employee and citizen complaints that may or may not result in Internal Affairs investigations.

B. Definitions

1. Serious Physical Injury – physical injury that:
 - a. Creates a substantial risk of death; or
 - b. Causes permanent or prolonged, major:
 - (1) Disfigurement;
 - (2) Loss of the function of any bodily member or organ; or
 - (3) Impairment of the function of any bodily member or organ.
2. Unfounded – Allegations against a sworn officer are not supported by fact.

C. Internal Affairs Procedures

1. The Deputy Chief of Police is responsible for the internal affairs function. (26.2.3)
2. Internal Complaints
 - a. The Deputy Chief shall review all related reports and determine if further investigation is necessary.
 - (1) If further investigation is determined to be necessary, the Deputy Chief shall assign an Internal Affairs case number.
3. Citizen Complaints¹
 - a. All citizen complaints are investigated.
4. The Deputy Chief shall assign an IA investigator to the case that requires investigation.
5. IA investigators shall investigate alleged behavior or conduct as assigned, including but not limited to: (26.3.1b)
 - a. Excessive force;
 - b. Criminal conduct;
 - c. Deprivation of civil rights;
 - d. Corruption or dishonesty;

¹ See Policy Chapter 05.05 Public Complaints against Employees



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- e. Unlawful arrest;
 - f. Vehicle pursuits resulting in personal injury;
 - g. On-duty serious physical injury or death of an employee;
 - h. Serious physical injury or death of a person as the result of an officer's actions;
 - i. Complaints that cannot be resolved by the supervisor; and
 - j. Cases as directed by the Chief of Police.
6. Supervisors shall investigate alleged behavior or conduct including but not limited to: (26.3.1a)
- a. Rudeness;
 - b. Tardiness;
 - c. Misuse of Department property;
 - d. Unsafe driving;
 - e. Improper procedural matters; and
 - f. Any other conduct unbecoming a member of the Aberdeen Police Department, depending upon the seriousness of the allegation.

D. Notifying the Employee of a Complaint (26.3.5)

1. The assigned investigator shall inform the employee in writing that he/she has become the subject of an internal investigation.
2. Notification of Complaint (Form 79) shall state:
 - a. The employee is the subject of an internal investigation;
 - b. The details of the complaint; and
 - c. The employee's rights.

E. Keeping the Complainant Informed

1. The Deputy Chief or designee shall:
 - a. Within 72 hours of the Department's having received a complaint, notify the complainant to verify the complaint was received; (26.3.4a)
 - b. Send status reports to the complainant 30 days after the complaint was received, and every 30 days thereafter, until the investigation is brought to conclusion; and (26.3.4b)
 - c. Notify the complainant when the investigation is concluded, including: (26.3.4c)
 - (1) The outcome of the complaint within 72 hours of a disposition; and
 - (2) Any discipline imposed, in accordance with established confidentiality policies and any applicable law.

F. IA Investigation Procedures

1. The assigned investigator shall personally interview the complainant and record all possible identifiers.



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- a. Who, what, when, where, why and how, should be precisely addressed.
- b. Formal tape-recorded statements of the complainant's interview should be taken whenever possible.
2. The investigator shall obtain a detailed report from the employee, if necessary.
3. The investigator shall give the employee the opportunity to consult with counsel or other responsible representative of his/her choice prior to submitting the report.
4. A supervisor may obtain additional information when needed and prepare a report or an endorsement to the employee's report assessing essential facts and identifying potential chargeable violations.
5. The investigator shall personally interview all witnesses involved in the matter under investigation, whenever possible and, depending on the type or severity of the complaint, obtain recorded statements.
6. The investigator shall review Department Records including but not limited to:
 - a. Incident Report;
 - b. Arrest Reports;
 - c. Incident Reports;
 - d. Department Logs - Radio, Telephone, etc.;
 - e. Patrol Schedules;
 - f. Personnel Records; and
 - g. Field Observation Reports.
7. The investigator shall review Non-Department Records including but not limited to:
 - a. Reports from Other Police Departments;
 - b. Hospital Records;
 - c. Physicians Reports;
 - d. Jail Records;
 - e. Court Transcripts; and
 - f. All original reports, Department records, and related documents relevant to the investigation:
 - (1) Written permission or a subpoena may be required to obtain certain records, e.g. physician, hospital;
 - (2) Where written permission is required, the individual whose records are desired will be requested to complete an Authorization Release of Information (APD Form 30); and
 - (3) A copy of all documents obtained by the investigator under this subsection will remain with the original case file.



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8. Physical Evidence
 - a. An employee under investigation may be required, upon the specific approval of the Deputy Chief or other Command-level officer, to submit to special examinations at the Department's expense, including but not limited to:
 - (1) Medical or laboratory examinations at the Department's expense; (26.3.6a)
 - (2) Submit to blood alcohol test, blood, and breath or urine test;
 - (3) Allowing to be photographed; (26.3.6b)
 - (4) Allowing to be audio or video recorded; (26.3.6c)
 - (5) Participate in a line-up or show-up; (26.3.6d)
 - (6) Submit financial disclosure statements; and (26.3.6e)
 - (7) Submit to a polygraph examination. (26.3.6f)
 - b. Clothing:
 - (1) Accepted investigative techniques shall be followed;
 - (2) When the officer is the victim, damaged uniforms or Department equipment should be preserved.
 - c. Documents and records:
 - (1) Motor Vehicle Administration;
 - (2) Telephone Bills;
 - (3) State Licenses; i.e., real estate, medical, banking, etc.;
 - (4) Search warrants and affidavits; and
 - (5) Department Records.
 - d. Recent Photographs of:
 - (1) Complainant
 - (2) Employee: (26.3.6b)
 - (a) A six-photo spread for identification of Department employee; and
 - (3) The scene if it is considered necessary.
9. Polygraph (26.3.6e)
 - a. Employees may voluntarily submit to polygraph examinations.
 - b. Employees may be ordered to submit to polygraph examinations.
10. Sketches - May be appropriate to supplement photographs.
11. Statements – Investigators shall preserve statements as evidence.
 - a. Department employees subject to interrogation – Investigators shall notify in writing of the nature of the investigation before any interrogation.



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- b. Department employees may be required to submit reports to investigators detailing the facts concerning their involvement in an incident.
 - (1) When an employee of the Department is required to submit a detailed report concerning an incident in which the employee is alleged to have been involved and the authority ordering the report knows or should have known, the report is likely to contain information that may be used as evidence against the employee in a disciplinary hearing, the report is considered a form of interrogation.
 - c. The investigator ordering the report shall, at the time of the order, provide the employee with a completed copy of Notification of Complaint (APD Form 79) and allow sufficient time for the employee to consult with counsel or other responsible representative of his choice prior to submitting the report.
 - (1) The Form 79 shall clearly state that the recipient is the subject of an investigation, and clearly include the nature of the investigation.
 - (2) The investigator shall attach the original Form 79 to the Report of Investigation.
 - d. If the investigator ordering the report has reason to believe that criminal charges could be brought against the employee, then the investigator shall, at the time of the order, also provide the employee with an Explanation of Miranda Rights.
 - (1) The original of this form will be attached to the report of investigation concerning the incident.
12. All evidence regarding firearms will be treated in accordance with established procedures. If a weapon is used by an employee, the following should be determined:
- a. Is it an approved weapon?
 - (1) Department issue
 - (2) Primary or secondary weapon
 - b. Is the ammunition Department approved?
 - c. Condition of the weapon
 - (1) Complete description of weapon; i.e. make, model, caliber, serial number, etc.
 - d. Was the officer qualified to use that particular weapon?

G. Administrative Investigations

1. The following procedure will govern the submission of reports and notifications in administrative investigations:
 - a. Written Report from the accused employee
 - (1) The Deputy Chief may order the accused employee to submit a detailed written report stating the facts concerning the employee's involvement in the incident where the incident is related specifically, directly, and narrowly to the performance of the employee's official duties.
 - b. Notification of Complaint/Waiver of Rights (Form 79)



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- (1) The Deputy Chief shall give the accused employee the notification form:
 - (a) When the employee is ordered to submit the detailed written report about the incident; and
 - (b) If the Deputy Chief or designee ordering the report knows or should have known, that the report is likely to contain information which may be used as evidence against the employee in a disciplinary hearing.
 - (c) The Form 79 should clearly state that the recipient is the subject of an investigation, and clearly include the nature of the investigation.
 - (d) These criteria do not apply to the submission of procedural reports required by Department standard operating procedure, rule or policy.
- (2) The investigator shall attach the original of Form 79 to the report of investigation.

H. Records and Files

1. Investigators' reports shall comprehensively, accurately, and clearly document the case for the Chief of Police and, for citizen complaints, the Administrative Charging Committee (see *Ch 05.05 Public Complaints against Personnel*).
2. The completed investigation case file will be compiled in the following manner:
 - a. Blue Team Entry;
 - b. Internal Affairs Report (APD Form 86); and
 - c. Report of Investigation;
 - (1) The Investigator shall include in the report a "conclusion of fact" for each investigation into allegation of misconduct. (26.3.8)
 - d. Appendices:
 - (1) Statement of complainant, if different from that of the victim.
 - (2) Statement of victim, if different from that of the complainant.
 - (3) Statements of witnesses.
 - (4) Notification of Complaint, Form 79, if applicable.
 - (5) Detailed Report.
 - (6) Explanation of "Miranda" Rights if applicable.
 - (7) Other statements/detailed reports.
 - (8) Additional Exhibits - photographs, diagrams, charts, etc.

I. Investigation Time Limits (26.3.3)

1. Investigation Time Limits
 - a. The Chief of Police shall designate to the CID Commander the responsibility to ensure when possible that internal affairs investigations are completed by 90 days after the complaint is received.



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- b. If an investigation is not completed within 90 days, the CID Command shall submit a written report to the Chief of Police within 5 days after the 90 days have passed, and every 30 days, or as directed by the Deputy Chief, until the investigation is completed.
 - (1) The CID Commander shall describe in the report all the details of the investigation and detailed explanations for exceeding the time limit.

J. Complaint Records

1. The CID Commander shall securely maintain a record of all complaints against the Department or employees. (26.2.2)
2. IAU Case Ledger
 - a. The CID Commander shall record all complaints in the IAU (Internal Affairs Unit) Case Ledger.
 - b. The information in the ledger shall include but not be limited to:
 - (1) Case Number;
 - (2) Date(s) of Incident;
 - (3) Date Received; (26.3.3)
 - (4) Officer or Non-Sworn Employee;
 - (5) Date Assigned;
 - (6) Investigator;
 - (7) Date Investigation Concluded; (26.3.3)
 - (8) Complainant's Name (or anonymous); (26.2.1)
 - (9) Bias Based Incident (Yes or No);
 - (10) Charge;
 - (11) Disposition; and
 - (12) Punishment.
 - c. The Deputy Chief shall submit the sustained internal investigation documentation to the CID Commander for the PEIS. (35.1.9a)

K. Expungement of Files

1. The CID Commander may expunge any record of a formal complaint if:
 - a. The officer has been exonerated of all charges in the complaint or the charges are determined to be unsustainable or unfounded; and
 - b. Three years have passed since the findings were rendered; and
 - c. The officer has submitted a written request to expunge the record.

L. Publicizing the Complaint Process

1. The process for submitting citizen complaints and the timeframe for outcomes shall be:
 - a. Posted on the Department's website; and



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- b. In the form of a brochure, placed in the Department lobby and distributed at Department community policing events.



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Section 04 Internal Complaints Against Personnel
CALEA 26.2.1, 26.3.2, 26.3.4a, 35.1.9a

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A. Policy

1. Employees may submit complaints against other employees, and this Department has a duty to investigate thoroughly: (26.2.1)
 - a. All allegations of involvement in criminal activity or misconduct by its employees;
 - b. All suspected violations of *Department Policies and Procedures*, other policies and procedures, and all complaints directed against employees; and
 - c. Allegations, including anonymous complaints, against employees. (26.2.1)

B. Submitting a Complaint

1. An employee may submit a complaint against another Department employee of higher or lower rank or classification by entering the complaint into Blue Team.

C. Employee Complaint Processing

1. The Deputy Chief and Chief of Police will receive notification from Blue Team that an internal complaint has been submitted. (26.3.2)
2. The Deputy Chief shall review the Report and, within 72 hours after receipt of the complaint, shall:
 - a. Assign the complaint to Internal Affairs or a supervisor; and
 - b. Notify the complainant that the complaint was received and is assigned to an investigator. (26.3.4a)
3. Internal Affairs or an investigating supervisor shall investigate the complaint according to *Policy Ch 05.3 Internal Affairs and Internal Investigations*.



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A. Policy

1. The Aberdeen Police Department has a duty to investigate thoroughly:
 - a. All allegations of involvement in criminal activity or misconduct by its employees;
 - b. All suspected violations of *Department Policies and Procedures*, other policies and procedures, and all complaints directed against employees; and
 - c. Allegations, including anonymous complaints, against employees.

B. Publicizing the Complaint Process

1. The process for submitting citizen complaints and the timeframe for outcomes shall be:
 - a. Posted on the Department's website; and
 - b. In the form of a brochure, placed in the Department lobby and distributed at Department community policing events.

C. Definitions¹

1. **Administratively Charged** – A sworn officer has been formally accused of misconduct in an administrative proceeding.
2. **Administrative Hearing Board (Hearing Board)²** – Adjudicates select matters for which a sworn officer is subject to discipline resulting from a public complaint. Members of the Harford County Hearing Board include:
 - a. An actively serving or retired administrative law judge appointed by the Chief Administrative Law Judge of the Maryland Office of Administrative Hearings;
 - b. A civilian who is not a member of an administrative charging committee or the Maryland Police Training and Standards Commission, appointed by the police accountability board for the county where the alleged misconduct occurred; and
 - c. A police officer of equal rank to the police officer who is accused of misconduct appointed by the head of the law enforcement agency.
3. **BlueTeam** – Web-based application to document and monitor pre-determined incidents to include, but not limited to citizen/external complaints, internal complaints, firearm discharges, use of force incidents, show of force incidents, vehicle pursuits and departmental collisions.
4. **Disciplinary Matrix** – A written, consistent, progressive, and transparent tool or rubric that provides ranges of disciplinary actions for several types of misconduct.
5. **Exonerated** – A sworn officer acted in accordance with the law and Department policy.

¹ APPENDIX A – Md. Code, Pub. Safety §3-101 – Definitions

² APPENDIX B – Md. Code, Pub. Safety §3-106 – Trial Board



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6. **Harford County Police Accountability Board (PAB)³** – Civilian Board with the following basic duties:
 - a. Receives complaints of police misconduct filed by members of the public;
 - b. Reviews outcomes of discipline considered by the Harford County Administrative Charging Committee;
 - c. Submits an annual report to the County Executive that:
 - 1) Identifies trends in the disciplinary process of officers in the county; and
 - 2) Recommends any changes to improve policy.
7. **Harford County Administrative Charging Committee (ACC)⁴** – Civilian Committee within the PAB with the following duties:
 - a. Reviews the findings of Internal Affairs;
 - b. Determine whether the officer shall be administratively charged or not administratively charged; and
 - c. Recommend discipline if complaint is sustained.
8. **Not Administratively Charged** - A determination not to administratively charge a law enforcement officer in connection with alleged misconduct.
9. **Police Misconduct** – A pattern, a practice, or conduct by a sworn officer or law enforcement agency that includes:
 - a. Depriving persons of rights protected by the constitution or laws of the State or the United States;
 - b. A violation of a criminal statute; and
 - c. A violation of law enforcement agency standards and policies.
10. **Sustained** – Allegations against a sworn officer are supported by fact.
11. **Unsustained** – Allegations against a sworn officer are not supported by fact.

D. Citizen Complaint Submission Procedure

1. When a member of the public (citizen) wishes to submit a complaint of misconduct against a sworn officer (officer) the citizen may deliver the complaint to:
 - a. The Department; or
 - b. The Harford County Police Accountability Board (PAB).
2. The citizen may deliver the complaint to this Department:
 - a. In person;

³ APPENDIX C – Md. Code, Pub. Safety §3-102 – Police Accountability Board, (a)

⁴ APPENDIX C – Police Accountability Board, (e)(1)



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- b. In writing;
 - c. By email (iau@aberdeenmd.gov, received by the Deputy Chief); or
 - d. By telephone call.
3. The complaint must include:
- a. The name of the officer accused of misconduct;
 - b. A description of the facts on which the complaint is based; and
 - c. Contact information of the complainant or person filing on behalf of the complainant, if possible, for the Department's investigative follow-up and if the person wishes to be notified. (26.2.1)
 - d. A notarized complaint is not required.
4. The complaint may be anonymous. (26.2.1)

E. Receiving Complaints

1. The Filing Date is the date the Department or the PAB received the complaint directly from the citizen.
2. **Received from the Harford County Police Accountability Board (PAB)**
 - a. The Deputy Chief shall receive the complaint from the PAB and review the complaint. (26.3.2)
 - b. The Chief of Police or designee shall notify the citizen immediately, through email, telephone (documented), or letter, to verify that the Chief received the complaint from the PAB³. (26.3.4a)
3. **Received directly from the Citizen**
 - a. Receiving Supervisors shall enter all complaints into Blue Team.
 - b. The Officer in Charge (supervisor) or designee shall manage the in-person and telephone complaints at the time the complaint is lodged.
 - 1) The officer shall manage the complaint in a neutral manner with no attempts to influence the complainant negatively⁵.
 - c. The Receiving Supervisor shall:
 - 1) Enter the complaint in a Blue Team complaint report;
 - 2) Complete a Form 75 – Complaint Against Personnel Report; and
 - 3) Attach the form to Blue Team; and
 - 4) Notify the Chief of Police that a complaint was received and is entered in Blue Team. (26.3.2)

⁵ APPENDIX D – MPTSC Uniform Citizen Complaint Process PSA 3-207(F)



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- d. The Chief of Police shall receive and review the complaint. (26.3.2)
- e. The Chief of Police or designee shall notify the citizen within 72 hours⁶, through email, telephone (documented), or letter, to verify that the Chief received the complaint. (26.3.4a)
 - 1) The Chief or designee shall document that the citizen was notified through email, telephone, or letter.

F. Processing Complaints

- 1. The Chief of Police shall immediately:
 - a. Record on the complaint document:
 - 1) The date received; and
 - 2) Whether the complaint was received directly from the citizen or directly from the PAB/ACC.
 - b. Record on the document the filing date:
 - 1) Date the Department received the complaint directly from the citizen; or
 - 2) Date the PAB/ACC received the complaint directly from the citizen.

G. Department Complainant's Rights Advocate⁷

- 1. The Chief of Police shall appoint a Complainant's Rights Advocate (Advocate).
- 2. The Complainant's Rights Advocate shall:
 - a. Be the point of contact for public inquiries about police misconduct;
 - b. Track the process and maintain the Citizen's Complaints database.
 - c. Contact the complainant and keep the complainant up to date with the process.
- 3. The Advocate shall explain to a complainant:
 - a. The complaint, investigation, administrative charging committee, and trial board process;
 - b. Any decision to terminate the investigation;
 - c. The administrative charging committee's decision of administratively charged, not administratively charged, unfounded, or exonerated; and
 - d. The trial board's decision.
- 4. Provide the complainant with an opportunity to review a police officer's statement, if any, before completion of an investigation by the Internal Affairs function;
- 5. Notify the complainant about the status of the case at every stage of the process; and

⁶ APPENDIX E – Md. Code, Pub. Safety §3-104 – County Administrative Charging Committee

⁷ APPENDIX F – Md. Code, Pub. Safety §3-108a – Victim's Rights Advocate



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6. Submit a case summary to the complainant within 30 days after final disposition of the case.

H. Citizen Complaints Database⁸

1. The Department shall have a database to enter the latest activities of the:
 - a. Investigation;
 - b. Charging;
 - c. Offer of discipline;
 - d. Trial board;
 - e. Ultimate discipline, and
 - f. Appeal.
2. The Complainant shall be able to access the database with the complainant's case number to allow the complainant to follow the status of the case as it proceeds through each step in the process.

I. Internal Investigation

1. The internal investigation is described in detail in *Ch 05.03 Internal Affairs and Internal Investigations*.
2. The investigation time limit for citizen complaints against officers is 90 days from the date the complaint was filed. (Refer to E.1.b. of this policy.) (26.3.3)
 - a. The Chief may grant an extension of up to 90 more days.

J. Internal Investigation Concluded

1. The investigator shall state at the conclusion of the investigation whether the complaint was sustained or unsustained.
2. The investigator shall submit the investigative documents, videos, and evidence to the Deputy Chief.
3. The Deputy Chief shall review the investigative contents, and after approval, submit the package within 2 days of the investigation's conclusion to the Chief of Police.
4. The Chief of Police or designee shall submit the Internal Affairs report with findings sustained or unsustained to the Administrative Charging Committee (ACC) within 3 days after Internal Affairs completed the investigation.

K. ACC Receives Department's Concluded Investigation

1. The ACC will study the investigative file, interviews, body camera footage, and other materials.

⁸ APPENDIX F – Md. Code, Pub. Safety §3-108b – Victim's Rights Advocate



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- a. If the ACC determines that administrative charges should be filed, the ACC shall make a recommendation in accordance with the Statewide Disciplinary Matrix⁹.
2. The ACC's recommendations will be completed within one year and one day after the Department has received the complaint.
3. The ACC will submit to the Chief of Police their findings and any recommended charges.

L. Department's Disposition Process¹⁰

1. The Chief of Police shall review the ACC's recommended charges.
2. The Chief may offer the same discipline that was recommended by the ACC or may select a higher degree of discipline within the applicable range of the disciplinary matrix.
 - a. The Chief shall not deviate below the discipline recommended by the ACC.
3. The Chief shall offer the discipline to the officer within 15 days after the ACC issued the original charge against the officer.
4. If the officer accepts the Chief's offer of discipline, then the Chief shall impose the discipline.
5. If the police officer does not accept the chief's offer of discipline, then the officer may appeal the decision. (26.1.6)
 - a. The Chief shall refer the case to an Administrative Hearing Board¹¹.
6. At least 30 days before a Hearing Board proceeding begins, the Deputy Chief shall have the charged officer:
 - a. Provided with a copy of the investigatory record;
 - b. Notified of the charges against the police officer; and
 - c. Notified of the disciplinary action being recommended.
7. After the administrative hearing:
 - a. Within 45 days after the final hearing, the Hearing Board shall issue a written decision reflecting the findings, conclusions, and recommendations by the majority of the hearing board.
 - b. The hearing board's decision is final unless appealed.
 - c. Within 30 days after the date of issuance of a decision of a Hearing Board, the officer may appeal the decision to the circuit court of Harford County. (26.1.6)
 - 1) The Department shall document the appeal.

⁹ See *Department Policies & Procedures Chapter 05.17 Disciplinary Matrix*

¹⁰ APPENDIX G – Md. Code, Pub. Safety §3-105 – Adoption of Uniform Disciplinary Matrix

¹¹ See *Department Policies & Procedures Chapter 05.18 Administrative Hearing Board*



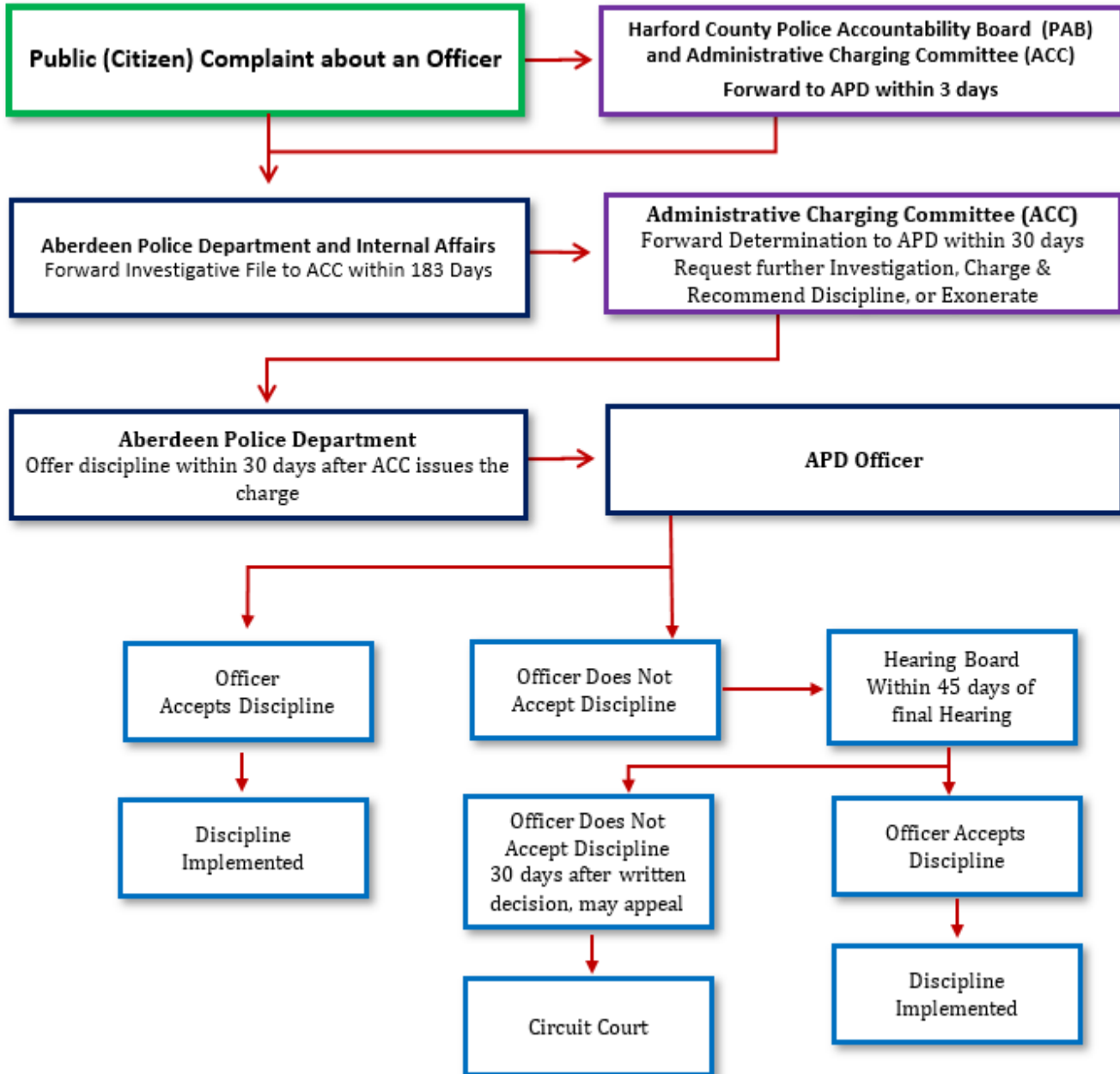
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M. Summary of the Process (26.3.3)





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APPENDIX A

Md. Code, Pub. Safety §3-101 – Definitions

- (a) In this title the following words have the meanings indicated.
- (b) "Administratively charged" means that a police officer has been formally accused of misconduct in an administrative proceeding.
- (c) "Disciplinary matrix" means a written, consistent, progressive, and transparent tool or rubric that provides ranges of disciplinary actions for different types of misconduct.
- (d) "Exonerated" means that a police officer acted in accordance with the law and agency policy.
- (e) "Law enforcement agency" has the meaning stated in § 3-201 of this title.
- (f) "Not administratively charged" means that a determination has been made not to administratively charge a police officer in connection with alleged misconduct.
- (g) "Police misconduct" means a pattern, a practice, or conduct by a police officer or law enforcement agency that includes:
 - (1) depriving persons of rights protected by the constitution or laws of the State or the United States;
 - (2) a violation of a criminal statute; and
 - (3) a violation of law enforcement agency standards and policies.
- (h) "Police officer" has the meaning stated in § 3-201 of this title.
- (i) "Serious physical injury" has the meaning stated in § 3-201 of the Criminal Law Article.
- (j) "Superior governmental authority" means the governing body that oversees a law enforcement agency.
- (k) "Unfounded" means that the allegations against a police officer are not supported by fact.



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APPENDIX B

Md. Code, Pub. Safety §3-106 – Trial Board

(2 pages)

(a)

- (1) Except as provided in paragraph (2) of this subsection, each law enforcement agency shall establish a trial board process in accordance with this section to adjudicate all matters for which a police officer is subject to discipline.
- (2) A small law enforcement agency may use the trial board process of another law enforcement agency by mutual agreement.

(b) (1) Except as provided in paragraph (2) of this subsection, a trial board shall be composed of:

- (i) an actively serving or retired administrative law judge or a retired judge of the District Court or a circuit court, appointed by the chief executive officer of the county;
- (ii) a civilian who is not a member of an administrative charging committee, appointed by the county's police accountability board; and
- (iii) a police officer of equal rank to the police officer who is accused of misconduct appointed by the head of the law enforcement agency.

(2)

- (i) This paragraph may not be construed to apply to the Baltimore Police Department.
- (ii) A trial board for a statewide or bi-county law enforcement agency shall be composed of:
 1. an actively serving or retired administrative law judge appointed by the Chief Administrative Law Judge of the Maryland Office of Administrative Hearings;
 2. a civilian who is not a member of an administrative charging committee or the Maryland Police Training and Standards Commission, appointed by the police accountability board for the county where the alleged misconduct occurred; and
 3. a police officer of equal rank to the police officer who is accused of misconduct appointed by the head of the law enforcement agency.

(c) The actively serving or retired administrative law judge or the retired judge of the District Court or a circuit court shall:

- (1) be the chair of the trial board;
- (2) be responsible for ruling on all motions before the trial board; and
- (3) prepare the written decision of the trial board, including the findings, conclusions, and recommendations of the trial board.

(d) Before serving as a member of a trial board, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

(e) Proceedings of a trial board shall be open to the public, except to protect:

- (1) a victim's identity;
- (2) the personal privacy of an individual;



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Md. Code, Pub. Safety §3-106 – Trial Board

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- (3) a child witness;
 - (4) medical records;
 - (5) the identity of a confidential source;
 - (6) an investigative technique or procedure; or
 - (7) the life or physical safety of an individual.
- (f) A trial board may administer oaths and issue subpoenas as necessary to complete its work.
- (g) A complainant has the right to be notified of a trial board hearing and, except as provided in subsection (e) of this section, the right to attend a trial board hearing.
- (h) Except as otherwise provided in this subtitle, a law enforcement agency has the burden of proof by a preponderance of the evidence in any proceeding under this subtitle.
- (i) A police officer may be disciplined only for cause.
- (j) Within 45 days after the final hearing by a trial board, the trial board shall issue a written decision reflecting the findings, conclusions, and recommendations of a majority of the trial board.
- (k)
- (1) Within 30 days after the date of issuance of a decision of a trial board, the decision may be appealed by the police officer:
 - (i) if the trial board is from a local law enforcement agency to the circuit court of the county in which the law enforcement agency is located;
 - (ii) if the trial board is from a bi-county law enforcement agency to a circuit court in a county in which the incident that gave rise to the disciplinary proceeding occurred; and
 - (iii) if the trial board is from a statewide law enforcement agency to the Circuit Court for Anne Arundel County.
 - (2) An appeal taken under this subsection shall be on the record.
- (l) A trial board decision is final unless appealed by a police officer under subsection (k) of this section.



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APPENDIX C

Md. Code, Pub. Safety §3-102 - Police Accountability Board

(2 Pages)

(a) Each county shall have a police accountability board to:

- (1) hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing;
- (2) appoint civilian members to charging committees and trial boards;
- (3) receive complaints of police misconduct filed by members of the public; and
- (4)
 - (i) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and
 - (ii) on or before December 31 each year, submit a report to the governing body of the county that:
 1. identifies any trends in the disciplinary process of police officers in the county; and
 2. makes recommendations on changes to policy that would improve police accountability in the county.

(b)

(1)

- (i) Subject to subparagraph (ii) of this paragraph, the local governing body shall:
 1. establish the membership of a police accountability board;
 2. establish the budget and staff for a police accountability board;
 3. appoint a chair of the police accountability board who has relevant experience to the position; and
 4. establish the procedures for record keeping by a police accountability board.
- (ii) An active police officer may not be a member of a police accountability board.

(2) To the extent practicable, the membership of a police accountability board shall reflect the racial, gender, and cultural diversity of the county.

(c)

- (1) A complaint of police misconduct filed with a police accountability board shall include:
 - (i) the name of the police officer accused of misconduct;
 - (ii) a description of the facts on which the complaint is based; and
 - (iii) contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.
- (2) A complaint need not be notarized.

(d) A complaint of police misconduct filed with a police accountability board shall be forwarded to the appropriate law enforcement agency within 3 days after receipt by the board.



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APPENDIX C

Md. Code, Pub. Safety §3-102 - Police Accountability Board

(2 Pages)

- (1) Each county shall have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county.
- (2) A county administrative charging committee shall be composed of:
 - (i) the chair of the county's police accountability board, or another member of the accountability board designated by the chair of the accountability board;
 - (ii) two civilian members selected by the county's police accountability board; and
 - (iii) two civilian members selected by the chief executive officer of the county.
- (e)
 - (1) There shall be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies.
 - (2) A statewide administrative charging committee shall be composed of:
 - (i) three civilian members appointed by the Governor;
 - (ii) one civilian member appointed by the President of the Senate; and
 - (iii) one civilian member appointed by the Speaker of the House.
 - (f) Before serving as a member of an administrative charging committee, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.
 - (g) On completion of an investigation of a complaint of police misconduct involving a member of the public and a police officer, regardless of whether the complaint originated from within the law enforcement agency or from an external source, the law enforcement agency shall forward to the appropriate administrative charging committee the investigatory files for the matter.
 - (h) An administrative charging committee shall:
 - (1) review the findings of a law enforcement agency's investigation conducted and forwarded in accordance with subsection (d) of this section;
 - (2) make a determination that the police officer who is subject to investigation shall be:
 - (i) administratively charged; or
 - (ii) not administratively charged;
 - (3) if the police officer is charged, recommend discipline in accordance with the law enforcement agency's disciplinary matrix established in accordance with § 3-105 of this subtitle;
 - (4) review any body camera footage that may be relevant to the matters covered in the complaint of misconduct;
 - (5) authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative;
 - (6) issue a written opinion that describes in detail its findings, determinations, and recommendations; and
 - (7) forward the written opinion to the chief of the law enforcement agency, the police officer, and



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the complainant.

- (i) In executing its duties in accordance with subsection (e) of this section, an administrative charging committee may:
 - (1) request information or action from the law enforcement agency that conducted the investigation, including requiring additional investigation and the issuance of subpoenas;
 - (2) if the police officer is not administratively charged, make a determination that:
 - (i) the allegations against the police officer are unfounded; or
 - (ii) the police officer is exonerated; and
 - (3) record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.
- (j) An administrative charging committee shall meet once per month or as needed.
- (k) A member of an administrative charging committee shall maintain confidentiality relating to a matter being considered by the administrative charging committee until final disposition of the matter.

APPENDIX D

Maryland Police Training And Standards Commission Uniform Citizen Complaint Process (PSA 3-207(F))

The 2016 Maryland Legislature, within HB 1016, tasked the Maryland Police Training and Standards Commission (PTSC) with developing a uniform citizen complaint process to be adopted by all Maryland police agencies.

The PTSC at its January 8, 2019, meeting adopted the following requirements that need to be incorporated into each law enforcement agency's Uniform Citizen Complaint Process:

Each law enforcement agency shall have a citizen complaint process.

Citizens may make complaints in person, by telephone, or via email.

Citizens making complaints shall be required to provide a name, mailing address, and phone number or email if they wish to receive notifications.

In person and telephone complaints will be handled by the officer in charge at the time the complaint is lodged. Complaints will be handled in a neutral manner with no attempts to influence the complainant in a negative manner.

Agency policy should establish that email complaints be directed to a specific individual or position within the agency and not to a general email box.

Citizens should receive an initial response to their complaints within 72 hours.

In the event of an investigation, citizens will receive updates to their complaints a minimum of one time per (week/month) until the complaint is resolved.

The agency will notify the complainant of the outcome of the complaint within 72 hours of a disposition, including any discipline imposed in accordance with established confidentiality policies



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and any applicable law.

The process for filing citizen complaints and a timeframe for outcomes will be posted in a public area of each agency and on the agency's website if it maintains one.



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APPENDIX E

Md. Code, Pub. Safety §3-104 – County Administrative Charging Committee

(2 Pages)

(a)

- (1) Each county shall have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county.
- (2) A county administrative charging committee shall be composed of:
 - (i) the chair of the county's police accountability board, or another member of the accountability board designated by the chair of the accountability board;
 - (ii) two civilian members selected by the county's police accountability board; and
 - (iii) two civilian members selected by the chief executive officer of the county.

(b)

- (1) There shall be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies.
- (2) A statewide administrative charging committee shall be composed of:
 - (i) three civilian members appointed by the Governor;
 - (ii) one civilian member appointed by the President of the Senate; and
 - (iii) one civilian member appointed by the Speaker of the House.
- (c) Before serving as a member of an administrative charging committee, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.
- (d) On completion of an investigation of a complaint of police misconduct involving a member of the public and a police officer, regardless of whether the complaint originated from within the law enforcement agency or from an external source, the law enforcement agency shall forward to the appropriate administrative charging committee the investigatory files for the matter.

(e) An administrative charging committee shall:

- (1) review the findings of a law enforcement agency's investigation conducted and forwarded in accordance with subsection (d) of this section;
- (2) make a determination that the police officer who is subject to investigation shall be:
 - (i) administratively charged; or
 - (ii) not administratively charged;
- (3) if the police officer is charged, recommend discipline in accordance with the law enforcement agency's disciplinary matrix established in accordance with § 3-105 of this subtitle;
- (4) review any body camera footage that may be relevant to the matters covered in the complaint of misconduct;
- (5) authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative;
- (6) issue a written opinion that describes in detail its findings, determinations, and recommendations; and



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Md. Code, Pub. Safety §3-104 – County Administrative Charging Committee

(2 Pages)

- (7) forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant.
- (f) In executing its duties in accordance with subsection (e) of this section, an administrative charging committee may:
 - (1) request information or action from the law enforcement agency that conducted the investigation, including requiring additional investigation and the issuance of subpoenas;
 - (2) if the police officer is not administratively charged, make a determination that:
 - (i) the allegations against the police officer are unfounded; or
 - (ii) the police officer is exonerated; and
 - (3) record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.
- (g) An administrative charging committee shall meet once per month or as needed.
- (h) A member of an administrative charging committee shall maintain confidentiality relating to a matter being considered by the administrative charging committee until final disposition of the matter.



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APPENDIX F

Md. Code, Pub. Safety §3-108 - Victim's Rights Advocate

(a)

(1) A law enforcement agency shall designate an employee as a victims' rights advocate to act as the contact for the public within the agency on matters related to police misconduct.

(2) A victims' rights advocate shall:

(i) explain to a complainant:

1. the complaint, investigation, administrative charging committee, and trial board process;
2. any decision to terminate an investigation;
3. an administrative charging committee's decision of administratively charged, not administratively charged, unfounded, or exonerated; and
4. a trial board's decision;

(ii) provide a complainant with an opportunity to review a police officer's statement, if any, before completion of an investigation by a law enforcement agency's investigative unit;

(iii) notify a complainant of the status of the case at every stage of the process; and

(iv) provide a case summary to a complainant within 30 days after final disposition of the case.

(b) Each law enforcement agency shall create a database that enables a complainant to enter the complainant's case number to follow the status of the case as it proceeds through:

- (1) investigation;
- (2) charging;
- (3) offer of discipline;
- (4) trial board;
- (5) ultimate discipline; and
- (6) appeal.



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APPENDIX G

Md. Code, Pub. Safety §3-105 - Adoption of Model Uniform Disciplinary Matrix

- (a) The Maryland Police Training and Standards Commission shall develop and adopt, by regulation, a model uniform disciplinary matrix for use by each law enforcement agency in the State.
- (b) Each law enforcement agency shall adopt the uniform State disciplinary matrix for all matters that may result in discipline of a police officer.
- (c)
 - (1) Within 15 days after an administrative charging committee issues an administrative charge against a police officer, the chief of the law enforcement agency shall offer discipline to the police officer who has been administratively charged in accordance with the disciplinary matrix.
 - (2) The chief may offer the same discipline that was recommended by the administrative charging committee or a higher degree of discipline within the applicable range of the disciplinary matrix but may not deviate below the discipline recommended by the administrative charging committee.
 - (3) If the police officer accepts the chief's offer of discipline, then the offered discipline shall be imposed.
 - (4) If the police officer does not accept the chief's offer of discipline, then the matter shall be referred to a trial board.
 - (5) At least 30 days before a trial board proceeding begins, the police officer shall be:
 - (i) provided a copy of the investigatory record;
 - (ii) notified of the charges against the police officer; and
 - (iii) notified of the disciplinary action being recommended.



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Chapter 05 Rules of Conduct & Internal Affairs
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A. Policy

1. This Department has adopted the Maryland Statewide Police Disciplinary Matrix¹ which applies disciplinary standards—resulting from citizen complaints—in a fair, equitable, and consistent manner.

B. Definitions

1. **Aggravating Factors** – Conditions or events related to the violation that increase the seriousness of the violation and may increase the degree of penalty. Examples of aggravating factors include, but are not limited to, the following:
 - a. The officer’s prior disciplinary history;
 - b. The officer’s prior negative work history, including non-disciplinary corrective action;
 - c. The officer’s rank;
 - d. The violation was committed willfully or for personal gain;
 - e. The officer’s efforts to conceal the violation, or to be untruthful or dishonest;
 - f. The officer’s failure to cooperate with the investigation into the alleged misconduct;
 - g. The violation was retaliatory in nature;
 - h. The violation or behavior was motivated by bias against a member or group of a protected class under the State’s hate crimes law²,
 - 1) The officer’s expressed unwillingness to comply with policy, tactics, or performance standards;
 - i. The impact of the violation on the community or the department's ability to carry out its mission;
 - j. The degree to which the violation caused or could have caused the loss of life or injury; and
 - k. The degree to which the violation caused loss or damage to public or private property.
 - 1) Certain aggravating factors might constitute additional violations of policy associated with separate, higher, ranges of discipline.
 - 2) For example, “efforts to conceal” even a minor violation may themselves constitute separate ethics/honesty violations subject to a higher range of discipline (e.g., lying or destroying/falsifying evidence to conceal a minor violation).
2. **Disciplinary Matrix** –
 - a. A written, consistent, progressive, and transparent tool or rubric that provides ranges of disciplinary actions for several types of misconduct³.

¹ Md. Code, Pub. Safety §3-105 – Adoption of Uniform Disciplinary Matrix – APPENDIX A

² Md. Code, Pub. Safety § 10-304 – Harassment, Destruction of Property – APPENDIX B

³ Md. Code, Pub. Safety § 3-101 – Definitions – APPENDIX C



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- b. All matters of discipline in this Matrix will be imposed as a result of a sustained disposition from an administrative investigation into an officer's misconduct.
3. **Formal Written Counseling (FWC)** – A form of counseling given to employees who have violated Department policy.
 - a. FWC is the least severe form of disciplinary action, serving as a warning for violations.
 - b. Further violations of the same or similar conduct may result in more severe discipline.
 - c. A copy of the formal written counseling shall be placed in the officer's disciplinary file.
4. **Letter of Reprimand** – A formal letter to an officer from the Department which details the officer's wrongful actions and states their actions have been deemed inappropriate or unacceptable.
 - a. Further violations of the same or similar conduct may result in more severe discipline.
 - b. A copy of this letter shall be placed in the officer's disciplinary file.
5. **Loss of Leave** – Removal of leave from officer's accrued leave total (vacation, personal).
 - a. Loss of leave shall be determined in hours.
6. **Loss of Pay** – Suspension from duty without pay.
7. **Level (ONE)** – Penalty level for first offense violation.
8. **Level (TWO)** – Penalty level for second offense of similar conduct.
9. **Level (THREE)** – Penalty level for third offense or more of similar conduct.
10. **Mitigating Factors** – Conditions or events that relate to the violation, but do not excuse or justify the violation, which are considered in deciding the degree of penalty. Examples of mitigating factors include, but are not limited to, the following:
 - a. The officer's actions are attributable to selfless concern for the well-being of others;
 - b. The officer's lack of disciplinary history;
 - c. The officer's complimentary work history;
 - d. The officer's prior positive work history;
 - e. The violation was the inadvertent result of reasonable, otherwise compliant performance;
 - f. The officer's prompt acceptance of responsibility for the conduct and willingness to be held accountable;
 - g. The officer's commission of the violation at the direction of a superior (who might also be subject to separate discipline);
 - h. Unusually serious workplace tensions and stressors; and
 - i. The violation is attributable to limitations beyond the control of the officer that are caused by legally protected physical or mental disabilities and/or conditions.
11. **Penalty Days** – The forfeiture of vacation days and/or the imposition of suspension without pay for a specified period of time.



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- a. The decision to suspend, deduct vacation days, or impose a combination of both, is based upon the severity of the misconduct along with any relevant aggravating and mitigating factors.
 - b. The local ACC and/or Agency Head shall define a “day” as a specified number of hours depending on the officer’s schedule and/or unit within the agency.
12. **Police Misconduct** – a pattern, a practice, or conduct by a police officer or law enforcement agency that includes:
- a. Depriving persons of rights protected by the constitution or laws of the State or the United States;
 - b. A violation of a criminal statute; and
 - c. A violation of law enforcement agency standards and policies.
13. **Remedial Training** – Training designed to correct the behavior of officers who have failed to perform their duties with the skill, knowledge and/or ability expected and/or required of them or have otherwise demonstrated a need for additional training.

C. The Disciplinary Matrix

1. Violation Categories

Violation Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	→ Aggravating Factors
Category A: Conduct that has or may have a minimal negative impact on operations or professional image of the law enforcement agency.	ONE: 1 st Violation	Formal Written Counseling	→ Letter of Reprimand
	TWO: 2 nd Violation in 24 Months	Formal Written Counseling	→ Up to 1 Day Loss of Leave or Loss of Pay
	THREE: 3 rd Violation in 24 Months	<i>Go to Category B, Level 1</i>	
Category B: Conduct that has or may have a negative impact on the operations or professional image of law enforcement agency; or that negatively impacts relationships with other officers, agencies, or the public.	ONE: 1 st Violation	Letter of Reprimand	→ Up to 2 Days Loss of Leave or Loss of Pay
	TWO: 2 nd Violation in 36 Months	1 Day Loss of Pay	→ Up to 3 Days loss of Leave or Loss of Pay
	THREE: 3 rd Violation in 36 Months	<i>Go to Category C, Level 1</i>	



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Violation Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	Aggravating Factors
Category C: Conduct that involves a risk to safety or that has or may have a pronounced negative impact on the operations or professional image of the law enforcement agency or a member, or on relationships with other officers, agencies, or the public.	ONE: 1st Violation	2 Days Loss of Leave or Loss of Pay	→ Up to 4 Days Loss of Pay
	TWO: 2nd Violation in 48 Months	3 Days Loss of Pay or 3 Days Loss of Leave	→ Up to 5 Days Loss of Pay
	THREE: 3rd Violation in 48 Months	<i>Go to Category D, Level 1</i>	
Category D: Conduct substantially contrary to the values of the law enforcement agency or that substantially interferes with its mission, operations, or professional image, or that involves a serious risk to officer or public safety, or intentionally violates law enforcement agency policy.	ONE: 1st Violation	5 Days Loss of Pay or 5 Days Loss of Leave	→ Up to 15 Days Loss of Pay
	TWO: 2nd Violation in 60 Months	10 Days Loss of Pay	→ Up to 20 Days Loss of Pay
	THREE: 3rd Violation in 60 Months	<i>Go to Category E, Level 1</i>	
Category E: Conduct that involves misuse of authority, unethical behavior (not involving false reporting or false statements), or an act that could result in an adverse impact on an officer or public safety or to the professionalism of the law enforcement agency or a violation of any misdemeanor.	ONE: 1st Violation	15 Days Loss of Pay	→ 25 Days Loss of Pay up to Termination
	TWO: 2nd Violation in 60 Months	10 Days Loss of Pay	→ 30 Days Loss of Pay up to Termination
	THREE: 3rd Violation in 60 Months	<i>Go to Category F, Level 1</i>	



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Section 06 Disciplinary Matrix

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Violation Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	→ Aggravating Factors
<p>Category F: Any violation of law, policy, rule or regulation which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of the law enforcement agency’s mission, vision and values; or involves any act or omission which demonstrates a serious lack of the integrity, ethics or character related to an employee’s fitness to hold their position; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected, to include those whose sworn duty is to uphold the law; or involves conduct which constitutes the failure to adhere to any condition of employment required or mandated by law, including any 18 U.S.C. § 922(g) (Lautenberg) violations.</p>	<p>ONE: Any Violation</p>		<p><i>Termination</i></p>



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2. Special Circumstance Violations

SPECIAL CIRCUMSTANCE VIOLATIONS Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	→ Aggravating Factors
Driving Under the Influence Category 1: Any off duty driving under the influence of alcohol and/or drugs which would constitute a violation of law.	ONE: 1st Violation	15 Days Loss of Pay	→ Termination*
	TWO: 2nd Violation	30 Days Loss of Pay	→ Termination*
	THREE: 3rd Violation	Termination*	
Driving Under the Influence Category 1a: Any on-duty or off-duty in a departmental vehicle driving under the influence of alcohol and/or drugs which would constitute a violation of law.	ONE: 1 st Violation	Termination*	
FAILURE TO APPEAR FOR COURT/MVA HEARINGS Category 2: Intentional or purposeful failure to appear for any properly summoned court appearance which is the result of action taken as a law enforcement officer. This category includes MVA hearings. Resets 1 calendar year from the date of the first violation.	ONE: 2 Violations in 1 Year	Formal Written Counseling	→ Formal Written Counseling
	TWO: 2 Additional Violations in 2 Years	Formal Written Counseling	→ Up to 2 Days Loss of Leave or Loss of Pay
Departmental Collisions Category 1: Minor Damage ¹ to Police Vehicle and/or Other Property or Vehicle	ONE: 1 st Violation up to 12 months	Formal Written Counseling	→ Letter of Reprimand
	TWO: 2 nd Violation within 0-24 months	Formal Written Counseling	→ Up to 2 Days Loss of Leave or Loss of Pay
	THREE ² : 3 rd or more Violations within 0-36 months	Letter of Reprimand	→ Up to 5 Days Loss of Leave or Loss of Pay

¹ Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major).

² Driver retraining may be imposed at any level but shall be mandatory for 3 or more at-fault departmental crashes.



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SPECIAL CIRCUMSTANCE VIOLATIONS Categories and Descriptions	Level	Disciplinary Range	
		Mitigating Factors	→ Aggravating Factors
Departmental Collisions Category 2: <i>Major Damage¹ to Police Vehicle and/or Other Property or vehicle</i>	ONE: 1 st Violation up to 12 Months	Formal Written Counseling	→ Up to 1 Day Loss of Leave or Loss of Pay
	TWO: 2 nd Violation within 0-24 Months	Letter of Reprimand	→ Up to 3 Days Loss of Leave or Loss of Pay
	THREE: 3 rd or more Violations within 0-36 Months	Letter of Reprimand	→ Up to 10 Days Loss of Leave or Loss of Pay
Departmental Collisions Category 3: <i>Injury to Law Enforcement Personnel and/or Civilian</i>	ONE: 1 st Violation in up to 12 Months	Formal Written Counseling	→ Up to 2 Days Loss of Leave or Loss of Pay
	TWO: 2 nd Violation within 0-24 months	Letter of Reprimand	→ Up to 5 Days Loss of Leave or Loss of Pay
	THREE: 2 nd Violation within 0-36 Months	Letter of Reprimand	→ Up to 14 Days Loss of Leave or Loss of Pay

The Maryland Disciplinary Matrix Training Guide can be found in PowerDMS.

¹ Law Enforcement Agencies may establish a dollar amount as a guideline for determining the level of severity (minor vs major).



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APPENDIX A - Md. Code, Pub. Safety § 3-105

Section 3-105 – Uniform Disciplinary Matrix

- (a) The Maryland Police Training and Standards Commission shall develop and adopt, by regulation, a model uniform disciplinary matrix for use by each law enforcement agency in the State.
- (b) Each law enforcement agency shall adopt the uniform State disciplinary matrix for all matters that may result in discipline of a police officer.
- (c)
 - (1) Within 15 days after an administrative charging committee issues an administrative charge against a police officer, the chief of the law enforcement agency shall offer discipline to the police officer who has been administratively charged in accordance with the disciplinary matrix.
 - (2) The chief may offer the same discipline that was recommended by the administrative charging committee or a higher degree of discipline within the applicable range of the disciplinary matrix but may not deviate below the discipline recommended by the administrative charging committee.
 - (3) If the police officer accepts the chief's offer of discipline, then the offered discipline shall be imposed.
 - (4) If the police officer does not accept the chief's offer of discipline, then the matter shall be referred to a trial board.
 - (5) At least 30 days before a trial board proceeding begins, the police officer shall be:
 - (i) provided a copy of the investigatory record;
 - (ii) notified of the charges against the police officer; and
 - (iii) notified of the disciplinary action being recommended.

Amended by 2022 Md. Laws, Ch. 141, Sec. 2, eff. 7/1/2022. Added by 2021 Md. Laws, Ch. 59, Sec. 3, eff. 7/1/2022.
Repealed by 2021 Md. Laws, Ch. 59, Sec. 2, eff. 7/1/2022.



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APPENDIX B - Md. Code, Crim. Law § 10-304

Section 10-304 - Harassment; destruction of property

Motivated either in whole or in substantial part by another person's or group's race, color, religious beliefs, sexual orientation, gender, gender identity, disability, or national origin, or because another person or group is homeless, a person may not:

- (1)
 - (i) commit a crime or attempt or threaten to commit a crime against that person or group;
 - (ii) deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy the real or personal property of that person or group;
 - (iii) burn or attempt or threaten to burn an object on the real or personal property of that person or group; or
 - (iv) make or cause to be made a false statement, report, or complaint that the person knows to be false as a whole or in material part to a law enforcement officer of the State, of a county, municipal corporation, or other political subdivision of the State, or of the Maryland-National Capital Park and Planning Police about that person or group with the intent to deceive and to cause an investigation or other action to be taken as a result of the statement, report, or complaint in violation of § 9-501 of this article; or
- (2) commit a violation of item (1) of this section that:
 - (i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or
 - (ii) results in the death of a victim.

Amended by 2022 Md. Laws, Ch. 167, Sec. 1, eff. 10/1/2022.

Amended by 2022 Md. Laws, Ch. 166, Sec. 1, eff. 10/1/2022.



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APPENDIX C - Md. Code, Pub. Safety § 3-101 Section 3-101 – Definitions

- (a) In this title the following words have the meanings indicated.
- (b) "Administratively charged" means that a police officer has been formally accused of misconduct in an administrative proceeding.
- (c) "Disciplinary matrix" means a written, consistent, progressive, and transparent tool or rubric that provides ranges of disciplinary actions for different types of misconduct.
- (d) "Exonerated" means that a police officer acted in accordance with the law and agency policy.
- (e) "Law enforcement agency" has the meaning stated in § 3-201 of this title.
- (f) "Not administratively charged" means that a determination has been made not to administratively charge a police officer in connection with alleged misconduct.
- (g) "Police misconduct" means a pattern, a practice, or conduct by a police officer or law enforcement agency that includes:
 - (1) depriving persons of rights protected by the constitution or laws of the State or the United States;
 - (2) a violation of a criminal statute; and
 - (3) a violation of law enforcement agency standards and policies.
- (h) "Police officer" has the meaning stated in § 3-201 of this title.
- (i) "Serious physical injury" has the meaning stated in § 3-201 of the Criminal Law Article.
- (j) "Superior governmental authority" means the governing body that oversees a law enforcement agency.
- (k) "Unfounded" means that the allegations against a police officer are not supported by fact.

Added by 2021 Md. Laws, Ch. 59, Sec. 3, eff. 7/1/2022.



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Chapter 05 Rules of Conduct & Internal Affairs
Section 07 Administrative Hearing Board

GO 23-014-, 09/06/2023

A. Policy

1. The Department shall have an Administrative Hearing Board (Hearing Board)¹ to adjudicate appeals and other cases for which a sworn officer is subject to discipline.

B. Cases referred to the Hearing Board

1. Refusal of an officer to accept the Chief's Disciplinary Action and recommendations from the County Administrative Charging Committee;
2. Failure of an officer to acknowledge the Chief's Disciplinary Action within five days after receiving the Notification of Charges; or
3. Referral of cases where not Chief's Disciplinary Action were offered.

C. Criminal Investigations

1. No administrative hearing, except an emergency suspension review hearing, will be held on any charges that relate to conduct which is also the subject of a pending criminal proceeding.
2. The Chief of Police retains the discretion to make an exception to the general rule if the morale, operation, or best interests of the Department would be adversely affected by the failure to hold a hearing.
3. The decision of the Chief whether to hold a hearing while a related criminal proceeding is pending may not be the subject of a grievance.

D. Administrative Hearing Board Composition

1. Members of the Hearing Board
 - a. An active serving or retired administrative law judge or a retired judge of the District Court or a circuit court, appointed by the Harford County Executive;
 - 1) This appointee shall be the Chair of the Hearing Board
 - b. A citizen who is not a member of an administrative charging committee, appointed by the Harford County Police Accountability Board; and
 - c. A sworn officer of equal rank to the accused officer, appointed by the Chief of Police.
2. Duties of the Hearing Board
 - a. Review the entire case and charges from the Police Accountability Board;
 - b. Hold a hearing for the accused officer.
 - 1) May administer oaths and issue subpoenas as necessary to complete its work.
 - c. After the final hearing, the trial board shall issue a written decision reflecting the findings, conclusions, and recommendations of a majority of the Hearing Board.
3. Duties of the Chair of the Hearing Board
 - a. The Chair shall be responsible for ruling on all motions before the trial board; and

¹ Md. Code, Pub. Safety §3-106 Trial Board – APPENDIX A



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- b. Prepare the written decision of the trial board, including the findings, conclusions, and recommendations of the trial board.



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APPENDIX A - Md. Code, Pub. Safety § 3-106 Section 3-106 – Trial Board

(a)

- (1) Except as provided in paragraph (2) of this subsection, each law enforcement agency shall establish a trial board process in accordance with this section to adjudicate all matters for which a police officer is subject to discipline.
- (2) A small law enforcement agency may use the trial board process of another law enforcement agency by mutual agreement.

(b) (1) Except as provided in paragraph (2) of this subsection, a trial board shall be composed of:

- (i) an actively serving or retired administrative law judge or a retired judge of the District Court or a circuit court, appointed by the chief executive officer of the county;
- (ii) a civilian who is not a member of an administrative charging committee, appointed by the county's police accountability board; and
- (iii) a police officer of equal rank to the police officer who is accused of misconduct appointed by the head of the law enforcement agency.

(2)

- (i) This paragraph may not be construed to apply to the Baltimore Police Department.
- (ii) A trial board for a statewide or bi-county law enforcement agency shall be composed of:
 1. an actively serving or retired administrative law judge appointed by the Chief Administrative Law Judge of the Maryland Office of Administrative Hearings;
 2. a civilian who is not a member of an administrative charging committee or the Maryland Police Training and Standards Commission, appointed by the police accountability board for the county where the alleged misconduct occurred; and
 3. a police officer of equal rank to the police officer who is accused of misconduct appointed by the head of the law enforcement agency.

(c) The actively serving or retired administrative law judge or the retired judge of the District Court or a circuit court shall:

- (1) be the chair of the trial board;
- (2) be responsible for ruling on all motions before the trial board; and
- (3) prepare the written decision of the trial board, including the findings, conclusions, and recommendations of the trial board.

(d) Before serving as a member of a trial board, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

(e) Proceedings of a trial board shall be open to the public, except to protect:

- (1) a victim's identity;
- (2) the personal privacy of an individual;
- (3) a child witness;
- (4) medical records;
- (5) the identity of a confidential source;
- (6) an investigative technique or procedure; or
- (7) the life or physical safety of an individual.



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- (f) A trial board may administer oaths and issue subpoenas as necessary to complete its work.
- (g) A complainant has the right to be notified of a trial board hearing and, except as provided in subsection (e) of this section, the right to attend a trial board hearing.
- (h) Except as otherwise provided in this subtitle, a law enforcement agency has the burden of proof by a preponderance of the evidence in any proceeding under this subtitle.
- (i) A police officer may be disciplined only for cause.
- (j) Within 45 days after the final hearing by a trial board, the trial board shall issue a written decision reflecting the findings, conclusions, and recommendations of a majority of the trial board.
- (k)
 - (1) Within 30 days after the date of issuance of a decision of a trial board, the decision may be appealed by the police officer:
 - (i) if the trial board is from a local law enforcement agency to the circuit court of the county in which the law enforcement agency is located;
 - (ii) if the trial board is from a bi-county law enforcement agency to a circuit court in a county in which the incident that gave rise to the disciplinary proceeding occurred; and
 - (iii) if the trial board is from a statewide law enforcement agency to the Circuit Court for Anne Arundel County.
 - (2) An appeal taken under this subsection shall be on the record.
- (l) A trial board decision is final unless appealed by a police officer under subsection (k) of this section.

Effect of amendments. —

Acts 2022, ch. 141, § 2, effective July 1, 2022, added “all” in (a)(1); rewrote (b); added (c); redesignated former (c) through (h) as (d) through (i); substituted “subsection (e)” for “subsection (d)” in (g); added (j); redesignated former (i) as (k); substituted “police officer” for “employee” in the introductory language of (k)(1); added (k)(1)(ii); Md. Public Safety Code Ann. § 3-106 redesignated former (k)(1)(ii) as (k)(1)(iii); deleted “or bi-county” following “statewide” in (k)(1)(iii); redesignated former (j) as (l); and made a related change.



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Chapter 05 Rules of Conduct & Internal Affairs
Section 08 Progressive Discipline
CALE 26.1.4, 26.1.5, 26.1.8, 26.3.7, 35.1.6, 35.1.9

GO 23-014, 09/06/2023
Supersedes GO 14-111

A. Policy

1. It is the policy of this Department:
 - a. To initiate positive, corrective action for improper conduct while, and at the same time, protect officers from unwarranted criticism for properly discharging their duties; and
 - b. To resolve administrative infractions and performance issues by fairly applying the appropriate disciplinary or non-disciplinary action.

B. Definitions

1. Non-Punitive Discipline – Reminders to an employee of expected performance or behavior, not inflicting, involving, nor aiming at punishment.
2. Verbal Warning – Oral reminder to an employee of expected performance or behavior, not a punishment, recorded by the supervisor to track improvement.
3. Formal Written Counseling (FWC) – A form of counseling given to employees who have violated Department policy.
 - a. FWC is the least severe form of disciplinary action, serving as a warning for violations.
 - b. Further violations of the same or similar conduct may result in more severe discipline.
 - c. A copy of the formal written counseling shall be placed in the officer's personnel file.
4. Remedial Training – Training designed to correct the behavior of officers who have failed to perform their duties with the skill, knowledge and/or ability expected and/or required of them or have otherwise demonstrated a need for additional training.
5. Progressive Discipline -The process of using increasingly severe steps or measures when an employee fails to correct a problem after being given a defined, reasonable opportunity to do so.

C. Duties of Supervisors

1. To observe the conduct and appearance of officers and civilian employees under their supervision.
2. To detect instances when corrective actions are necessary.
3. To determine the most effective methods of corrective action, understanding the employee's personality traits.
4. To let employees know how they are performing by discussing their work performance, not only when performance evaluations are due, but on a regular basis as entries are made in the supervisor employee's Blue Team notes.

D. Authorization Levels (26.1.5)

1. All Supervisors are authorized to
 - a. Administer documented verbal counseling;
 - b. Administer a documented personnel counseling record; and
 - c. Recommend and/or conduct remedial training.
2. Lieutenants and above are authorized additionally to:



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- a. Administer emergency suspension of employees.
- b. Administer written reprimands;
- c. Investigate complaints of employee misconduct, subject to review and approval of the Chief of Police;
- d. Offer and impose discipline, upon review and approval of the Chief of Police;
- e. Rule complaints against officers as unfounded when a suitable investigation determines the complaint to be malicious, baseless, deliberately false, or frivolous.
 - 1) The lieutenant shall document the circumstances and forward to CID, with no further action taken.

E. Verbal Counseling (26.1.4b)

1. Supervisors shall use verbal counseling and coaching whenever possible, especially when the employee may not be aware of a problem or has a personal issue that is affecting his/her work.
2. Supervisors shall use verbal counseling to:
 - a. Help the employee correct or improve specific skills, knowledge, or behavior
 - b. Get the employee back on track after inappropriate behavior or substandard work performance.
 - c. Allow the employee to correct an issue before it becomes a serious problem
3. Verbal Counseling Procedure
 - a. Prepare specific examples, to discuss with the employee;
 - b. Meet privately with the employee;
 - c. Discuss the issues;
 - d. Give the employee the opportunity to discuss and address the issues;
 - e. Tell the employee to improve, and give examples; and
 - f. Note and date the discussion in the in Blue Team to:
 - 1) Provide proof that the employee was notified about the issue; and
 - 2) Track the employee's progress; and
 - g. Notify the CID Commander about the verbal counseling in Blue Team for the PEIS. (35.1.9a)

F. Personnel Counseling Record (26.1.4b)

1. Supervisors shall advise non-probationary employees in writing, immediately, when it is determined that their performance is unsatisfactory. (35.1.6)
 - a. If unsatisfactory performance continues, this information should be included in the performance evaluation;
 - b. Timely written notification of unsatisfactory performance is not immediately required when notification could compromise an on-going investigation.



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2. Supervisors shall complete Form 76 – Personnel Counseling Record to discuss and correct job problems.
3. Supervisors shall formally counsel employees concerning job-related matters, and to remain aware that circumstances other than the job itself, including family or other personal matters, may be having an impact on performance.
 - a. Counseling takes place at the Sergeants' level; serious matters may require counseling at the Division or Department level.
 - b. Supervisors may utilize other employees as counselors when the other employees have specialized areas of experience and expertise.
 - c. A variety of counseling resources are available through the Employee Assistance Program (EAP).
4. A formal counseling session shall be held as soon as possible following the conclusion of an investigation.
 - a. The session may be conducted by the person assigned as the employee's supervisor at the time of infraction or may be conducted by the Chief of Police or his designee with the employee's supervisor present.
 - b. The incident shall be discussed with the employee, pointing out the deficiencies in the employee's actions.
 - c. The employee shall be given the opportunity to state his/her views on the matter and to suggest corrective action to prevent future occurrences.
 - d. If the employee refuses to acknowledge receipt of the form, the person conducting the session shall write "Refused to Sign on the employee's signature line.
 - e. The original shall be forwarded to the Sr. Administrative Specialist and a copy shall be given to the employee.
 - f. The Supervisor shall submit a copy of the documentation to the CID Commander for the PEIS. (35.1.9a)
5. Form 76 – Personnel Counseling Record Maintenance (26.1.8)
 - a. The original form shall be maintained in the employee's personnel file.
 - b. After three years, the employee may request that the counseling form be removed.

G. Remedial Training (26.1.4a)

1. *Policies and Procedures Manual Chapter 15.01 Training* includes basic criteria for remedial training.
2. Additional Criteria includes but not limited to the following:
 - a. To improve an employee's skill, knowledge, or behavior
 - b. After verbal counselling's have been unsuccessful
 - c. When deficiency cannot be self-corrected by the employee
 - d. To avoid terminating the employee for lack of skill or other compelling reasons
3. Supervisor Procedure



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- a. Discuss the issue with the Training Coordinator
 - 1) Determine, with the Training Coordinator, if remedial training is a method of improving the employee's performance.
 - 2) Identify and locate, with the Training Coordinator, the required course of training.
- b. Meet with the employee and give the employee the notice of remedial training.
- c. Direct the employee where to go for training.
- d. The fact that the employee has undergone remedial training may be mentioned in future documentation of unacceptable job performance in the specific area in which remedial training was offered.
- e. If an employee refuses or fails to attend a remedial training program after being required to do so, he or she will be subject to disciplinary action.
- f. Submit the notice and the results of the remedial training course to the Sr. Administrative Specialist for placement in the employee's personnel file. (w)

H. Written Reprimand (26.1.4c)

1. Criteria of a written reprimand includes but is not limited to the following:
 - a. Employee demonstrates a continuing pattern of behavior involving repeated mistakes, misconduct, transgressions, neglect of duty, or other violations of the Rules of Conduct;
 - b. The employee has deliberately or flagrantly violated a law, rule, regulation, procedure, or standards of conduct;
 - c. The employee's conduct impairs the achievement of the Department's mission or brings the Department into disrepute;
 - d. The employee's conduct represents a continuing pattern of disregard for the rules, regulations, and standards of conduct required of police officers; and
 - e. The employee received lesser applications of disciplinary action and had failed to correct the employee's conduct.
2. Procedure
 - a. A supervisor shall prepare, in writing, specific examples of the employee's unsatisfactory performance or conduct *and* recommendations for improvement.
 - b. Meet privately with the employee.
 - c. Present the written notice or reprimand to the employee and read the document aloud to the employee.
 - d. Give the employee the opportunity to discuss and address the issues.
 - e. Define the actions that should be taken to improve the employee's performance or conduct.
 - f. Have the employee sign and date the document.
 - g. If the employee refuses to acknowledge receipt of the form, the person conducting the session shall write "Refused to Sign" on the employee's signature line.



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- h. Give the employee a copy of the document.
- i. Submit the written reprimand to the Sr. Administrative Specialist for placement in the employee's personnel file. (26.1.8)
- j. If unsatisfactory performance continues, this information may be included in the performance evaluation.
- k. The Supervisor shall submit a copy of the documentation to the CID Commander for the PEIS. (35.1.9)

I. Suspension (26.3.7)

- 1. An officer may be relieved from duty by a supervisor.
 - a. The relief from duty may be a temporary administrative action pertaining to an employee's physical or psychological fitness for duty or an action pending disposition of an internal affairs investigation.
- 2. The supervisor shall notify his/her lieutenant; and the Chief of Police shall be notified through the chain-of-command.
- 3. The officer shall surrender to the Administrative Lieutenant or designee:
 - a. Department issued firearm;
 - b. Badge;
 - c. Aberdeen Police Department identification card;
 - d. Maryland police officer certification card; and
 - e. Assigned vehicle.
- 4. Where an officer's police powers are suspended for medical or psychological reasons, not associated with the disciplinary process, an emergency suspension review hearing is not required.
 - a. These cases shall be promptly reviewed by the Department Physician and, when necessary, referred to an appropriate specialist to obtain a fitness for duty evaluation.
- 5. The Chief of Police shall notify the Sr. Administrative Specialist to prepare a personnel order with instructions for each action:
 - a. Suspension – Name of Officer, police powers suspended, and Effective Date; and
 - b. Return to Duty – Name of Officer, police powers restored, and Effective Date.
- 6. The officer shall not exercise police authority until those powers have been restored by the authority of the Chief of Police.
- 7. The Sr. Administrative Assistant shall place copies of the appropriate personnel orders in the employee's personnel file. (26.1.8)



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Section 09 Grievances
CALEA 22.4.1, 22.4.2, 22.4.3, 25.1.3

GO 23-014, 09/06/2023
Supersedes GO 14-019

A. Policy

1. Grievance procedures are in place to protect the employee's rights and promote a more harmonious work environment.
2. Supervisors and employees are encouraged to talk with each other to establish and maintain good communication channels, eliminate misunderstandings, and promote good working relationships.
3. It is a violation of City of Aberdeen and Aberdeen Police Department (APD) policies and procedures for an employee to go directly to the Mayor or members of Council to seek relief or support on any personnel-related issue.
4. Violation of this policy and procedure will result in disciplinary action up to and including termination of employment.

B. Grievance Procedure

1. Subjects that are grievable: (22.4.1a)
 - a. Job-Related concerns;
 - b. Work Atmosphere concerns; and
 - c. Unjust Treatment of the employee (except for Counseling or Disciplinary actions not associated with citizen complaints)
2. The employee should first discuss the problem or concern with his/her Supervisor. (22.4.1b)
3. The Supervisor will carefully analyze and attempt to resolve the concern within 5 days of receiving the complaint. (22.4.1c)
4. If the employee is not satisfied with the Supervisor's response, the employee may choose to submit the concern through a formal, documented Grievance Process.
5. The Deputy Chief is responsible for coordination of grievance procedures and for the maintenance and control of grievance records. (22.4.2)

C. Documented Grievance Process

1. The Employee must submit a signed, written statement of the grievance (Form #37) to the Chief of Police through the chain of command. (22.4.1b)
The statement shall include: (22.4.1d)
 - a. A statement of the grievance and the facts upon which it is based;
 - b. Significant times, dates, and actions taken relative to the grievance;
 - c. An allegation of the specific wrongful act and harm done; and
 - d. A statement of the remedy or adjustment sought.
2. The Supervisor shall: (22.4.1e)
 - a. Acknowledge receipt of the written grievance by noting time, date, and initials of the person receiving the grievance;
 - b. Forward, within one day, a copy of the written grievance, with time, date, and initials, to the Chief of Police through the chain of command; and



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- c. Within 5 days of receiving the written grievance:
 - 1) Analyze the grievance; and
 - 2) Prepare and submit a signed, written decision to the employee.
3. The Employee will respond to the Supervisor, in writing, within 5 days, with a signed agreement or disagreement.
 - a. If the employee does not respond, the Supervisor shall follow-up until there is a response, talk to the employee, give the employee another copy of the decision, and encourage the employee to respond.
4. The Supervisor shall forward his/her written decision, within one day after receiving the employee's response, and the employee's written response to the Lieutenant.
5. The Lieutenant shall: (22.4.1e)
 - a. Forward the grievance package to the Chief of Police through the chain of command, if the Employee agrees with the Supervisor;
 - b. Acknowledge receipt of the written grievance by noting time, date, and person receiving the grievance, if the Employee disagrees with the Supervisor;
 - c. Forward, within one day, the written grievance and Supervisor's decision to the Chief of Police through the chain of command; and
 - d. Within 5 days of receiving the written grievance:
 - 1) Analyze the grievance and the Supervisor's decision; and
 - 2) Prepare and submit a written decision to the employee.
6. The Employee will respond to the Lieutenant, in writing, within 5 days, with agreement or disagreement.
 - 1) If the employee does not respond, the Lieutenant shall follow-up until there is a response, talk to the employee, give the employee another copy of the decision, and encourage the employee to respond.
7. The Lieutenant will forward, within one day, the Lieutenant's written decision and the employee's written disagreement to the Deputy Chief.
8. The Deputy Chief shall: (22.4.1e)
 - a. Acknowledge receipt of the written grievance by noting time, date, and person receiving the grievance;
 - b. Forward, within one day, the written grievance to the Chief of Police; and
 - c. Within 5 days of receiving the employee's written disagreement with previous decisions:
 - 1) Analyze the grievance and the previous decisions; and
 - 2) Prepare and submit a written decision to the employee.
9. The Employee will respond to the Deputy Chief, in writing, within 5 days, with agreement or disagreement.



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Chapter 05 Rules of Conduct & Internal Affairs
Section 09 Grievances
CALEA 22.4.1, 22.4.2, 22.4.3, 25.1.3

GO 23-014, 09/06/2023
Supersedes GO 14-019

- a. If the employee does not respond, the Deputy Chief shall follow-up until there is a response, talk to the employee, give the employee another copy of the decision, and encourage the employee to respond.
10. The Chief of Police shall: (22.4.1e)
- a. Acknowledge receipt of the written grievance by noting time, date, and person receiving the grievance; and
 - b. Within 5 days of receiving the employee's written disagreement with previous decisions:
 - 1) Analyze the grievance and the previous decisions; and
 - 2) Prepare and submit a written decision to the employee.
11. The Employee will respond to the Chief of Police, in writing, within 5 days, with agreement or disagreement.
- a. If the employee does not respond, the Chief of Police shall follow-up until there is a response, talk to the employee, give the employee another copy of the decision, and encourage the employee to respond.
12. If the employee responds with disagreement, the Chief of Police will, within one day of receiving the employee's written disagreement, submit the original written grievance with all written decisions to the City Manager.
13. The City Manager will: (22.4.1e)
- a. Acknowledge receipt of the written grievance by noting time, date, and person receiving the grievance; and
 - b. Within 30 days of receiving the employee's written disagreement with previous decisions:
 - 1) Reject the grievance by noting rejection on the grievance and returning the package to the Chief of Police; or
 - 2) Accept the grievance; and
 - a) Analyze the grievance and the previous decisions; and
 - b) Prepare and submit a written decision to the Chief of Police, who will forward the written decision, within one day, to the employee.
14. If the City Manager accepts the grievance, the City Manager's decision is final.
15. If the City Manager rejects the grievance, the decision of the Chief of Police is final.

D. Annual Documented Analysis of Grievances (25.1.3)

1. The Deputy Chief shall analyze the grievances and the grievance procedure, even if there is an absence of reported grievances, and shall submit the analysis in a written report to the Chief of Police.



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Chapter 05 Rules of Conduct & Internal Affairs
Section 10 Harassment, Discrimination, & Retaliation
(Whistleblower Prohibition)
CALEA 26.1.3

GO 23-014, 09/06/2023
Supersedes GO 20-026

A. Policy (26.1.3)

1. Incidents of retaliation, sexual harassment, discrimination, and/or harassment based on age, ancestry, color creed, marital status, mental or physical disability, pregnancy, national origin, race, religious affiliation, belief or opinion, sex, sexual orientation, or any other non-merit factor, are prohibited.
2. This policy shall apply in all situations where personnel interact with others, and:
 - a. The employee is acting as a representative of the Aberdeen Police Department
 - b. The employee is on duty or during work hours; or
 - c. Where the individual's actions or comments may be interpreted as those of this Department employees or the Aberdeen Police Department itself.
3. This Department has a zero tolerance for retaliation against whistleblowers:
 - a. Who make good faith complaints or disclosures of misconduct against another employee or volunteer;
 - b. Who report discrimination, harassment, or gender bias; or
 - c. Who are witnesses reporting, testifying, or supporting a complaint of discrimination, harassment or gender bias.
4. Violations will result in disciplinary action as appropriate, which may include termination.
5. This policy shall prevail in all matters of employee relations, including, but not limited to:
 - a. Opportunities for employment;
 - b. Promotion;
 - c. Transfer;
 - d. Education and Training;
 - e. Supervision;
 - f. Performance appraisals;
 - g. Internal investigations; and
 - h. The processes for discipline, demotion, and termination.

B. Definitions

1. **Discrimination**
 - a. All forms of illegal prejudice;
 - b. Expressions of racial/ethnic/religious insults and epithets;
 - c. Gender based derogatory comments;
 - d. Sexual harassment; and
 - e. Retaliation against a complainant for filing a complaint of discrimination.
2. **Good Faith** – The reasonable belief that an employee of the Department has purposely committed a violation of departmental policy, procedures, rules, or laws.



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3. **Harass** - to disturb or irritate persistently.
 - a. Harassment may be present in varying degrees and is generally applied or defined by the individual or group affected.
 - b. The term “harass” is the most commonly applied term in a discriminatory manner; however, other terms, i.e., hound, badger, bother, pester, plague, bait, torment, etc. may easily be substituted.
 - c. Harassment may include but is not limited to:
 - 1) Using words, phrases, or gestures which may be interpreted as derogatory or demeaning;
 - 2) Posting/distributing literature, bulletins, cartoons, or other written material which may be interpreted as derogatory or demeaning;
 - 3) Mimicking, imitating, or miming oral or physical characteristics considered stereotypical of individuals or groups of individuals which may be interpreted as derogatory or demeaning;
 - 4) Participating in and/or encouraging any retaliatory acts directed at individuals or groups exercising these rights against such discriminatory acts;
 - 5) Condoning any such activities; and
 - 6) Retaliating against a complainant for complaining of being harassed.
4. **Retaliation** – Deliberate, purposeful actions or failures to act, directed against employees or volunteers that cause, or that could reasonably be expected to cause, physical harm, property damage, significant emotional stress, or otherwise negatively affect another person’s terms or conditions of employment or that could seriously impair the efficiency, safety or effectiveness of that person, this Department, or both. Such adverse actions may take many forms, including but not limited to:
 - a. Giving unfair evaluations;
 - b. Initiating a disciplinary action;
 - c. Giving excessive punishment for a disciplinary infraction;
 - d. Failing to back or assist another officer;
 - e. Giving unfavorable assignments;
 - f. Bullying;
 - g. Making persistent offensive comments;
 - h. Making threats;
 - i. Intimidating;
 - j. Making false accusations;
 - k. Isolating;
 - l. Ostracizing; or



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m. Committing acts that malign or disparage an individual's reputation.

5. **Serious Acts of Misconduct** – Deliberate acts or failures to act that could reasonably form the basis for significant disciplinary action against an employee.
 - a. Such disciplinary action would be reasonably likely to adversely affect that person's terms or conditions of employment up to and including termination service.
6. **Sexual Harassment** - unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - c. Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
 - d. Sexual harassment need not necessarily involve a male supervisor and a female subordinate.
 - 1) It may also apply in reverse.
 - 2) Pressure can be directed by a person of either sex against a person of the opposite or same sex or from a co-worker or a supervisor.
 - e. The victim need not be the person harassed but could be anyone affected by the offensive conduct.
 - f. The following is a partial list of the types of activities which could be considered sexual harassment depending on the facts and circumstances:
 - 1) Unwanted or offensive physical touching;
 - 2) "Off color" jokes;
 - 3) Unwanted, unwelcome, and unsolicited propositions;
 - 4) Offensive language;
 - 5) Holding up to ridicule a member of one sex to others;
 - 6) The placement of sexually explicit material in the work areas, desks, etc.;
 - 7) Notes and other messages either signed or anonymous placed on bulletin boards, in lockers, in desks, etc.;
 - 8) The required wearing of particular types of clothing or the inference that wearing particular types of apparel will enhance one's career;
 - 9) Attempted transfer, demotion, dismissal, etc. after refusing or resisting sexual advances;
 - 10) Requesting or ordering employees to perform tasks which are not part of their job specifications, such as:
 - a) making coffee;



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- b) obtaining lunch; and
 - c) doing personal shopping for supervisors;
 - 11) Demeaning comments or actions;
 - 12) Unwanted, unwarranted, and unsolicited advances on- or off- duty, when such action relates to the employee-employer relationship; and
 - 13) Non-verbal suggestive or insulting noises, leers, whistles, or gestures.
7. **Whistleblower** – an individual who exposes any kind of information or activity involving any serious acts of misconduct, violation of regulation, statute, contract or policy, or unethical behavior such as fraud or waste against the Department.
- a. The alleged misconduct may be a violation of a law, rule, regulation and/or a direct threat to public interest, such as fraud, health and safety violations, and corruption.

C. Responsibilities

1. Persons in authority, e.g., supervisors, commanders, etc. who have knowledge of a retaliation, discrimination, harassment, or sexual harassment incident/situation will initiate action or ensure that the appropriate actions relative to such an incident are taken.
2. Failure to take the appropriate actions will result in disciplinary action.
3. Victims and/or persons who have knowledge of a retaliation, discrimination, harassment, or sexual harassment incident/situation are encouraged to initiate the appropriate action to address the situation.

D. Reporting Retaliation, Discrimination and/or Harassment Situations (26.1.3)

1. Employees should promptly report incidents of perceived discrimination, harassment and/or retaliation.
2. The Employee shall submit a written statement of the complaint (Form #37) to the Supervisor, or if the alleged wrongdoer is the employee's supervisor, to the next person in the chain of command. The statement should include:
 - a. A statement of what took place;
 - b. Significant times, dates, and actions taken; and
 - c. An allegation of the wrongful act and harm done.

E. Processing Complaints of Discrimination, Harassment and/or Retaliation

1. The Supervisor or other person to whom the complaint is submitted shall:
 - a. Acknowledge receipt of the written complaint by noting time, date, and person receiving the complaint;
 - b. Review the reporting procedure with the aggrieved employee and the accused employee's supervisors;
 - c. Initiate an immediate preliminary inquiry within 10 days, or sooner if circumstances require more immediate action; and



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- d. If the behavior complained of constitutes retaliation, discrimination, harassment and/or sexual harassment or other serious misconduct, the supervisor shall forward the complaint to the Deputy Chief or designee, who shall:
- 1) Ensure that an investigation is conducted and, if appropriate, disciplinary actions are taken;
 - 2) Ensure that the Internal Affairs investigator meets with the accused to prevent a potential continuing course of unwanted conduct;
 - a) The Internal Affairs investigator shall:
 - i. Advise the accused that if the alleged conduct/behavior is occurring, that it is not appropriate and must cease immediately; and
 - ii. Advise the accused not to commit any retaliatory acts;
 - 3) Monitor personnel affected by the investigation to prevent continuation of the conduct in question, or retaliation for actions taken to resolve it;
 - 4) Maintain personal contact with the victim to alleviate fear and to ensure that everything possible is being done to resolve the complaint;
 - 5) Contact the victim at frequent intervals (no greater than 15 days) to inform of case progress and upon completion of the investigation its disposition; and
 - 6) After disposition, make follow-up contact with the victim within 60 days, to ensure that there has not been continuation of improper conduct, threats of retaliation, or retaliation.



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Chapter 05 Rules of Conduct & Internal Affairs
Section 11 Bias Policing
CALEA 1.2.9

GO 23-014, 09/06/2023
Supersedes GO 20-005

A. Policy

1. It is the policy of the Aberdeen Police Department and the responsibility of all employees:
 - a. To protect the rights of all individuals regardless of race, religious belief, gender, sexual orientation, ethnicity, or economic status;
 - b. To treat all individuals with dignity, equality, and fairness, regardless of race, religious belief, gender, sexual orientation, ethnicity, or economic status; and
 - c. To ensure that all official actions where an individual's freedom to move about is hindered is based upon reasonable suspicion or probable cause.
2. Bias Policing is prohibited. (1.2.9a)
 - a. Officers are prohibited from any biased policing in traffic contacts, field contacts, and in asset seizure, forfeiture efforts and all other incidents.
3. This policy does not prevent officers from relying upon race as a part of a description where specific suspect is sought.

B. Definition

1. Biased Policing – the selection of an individual(s) for enforcement action based whole or in part on a trait common to a group, without actionable intelligence to support consideration of that trait.
 - a. This includes, but is not limited to race, ethnic background, national origin, gender, sexual orientation/identity, religion, economic status, age, cultural group, or any other identifiable characteristics.

C. Justifiable Searches & Seizures

1. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause.
2. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.

D. Supervisors Responsibility

1. Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and are operating in compliance with this policy.

E. Corrective Action Required

1. Violations of this policy, or portions of this policy, shall result in counseling, remedial training and/or disciplinary action described in *Chapter 5.04 Disciplinary Procedures*.

F. Training (1.2.9b)

1. The Training Coordinator is responsible for ensuring that affected personnel receive:
 - a. Documented Initial instruction on the prohibition against bias-based profiling; and
 - b. Documented Annual training to reinforce previous training and to develop new skills to enhance police-citizen contacts.



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CALEA 1.2.9

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2. The Department's training program shall include biased policing issues and any legal updates.

G. Annual Report (1.2.9c)

1. The Patrol Commander shall prepare for the Chief of Police a documented annual administrative review of agency practices including citizen concerns and any corrective measures taken.
 - a. The review should indicate whether policy, training, equipment, or disciplinary issues should be addressed.



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Chapter 05 Rules of Conduct & IA
Section 12 Social Media & Social Networking

GO 23-014, 09/06/2023
Supersedes GO 16-001

A. Policy

1. This Department endorses the secure use of social media to
 - a. Enhance communication, collaboration, and information exchange;
 - b. Streamline processes; and
 - c. Improve productivity.
2. This policy outlines expectations of sworn and non-sworn employees pertaining to their use of social media and social networking and the direct effect such use has upon the reputation and perception of this Department.
3. Employees should consider the possible adverse consequences of Internet postings, such as future employment, cross examinations in criminal cases and public as well as private embarrassment.
4. Employees should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
5. Any online actions by a Department employee that detract from the mission of the Department, or reflect negatively on a sworn officer's position, will be viewed as a direct violation of this policy.

B. Definitions

1. Avatar – a computer user's representation of himself/herself or alter ego.
2. Blog – A series of entries, either written by one person or a group of people, to an online journal, usually posted in chronological order, like a diary. Blogs can allow comments to entries or not.
3. Blogging – to read, write, or edit a shared on-line journal. Blogging can also encompass the act of commenting -- and engaging with other commenters -- on any blog, including one operated by a third party.
4. Comments – responses to a blog post, news article, social media entry or other social networking post.
5. Commenting – the act of creating and posting a response to a blog post, news article, social media entry or other social networking post. Commenting can also entail the act of posting an original composition to an unrelated post or article.
6. Forum – an online discussion site.
7. Handle – the name of one's online identity that is used most frequently. It can also be the name of one's Twitter identity.
8. Identity – An online identity, internet identity or internet persona that a social networking user establishes. This can be a real name, alias, a pseudonym or a creative description.
9. Internet – a computer network consisting of a worldwide network of computer networks that use the TCP/IP network.



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10. Internet Sites – Web sites where members of that site can create profiles, electronically gather to share information, post photos and videos, post comments, and socialize with others using various types of technologies.
11. Mobile Social Networking – is social networking using a mobile phone or other cellular based device protocols to facilitate data transmission and exchange.
12. On-Duty – Time frame which the employee, sworn or non-sworn, is operating in their official capacity for the Aberdeen Police Department and receiving compensation for the same.
13. Page – The specific portion of a website where content is displayed, and managed by an individual or individual with administrator rights.
14. Post – an item inserted to a blog or an entry to any type of computerized bulletin board or forum.
15. Posting – the act of creating, uploading, editing or adding to any social media outlet. This includes text, photographs, audio, video or any other multimedia file.
16. Profile – Information that a user provides about themselves on an internet site.
17. Social Media – a variety of online sources that allow people to communicate, share information, share photos, share videos, share audio, and exchange text and other multimedia files with others via some form of online or cellular network platform.
18. Social Networking – Using such internet or mobile formats as Facebook, Twitter, MySpace, LinkedIn, Foursquare, Gowalla Police Pulse, The Squad Room, You-Tube, usenet groups, online forums, message boards or bulletin boards, blogs, and other similarly developed formats, to communicate with others using the same groups while also networking with other users based upon similar interests, geographical location, skills, occupation, ideology, beliefs, etc.
19. Speech – Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or other related forms of communication.
20. User Name – the name provided by the participant during the registration process associated with a website that will be displayed publicly on the site.
21. World Wide Web – computer network consisting of a collection of internet sites that offer text and graphics and sound and animation resources through the hypertext transfer protocol.

C. Free Speech

1. As public employees, Department personnel are cautioned that speech, both on and off duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities—may not be protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Department.
2. Employees should assume their speech and related activity on social media sites will reflect upon their office and this Department.
3. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an employee's testimony in criminal or civil proceedings.



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4. Employees are subject to discipline up to and including termination for violations contained in this policy.

D. Rules

1. By virtue of their position, police officers shall be held to a higher standard than general members of the public and their online activities should reflect such professional expectations and standards.
2. Employees shall not use any form of social media or social networking, including Facebook, Twitter, MySpace, LinkedIn, Foursquare, Gowalla, Police Pulse, The Squad Room, YouTube, Usenet groups, online forums, message boards or bulletin boards, blogs, and other similarly developed formats, in any way so as to tarnish the Department's reputation.
3. Employees shall not engage in any online activity that has the effect of diminishing the public's trust and/or confidence in the Department or in any way will hinder the efforts of the Department to fulfill our mission.

E. Department Use of Social Media

1. Department-Sanctioned Presence
 - a. Determine strategy
 - 1) Where possible, each social media page shall include an introductory statement clearly specifying the purpose and scope of the Department's presence on the website.
 - b. Where possible, the page(s) should link to the Department's official website.
 - c. All Department social media sites or pages shall be approved by the Chief of Police or his designee.
 - d. Any social media utilized by the Department will have Departmental contact information made available to the public with the notice that such media is maintained and monitored by the Department and all content on the site is subject to public disclosure.
 - e. Social media pages shall advise:
 - 1) "Opinions, statements, and/or comments expressed by visitors are not the opinions of the Aberdeen Police Department and the Department reserves the right to remove any inappropriate material, to include; obscenities, off-topic comments and personal attacks."
 - f. Social media content shall adhere to applicable laws, regulations, and policies including both Department policies and City of Aberdeen policies.
2. Department-Sanctioned Use
 - a. Department personnel representing the Department via social media outlets shall:
 - 1) Conduct themselves at all times as representatives of the Department and adhere to all Department standards of conduct.
 - 2) Identify themselves as a member/employee of the Department.



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- 3) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos related to Department training, activities or work-related assignments.
- 4) Not conduct political activities or private business.
- 5) Observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

3. Potential Uses

- a. Social media is a valuable investigative tool when seeking evidence or information about:
 - 1) Missing persons;
 - 2) Wanted persons;
 - 3) Gang participation;
 - 4) General crime information;
 - 5) Photos or videos of a crime posted by the suspect or witness.
- b. Social media can be used for community outreach and engagement by:
 - 1) Providing crime prevention tips;
 - 2) Offering online-reporting opportunities;
 - 3) Sharing crime maps and data;
 - 4) Soliciting tips about unsolved crimes.
- c. Social media can be used to make time-sensitive notifications related to:
 - 1) Road closures;
 - 2) Special events;
 - 3) Missing or endangered persons;
 - 4) Accidents and/or crime scenes where the public may be affected.
- d. Social media may be used for:
 - 1) Recruiting;
 - 2) Advertising employment positions;
 - 3) Publicizing volunteer opportunities.

F. Personal Use of Social Media

1. Employees are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this Department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the Department.
2. Employees, who choose to maintain or participate in social media or social networking platforms while off-duty, shall conduct themselves with professionalism and in such a



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manner that will not reflect negatively upon the Department or its mission. In the course of operating or participating in such venues, the following rules shall apply:

- a. For safety and security reasons, employees are cautioned not to disclose their employment with this Department.
 - b. Employees will be held responsible for the content that appears on their maintained social media or social networking sites and will be obligated to remove any posting or material contributed by others that reflects negatively upon the Department.
 - c. Weaponry, both Department-owned and/or personally-owned but carried on duty, shall not be displayed or referenced to, in any multimedia format, on social media or social networking sites if such displays or depictions promote or glorify violence.
3. Employees may be subject to civil litigation for:
- a. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - b. Publishing or posting private facts and personal information that has not been previously revealed to the public, is not of public concern, and would be offensive to a reasonable person;
 - c. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitive purpose; or
4. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

G. Prohibitions

1. Employees are prohibited from using Department computers or cell phones/devices for any unauthorized purpose.
2. Employees are prohibited from using any social media or social networking platform while on-duty, unless permission is granted for investigative or public information purposes.
3. Employees are prohibited from maintaining internet or other digital content that:
 - a. Reflects unfavorably on the Aberdeen Police Department or its employees;
 - b. Could reasonably be interpreted to express the official position of this Department unless specifically directed by the Chief of Police or designee;
 - c. Contains a reference to the employee's affiliation with the Aberdeen Police Department and which contains unprofessional, unbecoming or illegal content including, but not limited to, lewd sexual conduct, references to excessive alcohol consumption or similar behaviors;
 - d. Could reasonably be interpreted as adversely affecting this Department morale, discipline, operations, employee safety, or public perception; or
 - e. Contains any recording, including images, obtained while in the performance of duty while on duty with the Aberdeen Police Department without the express consent of the Chief of Police or designee.



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4. Employees are prohibited from posting, or in any other way broadcasting, or disseminating information on the internet, social networking sites or other medium of communication, the business of this Department including, but not limited to:
 - a. Photographs/images related to any investigation of this Department;
 - b. Video or audio files related to any investigation of this Department; or
 - c. Any other information related any investigation of this Department.
5. Employees are prohibited from posting any photograph, audio, video, or any other multimedia file related to any past or current action of this Department, either in homage or critique.
6. Employees are prohibited from posting any material on the Internet that brings discredit to or may adversely affect the efficiency or integrity of the Aberdeen Police Department.
7. Employees are prohibited from posting any sexually graphic or explicit material, of any kind, which is readily identifiable to the employee as a police officer, on any form of social media or social networking site.

H. Administrative or Internal Investigations

1. Employees who are brought under administrative or internal investigation related to their performance, functionality or duties of a peace officer may be asked to provide the Department, or its designated investigator, with access to the social media and social networking platforms in which they participate or maintain.
2. Employees who are brought under administrative or internal investigation related to the Department's operation, productivity, efficiency, morale or reputation, may be asked to provide the Department, or its designated investigator, with access to the social media and social networking platforms in which they participate or maintain.



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Chapter 05 Rules of Conduct & Internal Affairs
Section 13 Personnel Early Identification System (PEIS)
CALEA 35.1.9

GO 23-014, 09/06/2023
Supersedes GO 13-041

A. Policy

1. The Personnel Early Identification System (PEIS):
 - a. Identifies Department employees who may need assistance to correct their performance; and
 - b. Offers the employees another opportunity to meet the Department's vision and mission statements.

B. Procedure

1. The CID Commander shall maintain the PEIS and shall notate received written records in the PEIS. Written records include these targeted incidents: (35.1.9a)
 - a. Verbal Counseling (VC)
 - b. Counseling Form (CF)
 - c. Written Reprimand (WR)
 - d. Internal Investigation (IAU)
 - e. Civilian Written Warning (CWW)
2. Supervisors shall submit verbal counseling and written counseling records, written reprimands, and internal investigation documents to the Division Commander. (35.1.9f)
3. The Division Commander shall forward the written record to the CID Commander.
4. The CID Command shall:
 - a. Enter into the PEIS system:
 - 1) The title of the document; and
 - 2) The month the incident occurred; and
 - b. File the document, appropriately.
5. The CID Commander shall initiate a documented employee review when an employee has accumulated 3 or more written incidents within 12 months, as approved by the Chief of Police. (35.1.9b)
6. The CID Commander shall submit the document through the chain of command to the Chief of Police for review and approval. (35.1.9c)

C. Remedial Action (35.1.9g)

1. The Commander, the Deputy Chief, and the Chief of Police shall meet with the employee to discuss the employee's performance and the targeted incidents.
2. The Chief of Police will determine courses of remedial action which may include but are not limited to:
 - a. No action;
 - b. Informal counseling and informal monitoring by employee's raters;
 - c. Formal counseling or corrective actions;
 - d. Mandatory remedial or additional training designed to improve employees' skills;



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Section	13	Personnel Early Identification System (PEIS)	Supersedes GO 13-041
CALEA		35.1.9	

- e. Voluntary or mandatory referral for professional counseling (35.1.9h); and/or
- f. Reassignment.

D. Evaluation of the System (35.1.9e)

1. The CID Supervisor shall write an annual evaluation on the system's effectiveness of the PEIS and may propose changes and improvements.
2. The CID Commander shall submit the written Evaluation through the chain of command to the Chief of Police.