

CHAPTER 1.0

DEPARTMENTAL ROLE AND AUTHORITY

1.1 DEPARTMENTAL AUTHORITY

1.1.1 Legal Authority

Sworn officers of the Norwalk Department of Police Service shall be bound by and shall uphold the Constitution of the United States of America and the Constitution of the State of Connecticut.

The sworn officers of the Norwalk Department of Police Service are empowered under Section 7-276 of the Connecticut General Statutes and Section 1-303 and 1-306 of the City Code of Norwalk. Said officers shall have the powers of Constables of towns in the apprehension and arrest of criminals and the service of process within the limits of said city.

Pursuant to Sections 1-297 and 1-298 of the Charter of the City of Norwalk, there is established a Board of Police Commissioners within the City of Norwalk.

Said Board shall have control, management, and supervision of all police officers of this agency and of all property belonging to or used in the department in the delivery of law enforcement tasks and services.

Sworn officers of the Norwalk Department of Police Service shall enforce all Federal and State laws, and the ordinances of the City of Norwalk.

All sworn officers derive the legal authority to carry and use weapons in the performance of their duties from Connecticut General Statutes 53-206, 29-35 and 53-22.

Title 54 - Chapters 959 and 960 of the Connecticut General Statutes details the authority of law enforcement officers regarding;

1. Arrest
2. Search and Seizure
3. Wiretaps and electronic surveillance
4. Information, procedure, and bail

All sworn officers of the Norwalk Department of Police Service shall be governed by and be familiar with the provision of said title.

1.1.2 Oath of Office

Prior to assuming sworn status, all police personnel shall take and subsequently abide by an oath of office to enforce the law and uphold the Constitution of the United States and faithfully and impartially discharge and perform all duties incumbent upon them as a police officer in the City of Norwalk. The Oath of Office for sworn members of its agency appears as Appendix A of this directive.

1.1.3 Law Enforcement Code of Ethics

All officers of the Norwalk Department of Police Service shall abide by the Law Enforcement Code of Ethics, a copy of which appears as Appendix B of this directive. All personnel shall abide by the City of Norwalk Code of Ethics and receive training biennially.

1.1.4 Discretion

All sworn officers of this department are expected to use discretion when exercising their legal authority to carry out assigned responsibilities. Discretion is the power of free decision or latitude of choice within legal guidelines. When discretionary power is poorly exercised, it may be viewed by the public as bias, favoritism or even corruption. Therefore, when exercising discretion in the performance of duty, it is imperative that officers take into consideration the goals and objectives of the department, the best interest of the citizenry, and any mitigating circumstances surrounding each incident.

A "totality of circumstances" approach should be considered by officers at all times during the performance of duty, especially when exercising arrest authority. Officers must consider the situation with which they are confronted, policy and procedure, and possible alternative resolutions.

The use of discretion should be carefully reviewed and restricted in felony situations. Greater latitude of discretionary judgment will be permitted in the investigation of misdemeanors, infractions, or city ordinances. Each officer will be held accountable for the proper use of discretion in any given situation.

1.1.5 Alternative to Physical Arrest

An individual's right to freedom must be a primary consideration of all officers in the performance of their sworn duties. Whenever a situation warrants, and a law violator can be brought to justice without incarceration while still providing for the public safety, officers are encouraged to select a suitable alternative. Physical arrest should only be used after other acceptable and legal options have been deemed inappropriate.

Alternatives to arrest include:

1. Issuance of summons
2. Referral to social service agency
3. Verbal warning
4. Informal resolution

Referrals

Officers must realize that many of the human problems with which they deal demand the attention of professionals in the social service field. The safeguarding of human life, to include the preservation of dignity, is a primary goal of the Norwalk Department of Police Service. Towards that end, officers of this agency should make appropriate referrals when such referral will effectively resolve a situation and help a person in need.

Informal Resolution

Officers have at their disposal numerous alternatives for creatively resolving situations. Included are mediation, negotiation, parental notification, and many other appropriate and legally permissible actions.

1.1.6 Biased Based Profiling

Biased policing undermines legitimate law enforcement efforts, alienates community members, and fosters community distrust. This policy is intended to reaffirm the department's commitment to fair and impartial policing, and to clarify the circumstances in which officers can consider race, religion, color, ethnicity, age, gender, gender identity or expression, disability, socio-economic status or sexual orientation, national origin, immigration status, housing status, language fluency, occupation, education, political beliefs/affiliation(s), or any other protected class.

Members of the department are prohibited from conducting biased based profiling. Prohibited profiling practices are defined as the stopping, detention, interdiction, search, asset seizure and forfeiture, or other disparate treatment of an individual based on the race, religion, color, ethnicity, age, gender, gender identity or expression, disability, socio-economic status, sexual orientation, national origin, immigration status, housing status, language fluency, occupation, education, political beliefs/affiliation(s), or any other identifiable group. Officers must have reasonable suspicion supported by specific articulable facts that the person contacted has been, is, or is about to commit an infraction, violation, or crime; or is currently presenting a threat to the safety of themselves or others.

These restrictions on the use of these factors do not apply to law enforcement activities designed to strengthen the department's relationship with its diverse communities.

Members of the department shall receive initial and annual training in biased based profiling issues including legal aspects.

Although supervisors shall be alert and respond to indications that biased profiling is occurring, it is the responsibility of all members of the department to report any suspected incidents of biased policing.

The Professional Standards Division shall conduct a documented annual administrative review of agency practices including citizen concerns. Should a prohibited biased based profiling incident occur, the situation shall be documented in writing and forwarded through the chain of command for appropriate corrective action. Should a complaint of biased based profiling be received, it shall be documented in writing and forwarded through the chain of command to the Chief of Police for review. Should the complaint result from a traffic stop, a copy of the complaint and the written notification of the review and disposition must be provided to the Chief State's Attorney and the Office of Policy and Management in accordance with C.G.S. 54-1m.

All motor vehicle stops shall be documented as described in Directive 4.3.1.

1.1.7 Consular Notifications and Procedures Regarding Foreign Nationals

Members of the department shall make notifications pursuant to regulations and official instructions issued by the United States Department of State. Guidelines published by the State Department entitled Consular Notification and Access is available in the Communications Center. These guidelines can also be accessed at travel.state.gov/consul_notify.html.

In the event it is necessary to notify a foreign consular, the officer making the notification shall document the details in their report and forward a copy to the Chief of Police.

1.1.8 Immigration and Customs Enforcement (ICE)

The enforcement of immigration laws fall under the purview of ICE. Members of the department are not to engage in a formal or informal practice of immigration enforcement. Officers shall not inquire as to an individual's immigration status during routine police interactions.

The agency will be guided by the Department of Homeland Security (DHS) Position Paper, dated 2011, on the level of assistance and cooperation given to federal agents on the enforcement of immigration laws. A copy of the position paper entitled "Guidance on State and Local Governments' Assistance in Immigration Enforcement and Related Matters" is located at the front desk. These guidelines can also be accessed on line at www.dhs.gov.

CIVIL IMMIGRATION DETAINERS

No officer shall arrest or detain an individual pursuant to a civil immigration detainer or give federal immigration authority access to interview an individual who is in custody unless:

1. The detainer is accompanied by a warrant issued or signed by a judicial officer;
2. Has been convicted of a class A or B felony;
3. Is identified as a possible match in the federal Terrorist Screening Database or similar database; or
4. Is the subject of a court order issued under 8 USC 1225(d)(4)(B).

Upon receiving a civil immigrant detainer, the officer shall provide a copy of the detainer to the affected individual who is the subject of the detainer and inform them whether the officer intends to comply with the detainer. If the officer provides ICE with notification that an individual is being, or will be released on a certain date, the officer shall promptly provide to the individual and the their attorney or shall make a good faith effort to contact one other individual who the individual may designate, a copy of such notification as well as the reason, in writing, that such officer or law enforcement agency is complying with the detainer.

Prior to responding to a request for notification of an individual's release date and time from custody of an individual suspected of violating a federal immigration law or who has been issued a final order of removal, the officer shall forward the request to the Chief of Police for review.

1.1.9 Citizen's Right to Video or Audio Record

The mere act of video or audio recording of members of the Norwalk Police Department engaged in their official duties is not prohibited by federal or state statute, City of Norwalk Ordinance, or case law. All agency personnel are informed that video or audio recording of police activity is permissible as long as such recording does not interfere with ongoing police activity or jeopardize the safety of the general public or the police.

Any officer who determines that a person video or audio recording police activity has committed or is about to commit a crime should take the appropriate enforcement action consistent with applicable law as well as any Directives of the Norwalk Department of Police Services.

1.1.10 Use of Interpreters

Foreign Language Translator

When any employee of the Department interacts with a non-English speaking individual, an unbiased “qualified interpreter” should be obtained as soon as possible. Whenever feasible, a member of this Department will be utilized as a foreign language translator. If a qualified interpreter is not available, then efforts will be made to locate one from another police department or another source. Approval from a supervisor must be obtained prior to contacting an outside interpreter.

Deaf or Hearing Impaired

Pursuant to Connecticut General Statute 46a-33, the Department shall provide a “qualified interpreter” to any deaf or hearing-impaired person, whether as a victim, witness, or suspect. The Department shall also provide a “qualified interpreter” to the parent or guardian of any minor child involved in an investigation, whether as the victim, witness, or suspect.

Communications will maintain an up to date list of “qualified interpreters” that may assist in police matters. A copy of this list will remain in the Communications center. Approval from a supervisor must be obtained prior to contacting the interpreters for assistance. Employees should avoid the use of friends or family who may be biased toward one of the parties.

Qualified interpreters are as follows:

Family Services Working to Strengthen our Communities
Community Sign Language Service
475 Clinton Avenue, Bridgeport, CT
Phone: (888) 676-8554
Fax: (203) 696-0714

State of Connecticut
Commission on Deaf and Hearing Impaired
67 Prospect Street, Hartford, CT
Phone: (860) 231-7623
Fax: (860) 231-8756

Sign Language Resource
1607 Route 300
Newburgh, NY
Phone: (845) 566-7951
Phone/Fax: (845) 566-1417

