

CHAPTER 3.0

PERSONNEL

3.6 DISCIPLINARY PROCEDURES

3.6.1 Code of Conduct

The Norwalk Department of Police Service Manual is the Code of Conduct for all employees of this Department. Each employee of the Department will be furnished a copy of the manual and is responsible for reading, understanding, and complying with its provisions.

3.6.2 Disciplinary System (general)

Discipline is the responsibility of each individual, and a well-disciplined police department is one that voluntarily and ungrudgingly conforms to all rules and orders.

The Norwalk Department of Police Service employs a structured disciplinary system to be followed in cases of alleged or suspected violations of department rules, orders, City of Norwalk ordinances, or any applicable state or federal statutes by members of the department. This procedure is meant to assure prompt and thorough investigation of complaints to clear the innocent, establish guilt of wrongdoers, and facilitate fair, suitable and consistent disciplinary action.

The disciplinary system also provides a uniform means of recognizing actions or performances by members of the Police Department and citizens which are either outstanding or beyond that which is normally expected.

3.6.3 Police Department Employee Recognition Policy

The Norwalk Department of Police Service expects a very high level of professional conduct from all employees; however, members of the department frequently perform their duties in a manner exceeding even the highest standards of the department. Police awards shall be bestowed upon officers in recognition for their outstanding performances, above and beyond the call of duty, in the performance of their sworn duties as a police officer. These police awards shall be presented in a manner that allows for acknowledgment by the officer's peers, and by the general public.

1. Recommendations for police awards can be made by any officer on behalf of another officer on NPD Form #050. Recommendations for police awards shall be forwarded to the Awards Committee for review. The Awards Committee will review and forward nominations to the Chief of Police. The Awards Committee will be appointed by the Chief of Police.
2. The Chief of Police shall determine whether or not to grant the award to the recommended officer. If the Chief of Police grants an award, he shall select the appropriate established police award to grant the officer.
3. The police awards shall be presented to the police officers on an annual basis in a public forum selected by the Chief of Police.

Award classifications

1. Medal of Honor

Awarded to officers who distinguish themselves by an act of heroism while/and exposing themselves to extreme physical injury. This shall be the department's highest award and shall be presented only under extraordinary circumstances.

This citation bar shall consist of a green bar with a field of gold stars.

2. Police Service Cross

Awarded to officers who distinguish themselves by an act of bravery while exposing themselves to physical injury, or while engaged with an armed adversary, and exposing themselves to physical injury.

This citation bar shall consist of a yellow and blue bar with gold vertical divisions.

3. Purple Heart

Awarded to officers, who has been seriously, critically or fatally injured in the performance of law enforcement duty. In addition, this award may be conferred if an injury was averted by the wearing of body armor. The degree of injury and totality of circumstances shall be the determining factors.

This citation bar shall be a purple bar.

4. Life Saving Award

Awarded to officers who save the life of another.

This citation bar shall consist of a red bar with white stripes on each end.

5. Distinguished Service Award

Awarded to officers who distinguish themselves through outstanding and extraordinary police work and judgment, beyond the scope of normal and reasonable expectations.

This citation bar shall consist of a white bar with blue vertical divisions.

6. Meritorious Commendation

Awarded to any officer who distinguishes themselves by a meritorious achievement, act, or service to the Department and which act is performed in a manner beyond normal expectations. This award would address outstanding police work at a level just below the Distinguished Service Award.

The citation bar shall consist of a white bar with two green vertical stripes.

7. Unit Citation Award

Awarded to any squad, unit, or group of officers that accomplishes outstanding/ exceptional case work that is accomplished by a group of officers in collaborative.

This citation bar shall consist of a black bar with two vertical red stripes with gold crest in center.

8. Officer of the Year Award

Awarded to the Officer of the Year which is selected by the Chief of Police.

This citation bar shall consist of a black bar with two gold vertical stripes with the year silk screened in the center.

9. Chief's Letter of Recognition

Awarded to officers when such criteria does not come under awards 1 through 6, yet personal recognition is deserved for excellent service to the community or department.

Only one medal of each type may be worn with the exception of Officer of the Year. Any officer who receives the same award shall wear the following:

- From 2-5 awards of the same type – a silver star shall be applied to the bar
- For 6 awards and up of the same type – a gold star shall be applied to the bar

3.6.4 Officer of the Month/Year Program

General

In addition to the Police Awards, all officers below the rank of Chief are eligible to participate in the "Officer of the Month" Program. Each month, nominations may be made for exceptional achievement in any police endeavor, including:

- extraordinary valor
- investigative work
- community policing
- community relations activities
- traffic safety
- drug control and prevention
- juvenile programs
- training programs

Nominations

Nominations for Officer of the Month may be made by any employee of the department. However, all supervisors and commanding officers shall forward to the Chief of Police, all instances of noteworthy performance by members of their division or unit. No specific format for submission shall be utilized. Nominations may be made by submitting a statement of the specific circumstances involving distinguished police performance supplemented by any supporting documents, such as police reports, commendations, etc. The nominations shall be addressed to the Chief of Police, who shall review the nominations and may select one or more officer(s) each month.

Officers selected as "Officer of the Month" shall be recognized with a press release to the media, denoting the achievement as well as their name and photo displayed in the lobby of headquarters.

On or before January 31st of each year, a committee appointed by the Chief, shall select one officer from among the twelve "Officer of the Month" recipients and recommend that this officer be recognized as "Officer of the Year". This recommendation shall be forwarded to the Chief of Police, who may recognize one officer as "Officer of the Year".

Officers selected as “Officer of the Year” shall be recognized with a press release to the media, denoting their achievement as well as an award presented by the department. In addition, each “Officer of the Year” recipient will be memorialized on a plaque displayed in the front lobby of police headquarters.

3.6.5 Citizen Recognition Policy

The effective investigation, prosecution, and reduction of crime cannot be accomplished by the police without the support and cooperation of the citizens whom they serve. Each citizen must recognize his or her obligation to the community and the shared responsibility for its welfare. The department seeks to further the acceptance of these duties through recognition of those citizens whose actions have contributed to the apprehension of criminals, prevention of crime, or the safety of the community.

Recommendations for citizen's awards can be made by any officer on behalf of a citizen on NPD Form #051. Recommendations for citizen's awards shall be forwarded to the appropriate division's Deputy Chief who will evaluate the recommendation and forward his/her findings to the Chief of Police.

The Chief of Police and the Board of Police Commissioners shall determine whether or not to grant an award to the citizen. Citizen awards will be in the form of either a letter or certificate from the Board of Police Commissioners depending upon the circumstances of the event. A citizen receiving an award certificate will receive it from the Chief of Police or his designee.

3.6.6 Training as a Function of Discipline

The Training and Recruitment Division is responsible for developing and administering in-service training for Police Department employees designed to further their knowledge and understanding of proper and effective police methods and techniques. The training should foster positive and constructive techniques for improving employee productivity, effectiveness, and morale. The department may mandate remedial training for employees found to be deficient in some necessary skills. On occasion, the Chief of Police may require an employee to receive such remedial training as a disciplinary measure.

3.6.7 Administration of Discipline

Pursuant to Article 19 of the Collective Bargaining Agreement by and between the City of Norwalk and the Norwalk Police Union Local 1727, the Chief of Police shall be responsible for administering discipline for all regular members of the police department.

Discipline will generally be administered in a progressive fashion. The following factors will be taken into consideration in the administration of discipline:

- seriousness of the incident
- circumstances surrounding the incident
- employee's past disciplinary record
- employee's past work performance
- overall negative impact on the organization that the incident has caused
- prognosis for future similar problems
- length of service with the department

If an allegation of a serious nature is made against an officer, the Chief of Police may place that officer on paid administrative leave pending the outcome of a disciplinary hearing.

The following disciplinary actions are available to the Chief of Police and/or the Board of Police Commissioners if it is determined that discipline is appropriate:

- A. Counseling/Training - if the employee misconduct is minor, consisting of only a minor procedural mistake or inappropriate judgment, employees as a general rule will be counseled or given appropriate training. Counseling/training will be noted in the employee's personnel file.
- B. Written Reprimand - if the employee misconduct is serious or is part of a continuing pattern of behavior involving repeated minor misconduct or mistakes, employees as a general rule will be reprimanded. Reprimands will contain charges (what rules have been violated) and specifications (description of the conduct that constituted the rule violation). Reprimands will be part of an employee's personnel file.
- C. Revocation of Vacation Time/Suspensions - if the employee misconduct is very serious or is part of a continuing pattern of behavior involving repeated serious misconduct, the Chief of Police may revoke earned vacation time or impose suspension pursuant to contractual provisions.
- D. Demotion - if the employee accused of misconduct is above the rank of patrol officer, and the offense is such that it significantly impedes the officer's ability to continue functioning at that officer's current rank, the Chief of Police may impose a demotion pursuant to contractual provisions.
- E. Dismissal - if the employee misconduct is so serious that continued employment is no longer appropriate or is part of a continuing pattern of behavior involving repeated serious or very serious misconduct; employees may be dismissed pursuant to contractual provisions.

3.6.8 Disciplinary Hearings

Prior to the imposition of any discipline by the Chief of Police, the accused officer, along with a representative of the Norwalk Police Union will be given the opportunity to appear before the Chief of Police for a pre-disciplinary hearing. Such hearing shall be informal and its purpose shall be to respond to charges brought against him or her and to put forth any additional information that should be considered prior to the imposition of discipline.

3.6.9 Restrictions During Suspensions

When a sworn police officer is suspended, the officer may be required to turn in all departmental weapons, badges and police identification cards. Officers under suspension may be ordered not to represent themselves as nor exercise the power of police officers. These restrictions will be determined by the Chief of Police or his designee.

3.6.10 Supervisory Role in Discipline

In the disciplinary process, the role of the supervisor is:

- 1. To observe the conduct and appearance of officers and detect those instances when commendations or disciplinary actions are warranted.
- 2. To take immediate corrective actions when appropriate regarding the behavior or performance of a subordinate.

3. To make recommendations on training needs or deficiencies in an effort to improve employee performance.

Subject to the provisions of the Norwalk Department of Police Service Manual Section 3.9(d) and Directive 2.8.15, supervisors have the power of suspension should urgent conditions warrant such action.

3.6.11 Termination Notice

If an investigation of employee misconduct results in termination, the employee shall receive written notice which includes the following information:

- reason for termination (charges and specifications)
- effective date of termination
- status of fringe and retirement benefits after termination
- content of the officer's personnel file relative to the termination

This section does not apply to entry-level probationary employees.

3.6.12 Allegation Findings

The outcome of each allegation of employee misconduct or malfeasance which may form the basis for an internal investigation, will be classified in one of the following categories:

1. Sustained - the accused employee committed all or part of the alleged acts of misconduct.
2. Not sustained - the investigation produced insufficient information to prove or disprove the allegation.
3. Exonerated – the investigation determined by a preponderance of the evidence that misconduct or malfeasance was committed, but not by the subject of the investigation.
4. Unfounded - the investigation determined by a preponderance of the evidence that misconduct or malfeasance complained of did not occur.
5. Misconduct not based on original complaint - the investigation determined by a preponderance of the evidence that other misconduct or malfeasance which was not the basis for the original investigation occurred, was discovered during the course of the original investigation and was committed by the subject of the investigation.
6. Withdrawn – at some point prior to the completion of the investigation, the complainant notified the agency that he/she wished the investigation to be discontinued and concurrence for this action was obtained from the Chief of Police.
7. Summary Action – disciplinary action in the form of an oral reprimand or counseling, documented in writing, was taken by an employee's supervisor or commander for minor violations of department rules, policies, or procedures as defined by this agency. Summary actions are the lowest level of disciplinary action or remediation.
8. Reconciled – at the discretion of the Chief of Police, the process of reconciliation may be encouraged in lieu of any of the above dispositions. When authorized by the Chief of Police,

supervisors receiving complaints shall to the extent possible, bring together the complainant and the officer or employee involved in minor violations and attempt reconciliation. This may be used where the complaint is from a misunderstanding on the part of the affected officer, employee, or the complainant. Reconciliation may be employed for complaints of a minor nature that do not reflect:

- A. Discredit upon the agency
- B. Discredit upon the involved employee
- C. Commission of a criminal offense; or
- D. Allegation of racism, bigotry, or prejudice against any race, religion, creed, national origin, sexual orientation, or circumstances beyond the individual's control.

Reconciliation must be documented through the chain of command to the Chief of Police or his designee. Reconciliation does not preclude further corrective action on the part of the agency.

3.6.13 Disciplinary Records

Documentation regarding disciplinary action such as suspension or written reprimand charges and specifications will be entered in the concerned employee's personnel file. Any documentation relating to the circumstances of an internal investigation will not be placed in the file, but remain with the Professional Standards Division files pursuant to Directive 2.8.10. All files will be purged according to the State of Connecticut Records Retention Schedule M7.

Employees may review their personnel files by contacting the Chief's secretary. No documents may be removed from the personnel files by anyone except with the permission of the Chief of Police and according to law.

3.6.14 Disciplinary Appeals

Appeals regarding disciplinary matters shall be handled according to the applicable collective bargaining agreement.

3.6.15 Harassment

Sexual harassment or any other form of unlawful harassment by a supervisor to a subordinate employee or by any employee to another employee is prohibited by law and by the City of Norwalk's policy prohibiting sexual harassment with respect to any City Employee.

Sexual harassment is defined in Connecticut General Statute 46a-60 as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Any employee who feels he or she has been harassed in any unlawful form should report the situation directly to their supervisor. If the supervisor is the subject of the harassment complaint, the affected employee may bypass the normal chain of command for the purposes of reporting the alleged violation and report such conduct to their division commander, directly to their respective

Deputy Chief, or the Chief of Police. In addition, employees may also report such alleged conduct to the Director of Personnel and Labor Relations. All reports will be investigated and appropriate action will be taken. All reports, complaints, or inquiries will be handled in a confidential manner.

Individuals who engage in acts of unlawful harassment may also be subject to civil and criminal penalties in addition to any departmental sanctions that may or may not be imposed.