

NORWALK
DEPARTMENT OF POLICE SERVICE
NORWALK, CONNECTICUT
MANUAL



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MAYOR

HONORABLE Harry W. Rilling

POLICE COMMISSIONERS

COMMISSIONER Fran Collier-Clemmons
COMMISSIONER Kelly Straniti

CHIEF OF POLICE

Thomas Kulhawik

FORWARD

The Board of Police Commissioners of the City of Norwalk having the direction and control of the Police Department, has adopted the following Regulations for the government and discipline of the Department, superseding those contained in the Police Manual adopted in 1960 and 1980. This Manual is based on the most approved and modern standards of Police Personnel Administration and embodies the experience and opinion of eminent authorities in the field. It is the hope and purpose of the Police Commission that this Manual will help the members of the Police Department to maintain and enhance the fine reputation that it now enjoys.

PREFACE

The Norwalk Department of Police Service shall, in addition to and in conformity with the laws of the United States of America, the State of Connecticut and the City of Norwalk, be governed by the rules and regulations set forth in this manual. The Board of Police Commissioners, having responsibility for the direction and control of the Department of Police Service, has adopted the following regulations for the government and discipline of the Department, superseding those contained in any previous manual.

This manual is to be used in conjunction with orders, procedures and policy which may emanate from the Board of Police Commissioners and the Chief of Police; and with the existing collective bargaining agreement between the recognized collective bargaining unit and the City of Norwalk.

Members of the Norwalk Department of Police Service should understand that these rules and regulations may not cover every situation that may arise in the discharge of their duty, and that common sense must prevail.

THIS MANUAL SHALL TAKE EFFECT ON AUGUST 5, 1986

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SECTION I

GENERAL PROVISIONS

- 1.1 The Department of Police Service in the City of Norwalk shall consist of both sworn personnel and civilian employees.
- 1.2 For the purpose of this manual, the term "officer" refers to all sworn personnel of the Norwalk Department of Police Service.
- 1.3 The organization of the Norwalk Department of Police Service is determined by the existing table of organization.
- 1.4 This manual supersedes any previous orders conflicting with the provisions herein. It is to be used in conjunction with the existing agreement between the recognized police bargaining unit and the City of Norwalk.
- 1.5 It is the duty of all officers to be familiar with and understand the provisions of the Norwalk Police Manual.
- 1.6 This manual is to be considered a General Order issued by the Chief of Police.

SECTION II

CHAIN OF COMMAND BY RANK

Chief of Police

Deputy Chief of Police

Captain

Lieutenant

Sergeant

Detective

Patrol Officer

When officers are of equal rank, seniority will be determined as per the existing bargaining agreement between the recognized bargaining unit and the City of Norwalk.

SECTION III

DUTIES OF OFFICERS

3.1 CHIEF OF POLICE

The Chief of Police is responsible for the enforcement of Federal, State and local Laws. The Chief of Police is responsible for the administration of all matters pertaining to the Department of Police Service in the City of Norwalk, and is considered always on duty. The Chief of Police is under the direction of the Board of Police Commissioners as required by law.

3.2 DEPUTY CHIEF OF POLICE

The Deputy Chief of Police is second in command of the Department of Police Service, and in the absence of the Chief assumes the duties of the Chief of Police. The Deputy Chief of Police is under the direction of the Chief of Police and is considered always on duty.

3.3 COMMANDING OFFICER

The appointed officer is in charge of any division, bureau, or unit of the Department of Police Service. Commanding Officers are responsible for the competent function of such division, bureau, or unit. It is also their responsibility to record and conduct the initial investigation of any complaint made against officers in their respective commands. Commanding Officer's duties include the taking of whatever disciplinary action needed on an immediate basis to ensure the efficient operation of services.

3.4 OFFICER IN CHARGE

The ranking officer on duty in any division, bureau, or unit is in charge. The responsibilities and powers are the same as those of commanding officers. Officers in charge, however, will refrain from setting policy. They ensure that the policies and orders of the commanding officers are followed and obeyed.

3.5 SUPERVISING OFFICER

An officer who through rank or appointment is responsible for the actions of one or more subordinates. In terms of a subordinate, a supervising officer shall refer to that officer to whom he or she is directly responsible. Supervising officers personally observe the work and actions of those subordinates for whom they are responsible and react accordingly to needs of commendation, training, or correction.

3.6 DETECTIVES

Detectives are responsible for the investigation of criminal activity and any other case or matter to which they may be assigned by their commanding officer or officer in charge.

3.7 PATROL OFFICERS

Patrol officers are responsible for enforcing the law and investigating complaints in their assigned area of patrol. They are also responsible for any other proper investigation or assignment as ordered by their supervising officer, officer in charge, or commanding officer. They render police service as needed.

3.8 SPECIALLY ASSIGNED OFFICERS

Regardless of rank, officers with special assignments are responsible for the discharge of those specific duties. Such assignments are subject to change through administrative process.

3.9 GENERAL CONDITIONS

- a) While the responsibilities in this section are absolute, it is not to be construed that ranking officers cannot delegate their authority. Superior officers may find it appropriate to delegate some of their tasks to subordinate officers. This does not alleviate the superior officer from the ultimate responsibility.
- b) There are a number of instances wherein an officer may function in more than one of the duties as outlined; for instance, an officer in charge may be required to act as a supervising officer as well.

- c) Should a question arise as to officer in charge between specialized units, the ranking patrol officer shall be the officer in charge subject to rules of conduct 4.11 and 4.12. An exception to this condition is when a specialized bureau or division is charged with the primary responsibility of an investigation. Then the first arriving officer of the specialized unit immediately takes command; e.g. a detective arriving on the scene of a felony immediately becomes the officer in charge.
- d) Officers in charge shall have the power of suspension should urgent conditions warrant such action. If such action is necessary, the power of suspension shall be vested in those of the rank of Sergeant and above who shall immediately notify their commanding officer, inform him of the charges and circumstances. The commanding officer will notify the Chief of Police.
- e) The Chief of Police or his designee shall investigate all violations of orders, rules and regulations of the Department or any misconduct on the part of any member thereof.

SECTION IV

RULES OF CONDUCT

4.1 VIOLATION OF RULES

Officers shall not commit any acts which constitute a violation of the rules, regulations, directives, or other orders of the Department whether or not stated in this General Order. Rules, Regulations, Directives or other orders shall be posted at Headquarters, Desk, Detective Division, Communications and Command Offices.

4.2 CONFORMANCE TO LAWS

- a) Officers shall obey all laws of the United States, the State of Connecticut and of any state and local jurisdiction in which the officers are present.
- b) Any conviction shall be deemed prima facie evidence of a violation of this section.

4.3 REPORTING FOR DUTY

Officers shall report for duty at the time and place required by assignment and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. An officer working an "extra" assignment is considered on duty. All legal and authorized subpoenas shall constitute an order to report for duty under this section.

4.4 NEGLECT OF DUTY

No officer shall be absent from assigned duty or post without authorized leave.

4.5 FICTITIOUS ILLNESS OR INJURY REPORTS

Officers shall not feign illness or injury, falsely report themselves or have someone falsely report them ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health. It shall be the officer's responsibility to have documented all treatments and to keep the Department informed of his or her condition in extended cases.

4.6 SLEEPING ON DUTY

Officers shall remain awake on duty. If unable to do so, they shall so report to their supervising officer, who shall determine the proper course of action.

4.7 INCOMPETENCE

An officer shall maintain competency to perform his/her duty and to assume the responsibility of his/her position. Incompetence may be deemed by demonstrating the following but not limited thereto.

- a) A lack of knowledge of the application of laws required to be enforced.
- b) An unwillingness or inability to perform assigned tasks.
- c) The failure to conform to work standards established for the officer's rank, grade or position.
- d) Repeated poor evaluations or repeated infractions of the rules and regulations.
 - 1) Violation of Section 4.7(d) shall be prima facie evidence of incompetent performance.

4.8 EMPLOYMENT OUTSIDE THE DEPARTMENT

- a) Officers may engage in off-duty employment subject to the following limitations: (1) Such employment shall not interfere with the officer's employment with the Department, (2) Officers shall submit a written request for off-duty employment to the Chief whose approval must be granted prior to engaging in such employment, and (3) Officers shall not engage in any employment or business in violation of Federal or State Laws.

- b) Approval may be denied or revoked where it appears that the outside employment might (1) render the officer unavailable during an emergency, (2) physically or mentally exhaust the officer to the point that performance might be affected, (3) require that any special consideration be given to scheduling of the officer's regular duty hours, or, (4) bring the Department into disrepute or impair the operation or efficiency of the Department or officer.
- c) Where permission for outside employment is denied, the officer may file a grievance pursuant to Article 20, Section 2, step 2, of the collective bargaining agreement, as amended.

Where the City is considering revoking current permission to work outside employment, the officer shall, prior to the effective date of such proposed revocation, be given the opportunity to have a hearing before the Chief, or his designee, to show cause why the officer may continue such outside employment. If the matter is not settled to the satisfaction of the officer, a grievance may be filed pursuant to Article 20, Section 2, step 2 of the collective bargaining agreement, as amended. Such hearing must take place within 10 days of notice to the officer that revocation is considered, which time may be extended by mutual agreement.

4.9 USE OF ALCOHOL ON DUTY

- a) Officers shall not consume intoxicating beverages on duty except in the performance of duty and while acting under proper and specific orders from a superior officer.
- b) Officers shall not appear for duty, or be on duty, while under the influence of intoxicants.

4.10 POSSESSION AND USE OF DRUGS

Officers shall not possess any controlled substances, narcotics, or hallucinogens except when taken as evidence or prescribed in the treatment of officers by a physician or dentist. When controlled substances, narcotics or hallucinogens are prescribed, officers shall notify their superior officer.

4.11 INSUBORDINATION

Officers shall promptly obey any lawful orders of a superior officer. This will include orders relayed from a superior officer through an officer of the same or lesser rank.

4.12 CONFLICTING OR ILLEGAL ORDERS

- a) Officers who are given an otherwise proper order which is in conflict with a previous order, rule, regulation or directive shall respectfully inform the superior officer issuing the order of the conflict. If the superior officer issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior officer. Officers shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued.
- b) Officers shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, officers shall request the issuing officer to clarify the order or to confer with higher authority.

4.13 GIFTS, GRATUITIES, BRIBES OR REWARDS

Officers shall not solicit or accept from any person, business, or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service or entertainment) for benefit of the officers or the Department, if it may reasonably be inferred that the person, business, or organization:

- a) seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty, or
- b) has an interest which may be substantially affected directly or indirectly by the performance or nonperformance of an official duty.

4.14 ENDORSEMENTS AND REFERRALS

Officers may recommend or suggest, if requested, the employment or procurement of a particular product, professional service, or commercial

service, such as an attorney, ambulance service, towing service, bondsman, mortician, etc. as long as it is not for personal or monetary gain or in violation of any Department policy or procedure.

4.15 IDENTIFICATION

Officers while on duty shall identify themselves to members of the public when requested to do so.

4.16 UNBECOMING CONDUCT

Officers shall not engage in any manner of misconduct or offensive behavior that brings the Department into disrepute or reflects discredit upon the officer as a member of the Department, or that which impairs the operation or efficiency of the Department or officer.

4.17 REQUESTS FOR ASSISTANCE

When any person asks for assistance, or makes complaints or reports, either by telephone or in person, all pertinent information will be taken in an official and courteous manner and will be properly and judiciously acted upon consistent with Departmental procedures.

4.18 ASSOCIATIONS

Officers shall avoid regular or continuous associations or dealings with persons whom they know are persons under criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in felonious or criminal behavior, except as necessary for the performance of official duties, or where unavoidable because of other personal relationships of the officers.

4.19 GAMBLING

Officers shall not engage nor participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a superior officer.

4.20 CRITICISM OF DEPARTMENTAL POLICIES, PRACTICES OR ORDERS

Because public criticism by police officers of Departmental policies, practices or orders may have an adverse effect upon the discipline, morale and efficiency of the Department, police officers have a special duty to use great discretion in such expressions. Therefore, before making public a criticism of the foregoing, a member should attempt to resolve the matter by discussion within the chain of command and by appeal if necessary.

If a member makes public his criticism and Chief of Police determines that such criticism is likely to have an adverse effect upon the discipline, morale or efficient operation of the Department because it:

- a) contains false information or defamatory statements; or
- b) is phrased in language that is abusive and unnecessarily inflammatory in nature,

He may issue an order directing the member to limit or cease future public criticism on the subject. Any such order shall be in writing and shall specify the reason for same. Failure to comply with such an order shall be basis for disciplinary action, but no member shall be disciplined for criticism except the disobedience of an order as set forth herein. Any such order may be appealed pursuant to the grievance procedure of the applicable collective bargaining agreement.

4.21 CONFIDENTIAL DEPARTMENT BUSINESS

For the purpose of this regulation, "Confidential Department Business" shall mean ongoing investigations by the Department, ongoing criminal prosecutions or information that is likely to cause imminent jeopardy to the safety of departmental personnel. Members of the Department shall not impart confidential departmental business to anyone except a person officially entitled to receive it, or as directed by the commanding officer, or as required by due process of law.

4.22 INTRADEPARTMENTAL COMPLAINTS

Any member who wishes to bring a complaint against a superior officer shall do so personally or by letter to the Chief of Police. Any member who wishes to bring a complaint against the Chief of Police shall do so to the Police Commissioners. Any member of the Department who is the subject of such complaint, or whose reputation has been compromised, may have a departmental inquiry made to determine the truth or falsity of the accusations made against them.

4.23 WITHHOLDING INFORMATION

Members of the Department shall not withhold from their superior officers information relating to police business, with a view to personal advancement, or for any other improper purposes.

4.24 DEMEANOR

- a) While on duty, members of the Department shall not speak disparagingly of the race, creed, color, sex, national origin, or religion of any person. Moreover, because such disparaging remarks may tend to create doubt as to the Departments willingness or ability to serve all members of the community fairly, regardless of race, creed, color, sex, national origin, sexual orientation or religion of any person, members are urged to refrain from such speech at all times.
- b) While on duty, members of the Department shall exercise courtesy toward all persons.

4.25 PERSONAL APPEARANCE

- a) Officers on duty shall wear uniforms or other clothing in accordance with established departmental procedures.
- b) Except when acting under proper and specific orders from a superior officer, officers on duty shall maintain a neat, well groomed appearance.

4.26 ALTERING NOTICES

No officer shall alter, deface or remove any posted notice or order of the Department without proper authority.

4.27 POLITICAL ACTIVITIES

- a) No member of the Department may use his official authority or influence for the purpose of interfering with or effecting the result of an election of a nomination for office.
- b) The political activities of officers shall be governed by applicable laws. Political activity shall not be conducted on duty.
- c) An officer shall be expected to meet entrance level requirements on his/her return to the Department.

4.28 INTERVENTION

Officers shall not interfere with cases being handled by other officers of the Department or any other governmental agency unless:

- a) Ordered to intervene by a superior officer, or
- b) The intervening officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.
 - 1. The officer must document all events.

4.29 DEPARTMENTAL REPORTS

Officers shall submit all necessary reports on time and in accordance with established departmental procedures. Reports submitted by officers shall be truthful and complete, and no officer shall knowingly enter or cause to be entered any inaccurate, false or improper information.

4.30 PROCESSING PROPERTY AND EVIDENCE

Property or evidence which has been discovered, gathered or received in connection with departmental responsibilities will be processed in accordance with established departmental procedures and law. Officers shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established departmental procedures and law.

4.31 USE OF DEPARTMENT EQUIPMENT

Officers shall utilize Department equipment only for its intended purpose, in accordance with established departmental procedures, and shall not abuse, damage or lose Department equipment. All Department equipment issued to officers shall be maintained in proper order. Officers may be held financially responsible for loss through neglect or by intent.

4.32 CARRYING FIREARMS

Officers shall only carry authorized firearms in accordance with State Law and established departmental procedures.

4.33 TRUTHFULNESS

Upon order of the Chief, the Chief's designee or a superior officer, officers shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department which may be asked of them. Violation of this Section may be grounds for dismissal. This shall not be construed to mean that officers must divulge names of informants.