

	<p style="text-align: center;">BRIDGEPORT POLICE DEPARTMENT</p> <p style="text-align: center;">POLICY AND PROCEDURE GENERAL ORDER</p>	Distribution	General Order Number
		ALL PERSONNEL	<b>1.05</b>
		Original Issue Date	Reissue/Effective Date
		10/17/17	2-23-22
<p>Order Title:</p> <p><b>HARASSMENT AND DISCRIMINATION</b></p>		Accreditation Standard:	Section
		POSTC: 1.2.32	1
		Section Title	
		<b>DEPARTMENT ROLE AND AUTHORITY</b>	
<p>Rescinds:</p> <p>2.7.6.1, 2.7.6.2, 2.7.6.3.1, 2.7.6.3.2, 2.7.6.4, 2.7.6.4.1, 2.7.6.4.2, 2.7.6.4.3, 2.7.6.4.4, 2.7.6.4.5, 2.7.6.4.6, 2.7.6.5, 2.7.6.6, 2.7.6.7, 2.7.6.8, 2.7.6.9</p>		<b>Roderick Porter, Chief of Police</b>	

*This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting*

## I. PURPOSE

The purpose of this policy is to promote a healthy work environment by maintaining a working environment free from all forms of harassment and to provide procedures for the reporting, investigation, and resolution of complaints of harassment, sexual or otherwise.

## II. POLICY

The Bridgeport Police Department (“Department”) prohibits harassment of and by its members in any form. All members have the right to work in an environment free of all forms of harassment. The Department does not condone, and will not tolerate, any harassment, and shall take immediate action to prevent such behavior, and to remedy all reported instances of harassment, sexual or otherwise. The Department is committed to its responsibility to pursue an aggressive program to ensure that no sworn or non-sworn member of the Department is denied fair and impartial treatment on the basis of race, sex, gender identity or expression, age, creed, religion, sexual orientation, or national origin. The individuals covered under the policy include agency members defined as employees and applicants for employment with the Department, whether sworn, civilian, or volunteer. The City of Bridgeport has a zero tolerance policy for sustained complaints of harassment and/or discrimination. The Department shall apply appropriate disciplinary sanctions for all sustained complaints of harassment and/or discrimination, up to and including termination of employment.

### III. DEFINITIONS

Sexual harassment: Sexual harassment in employment consists of any type of unwelcomed sexual approach, demand for sexual favors, and any other verbal or physical behavior of a sexual nature, or that is reproduced by using any means of communication including, but not limited to, the use of multimedia tools through the internet, intranet, or through any electronic means, when one or more of the following circumstances occur:

1. When submission to said conduct is made explicitly or implicitly a term or condition of an individual's employment;
2. When submission to or rejection of such conduct by any individual is used as the basis for employment decisions affecting such individual; or
3. When the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Harassment: The act or instance of disturbing, pestering, or troubling repeatedly; to ridicule, mock, deride or belittle a co-worker or subordinate, or make derogatory comments based on race, color, sex, gender identity or expression, religion or national origin.

Employee: Any sworn or civilian employee of BPD.

Independent Contractor: Any individual or entity who contracts to provide services to the City of Bridgeport Police Department.

Bona Fide: A permanent or official rank or position held by any employee pursuant to and in accordance with the provisions of the Bridgeport City Charter Municipal Code.

Acting: A temporary assignment to act as a supervisor in a rank higher than the bona fide rank held by an employee.

Non-employee: Any individual other than an employee or independent contractor who provides services for compensation to the City of Bridgeport Police Department.

Threat: An expression of intent to do harm or damage to the person or property of another without legitimate business purpose that contributes to a hostile working environment.

Intimidation: Conduct intended to coerce or restrain unreasonably, or conduct having the effect of coercing or restraining unreasonably the actions or free will of an ordinary person when such conduct has no legitimate business purpose and contributes to a hostile working environment. Such conduct includes but is not limited to the threat or use of physical force.

## IV. PROCEDURE

### A. Prohibited Activities:

1. No BPD employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person.
2. No BPD employee shall threaten, intimidate, or harass another employee in a manner that contributes to a hostile work environment, and that no employee should be subjected to such threats, intimidation, or harassment by an independent contractor or non-employee having business in the workplace.
3. Employees shall not make offensive or derogatory comments based on race, color, sex, gender identity or expression, religion, or national origin either directly or indirectly to another person. Such harassment is a prohibited form of discrimination under Connecticut Law and Federal Employment Law, and is also considered misconduct subject to disciplinary action by the Department.
4. Conduct involving sexual harassment in the workplace, whether committed by supervisors or non-supervisory personnel, is strictly prohibited. Such conduct includes, but is not limited to:
  - a. Unwanted sexual flirtations, touching, advances or propositions.
  - b. Verbal abuse of a sexual nature.
  - c. Graphic or suggestive comments about an individual's dress or body.
  - d. Sexually degrading words to describe an individual.
  - e. The display of sexually suggestive objects or pictures, including nude photographs, in the workplace.

### B. Employee's Responsibilities:

1. Each Supervisor shall be responsible for preventing acts of harassment. This responsibility includes:
  - a. Monitoring the unit work environment on a daily basis for signs that harassment may be occurring.
  - b. Counseling all employees on the types of behavior prohibited, and the agency procedures for reporting and resolving complaints of harassment.

- c. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision.
  - d. Taking immediate action to limit the work contact between two employees where there has been a complaint of harassment, pending investigation.
    - 1) Any immediate corrective action taken shall not modify the conditions of the employment of the employee making the claim of harassment unless the employee agrees, *in writing*, to any modification in the conditions of employment.
    - 2) Immediate corrective action includes, but is not limited to:
      - a. Employee relocation;
      - b. Assigning employee to a different work schedule; or
      - c. Other substantive changes to an employee's terms and conditions of employment.
2. Each Supervisor has the responsibility to assist any employee of the Department who comes to that Supervisor with a complaint of harassment. Responsibilities include, but are not limited to, assisting the employee with documenting and filing a complaint with the Internal Affairs Division.
3. Each employee of the Department is responsible for assisting in the prevention of harassment through the following acts:
- a. Refraining from participation in, or encouragement of, actions that could be perceived as harassment.
  - b. Reporting acts of harassment to a Supervisor.
  - c. Encouraging any employee, who confides that they are being harassed, to report these acts to a Supervisor.
4. Any BPD employee who violates this policy shall be subject to disciplinary action up to and including potential termination of employment. Any supervisor aware of any conduct or alleged conduct prohibited by this policy who fails to take appropriate action in accordance with this policy shall be subject to disciplinary action up to and including potential termination.

C. Complaint Procedures:

1. Employees encountering harassment shall tell the person that their actions are unwelcome and offensive. The employee shall document all incidents of harassment in order to provide a detailed basis for an investigation.
2. Any employee who believes that they are being harassed shall report the incident(s) to their Supervisor as soon as possible so that steps may be taken to protect the employee from further harassment, and appropriate investigative and disciplinary measures may be initiated.
  - a. The Supervisor or other person to whom a complaint is made shall meet with the employee and document the following: the incident(s) complained of, the person(s) performing or participating in the harassment, and the date(s) on which the incident(s) occurred, and file it with the Internal Affairs Division.
  - b. The Department employee taking the complaint shall expeditiously deliver the complaint to the appropriate investigative authority.
3. When reporting sexual harassment to an immediate supervisor is not practical or poses a conflict of interest, members may by-pass the chain-of-command and file a complaint with the:
  - a. Chief of Police, Bridgeport Police Department, 300 Congress Street, Bridgeport, CT 06604; and/or
  - b. Commanding Officer, Bridgeport Police Department, Office of Internal Affairs, 999 Broad Street, City Hall Annex, Bridgeport, CT 06604; and/or
  - c. Director of Labor Relations, City of Bridgeport Office of Labor Relations, 45 Lyon Terrace, Suite 330, Bridgeport, CT 06604; and/or
  - d. City of Bridgeport Personnel Director, 45 Lyon Terrace, Suite 223, Bridgeport, CT 06604; and/or
  - e. Mayor's Office, 999 Broad Street, Bridgeport, CT 06604; and/or
  - f. Either or both of the government agencies set forth below. This policy does not preclude any member from filing a complaint with either agency:

The United States Equal Employment Opportunity Commission  
John F. Kennedy Federal Building  
475 Government Center

Boston, MA 02203  
Phone: 1-800-669-4000  
Fax: 617-565-3196  
TTY: 1-800-669-6820

The Connecticut Commission on Human Rights and Opportunities  
25 Sigourney Street  
Hartford, CT 06106  
Phone: 860-541-3400  
Connecticut Toll Free: 1-800-477-5737  
TDD: 860-541-3459  
Fax: 860-246-5068

#### 4. Protection of Complainant

- a. BPD will maintain, to the extent possible, the confidentiality of any individual who complains or cooperates in the investigation of conduct prohibited by this policy.
- b. The Department will not tolerate retaliation against a person who complains of or cooperates in the investigation of conduct prohibited by this policy. Complaints of retaliation will be investigated. Any employee determined to have engaged in retaliation shall be appropriately disciplined, and appropriate action shall be taken against any independent contractor or non-employee in the workplace who engages in retaliation.

#### D. Investigative Process

1. All complaints of prohibited by this policy shall be immediately referred to the Office of Internal Affairs, which shall be principally responsible to investigate such complaints.
2. The Office of Internal Affairs shall investigate any complaint of conduct prohibited by this policy and file a written report of findings with the Police Commission President and Chief of Police as expeditiously as possible. Barring exceptional circumstances, OIA shall complete its investigation and file its report within thirty (30) days of receiving the complaint.
3. If the Commanding Officer of Internal Affairs is the person who allegedly committed conduct prohibited by this policy, the Chief of Police shall promptly appoint a qualified individual to investigate the complaint. The qualified individual shall complete the investigation and file a report with the Police Commission President and the Chief of Police within thirty (30) days of receiving the complaint.
4. If the Chief, or any Deputy Chief, of the Department is the person who allegedly committed the conduct prohibited by this policy, the Commanding Officer of

Internal Affairs shall review the nature and substance of the information concerning such potential misconduct and determine whether, in light of the available investigators, the nature and substance of the potential misconduct, and the available resources of the Office of Internal Affairs, a thorough, comprehensive and fair investigation of the incident or potential misconduct can be made. In making this determination, the head of OIA shall consider whether performing the investigation internally shall promote public confidence in the integrity and impartiality of the investigation and will avoid the appearance of impropriety. In the event the Commanding Officer of Internal Affairs determines that an investigation should not be performed by Internal Affairs, then the investigation shall be referred to the Office of Labor Relations which shall hire a qualified attorney to investigate the complaint. The attorney shall complete the investigation and file a report with the Police Commission President and the Commanding Officer of Internal Affairs within thirty (30) days of receiving the complaint.

5. The investigator shall include a determination whether other employees are being harassed by the person, and whether other agency members knew of, participated in, or encouraged the harassment.
6. The Commander of Internal Affairs shall immediately notify the Chief of Police and the prosecutor's office if the complaint contains evidence of criminal activity, such as assault, attempted sexual assault, or sexual assault.
7. The Commander of Internal Affairs shall inform the parties involved of the outcome of the investigation.
8. A file of harassment complaints shall be maintained in a secure location. The Chief of Police shall be provided with an annual summary of these complaints.
9. There shall be no retaliation against any employee for filing a harassment complaint, or assisting, testifying, or participating in the investigation of such a complaint.
10. All complaints will be handled by the Department in as timely and confidential a manner as possible. If an investigation reveals that the complaint is valid, prompt action will be taken to stop the harassment immediately and prevent its recurrence. Such action may include disciplinary action, up to and including termination.
11. Complainants or employees accused of harassment may file a grievance/appeal in accordance with departmental procedures when they disagree with the investigation or disposition of a harassment claim.

E. Supervisors and Acting Supervisors

1. With the exception of any supervisor who files a complaint alleging that she/he has been personally subjected to prohibited conduct, the following protocol shall apply to

any supervisor or acting supervisor\who observes or receives a report of conduct prohibited by this policy.

2. When the person alleged to observed to have violated this policy is unknown, a subordinate officer, civilian employee, independent contractor or non-employee having business with BPD:
  - a. The supervisor shall promptly notify the Commanding Officer of Internal Affairs regarding his observations, or of the contents of the report he received. Until such time the supervisor is able to notify the Officer of Internal Affairs, and until such time as the Officer of Internal Affairs officially notifies the supervisor it is assuming the investigation of the matter, the supervisor shall:
    - 1) Immediately commence an investigation to gather, record and secure information and evidence pertaining to the complaint.
    - 2) Take reasonable and appropriate action to diffuse any observed or reported animosity between police department employees stemming from the prohibited conduct observed or reported to the supervisor.
    - 3) Take reasonable and appropriate action to diffuse any observed or reported hostility toward the employee complaining of conduct prohibited by this policy.
    - 4) Immediately notify each superior officer in his or her chain of command through and including the Chief of Police of the observed or reported conduct.
3. When the person allegedly observed to have violated this policy is a supervisor or acting supervisor of equal or higher rank:
  - a. Any supervisor who observes or receives a complaint alleging a violation of this policy by another supervisor or acting supervisor of equal or higher rank shall refer the matter via memorandum imparting all pertinent facts, up the chain of command for investigation by a supervisor senior in rank to the supervisor who allegedly violated this policy.
  - b. No acting supervisor shall investigate the alleged violation of this policy by an employee holding the same bona fide rank held by an acting supervisor. (For example: An alleged lieutenant holding the bona fide rank of a sergeant shall not investigate the alleged violation of this policy by another bona fide sergeant.) The investigating officer shall be superior in bona fide rank to the accused officer and, accordingly, no acting sergeant shall investigate a complaint of conduct prohibited by this policy.

- c. A supervisor or acting supervisor who observes or receives a report of prohibited conduct by supervisor of equal or higher rank shall refer the matter via memorandum imparting all pertinent facts, up the chain of command for investigation in accordance with this policy. This provision shall not apply to officers assigned to the Office of Internal Affairs, who report to and are governed by the Bridgeport Board of Police Commissioners.
- d. The supervisor or acting supervisor referring the matter for investigation need not inform the supervisor or acting supervisor alleged to have violated this policy that a complaint has been filed or that the complaint has been referred to a senior supervisor for investigation.

F. Commanding Officer(s) (Lieutenant and/or Captain)

- 1. Until such time the Office of Internal Affairs has been notified regarding the complaint of prohibited conduct, and until such time as the Office of Internal Affairs officially assumes the investigation of the matter, the commanding officer(s) shall:
  - a. Facilitate compliance with the provisions of this policy.
  - b. Promptly report to and consult with the Deputy Chief of the involved bureau regarding the complaint and of their actions to facilitate compliance with the provisions of this policy.

G. Deputy Chief/Chief's Designee

- 1. Until such time the Office of Internal Affairs has been notified regarding the complaint of prohibited conduct, and until such time as the Office of Internal Affairs officially assumes the investigation of the matter, the deputy chief or chief's designee of any involved bureau shall:
  - a. Facilitate compliance with the provisions of this policy.
  - b. Consult with commanding officers and the Chief of Police regarding investigation of the complaint pending assumption of the investigation by the Office of Internal Affairs.

H. Chief of Police

- 1. The Chief of Police shall:
  - a. Consult with the deputy chief/chief's designee of the involved bureaus and others, as he may deem necessary, to facilitate compliance with this policy.
  - b. Review the complaint and all investigation reports regarding the complaint.

- c. Discipline any employee who violates this policy or, in appropriate circumstances refer the issue of discipline to the proper authority for appropriate disciplinary action. **Referral to the Board of Commissioners shall occur if the Chief of the Department is the person who is found to have violated this policy.**
- d. Take appropriate action against any independent contractor or non-employee in the workplace who violates this policy.
- e. Shall designate a command-level position with the authority to develop, implement, and oversee this policy.

I. All Other Personnel and Divisions

All other personnel and divisions shall, when requested by competent authority, assist in the investigation of any complaint of conduct prohibited by this policy.

J. Duty to Report Non-Compliance with Policy by Supervisor

Any employee having knowledge that any supervisor or acting supervisor has failed to report or in appropriate circumstances investigate conduct prohibited by this policy shall immediately report the failure to comply with this policy directly to the Chief of Police or Commanding Officer of Internal Affairs.

K. EEOC and CCHRP

Discrimination in employment on the basis of a person's race, religion, sex, or national origin is illegal under Connecticut and Federal law. Connecticut law also makes it illegal to discriminate on the basis of a person's sexual orientation. Any person who believes he has been subjected to such discrimination may contact the United States Equal Opportunity Commission (EEOC), 1801 L. Street, NW, Washington, DC 20507 and the Connecticut Commission on Human Rights and Opportunities, 21 Grand Street, Hartford, CT 06106, regarding the time limits and procedure to file a complaint. Connecticut law requires that a formal written complaint be filed with the Connecticut Commission on Human Rights and Opportunities within 180 days of the date the illegal conduct occurred.

L. Important Notice of Obligation to Comply with this Policy

No action taken by an employee with the EEOC or CCHRO shall relieve that employee of his obligation to report conduct prohibited by this policy to the City of Bridgeport in the manner described herein, to pursue the preventative and corrective measures available through this policy, or to otherwise cooperate with the City in enforcing this policy.

M. Publication

Each BPD employee shall be given a copy of this policy within thirty (30) days of its enunciation or amendment and shall be provided with a copy of the policy annually thereafter. All new employees shall be given a copy of this policy at the time of hire. Employees shall sign a form acknowledging receipt of this policy and any amendments to it in accordance with the foregoing, and said acknowledgements shall be maintained by the Department Clerk.

A copy of this policy shall remain posted in the Department dayroom at headquarters and in a common area accessible to the general public and all employees at headquarters and all other precinct buildings.

N. Training

Each supervisor shall be responsible to assure that each supervisory employee under his command has received, and that any new supervisory employee under his command receives within six (6) months of their initial appointment to a supervisory position, sexual harassment training in accordance with the provisions of C.G.S. § 46a-54. Each supervisor shall also be responsible to assure that supervisory employees under his command has received are familiar with this policy.

The Training Division will assume responsibility for the initial training of this policy in a formal setting.