

**RESOLUTION NO. 126-2012**

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:**

**Council of the City of Reading hereby accepts the waiver of hearing by Officer Christopher Cortazzo, #392, and as such we are upholding and affirming the suspension of Officer Christopher Cortazzo for 20 days without pay as set forth in the attached Findings of Fact, Conclusions of Law, Order and Agreed Resolution.**

**THIS RESOLUTION WAS NOT ADOPTED BY THE FOLLOWING VOTE ON MONDAY, NOVEMBER 19, 2012:**

**Yeas: None – 0**

**Nays: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President -7**

**Adopted by Council \_\_\_\_\_ 2012**

\_\_\_\_\_  
**Francis D. Acosta, President of Council**

**Attest:**

\_\_\_\_\_  
**Linda A. Kelleher CMC, City Clerk**

**SUSPENSION APPEAL  
OFFICER CHRISTOPHER CORTAZZO**

**IN THE MATTER OF** : **BEFORE THE**  
:  
**THE APPEAL OF THE** : **CITY OF READING**  
**SUSPENSION** :  
:  
:  
**FOR OFFICER CHRISTOPHER** : **CITY COUNCIL**  
**CORTAZZO** :

**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
ORDER AND AGREED RESOLUTION**

**Findings of Fact**

1. Between May 14, 2012 and July 24, 2012, William Heim, Chief of Police, Reading Police Department, issued a Specification of Charges and Recommendation of Charges to the Mayor for Officer Christopher Cortazzo, #392.
2. The Chief averred that Officer Christopher Cortazzo displayed on-duty behavior and activities that are in violation of the Department's General Orders Section #0408, Disciplinary System & Schedule, and Part IV as follows:
  - a. **Conduct, Subsection A, Violation of Rules, Violation # 1:** which states:  
"Officers shall neither commit any acts nor omit any acts which constitute a violation of the rules, regulations, directives, orders or policies of the

department." Specifically pertaining to multiple violations of Departmental General Order #408, Disciplinary System and Schedule, as listed below:

- b. Conduct, Subsection A, Unbecoming Conduct, Violation #3:** which states: "Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably on the department. Conduct unbecoming an Officer shall include that which tends to bring the department into disrepute or brings discredit upon the Officer or the Department and which affects the efficiency of the Department or the Officer."
- c. Conduct, Subsection A, Threatening Others, Violation #12:** which states: "Officers shall not threaten, intimidate, coerce or harass another City employee or member of the public."
- d. Insubordination, Subsection C, Testimony, Violation #3:** which states: "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 by a superior officer or designee of the Chief of Police."
- e. Insubordination, Subsection C, Public Criticism, Violation #4:** which states: "Officers shall not publicly criticize the official actions of a superior officer, unless in the interest of public safety."
- f. Disobedience of Orders, Subsection E, Operation of Vehicles, Violation # 10:** which states: "Officers shall operate official vehicles in a careful and prudent manner, and shall obey all laws of the State and all Department directives pertaining to such operation."
- g. Courtesy, Subsection F, Prejudice, Violation # 6, which states:** "Officers shall not express any prejudice concerning race, sex, religion, politics, national origin, lifestyle, or similar characteristic to anyone while on duty."
- h. Insubordination, Subsection C, Refusal to Obey Lawful Orders:** which states: "Officers shall promptly obey any lawful order issued by a superior officer."

3. The recommended discipline is for more than 10 days, to wit 20 days, and thus any appeal must be heard by the City of Reading City Council.
4. Officer Cortazzo has decided to waive his right to appeal in front of City Council as attached in Exhibit A.

### **Conclusions of Law**

After considering the Specification of Charges and the Recommendation of Charges of Chief Heim and Officer's Cortazzo's desire to waive his right to request a hearing before City Council, the City of Reading City Council has determined that Officer Christopher Cortazzo was in violation of the General Orders as set forth herein.

### **Order and Agreed Resolution**

Council of the City of Reading hereby accepts the waiver of hearing by Officer Christopher Cortazzo, #392, and as such we are upholding and affirming the suspension of Officer Christopher Cortazzo for 20 days without pay as set forth herein.

### **Right to Appeal**

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made or proceed under the grievance procedure set forth in the 2007 to 2011 Collective Bargaining Agreement between the City of Reading and the Fraternal Order of Police, Lodge #9 within the time restraints therein under Article VI Section 2.

YOU MUST ELECT WHICH APPEAL PROCEDURE TO PURSUE. YOU MAY NOT APPEAL BOTH IN THE GRIEVANCE PROCEDURE AND UNDER THE PROVISIONS OF THE THIRD CLASS CITY CODE AND THE LOCAL AGENCY LAW.

“Exhibit A”