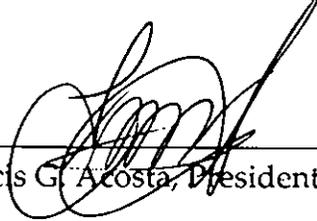


RESOLUTION NO. 57 2013

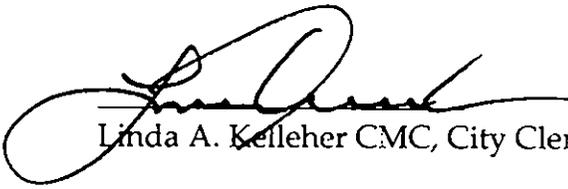
THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

Denying the 20 day suspension period for Officer Christopher Cortazzo, #392, and approving a 10 day suspension period, as attached in the Findings of Fact and Conclusion of Law.

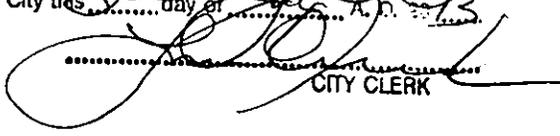
Adopted by Council July 1, 2013


Francis G. Acosta, President of Council

Attest:


Linda A. Kelleher CMC, City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Resolution passed by the Council of the City of Reading, on the 1st day of July A. D. 20 13. Witness my hand and seal of the said City this 1st day of July A. D. 2013.


CITY CLERK

**Suspension Appeal Hearing
Officer Christopher Cortazzo #392**

IN THE MATTER OF	§	BEFORE THE
	§	
THE APPEAL OF THE	§	CITY OF READING
SUSPENSION	§	
	§	
FOR OFFICER CHRISTOPHER	§	CITY COUNCIL
CORTAZZO, #392	§	
	§	

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

On Tuesday, June 4 and Tuesday, June 18, 2012 at 5:00 p.m. City Council held hearings in Council Chambers to hear the appeal of the 20 day suspension of Officer Christopher Cortazzo #392. At the hearing, testimony from the Reading Police Department, represented by City Attorney Tonya Butler, and Officer Cortazzo, represented by FOP Attorney Cook was presented.

Findings of Fact

1. At the hearing Members of Council heard testimony from the Chief of Police, Captain Powell, and several Reading Police Officers and two Sergeants about the on-duty activities of Officer Cortazzo.
2. The Chief of Police outlined the violations Officer Cortazzo is charged with:
 - Violation of Rules – failure to follow the General Orders which can include disciplinary language and other practices and policies
 - Unbecoming Conduct – Officer shall conduct himself in a way that reflects positively upon the department and the officer. This charge was applied due to Officer Cortazzo’s behavior such as operating a vehicle at high speed for non-emergency purposes while field training a new officer and making inappropriate comments to the new officers while in the squad room. Officer Cortazzo also advised officers in the squad room not to communicate with a female Officer in Platoon C along with a comment made in Reading Central Court where Officer Cortazzo stated that an officer in Platoon C is a rat. Also noted were the use of the words “cunt” and “El Spiccata”. Chief Heim stated that Officer Cortazzo also disobeyed a command not to talk about this case with any department officer.

- Threatening Others – Officer Cortazzo made a comment at Reading Central Court that an officer in Platoon C is a rat.
 - Operation of Vehicles – Officer Cortazzo drove at high speed during a non-emergency situation.
 - Prejudice – Officer Cortazzo made the racial and gender slurs “El Spiccata” and “cunt”. Chief Heim stated that he heard another officer use the term “cunt” when referring to a female and that Sergeant was disciplined, suspended and demoted. He stated that to his knowledge other officers do not make inappropriate comments relating to ethnicity or gender. He stated that he was unaware that this type of behavior is an accepted part of the police culture and that it is not accepted by the Department.
 - Public Criticism – relating to referring to Sgt Gelsing as a “cop with stripes” which undermines the authority of a Sergeant.
3. The Chief of Police stated that the Reading Police Department has a General Orders Policy and Procedure manual, which is a comprehensive document promulgated by the Police Chief and Mayor that provides guidance and direction to the Reading Police Officers about their duties and responsibilities as Reading Police Officers, both on and off-duty.
 4. The Chief testified that originally, after considering the facts, he recommended a 20 day suspension period, but decided to instead offer a split nine day and six day suspension period, as Officer Cortazzo was contrite at the Loudermill Hearing (also referred to as the Chief’s Meeting). Chief Heim stated that the FOP agreed to the split suspension period; however, Officer Cortazzo did not agree and the FOP cannot alone accept the recommended disciplinary measure.
 5. Chief Heim testified that he returned to the original decision for the 20 day suspension period after the recommendation for the split period was refused and after he reevaluated and reweighed the facts.
 6. Officer Cortazzo’s legal counsel stated that prior to the Loudermill Hearing Officer Cortazzo was not made aware of the type of discipline that would be wielded and at the hearing he learned about the Chief’s recommendation for the split discipline period; however, Officer Cortazzo was not informed about the Chief’s change from the split period back to a single 20 day suspension period until two months after the Chief’s Meeting.
 7. Chief Heim agreed that the documentation for this issue does not contain any information about any prior disciplinary matters involving Officer Cortazzo and he could also not recall if he had Chief’s Meetings with Officer Cortazzo about those prior charges.
 8. Officer Cortazzo’s legal counsel provided Council with several examples of officers who were not disciplined for infractions of larger impact such

- as leaving the scene of an accident that occurred while driving under the influence and having their driver's license revoked.
9. Several officers and sergeants testified that they were ordered to draft and submit memos about various incidents involving Officer Cortazzo's use of the previously noted terms and phrases and about the speeding incident.
 10. Captain Powell testified that the investigation began after an officer made a complaint call to Captain Winchester, who referred the matter to Sgt. Sheidy, who was serving as Officer of the Day, and advised Captain Powell about the matter.
 11. Several officers testified that it is common place to use rowdy and rough language in the roll call, or squad room, and that it is viewed as decompressing before the start of a shift. They also testified that officers were not disciplined for using rowdy and rough language in the roll call room and while roll call procedures were occurring and that this type of behavior is considered normal interaction.
 12. Several officers testified that Officer Cortazzo speaks his mind with little filter and is always joking around. They also testified that Officer Cortazzo's comments and remarks were never made in a threatening or intimidating way and they stated that they were not threatened or intimidated by Officer Cortazzo.
 13. Officer Cortazzo admitted to making inappropriate remarks, using inappropriate language and speeding.
 14. Officer Cortazzo testified that his remarks were taken out of context and that this disciplinary process provided him with a wakeup call. He stated that he no longer makes those types of remarks. He stated that making remarks and jokes during roll call is the norm and that no one was ever disciplined for this type of behavior.

Conclusions of Law

After considering all testimony at the hearings held on Tuesday, June 4 and Tuesday, June 18, 2013, the City of Reading City Council has determined that while Officer Christopher Cortazzo was in violation of some of the provisions of the General Orders, the 20 day suspension period is excessive due to the lack of evidence of repeat violations and the lack of evidence showing progressive disciplinary action. City Council also finds the suspension period to be excessive due to the testimony of several police officers that, in general, officers are not disciplined for venting and bantering in the roll call room using rough and rowdy language.

Order and Agreed Resolution

The City of Reading City Council hereby denies the recommendation for a 20 day suspension period, eliminates the charges of threatening behavior and

disobeying an order and issues a 10 day suspension period to Officer Cortazzo #392 for violating the conduct unbecoming, prejudice, and operation of vehicles General Orders 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.**