

AGENDA
POLICE MERIT COMMISSION
Monday, May 24, 2021 9:00 a.m.
Council Chambers

Municipal Building, 229 S. Second Street, Elkhart, IN 46516

<https://coei.webex.com/coei/j.php?MTID=mb82dd09ca4e283d7fecb1a41f93346e2>

Meeting Number 172 765 5878

Password Police21

- 1. Call to Order**
- 2. Roll call**
- 3. Approve Agenda**
- 4. Minutes- April 26, 2021**
- 5. Police Department**
 - **Retirement- Cpl. James Ballard**
 - **Discipline Notice- Captain Moore**
 - **Notice of Charges, Tentative Hearing Date and Rights- Cpl. Taryn Lanzen, Sgt. Nathan Lanzen**
- 6. Public Participation**
- 7. Adjournment**

POLICE MERIT COMMISSION
Monday, April 26, 2021

President James Rieckhoff called a meeting of the Police Merit Commission to order at 9:00 a.m., Monday, April 26, 2021. Clerk of the Commission Nancy Wilson called the role. Commissioners James Rieckhoff and Brad Billings attended in person. Clifton Hildreth, Thomas Barber, and Jean Mayes attended on WebEx.

1. Signature Authorization for Commission President

On motion by Brad Billings, seconded by Thomas Barber and carried 5-0, the Commissioners approved the authorization for the President to sign on behalf of the Commissioners.

2. APPROVE AGENDA

On motion by Brad Billings, seconded by Thomas Barber and carried 5-0, the agenda was approved as presented.

3. MINUTES- March 22 and 30, 2021

On motion by Jean Mayes, seconded by Cliff Hildreth and carried 5-0, the minutes from March 22, 2021 were approved as presented.

On motion by Jean Mayes, seconded by Clifton Hildreth and carried 5-0, the Minutes of the Special Meeting March 30, 2021 were approved as presented.

4. POLICE DEPARTMENT

Chief Kris Seymore presented formal Administrative Leave notification for Lt. Carl Conway which began April 14, 2021. He was placed on Administrative Leave pending an internal Professional Standards investigation.

Chief Seymore presented a formal Administrative Leave notification for Sgt. Nathan Lanzen. Based on the outcome of an internal Professional Standards investigation, Sgt. Nathan Lanzen was placed on Administrative Leave April 19, 2021 pending termination.

Chief Seymore presented a formal Administrative Leave notification for Cpl. Taryn Lanzen. Based on the outcome of an internal Professional Standards investigation, Cpl. Taryn Lanzen was placed on Administrative Leave April 19, 2021 pending termination. Jim Rieckhoff noted receipt of the Administrative Leave notifications stating they did not need to take any action.

Chief Seymore presented a promotion for Sergeant Todd Thayer to permanent Sergeant. He finished his six-month probationary period and his supervisor stated that he has gone above and beyond expectations proving to be an outstanding leader. On motion by Clifton Hildreth, seconded by Jean Mayes and carried 5-0, the Police Merit Commission promoted Sgt. Todd Thayer to permanent Sergeant.

Chief Seymore presented a promotion for Sgt. Lee Brooks to permanent Sergeant. His supervisor reported that he performed well in all aspects of learning the role of a uniform sergeant and added that he takes on additional responsibilities without being asked. On motion by Brad Billings, seconded by Clifton Hildreth and carried 5-0, the Police Merit Commission promoted Sgt. Lee Brooks to permanent sergeant. Jean Mayes noted the typo on both promotions from 4-5-20 to 4-5-21 and the memos were corrected.

Chief Seymore notified the Commissioners that Sergeant Voss was appointed to the rank of acting Detective on March 29, 2021. Jim Rieckhoff noted the notification.

Chief Seymore presented a group of time and grade promotions. Ptl. O'Brien

POLICE MERIT COMMISSION

Monday, April 26, 2021

Myers status changed from 2nd Class P-3 to 1st Class P-4. Ptl. Brian Davis status changed from 2nd Class P-3 to 1st Class P-4. Ptl. Scott Swanson status changed from 2nd Class P-3 to 1st Class P-4. Ptl. Emily Lamkin status changed from 2nd Class P-3 to 1st Class P-4. Ptl. Troy Gray status changed from 2nd Class P-3 to 1st Class P-4. Ptl. Landon Vargo status changed from 2nd Class P-3 to 1st Class P-4.

Chief Seymore presented the Notice of Charges, Tentative Hearing Date and Rights for Ptl. Jonathan Belmarez. Jim Rieckhoff noted the document was provided for the Commissioners. Jean Mayes appreciated the detailed report and Clifton Hildreth agreed. Jim Rieckhoff noted that everyone agreed to a hearing date of May 20, 2021 in the Council Chambers. On motion by Clifton Hildreth, seconded by Brad Billings and carried 5-0, the Police Merit Commission scheduled a hearing for Ptl. Jonathan Belmarez on May 20, 2021 at 9:00 a.m. in the Council Chambers.

5. ADJOURNMENT

On motion by Brad Billings, seconded by Jean Mayes and carried 5-0, the City of Elkhart, Indiana Police Merit Commission was adjourned at 9:20 a.m.

_____ James Rieckhoff, President

Attest: _____ Clifton Hildreth, Secretary

Rod Roberson
Mayor

Kris Seymore
Chief



Police Department
175 Waterfall Dr.
Elkhart, IN 46516

574.295.7070
Fax: 574.293.0679

May 18, 2021

Police Merit Commission
Municipal Building
229 S. Second Street
Elkhart, IN 46516

RE: Retirement
Corporal James Ballard #320

Dear Commissioners:

Corporal James Ballard submitted a letter indicating his intent to retire from the Elkhart Police Department effective May 25, 2021. Cpl. Ballard was hired on September 9, 1997 and upon his retirement he will have served our department, and the citizens of Elkhart, for 24 years.

Respectfully,

A handwritten signature in black ink, appearing to read "Kris Seymore".

Kris Seymore
Chief of Police

KS/kae

c: Personnel File
Payroll

Rod Roberson
Mayor

Kris Seymore
Chief



Police Department
175 Waterfall Dr.
Elkhart, IN 46516

574.295.7070
Fax: 574.293.0679

May 10, 2021

Captain Bryan Moore
Elkhart Police Department
175 Waterfall Dr.
Elkhart, IN 46516

RE: Discipline Notice – Professional Standards Case 2021-001

Captain Moore,

The following is a summary of the above referenced case and its resolution:


FACTS: An internal complaint was generated on February 19, 2021 and was subsequently investigated.

FINDINGS: The investigation recommended the allegation of violating Policy 26.1.1(F) Immoral Conduct and Policy 26.1.1(G) Conduct Unbecoming be sustained; I agree with the findings.

It was found that in 2017 you sent inappropriate text messages to a subordinate, violating the policies listed.

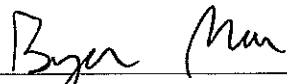
SUSTAINED: Policy 26.1.1(F) Immoral Conduct
Policy 26.1.1(G) Conduct Unbecoming

ACTION TAKEN: Three Days Suspension without Pay


Kris Seymore
Chief of Police

As stated in I.C. 36-8-3-4.1(b), 'If a chief reprimands a member in writing or suspends a member the chief shall within 48 hours notify the Board in writing of the action and the reason for the action. A member who is reprimanded in writing or suspended under this section may within 48 hours after receiving notice of reprimand or suspension request in writing that the Board review the reprimand or suspension and either uphold or reverse the chief's decision.'

Received by:



Captain Bryan Moore

Cc: Police Merit Commission
Professional Affairs
Personnel File
Payroll

Rod Roberson
Mayor

Kris Seymore
Chief



Police Department
175 Waterfall Dr.
Elkhart, IN 46516

574.295.7070
Fax: 574.293.0679

May 19, 2021

Cpl. Taryn Lanzen
175 Waterfall Drive
Elkhart, IN 46517

Re: Notice of Charges, Tentative Hearing Date and Rights

Dear Cpl. Lanzen:

I have offered charges of misconduct against you pursuant to Ind. Code § 36-8-3.5-17. I am recommending to the Police Merit Commission that you be terminated from your employment with the Elkhart Police Department. The allegations of misconduct are as follows:

On June 7, 2020 you were called back to the home of a single, 58-year-old male (hereinafter referred to as Victim). Victim had complained about you driving on his lawn. You were requested to return to his residence to speak with him regarding his complaint and you did so. During this meeting he spoke about a power of attorney (POA) and that he didn't have anyone to help with yardwork and home repairs.

You told Victim you and your husband could help him and handed him your personal business card for Eagle Eye Home Solutions, LLC, a company managed by you and your husband, Nathan Lanzen, also an Elkhart City Police Officer. The card contained your personal phone number written on the card. You and your husband own multiple companies and are in the business of buying and selling homes, remodeling homes, and renting homes.

Victim called you later that evening on June 7, 2020 and you and your husband went over to Victim's home and did yardwork for him and began a friendship. Text messages reveal that during the course of this friendship Victim expressed to you that he was infatuated with you and expressed his desire for a sexual relationship with you, that he wanted to marry you, and that he hoped for a future with you. In your Professional Standards interview you admit that you recognized that victim was lonely and needy. You admitted to communicating with Victim daily. You exchanged thousands of texts with Victim. You visited Victim between 4 and 5 times a week, on your personal time, as well as while on duty, in uniform, and with your EPD vehicle. While on duty your visits lasted anywhere from five minutes to an hour. You did not turn your body camera on during these visits and you also did not notify dispatch that you were on break.

In late August of 2020, an account manager at Capital Group American Funds noticed an unusual withdrawal and notified Adult Protective Services, which in turn notified the Elkhart County Sheriff's Office of possible fraud on one of Victim's American Funds Investment accounts and the Elkhart County Sheriff's Office conducted a criminal fraud investigation. Ultimately, there were no criminal charges that resulted. However, an overview of the findings of the Elkhart County Sheriff Investigation and the Professional Standards Investigation reveal that between June 7, 2020, when you met Victim, and late August 2020, you had gained complete financial control of Victim's assets, including:

- Victim had signed a quit-claim deed transferring his home to Taryn Lanzen, as Trustee of Eagle Eye Trust, which you recorded with the Elkhart County Recorder's office under the pretense that your husband witnessed Victim's signature, when actually he did not.
- You had become Victim's POA
- You had become Victim's Health Care Representative
- Victim's will was re-written to make you the remainder woman on the will and sole Executor of his estate.
- You appeared at the Office of Attorney Thomas Tokar in uniform to the appointment with Victim to re-write Victim's POA, Health Care Representative, and Will
- While on duty you found opportunities to enhance your personal business and subsequently presented those to Victim as investment opportunities.
- Victim had issued you a blank check, which you used to purchase a new car, a Shelby vehicle, signing the blank check "Taryn Lanzen POA" in the amount of \$32,000.
- Victim applied for multiple loans from Interra Credit Union with the goal of investing in your business.
- You became the POA on Victim's Interra Credit Union checking and savings accounts.
- You had a debit or credit card from Victim's Interra Credit Union check and savings accounts issued to you.
- You had the passwords to and accessed Victim's investment accounts, including Capital Group American Funds accounts, Prudential accounts, and UPS retirement accounts.
- You were listed on Victim's UPS 401K as Victim's beneficiary spouse
- You attempted to make an online withdrawal of \$68,949.13 from Victim's Capital Group American Funds Accounts.

Subsequently, you took out a loan, using the Shelby vehicle as collateral.

In your Professional Standards Interview you stated that the matter of the \$32,000 had been decided by the attorneys and you did not have to pay it back. This was not true. As of this date, you still have not

returned Victim's funds in the amount of \$32,000 that you used towards your purchase of a Shelby vehicle. Victim is currently suing you in Elkhart County Superior Court 1 for the return of these funds.

In your Professional Standards Interview you stated that you and Victim went online together and cashed out \$68,949.13 of Victim's American Funds account. You couldn't remember if you were at his house or your house or on whose computer. Text messages provided by yourself show that on August 21, 2020 you texted Victim, "What is the code for American Funds they just sent you a." And "I'm cashing out the funds. So you can open the ira we talked about. So much easier!" Victim's response was, "Is that good Taryn." These text messages indicate that in fact you and Victim were not online together at the time of the funds liquidation.

The Professional Standards Investigation substantiated violations of the following policies:

- Policy 320.5.2 Ethics
 - 320.5.2(a): Using or disclosing one's status as a member of the Elkhart Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
 - 320.5.2(b): The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- Policy 320.5.4 Relationships:
 - 320.5.4(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- Policy 320.5.8 Performance:
 - 320.5.8(c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
 - 320.5.8(i) Any act- on or off-duty that brings discredit to this department.
- Policy 320.5.9 Conduct:
 - (i) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
 - (l) Any conduct, on or off-duty, which adversely affects or impairs the morale, efficiency, or operation of the Department and/or any conduct that has a tendency to

adversely affect, lower or destroy public respect and confidence in the Department or members.

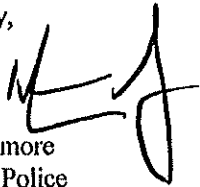
Based upon these allegations, the offered charges of misconduct against you constitute:

1. Immoral conduct, as that term is used in I.C. §36-8-3.5-17(b)(2)(F).
2. Conduct injurious to the public peace or welfare, as that term is used in I.C. §36-8-3.5-17(b)(2)(G).
3. Conduct unbecoming a member, as that term is used in I.C. §36-8-3.5-17(b)(2)(H).

Pursuant to Ind. Code 36-8-3.5-17(c) you may request a hearing on this matter. Your request has already been received and documented. Upon receipt of this letter by the Police Merit Commission, the Commission will have thirty (30) days to set a hearing date. The Commission is available to hear this matter on _____ at _____ AM/PM in the Common Council Chambers, Elkhart Municipal Building, 229 S. Second Street, Elkhart, Indiana. At that hearing, you are entitled to be represented by counsel, to call and cross-examine witnesses, to require the production of evidence and to have subpoenas issued, served and executed.

If the Board determines that you are indeed guilty of the misconduct alleged above, it will vote on your sanction. The Chief's recommendation is to terminate your employment with the City of Elkhart Police Department.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kris Seymore', written over a white rectangular area.

Kris Seymore
Chief of Police

Certificate of Service

I swear under the penalty of perjury that I delivered a Notice of Hearing to Taryn Lanzen by service upon Taryn Lanzen in person or by a copy left at Taryn Lanzen's last and usual place of residence on the following date _____, at least 14 days before the date set for the hearing.

Signature: _____

Date: _____

Printed Name: _____

Rod Roberson
Mayor

Kris Seymore
Chief



Police Department
175 Waterfall Dr.
Elkhart, IN 46516

574.295.7070
Fax: 574.293.0679

May 19, 2021

Sgt. Nathan Lanzen
175 Waterfall Drive
Elkhart, IN 46516

Re: Notice of Charges, Tentative Hearing Date and Rights

Dear Sgt. Lanzen:

I have offered charges of misconduct against you pursuant to Ind. Code § 36-8-3.5-17. I am recommending to the Police Merit Commission that you be terminated from your employment with the Elkhart Police Department. The allegations of misconduct are as follows:

On June 7, 2020 your wife, Taryn Lanzen, also an Elkhart City Police Officer, was called back to the home of a single, 58-year-old male, (hereinafter referred to as Victim), to address a complaint made by the Victim. Taryn met Victim at this call. In your Professional Standard's interview you said you were aware Victim had elevated emotions and had screamed at Taryn initially. Taryn informed you Victim had no family and no one to help him. You were aware Taryn had given Victim her personal phone number.

That same night, after Victim called Taryn back, you and Taryn returned to Victim's home and fixed Victim's sprinkler system. In your Professional Standard's interview you said during this meeting Victim was "latching on" as he "finally had someone to talk to." After this you and your wife, Taryn, became friends with Victim. You said you and Taryn "adopted" Victim as a family member and he was "always around." You admitted that you returned to Victim's home on occasions and patched some drywall, fixed a window frame, did some landscaping, trimmed bushes, cut down some trees, weeded, looked at his tractor, re-did his office space, and gifted him a desk that had been inherited by your wife, Taryn. You admitted that you and Taryn invited Victim to Tennessee to retire with you and Taryn. You admitted that you and Taryn told Victim you would build an in-law suite for him in Tennessee.

In your Professional Standard's Interview you stated that you sat next to your wife, Taryn much of the time that she was texting back and forth with Victim. You stated you were aware that Victim expressed to Taryn that he wanted Taryn to leave you for Victim. You stated that Victim kept trying to make passes at your wife, Taryn. You agreed that Victim wanted you out of the picture. When asked why you and Taryn stayed friends with Victim, you stated Taryn would tell you "about this and laugh it off and say you will never guess what he asked me today." You stated that you and Taryn chalked it up to Victim's social awkwardness and lack of social skills. When asked how often Victim hit on your wife, you stated you couldn't say, but you know you talked about it. You said Taryn would come in and say, "You will never guess what . . . [Victim] did or said today. We would kind of laugh about it, like ok. And it wasn't a big deal."

In late August of 2020, an account manager at Capital Group American Funds noticed an unusual withdrawal from Victim's investment accounts and notified Adult Protective Services,

which in turn notified the Elkhart County Sheriff's Office of possible fraud on one of Victim's American Funds Investment accounts. The Elkhart County Sheriff's Office then conducted a criminal fraud investigation into you and your wife, Taryn Lanzen. Ultimately, there were no criminal charges that resulted. However, an overview of the findings of the Elkhart County Sheriff Investigation and the Professional Standard's Investigation reveal that between June 7, 2020, when you and your wife met Victim, and late August 2020, your wife Taryn had gained complete financial control of Victim's assets. You benefitted from, were aware, approved of and/or accepted the following:

- Victim had signed a quit-claim deed transferring his home to your wife, Taryn Lanzen, as Trustee of Eagle Eye Trust, which you and Taryn recorded with the Elkhart County Recorder's office, under the pretense that you witnessed Victim's signature, which you did not.
- Your wife, Taryn, had become Victim's POA.
- Victim had issued your wife, Taryn, a blank check, which you and she used to purchase a new car, a Shelby vehicle, with your wife signing the blank check "Taryn Lanzen POA" in the amount of \$32,000. (Victim recently sued your wife for the return of the \$32,000 in Elkhart Superior Court 1).
- Your wife, Taryn, became the POA on Victim's Interra Credit Union checking and savings accounts and you were present with her at Interra Credit Union when you and she filed the paperwork for her to be added onto the accounts. Victim was not present.
- Your wife had a debit or credit card issued to her from one of Victim's Interra Credit Union accounts.
- Your wife, Taryn, was made the beneficiary on Victim's retirement funds accounts. (Your wife was listed on Victim's UPS 401K as Victim's beneficiary spouse).

The Professional Standard's Investigation substantiated violations of the following policies:

- Policy 320.5.2 Ethics
 - 320.5.2(a): Using or disclosing one's status as a member of the Elkhart Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
 - 320.5.2(b): The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- Policy 320.5.8 Performance:

- 320.5.8(i) Any act- on or off-duty that brings discredit to this department.
- Policy 320.5.9 Conduct:
 - (i) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
 - (l) Any conduct, on or off-duty, which adversely affects or impairs the morale, efficiency, or operation of the Department and/or any conduct that has a tendency to adversely affect, lower or destroy public respect and confidence in the Department or members.

Additionally, your actions violated the following policy

- Policy 320.5.8 Performance:
 - (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

Based upon these allegations, the offered charges of misconduct against you constitute:

1. Immoral conduct, as that term is used in I.C. §36-8-3.5-17(b)(2)(F).
2. Conduct injurious to the public peace or welfare, as that term is used in I.C. §36-8-3.5-17(b)(2)(G).
3. Conduct unbecoming a member, as that term is used in I.C. §36-8-3.5-17(b)(2)(H).

Pursuant to Ind. Code 36-8-3.5-17(c) you may request a hearing on this matter. Your request has already been received and documented. Upon receipt of this letter by the Police Merit Commission, the Commission will have thirty (30) days to set a hearing date. The Commission is available to hear this matter on _____ at _____ AM/PM in the Common Council Chambers, Elkhart Municipal Building, 229 S. Second Street, Elkhart, Indiana. At that hearing, you are entitled to be represented by counsel, to call and cross-examine witnesses, to require the production of evidence and to have subpoenas issued, served and executed.

If the Board determines that you are indeed guilty of the misconduct alleged above, it will vote on your sanction. The Chief's recommendation is to terminate your employment with the City of Elkhart Police Department.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kris Seymore', written over the printed name.

Kris Seymore
Chief of Police

Certificate of Service

I swear under the penalty of perjury that I delivered a Notice of Hearing to Nathan Lanzen by service upon Nathan Lanzen in person or by a copy left at Nathan Lanzen's last and usual place of residence on the following date _____, at least 14 days before the date set for the hearing.

Signature: _____

Date: _____

Printed Name: _____