

**AGENDA**  
**POLICE MERIT COMMISSION**  
**Monday, May 23, 2022 9:00 a.m.**  
**Council Chambers**

**Municipal Building, 229 S. Second Street, Elkhart, IN 46516**  
<https://coei.webex.com/coei/j.php?MTID=m1081af3c400874891884f80674d4a851>

**Meeting Number 2311 186 2280**  
**Password Police22**

- 1. Call to Order**
- 2. Roll Call**
- 3. Approve Agenda**
- 4. Approve Minutes- Regular Meeting April 25, 2022 & Regular Meeting May 9, 2022**
- 5. Police Department**
  - **Request to Hire- Clayton A. Brown, Andrew J. Martin, & Dylan H. Vicary**
  - **Swearing in Ceremony**
  - **Decision in the Matter of Sgt. Andrew Rucker**
- 6. Public Participation**
- 7. Adjournment**

POLICE MERIT COMMISSION  
Monday, April 25, 2022

President James Rieckhoff called a regular meeting of the Police Merit Commission to order at 9:00 a.m., Monday, April 25, 2022. Clerk of the Commission Nancy Wilson called the role. Commissioners James Rieckhoff, Clifton Hildreth, Brad Billings and Thomas Barber attended in person. Jean Mayes joined the meeting in progress on WebEx.

1. APPROVE AGENDA

On motion Brad Billings, seconded by Clifton Hildreth and carried 4-0, the agenda was approved as presented.

2. APPROVE MINUTES-Regular Meeting April 11, 2022

On motion by Thomas Barber, seconded by Clifton Hildreth and carried 4-0, the Commissioners approved the Minutes from April 11, 2022 as presented.

3. POLICE DEPARTMENT

Assistant Chief Dan Milanese presented a Disciplinary Notice for Sgt. Dan Jones. He was issued a written reprimand for violating Policy 320.5.7(b) Efficiency. Jim Rieckhoff accepted the notification.

Assistant Chief Dan Milanese presented notification of the placement of Captain Andrew Whitmyer in the position of Captain in the Criminal Investigation Division. He went through the promotional process and was selected by the Review Board for this position. He officially began in this position on April 18, 2022. Jim Rieckhoff accepted the notification.

Assistant Chief Dan Milanese presented notification of the placement of Lt. Travis Hamilton in the position of Captain in the Services Division. He went through the promotional process and was selected by the Review Board for this position. He officially began in this capacity on April 18, 2022. Jim Rieckhoff accepted the notification.

Assistant Chief Dan Milanese presented two Change of Status promotions for Patrolmen that successfully completed their third year of service as police officers with the Elkhart Police Department. Ptl. Kaleb Shank and Ptl. Jordan Sears changed status from 2<sup>nd</sup> class P-3 to 1<sup>st</sup> class P-4. Jim Rieckhoff accepted the notifications and placed them on file.

4. ADJOURNMENT

On motion by Clifton Hildreth, seconded by Brad Billings and carried 4-0, the City of Elkhart, Indiana Police Merit Commission was adjourned at 9:09 a.m.

\_\_\_\_\_  
James Rieckhoff, President

Attest: \_\_\_\_\_ Clifton Hildreth, Secretary

POLICE MERIT COMMISSION  
Monday, May 9, 2022

President James Rieckhoff called a regular meeting of the Police Merit Commission to order at 9:19 a.m., Monday, May 9, 2022. Clerk of the Commission Nancy Wilson called the role. Commissioners James Rieckhoff, Clifton Hildreth, Brad Billings and Thomas Barber attended in person. Jean Mayes attended on WebEx.

1. APPROVE AGENDA

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

2. DISCIPLINARY HEARING- SGT. ANDREW RUCKER

Jim Rieckhoff said Sgt. Rucker is present, Chief Kris Seymore is present, City Attorney Rose Rivera is present, and Ed Merchant, Counsel for Sgt. Rucker is present on WebEx. Jim Rieckhoff said they have been thinking about the evidence presented for three days, and have a very difficult decision to make.

On motion by Jean Mayes, seconded by Thomas Barber and carried 5-0, the Police Merit Commission found that Sgt. Rucker engaged in conduct violating City Police Policies 307.3 entitled Officer Responsibilities, 307.3.2 (h) entitled When to Terminate a Pursuit, and 307.5 (c) entitled Pursuit Driving.

On motion by Brad Billings, seconded by Cliff Hildreth and carried 5-0, the Police Merit Commission demoted Sgt. Andrew Rucker from Sergeant to Corporal.

3. ADJOURNMENT

On motion by Jean Mayes, seconded by Clifton Hildreth and carried 5-0, the City of Elkhart, Indiana Police Merit Commission was adjourned at 9:25 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, 2022


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

Dear Commissioners:

Prospective officer, Clayton A. Brown, has passed all of the required medical and psychological screenings, as well as the appropriate background searches, necessary to become employed with the Elkhart Police Department as a police officer. I am requesting that you will approve the hiring of this candidate and that he be sworn in on May 23, 2022.

If you have any questions, or would like further information, please do not hesitate to contact me.

Respectfully,

  
Kris Seymore  
Chief of Police

KS:kae

Rod Roberson  
Mayor

Kris Seymore  
Chief



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175 Waterfall Dr.  
Elkhart, IN 46516

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Fax: 574.293.0679

May 18, 2022

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

Dear Commissioners:

Prospective officer, Andrew J. Martin, has passed all of the required medical and psychological screenings, as well as the appropriate background searches, necessary to become employed with the Elkhart Police Department as a police officer. I am requesting that you will approve the hiring of this candidate and that he be sworn in on May 23, 2022.

If you have any questions, or would like further information, please do not hesitate to contact me.

Respectfully,

  
Kris Seymore  
Chief of Police

KS:kae

Rod Roberson  
Mayor

Kris Seymore  
Chief



Police Department  
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May 18, 2022

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

Dear Commissioners:

Prospective officer, Dylan H. Vicary, has passed all of the required medical and psychological screenings, as well as the appropriate background searches, necessary to become employed with the Elkhart Police Department as a police officer. I am requesting that you will approve the hiring of this candidate and that he be sworn in on May 23, 2022.

If you have any questions, or would like further information, please do not hesitate to contact me.

Respectfully,

Kris Seymore  
Chief of Police

KS:kae



IN RE THE MATTER OF: )  
 )  
SGT. ANDREW RUCKER )

Both counsel made opening statements setting forth their views of the evidence to be presented. The City then presented five Elkhart Police officers as witnesses, namely, Chief Seymore, Sergeant Chad Odle, Lieutenant Karl Miller, Assistant Chief Dan Milanese, and Lieutenant James Wrathell. Sergeant Rucker presented as a witness for him Bristol Police Sergeant Dustin Lundgren, and he also testified on his own behalf. The parties submitted many documentary exhibits, and also video footage of the pursuit shot from Sergeant Rucker's viewpoint. Each Commissioner was given the opportunity to question each witness, although few such questions were asked.

Following the completion of the examination of witnesses, both counsel made final arguments. Ms. Rivera argued that the evidence established that Sergeant Rucker had committed misconduct as alleged and that termination of employment, rather than demotion, was the appropriate sanction to be imposed upon him.

Mr. Merchant argued that the policies at issue required Elkhart officers to use their discretion in beginning, continuing, and terminating any pursuit; that Sergeant Rucker had done so properly; and that Sergeant Rucker should be exonerated of any alleged misconduct. He also argued that in the event the Commission did find the commission of misconduct by Sergeant Rucker, demotion from his current was too great a sanction to impose on him under the existing circumstances.

After the arguments were completed, the President declared a recess, announcing that the Commission would convene an executive session on May 9 at 8:30 a.m. and that the public hearing would resume shortly after completion of the executive session.

On May 9, the executive session began at the announced time with all Commissioners present, Commissioner Mayes again present by WebEx. The session concluded shortly after 9:00 a.m. The public hearing began at 9:19 a.m. The parties and their attorneys were likewise present, with Mr. Merchant joining by WebEx. The President invited both counsel to offer any further remarks which they thought appropriate. Both counsel declined to do so.

Two motions were presented as follows:

1. Commissioner Mayes moved that the Commission find that Sergeant Andrew Rucker had engaged in the three specifications of misconduct alleged by the Chief. The motion was seconded by Commissioner Barber. The Clerk conducted a roll-call vote. The result was five Commissioners in favor and none opposed. The motion was therefore carried.

2. Commissioner Billings then moved that the Commission impose upon Sergeant Andrew Rucker a demotion in rank from Sergeant to Corporal. This motion was seconded by Commissioner Hildreth. The Clerk conducted a roll-call vote. The result was five Commissioners in favor and none opposed. The motion was therefore carried.

There having been no further matters presented for consideration, the President declared the hearing adjourned at 9:25 a.m.

Date: \_\_\_\_\_

\_\_\_\_\_  
James Rieckhoff, President  
Elkhart City Police Merit Commission

Attest: \_\_\_\_\_ Clifton Hildreth, Secretary