

AGENDA
BOARD OF PUBLIC SAFETY
Tuesday June 28, 2022
9:00 A.M.
Council Chambers

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

<https://coei.webex.com/coei/j.php?MTID=m48eca36ba2c24b582bba55db97d3ba50>

1-415-655-0001 Meeting number 2302 388 1539

Password Safety22

- 1. ROLL CALL**
- 2. APPROVE AGENDA**
- 3. APPROVE MINUTES: Regular Meeting May 24, 2022 & Special Meeting May 24, 2022**
- 4. POLICE DEPARTMENT**
 - **Board of Safety Resolution 22-R-03 Approving the Memorandum of Agreement between the Indiana F.O.P. Labor Council, Inc. and the City of Elkhart, Indiana**
 - **Policy 345 Use of Force Review Board**
 - **Medical Leave of Absence- Lt. Anthony Tweedy**
- 5. FIRE DEPARTMENT**
- 6. COMMUNICATIONS CENTER**
 - **Ratify Conditional Offer of Employment**
- 7. BUILDING AND CODE ENFORCEMENT**
- 8. OTHER PUBLIC SAFETY MATTERS**
 - **Police and Fire Merit Commission Minutes**
- 9. PUBLIC PARTICIPATION**
- 10. ADJOURNMENT**

BOARD OF PUBLIC SAFETY
Tuesday, May 24, 2022

Chairman Robert Woods called a regular meeting of the Board of Public Safety to order at 9:00 a.m., Tuesday, May 24, 2022. Robert Woods, Carol Loshbough, Anthony Coleman, and Proxy Tim Reecer attended in person. Charlie Cross was absent.

1. APPROVE AGENDA

A motion was made by Carol Loshbough and seconded by Anthony Coleman to approve the agenda. On motion by Carol Loshbough, seconded by Anthony Coleman and carried 4-0, the agenda was amended to include the Interlocal Agreement between Elkhart County Indiana and the City of Elkhart for Animal Control Services. On motion by Carol Loshbough, seconded by Anthony Coleman and carried 4-0, the amended agenda was adopted.

2. MINUTES- Regular Meeting May 10, 2022

On motion by Anthony Coleman, seconded by Carol Loshbough and carried 4-0, the minutes from May 10, 2022 were approved as presented.

3. POLICE

Chief Seymore presented an agreement with Interview Now Inc. for approval. A motion was made by Tim Reecer and seconded by Anthony Coleman to approve the contract with Interview Now Inc. Chief Seymore explained the way the software works. Carol asked how much it costs, and Chief Seymore said he would get that for them. Bob asked if any other departments were using it, and Chief Seymore said he didn't have that information with him. A motion was made by Carol Loshbough and seconded by Anthony Coleman to table. Tim Reecer asked if Legal approved it, and the Chief said yes. He asked if they were comfortable with their investments in Iran. Corporation Counsel John Espar said he recalled that the Investments in Iran was no longer a federal requirement. It may be a policy consideration or a consideration for this particular contract. Captain Whitmyer came forward to answer their questions. He said yes, Interview Now is used across the State of Indiana and across the Country. They scan the QR Code and at first the system is automated. It asks them five questions, are you an American citizen, have you committed a felony, are you over the age of 18, and the big basic questions that would eliminate you from law enforcement immediately. Then you have an option to speak immediately with a recruiter. It helps engage people who have interest almost immediately. The other thing the software allows us to do is track them in a centralized process. We can track them through the application process, mental health testing, and PT testing. Anyone in administration can look at them as they go through the process. Another nice feature, when we message a group candidate pool, we can message all 26 at the same time. If we have a PT test coming up we can message them a week out, then again the day before. The pricing is a subscription base of \$7,000.00 initially for the year, which includes a \$500.00 set up fee, then any year after that will drop to \$6,500.00. Carol Loshbough withdrew her motion to table. Dr. Woods closed discussion and called for the vote. The motion carried 4-0.

4. FIRE

Chief Shaun Edgerton was present a Medical Leave of absence for Firefighter Mark Travis. He sustained an injury while on duty. He asked the Board to extend the leave until June 27, 2022. A motion was made by Carol Loshbough

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and seconded by Anthony Coleman to approve a Medical Leave Extension for firefighter Mark Travis. Chief Edgerton said he has been working light duty. Dr. Wood called for the vote and the motion carried 4-0.

Chief Edgerton presented the month end report for April 2022. On motion by Carol Loshbough, seconded by Anthony Coleman and carried 4-0, the April 2022 Month end report was accepted and placed on file.

Chief Edgerton presented a request to purchase a 2022 Pierce fire engine #35678 from Pierce Fire Apparatus utilizing Sourcewell government procurement contract #113021-OKC-1 for \$520,000.00. Chief Edgerton said the Elkhart Common Council approved and appropriated the funding for the purchase. A motion was made by Carol Loshbough and seconded by Tim Reecer to approve the purchase of a 2022 Pierce fire engine #35678 from Pierce Fire Apparatus utilizing Sourcewell government procurement contract #113021-OKC-1 for \$520,000.00. Dr. Woods asked if anyone else besides Pierce manufactured what we need. Chief Edgerton said we were lucky to find this apparatus at the price we found it. Chief Edgerton shopped around, and other apparatus were over \$700,000.00. Carol asked John Espar if they researched Sourcewell, and he said yes they have. They are a qualified vendor. Dr. Woods called for the vote and the motion carried 4-0.

5. COMMUNICATIONS

Adam Amsden presented March and April Month end reports. On motion by Carol Loshbough, seconded by Adam Amsden and carried 4-0, the March and April Month End reports were accepted and placed on file.

Adam Amsden presented a request to approve a contract with INdigital for yearly maintenance of the phone system for Elkhart City 9-1-1. This contract was previously held with Frontier Communications. On motion by Tim Reecer, seconded by Anthony Coleman and carried 4-0, the Board approved a contract with INdigital for yearly maintenance of the phone system for Elkhart City 9-1-1.

Adam Amsden presented a request to approve a contract with Medical Priority Consultants to provide Quality Assurance for medical calls for the Elkhart City Communications Center. This contract would provide for 75 medical calls per month. This is a quality assurance and helpful with training. On motion by Carol Loshbough, seconded by Tim Reecer and carried 4-0, the Board approved a contract with Medical Priority Consultants to provide Quality Assurance for medical calls for the Elkhart City Communications Center.

6. BUILDING & CODE ENFORCEMENT

Henry Terrazas was present for questions. There were none.

7. OTHER PUBLIC SAFETY MATTERS

Interlocal Agreement with Elkhart County for Animal Control Services

A motion was made by Carol Loshbough and seconded by Anthony Coleman to approve the Interlocal Agreement between Elkhart County and the City of Elkhart for Animal Control Services for \$139,150.00. The Board discussed funding. Dr. Woods called for the vote and the motion carried 4-0.

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Detective Susan Lambright Grievance

Sergeant Jason Ray, President of the F.O.P. represented Detective Susan Lambright in the Grievance Hearing. He gave the opening statement. The grievance was in reference to denial of a request for time off, which he believed was in violation of the bargaining unit agreement between the City of Elkhart and the Fraternal Order of Police No. 52. Jason stated the Board would hear facts about the grievance process that was followed, and what steps Det. Lambright took to attempt to take care of this issue prior to bringing it before the Board. He said that after all of the facts are presented, the Board will see that the actions taken by the Elkhart City Police Administration were in violation of the bargaining unit agreement. Det. Lambright attempted to remedy the issue by communicating with her direct supervisor Captain Andrew Whitmyer and then with Chief Seymore. Ultimately the denial left Det. no choice but to take a sick day so that she could fulfill her obligations that day which were personal in nature. He asked the Board to find that the denial of a personal day on May 17th be deemed a violation of the bargaining agreement, and that she be allowed to switch the day she took off from a sick day to a personal day, so that this does not cause her to lose her sick incentive at the end of the year. This would remedy the grievance and make Det. Lambright whole from the violation.

Human Resources Director Wayne Belock represented the City and gave the Management's Opening Statement. Wayne said basically, the issue before the Board is whether the request to use personal time on May 17, 2022 was unreasonably denied. Management's position was that it was not unreasonable to deny Det. Lambright's request for personal time off that day. May 17th was the day of the Police Memorial Ceremony to honor fallen officers. It was reasonable for Chief Seymore to require any officers who were scheduled to work that day to attend the one-hour long Memorial Service to show their respect and pay tribute to fallen Police Officers. This ceremony has been traditionally held, and Officers attend in their dress uniforms. In addition to the ceremony, the occasion allows them to inspect the Class-A uniforms which are not worn typically but need to be inspected at least once a year. It is reasonable to require officers to wear Class-A uniforms and conduct the uniform inspection on this occasion. The Police function of the City includes being able to require officers already assigned to work to attend a memorial ceremony honoring fallen officers. It is reasonable to deny a request for personal time off that was not made until after the Chief sent out his email saying that he expected those already assigned to work to attend the ceremony. Especially when almost half of the Detective force requested that day off after the email came out. The Board should be aware that 2 officers or 2 Detectives had previously requested time off before the Chief's email came out, and they were allowed to take the time off. All of the requests that came after his email were denied. It is reasonable to deny a request for an entire day off if the officer could have agreed to modify her request to a portion of the day which did not interfere with her attendance at the police memorial service. The Chief, Captain Whitmyer, and Sergeant Houser will speak more to the facts as far as what happened.

Jason Ray presented the Grievant's Case-In-Chief. He did not call any witnesses. Jason submitted several documentary exhibits. Each Board member

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was given the opportunity to ask questions.

Wayne Belock presented the Management's Case-In-Chief. He presented four Police Officers as witnesses, namely, Chief Kris Seymore, Detective Susan Lambright, Sergeant Denise Houser, and Captain Andrew Whitmyer. Each Board member was given the opportunity to question each witness. Jason Ray was given the opportunity to cross examine each witness. Both parties were given the opportunity to re-direct examination of each witness. Wayne also submitted several documentary exhibits.

Following the Completion of the examination of witnesses, final arguments were made by both sides.

Jason Ray stated that Detective Lambright has been a Police Officer with this Department for 26 years and she has always had exemplary attendance. Det. Lambright requested a day off so that she could fulfill a personal need for her physical wellbeing, as well as minimize the mental hardship of dealing with the loss of a fellow officer, and was denied, which is by our previous presentation of facts, a violation of the bargaining unit agreement. The denial was deemed to be unreasonable. The denial was not done so the Police Department was able to administer effectively and efficiently the police functions of the City. On May 16 the Patrol Division approved time off for a patrol officer, so it was clear all officers were not mandated to attend the Memorial Service. The Criminal Investigation Division was the only division that was denied time off for that day. Article 4 of the bargaining unit agreement states all rights that ordinarily vest and are exercised by employers unless specifically relinquished in this agreement. Due to the wording in Article 18, this would relinquish the Managements rights in this instance. In Article 18 Section 2 it states that the reason why personal time can be denied, so it doesn't fall to managements rights automatically. Previous Administrations have made it mandatory to be in attendance at the Police Memorial Service and wear Class A's, but they did not deny time off in the past. He declared according to Article 18 and the standards that are presented that the Police Memorial Service does not constitute a police function of the City, therefore, Det. Lambright should not have been denied her time off request. They agree if a police function would have been present that no grievance process would have been followed. It is requested that Detective's sick day taken on May 17th, 2022 be returned to a personal day.

Wayne Belock said the Board's decision comes down to what does unreasonably denied mean, because that is what is in the request for comp time and the request for personal time. There was reference to past practice which applies when the contract is not clear on an issue or if the contract is ambiguous. Past practice has been this is a mandatory event at which Class-A uniforms are worn and inspections were done. Based on past practice and the current management rights in the contract, this request was not unreasonably denied. The reason it was not unreasonable is you have to look at what management knew at the time they knew it. On May 9th, Chief sent out his email, and less than an hour later, at least 7 people in the Detective Bureau requested time off. Clarification the next morning May 10th we have all these people requesting time off, what do we do, the Chief said deny the time. Consistent to that, the Sergeant explained to the group

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the time was denied, but asked if anyone had a reason for their request. Nobody said anything. The next day, Detective Lambright called the Doctor after the 1st denial for comp time was made, then after that she requested personal time. She met with Captain Whitmyer who indicated the request was denied. It is the position of the City that the Memorial Service is a police function, and the inspection of dress uniforms at the event is also a police function. The Chief is ordering people who are already working to attend the event. It would reflect poorly on the City, especially in these times when this is an issue as far as respecting the sacrifice people have made in the line of duty. So for that reason, we respectfully request that the Board deny the grievance, because at the time the decisions were made, it was not an unreasonable denial.

8. ADJOURNMENT

On motion by Carol Loshbough, seconded by Tim Reecer and carried 4-0, the Board of Public Safety meeting was adjourned at 11:54 a.m.

_____ Robert Woods, Chairman

Attest: _____ Nancy Wilson, Clerk of the Board

BOARD OF PUBLIC SAFETY
Tuesday, May 24, 2022

Chairman Robert Woods called a special meeting of the Board of Public Safety to order at 12:32 p.m., Tuesday, May 24, 2022. Robert Woods, Carol Loshbough, Anthony Coleman, and Proxy Tim Reecer attended in person. Charlie Cross was absent.

1. Detective Susan Lambright Grievance

A motion was made by Carol Loshbough and seconded by Anthony Coleman to uphold the grievance for Det. Susan Lambright as presented by the Union. The Clerk Nancy Wilson called the roll call vote. The motion carried 3-1.

2. ADJOURNMENT

On motion by Carol Loshbough, seconded by Tim Reecer and carried 4-0, the Board of Public Safety meeting was adjourned at 12:34 a.m.

_____ Robert Woods, Chairman

Attest: _____ Nancy Wilson, Clerk of the Board

Rod Roberson
Mayor

Kris Seymore
Chief

June 23, 2022



Police Department
175 Waterfall Dr.
Elkhart, IN 46516

574.295.7070
Fax: 574.293.0679

Board of Public Safety
City of Elkhart
229 S. Second Street
Elkhart, IN 46516

RE: Memorandum of Agreement between the Indiana F.O.P Labor Council, Inc. and the City of Elkhart, Indiana

Dear Board Members,

This letter is to request the Board of Public Safety to authorize the City of Elkhart to enter into a memorandum of agreement (MOA) with the Indiana FOP contract that effects the members under that contract, in the role of nine civilian Safety Officers at the Elkhart Police Department, as certified Transport Officers. The MOA will be a benefit to the service provided to the citizens of Elkhart by the police department.

The main benefit for our civilian Safety Officers providing transportation for individuals taken into custody is to reduce the amount of time our Patrol Officers spend transporting, and away from patrolling the city. By having the civilian Safety Officers drive to the location of the arrest and transport the individual to the Elkhart County Jail will allow the Patrol Officer to remain available to respond to calls for service and other law enforcement responsibilities. This MOA will allow the police department to better utilize the staff we currently have.

The labor shortage faced by the Elkhart Police Department that began in 2019 has driven the request to shift responsibilities of the civilian Safety Officers. In the last two years we have conducted four cycles of interviews for the position Safety Officer. Each cycle resulted in the elimination of applicants, or the withdrawing from the hiring process and one recently resigning. There is currently six out of the nine positions vacant. Prior to the staffing shortage Police Officers transported individuals to the Elkhart Police Department to be booked and monitored by the civilian Safety Officers, and multiple individuals could later be transported to the Elkhart County Jail by one Police Officer reducing the amount of time officers were out of service. Due to the civilian Safety Officer vacancies Patrol Officers are required to transport prisoners to the Elkhart County Jail for each individual arrest, then being required to complete the necessary, and lengthy, booking process and paperwork required by the Elkhart County Jail staff.

For an example, if there is an incident where three individuals are taken into custody, depending on the circumstance, could result in three Patrol Officers leaving the city and being out of service for an extended period of time at the same time. This can and has led to a shortage of Patrol Officers on the street.

As stated before, in the past we depended on the civilian Safety Officers to book, process and monitor the individuals in our custody. With additional training existing civilian Safety Officers will take on the responsibilities of driving out to the arrest scene, conducting searches of prisoner and transporting them to the county jail. Additionally they would be booking prisoners from the transport vehicle and verifying the correct paperwork is given to the booking desk at the county jail.

If there are numerous arrests made at one time Patrol Officers could transport their prisoners to the county jail and a civilian Safety Officer could meet them and take responsibility of the remaining procedures of the prisoners, allowing the Patrol Officers to get back on the road instead of having to wait for the prisoner to be booked.

Many of these responsibilities are not new to the position, however by adding the transporting of individuals in police custody we will better utilize our staff to provide the most effective and efficient service possible to the citizens of the City of Elkhart.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kris Seymore', written in a cursive style.

Kris Seymore
Chief of Police

KS:ke

RESOLUTION NO. 22-R-03

A RESOLUTION OF THE BOARD OF PUBLIC SAFETY OF THE CITY OF ELKHART, INDIANA, APPROVING THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF ELKHART AND THE INDIANA FRATERNAL ORDER OF POLICE LABOR COUNCIL, INC.

WHEREAS, the City of Elkhart, Indiana, (“City”) and the Indiana Fraternal Order of Police Labor Council, Inc. (INFOPLC) entered into a collective bargaining agreement covering the period commencing January 1, 2021 and concluding December 31, 2024; and

WHEREAS, the Administration and Indiana Fraternal Order of Police Labor Council, Inc. inform the Council that they negotiated and reached an agreement to expand upon the collective bargaining agreement for the provision of transport services by the INFOPLC for the benefit of the Elkhart Police Department and the provision of additional compensation for the benefit of the INFOPLC employees who provide such transport services; and

WHEREAS, the understandings of the parties are set forth in the *Memorandum of Agreement*, attached hereto as “Exhibit A,” and incorporated herein as if fully set forth; and

WHEREAS, the Board of Public Safety finds that the interests of the City of Elkhart would be served by the approval of the *Memorandum of Agreement*.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF ELKHART, INDIANA, that the Board of Public Safety approves of the Memorandum of Agreement and agrees to enter into the agreement with the Indiana Fraternal Order of Police Labor Council, Inc. in the manner and form attached hereto as Exhibit A.

SO RESOLVED this ____ day of _____, _____.

Dr. Robert Woods
President of the Board of Public Safety

ATTEST:

Nancy Wilson, Board Clerk

Exhibit A

**Memorandum of Agreement Between the Indiana F.O.P. Labor Council, Inc.
and the City of Elkhart, Indiana**

**MEMORANDUM OF AGREEMENT BETWEEN THE
INDIANA F.O.P. LABOR COUNCIL, INC. AND THE CITY OF ELKHART,
INDIANA**

This Memorandum of Agreement (hereinafter referred to as "MOA") is voluntarily made and entered into as of the _____ day of _____, 2022, by and between the Indiana F.O.P. Labor Council, Inc. (hereinafter referred to as "INFOPLC"), and the City of Elkhart, Indiana, a political subdivision of the State of Indiana (hereinafter referred to as the "City"), acting by and through its Board of Public Safety, (the City and the INFOPLC collectively to be known as the "Parties"). The Parties have agreed to the following:

1. PURPOSE: To create a specialty pay for Civil Safety Officers acting as Transport Officers
2. Article 25, shall be amended to include a Section 8 that reads as follows:

ARTICLE 25

Classification Assignments and Rates of Pay

Section 8. Civil Safety Officers who have been successfully been certified as Transport Officers, shall receive a certification pay of Two Dollars (\$2.00) per hour, in addition to the base scale and in addition to any shift differential pay. To be certified as a Transport Officer, Civil Safety Officers will be required to be available to take on the additional responsibilities of Transport Officer and to undergo additional training before assuming those responsibilities, including:

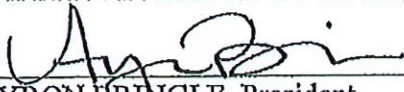
1. Emergency Vehicle Operations, Both transport van and squad car training
2. City map training to verify understanding of the streets in the city
3. Physical Tactics Review
4. Pepper spray review
5. Prisoner search training
6. Handcuffing training/review
7. Axon camera system training for in-car and body cam usage.

Civil Safety Officers must adhere to relevant Elkhart Police Department policies during the course of their duties, whether acting as Transport Officers or not, including but not limited to department policies regarding use of Control Devices, Body Cameras, Tasers, Use of Force, and Handcuffing and Restraints, among others.

Transport Officer responsibilities will include driving out to the arrest scene, picking up prisoners, conducting searches of prisoners and transporting prisoners to county jail. Transport Officers will also book prisoners from the transport van and verify the correct paperwork was given to the booking desk at the jail. At times, Transport Officers may meet a police officer at the jail to take responsibility for a prisoner or multiple prisoners and complete the booking process so the police officer can return to other duties.

IN WITNESS WHEREOF, the MOA is executed on behalf of the parties by their
duly authorized representatives on this _____ day of _____, 2022.

INDIANA F.O.P. LABOR COUNCIL, INC. EMPLOYEES

By: 
AYRON BRINGLE, President

Date: 6.13.22

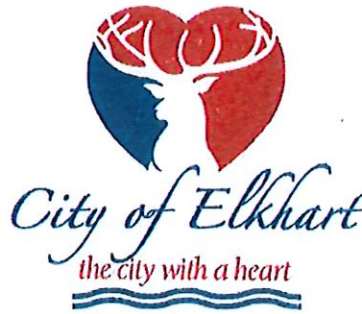
CITY OF ELKHART, acting by and through its
BOARD OF PUBLIC SAFETY

By: _____
Dr. Robert Woods, Chairperson

Date: _____

Rod Roberson
Mayor

Kris Seymore
Chief



Police Department
175 Waterfall Dr.
Elkhart, IN 46516

574.295.7070
Fax: 574.293.0679

June 16, 2022

Board of Public Safety
City of Elkhart
229 S. Second Street
Elkhart, IN 46516

RE: Policy 345 Use of Force Review Board

Dear Board Members,

Approval is being requested to officially remove Policy 345 Use of Force Review Board. Based on the Police Executive Research Forum (PERF) Policy 301 Chief's Review Board was created to replace Policy 345 Use of Force Review Board, and was brought before you and approved in April 2021.

A copy of both policies have been included for your review. Upon your approval Policy 345 will be permanently removed from the Elkhart Police Department policies. Please contact me if you have questions or concerns.

Respectfully,

A handwritten signature in blue ink, appearing to be "KS", is written over the typed name of Kris Seymore.

Kris Seymore
Chief of Police

KS/ke

USE OF FORCE REVIEW BOARD

345.1 PURPOSE

This policy establishes a process for the Elkhart Police Department to review all police use of force (UOF) incidents. The purpose of the Use of Force Board is to provide:

- (a) Oversight of all police UOF incidents.
- (b) Identify trends related to Police UOF incidents.
- (c) Identify departmental training needs related to UOF.
- (d) Ensure that all police UOF incidents fall within department policy and procedure.
- (e) Identify equipment needs related to UOF.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or the evaluation of the UOF.

345.2 POLICY

The Elkhart Police Department will objectively evaluate the use of force by its members to ensure that their authority is used appropriately and is consistent with training and policy.

345.3 USE OF FORCE REVIEW BOARD

The Use of Force Review Board will convene on a regular basis to review all police use of force incidents, excluding a use of force by a member that results in serious bodily injury or death to another.

The Use of Force Review Board will review the circumstances surrounding every use of force, whether the member was on or off-duty, excluding training or recreational action.

The Use of Force Review Board is not a replacement for the Chief's Review Board.

The Professional Standards Lieutenant (PS Lieutenant) will present all Elkhart Police Department UOF reports generated by officers, to the board members for review. The PS Lieutenant will ensure that all relevant reports, documents and materials are available for consideration and review by the board.

345.4 COMPOSITION OF THE BOARD

The Chief of Police should staff the UOF Review Board with the following as appropriate:

- (a) The Assistant Chief of Police
- (b) The Special Services Captain
- (c) The Professional Standards Lieutenant
- (d) A department Physical Tactics Instructor
- (e) A department Firearms Instructor

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USE OF FORCE REVIEW BOARD

- (f) Any subject matter expert deemed necessary to gain understanding into a specific use of force issue.

345.5 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of police UOF incidents.

The board may request further investigation, request that reports be submitted for the board's review, call persons to present information and request the involved member to appear.

The boards review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the involved member at the time shall neither justify nor call into question a members decision regarding the use of force.

The Chief of Police will determine whether the board should delay its review of a specific UOF incident until after completion of any criminal investigation, departmental professional standards investigation, and review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action.

If the board recognizes that a violation of department policy or criminal statute has occurred, the Professional Standards Lieutenant will then notify the Chief of Police of the potential violation.

The Chief of Police will determine if a formal investigation is warranted.

The board does have the authority to recommend discipline.

Any questioning of the involved member conducted by the board will be in accordance with Elkhart Police Department disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make the following recommendations:

- (a) The member's UOF actions were within department policy and procedure.
- (b) The member's actions were in violation of department policy and procedure.
- (c) The members UOF followed departmental UOF training and tactics.
- (d) The member is in need of additional training.
- (e) Department training should be developed or revised.
- (f) Additional police equipment should be researched or procured.

The recommended finding requires a majority vote of the board. The board chairperson will submit the board's written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation and will determine what future actions are necessary.

The involved member will be notified, through their chain of command, of the board's findings.

DATE	4/13/21
APPROVED BY CITY OF ELKHART	
BOARD OF PUBLIC WORKS	Safety
	Robert [unclear]
	Carol [unclear]
	Charlie [unclear]
	Anthony [unclear]

Chief's Review Board

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Elkhart Police Department to review any action by its members.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or the evaluation of its members.

301.2 POLICY

The Elkhart Police Department may objectively evaluate any actions by its members to ensure that their authority is used appropriately and is consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever a member's actions or use of force in an official capacity, or while using department equipment, results in death or serious bodily injury to another, that member will be placed in a temporary administrative assignment pending a Chief's review. The Chief of Police may exercise discretion and choose not to place a member in an administrative assignment.

301.4 REVIEW BOARD

The Chief's Review Board will convene on a regular basis to review the following:

- a. All police Use of Force incidents,
- b. Every discharge of a firearm, whether the member was on-duty or off-duty excluding training or recreational use.
- c. Any traffic crash involving a member of this department while operating a city owned vehicle.
- d. Any action or incident involving a member of this department that the Chief requests to be reviewed.

The Assistant Chief Captain will convene the Chief's Review Board as necessary. It will be the responsibility of the Captain or supervisor of the involved member to notify the Assistant Chief of any incidents requiring board review. The involved member's Captain or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

The Professional Standards Lieutenant will present all Elkhart Police Department UOF reports generated by officers to the board for review. The Professional Standards Lieutenant will ensure

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Chief's Review Board

that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Assistant Chief should staff the Chief's Review Board with individuals from the following, as appropriate:

- Command staff representative from the involved member's chain of command.
- Training Lieutenant
- EVOC Instructor
- A peer/member
- Assistant Chief of Police
- Department Physical Tactics Instructor
- Department Firearms Instructor
- Any subject matter expert deemed necessary to gain understanding into a specific issue.

The Assistant Chief or his or her designee will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Chief's Review Board is empowered to conduct an administrative review and inquiry into the circumstances of any incident.

The board members may request further investigation (e.g. Professional Standards), request reports be submitted for the board's review, call persons to present information and request the involved member to appear. The involved member will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the involved member at the time shall neither justify nor call into question a member's decision regarding the use of force.

Any questioning of the involved member conducted by the board will be in accordance with Elkhart Police Department disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

Elkhart Police Department

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Chief's Review Board

- (a) The member's actions were within department policy and procedure.
- (b) The member's actions were in violation of department policy and procedure.

Additional board responsibilities is as follows:

- (a) Over site for all Police UOF incidents.
- (b) Identify trends related to Police UOF incidents.
- (c) Identify departmental training needs related to UOF.
- (d) Identify equipment needs within the department.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

If discipline is recommended from the board, the incident shall be forwarded to the effected members Captain to convene a Captain's Board as outlined in Policy 1010.11.

The Chief of Police shall review all documents, accompanying materials and recommendations made by the Chief's Review Board and the Captain's Board. The Chief may make modifications to the recommendations, return the file for further investigation or determine no further investigation is required and adjudicate the investigation according to Policy 101011.1 (a).

Rod Roberson
Mayor

Kris Seymore
Chief



Police Department
175 Waterfall Dr.
Elkhart, IN 46516

574.295.7070
Fax: 574.293.0679

June 16, 2022

Board of Public Safety
Municipal Building
229 S. 2nd Street
Elkhart, IN 46516

RE: Lt. Anthony Tweedy - Medical Leave of Absence

Dear Board Members:

According to Article XIII, Section 2 of the Police Officer Collective Bargaining Agreement it states that:

“If the Board of Public Safety finds that an officer who has been employed by the Police Department for longer than one (1) year is injured, ill, or disabled from any cause and is physically unfit to perform his regular duties during the period of such disability, then the Board of Public Safety shall grant a leave of absence with pay up to a maximum period of one-hundred-eighty (180) days commencing from the date of such injury, illness, or disability and said days shall run consecutively. The officer shall be required to use up to three (3) paid sick days prior to receiving extended leave for any non-line-of-duty injury.”

Due to medical reasons Lt. Tweedy has requested a leave of absence with pay. He was granted an FMLA leave effective June 13, 2022 with a duration through July 5, 2022. I am requesting your approval in this matter.

Respectfully,

A handwritten signature in blue ink, appearing to be "Kris Seymore", is written over the word "Respectfully,".

Kris Seymore
Chief of Police

cc: Payroll
Personnel File (medical)

Rod Roberson
Mayor

Adam Amsden
Interim Department Head



Phone: 574.293.2175
Fax: 574.294.5530

Elkhart City Communications
135 East Franklin Street
Elkhart, Indiana 46516

June 7, 2022

Matthew Genow
70851 Sunset Blvd
Union, MI 49130

**City of Elkhart Board of Safety
Conditional Offer of Employment**

Dear Matthew,

The Board of Public Safety of the City of Elkhart wishes to thank you for your interest in our Communications Department. Recently, you completed a testing process resulting in an interview with the administration of the Elkhart City Communications Department.

We are pleased to inform you that you have successfully completed the processes thus far; therefore, the Board of Public Safety of the City of Elkhart, Indiana hereby grants you a conditional offer of employment as a member of the Elkhart City Communications Department. This offer of employment is conditioned upon your satisfaction of the following terms and will be withdrawn if you do not meet both requirements.

1. You must meet satisfactory standards resulting from a Truth Verification Exam administered by an Elkhart Police Department Certified Truth Verification Operator.
2. The City of Elkhart is a Drug Free Workplace. Therefore, a successful pre-employment drug screen is required.

The Board of Safety thanks you for your commitment to our community. We look forward to having you as a member of the City of Elkhart Communications Department.

CITY OF ELKHART
BOARD OF PUBLIC SAFETY

FIRE MERIT COMMISSION
Monday, May 9, 2022

President Mandy Leazenby called a regular meeting of the Fire Merit Commission (FMC) to order at 3:30 p.m., Monday, May 9, 2022. Clerk Nancy Wilson called the role. Commissioners Mandy Leazenby, Jim Rodino, Doug Bowlby and Cary Miller were present. Rev. Stewart was absent.

1. AGENDA

On motion by Doug Bowlby, seconded by Cary Miller and carried 4-0, the agenda was approved as presented.

2. APPROVE MINUTES- Regular Meeting April 25, 2022

On motion by Cary Miller, seconded by Doug Bowlby and carried 4-0, the Minutes from April 25, 2022 were approved.

3. FIRE DEPARTMENT

Chief Shaun Edgerton presented a request to advertise for a Public Hearing on May 23, 2022 to revise the Fire Merit Rules. On motion by Cary Miller, seconded by Jim Rodino and carried 4-0, the FMC authorized the Clerk to advertise for a Public Hearing on May 23, 2022 at 3:30 p.m. to revise the FMC Rules.

Chief Shaun Edgerton presented a disciplinary notice for Captain Dyer. He was issued a written warning for violating Policy 202.04. Commissioner Bowlby asked if it was related to equipment, and the Chief said yes, it was. Mandy Leazenby accepted the communication.

4. ADJOURNMENT

On motion by Doug Bowlby, seconded by Cary Miller and carried 4-0, the City of Elkhart, Indiana Fire Merit Commission was adjourned 3:34 p.m.



Mandy Leazenby, President

Attest: 

Cary Miller, 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 James Rieckhoff, President

Attest: Clifton R. Hildreth Clifton Hildreth, Secretary

FIRE MERIT COMMISSION
Monday, May 23, 2022

President Mandy Leazenby called a regular meeting of the Fire Merit Commission (FMC) to order at 3:30 p.m., Monday, May 23, 2022. Clerk Nancy Wilson called the role. Commissioners Mandy Leazenby, Jim Rodino, and Cary Miller were present. Rev. Stewart and Doug Bowlby were absent.

1. AGENDA

On motion by Jim Rodino, seconded by Cary Miller and carried 3-0, the agenda was approved as presented.

2. APPROVE MINUTES- Regular Meeting May 9, 2022

On motion by Cary Miller, seconded by Jim Rodino and carried 3-0, the Minutes from May 9, 2022 were approved.

3. PUBLIC HEARING: REVISION OF FIRE MERIT COMMISSION RULE 1302.1 8(i)

Mandy Leazenby called the public hearing to order. She opened the floor for comments for or against the proposed Fire Merit Rule change. No one came forward to speak and no one commented on line. She closed the Public Hearing.

4. FIRE DEPARTMENT

Chief Shaun Edgerton presented a request to amend Fire Merit Rule 1302.1 8(i). On motion by Jim Rodino, seconded by Cary Miller and carried 3-0, the FMC amended the Fire Merit Commission Rules by deleting 1302.1 8(i) "Complete and pass a truth verification exam as established by the Fire Department".

Chief Edgerton presented a promotion request for Driver/Operator Beau Compton to Lieutenant. Driver/Operator Compton has taken and passed all of the necessary testing to ascend to this rank. The promotion will be effective May 21, 2022, and the roles and responsibilities of the promotion will be assumed on May 24, 2022. On motion by Jim Rodino, seconded by Cary Miller and carried 3-0, Beau Compton was promoted to Lieutenant.

Chief Edgerton presented a promotion request for Driver/Operator Jeremy Lail to Lieutenant. Driver/Operator Lail has taken and passed all of the necessary testing to ascend to this rank. The promotion will be effective May 21, 2022, and the roles and responsibilities of the promotion will be assumed on May 24, 2022. On motion by Cary Miller, seconded by Jim Rodino and carried 3-0, Jeremy Lail was promoted to Lieutenant.

Chief Edgerton presented a promotion request for Driver/Operator Blake Searer to Lieutenant. Driver/Operator Searer has taken and passed all of the necessary testing to ascend to this rank. The promotion will be effective May 21, 2022, and the roles and responsibilities of the promotion will be assumed on May 24, 2022. On motion by Jim Rodino, seconded by Cary Miller and carried 3-0, Blake Searer was promoted to Lieutenant.

Chief Edgerton presented a promotion request for Lieutenant Joseph Wisniewski to Inspector/ Investigator. Lieutenant Wisniewski has passed all of the necessary testing to ascend to this rank. The promotion will be effective May 21,

FIRE MERIT COMMISSION
Monday, May 23, 2022

2022, and the roles and responsibilities of the promotion will be assumed on May 24, 2022. On motion by Cary Miller, seconded by Jim Rodino and carried 3-0, the FMC promoted Lieutenant Wisniewski to Inspector/ Investigator.

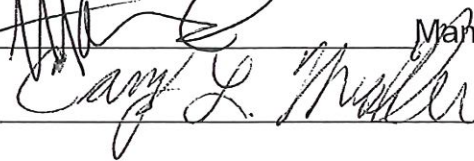
Chief Edgerton brought all of the promoted Firefighters with their family members up for a pinning ceremony and photos.

4. ADJOURNMENT

On motion by Cary Miller, seconded by Jim Rodino and carried 3-0, the City of Elkhart, Indiana Fire Merit Commission was adjourned 3:43 p.m.



Mandy Leazenby, President

Attest: 

Cary Miller, Secretary