

AGENDA
POLICE MERIT COMMISSION
Monday, September 26, 2022 9:00 a.m.
Council Chambers

Municipal Building, 229 S. Second Street, Elkhart, IN 46516
<https://coei.webex.com/coei/j.php?MTID=m8006ba9ffd9a1b495e0fc3d00c29b800>

Meeting Number 2315 077 2740
Password Police22

- 1. Call to Order**
- 2. Roll Call**
- 3. Approve Agenda**
- 4. Approve Minutes- Regular Meeting September 12, 2022**
- 5. Police Department**
Commendations:
 - **Lt. Eric Sommer, Life Saving**
 - **Sgt. Greg Harder, Outstanding Service**
 - **Cpl. Brian Davis, Life Saving**
 - **Cpl. Brian Davis, Life Saving**
- 6. Public Participation**
- 7. Adjournment**

POLICE MERIT COMMISSION
Monday, September 12, 2022

President Jim Rieckhoff called a regular meeting of the Police Merit Commission to order at 9:00 a.m., Monday, September 12, 2022. Clerk of the Commission Nancy Wilson called the role. Commissioners Jim Rieckhoff, Clifton Hildreth, Brad Billings and Thomas Barber attended in person. Jean Mayes attended on WebEx. Attorney Daniel Pfeifer attended on WebEx.

1. APPROVE AGENDA

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

2. APPROVE MINUTES- Regular Meeting August 22, 2022

On motion by Brad Billings, seconded by Tom Barber and carried 5-0, the Minutes from August 22, 2022 were approved.

3. POLICE DEPARTMENT

Chief Seymore presented a resignation from Cpl. Cory Newland effective August 30, 2022. On motion by Jean Mayes, seconded by Tom Barber and carried 5-0, the Police Merit Commission approved the resignation of Cpl. Cory Newland effective August 30, 2022.

Chief Seymore presented Disciplinary Notice for Ptl. Bryce Moore. Due to the sustained Chargeable Crash he was issued a Written Reprimand. Jim Rieckhoff accepted the notification.

Chief Seymore presented a Disciplinary Notice for Det. Joy Phillips. Due to the sustained violations of Policy 320.5.8(c) Performance and Policy 320.5.9(f) Conduct she was issued a three-day suspension without pay. Jim Rieckhoff understood Det. Phillips asked the Commission to review the Chief's decision. Chief Seymore said yes, that was correct. Jim Rieckhoff asked how the City wished to proceed today on the request for review. City Attorney Rose Rivera said she was not sure she understood when Jim asked how the City wished to proceed. The City thought the Commission would make a decision about whether or not you wanted to review it, and if you do, you would go through your usual steps. Jim noticed they have a motion for continuance to which the City is objecting. Rose said yes, she has been ill for the past five days, so she didn't know that hadn't been ruled on or decided yet. Jim asked Rose if the City's position is to go forward today. Rose said yes, the City's position is that you make the decision today about whether or not you are going to review it. Jim asked Attorney Pfeifer for the Officer's position on going forward today or not going forward today. Attorney Pfeifer stated that because he was able to participate on WebEx, the request for continuance would be moot. The City Attorney indicated that the only decision that the Commission would make today is whether to have a hearing or not have a hearing, and if the decision is to have a hearing, then a date would be established. With that understanding, the motion to continue can be withdrawn since for all intents and purposes I'm here anyway. Jim Rieckhoff said they will consider the motion to continue withdrawn. Jim asked Attorney Pfeifer if there was anything he would like to say on his side to enlighten the Commission on what they should do today. Attorney Pfeifer said yes, on behalf of Joy Phillips, she would like to have an opportunity to express to the Commission her side of the story, and let the Commission make the determination as to whether to sustain the charges as

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recommended by the Chief or not. All she wants is an opportunity to be heard. Jim said the Commission received information and it appears Det. Phillips is confusing or conflating matters before the Commission and matters properly before the Board of Safety. The only thing the Commission has jurisdiction over is whether or not the suspension should be sustained or overturned. He asked Attorney Pfeifer if he was aware of that conflation. Attorney Pfeifer said yes, and he has Co-counsel Jeff McQuary. He admitted this area of the Law is not my area of expertise. Put me in the courtroom and that is my area of expertise. Attorney McQuary, who is in a trial in Indianapolis today, is kind of the brains behind the legal issues here. Attorney Pfeifer said he is here because if there is a decision that is made that there would be a hearing, he will take the lead in that part. So, in terms of responding to the question of conflation, it is my understanding that there is no absolute right to a hearing because the suspension recommendation is less than five days, but the request was made. Attorney McQuary was the one that recommended to Joy to request the hearing. Jim asked Attorney Pfeifer if he was acting as Local Counsel for Attorney McQuary, and he responded no, not Local Counsel, he has been involved with Attorney McQuary in cases before, and he knows this area of the Law much better. When there are evidentiary hearings or issues that require examination, cross examination, or even court settings, that is where Attorney Pfeifer said he takes the lead. He said he is not Local Counsel, he will be actively involved if it gets to the point of a hearing. Jim returned discussion to the Commission. We can move to decide today whether to grant review. If we do grant review, we will have to go forward on a different day. If we decide not to grant review, then it is done. He asked the Commissioners if they had any comments on how they should proceed. Rev. Jean Mayes spoke first. She said at this point her decision would be not to review. Brad Billings agreed with Jean. Clifton Hildreth said yes, the whole thing has been rather confusing. He was in agreement with Jean as well. Tom Barber agreed also. Jim Rieckhoff said, to make sure he understood correctly, it is four Commissioners view to not proceed other than to deny review. Brad added, deny review and uphold the Chief's decision. Jim asked for a motion. Cliff said I so move, and the Clerk asked him to state the motion. Jim asked if there is a motion to deny review to Det. Phillips petition for review. During discussion, Jim Rieckhoff stated his position was to grant the review because of the complicated and limited information on the merits. On motion by Jean Mayes, seconded by Clifton Hildreth and carried 4-1, Jim Rieckhoff opposed, the Police Merit Commission denied review of the request to review petition from Detective Joy Phillips.

4. ADJOURNMENT

On motion by Jean Mayes, seconded by Thomas Barber and carried 5-0, the City of Elkhart, Indiana Police Merit Commission was adjourned at 9:18 a.m.

James Rieckhoff, President

Attest: _____ Clifton Hildreth, Secretary

Police Administration

COMMENDATION



TO: Lt. Eric Sommer 347
FROM: Administration
DATE: September 19, 2022
RE: Life Saving

The Elkhart Police Administration was made aware of your actions during the following event and we wish to personally commend and recognize you for your outstanding police work and your dedicated service to the Elkhart Community:

On December 21, 2021 Elkhart Communications received a call from a male subject wanting to report his own suicide. He explained that he was sitting in a truck in the Green Lawn Cemetery and had just taken some medication and finished a beer. Officers were dispatched to Green Lawn Cemetery in reference to this suicidal subject.

Officers found the male subject sitting in the driver's seat of the truck holding a handgun to his head and they set themselves up to attempt to talk with the subject. Lt. Sommer arrived and was able to talk directly with him by cell phone and the man explained that he was homeless, has chronic pain, and numerous personal and family problems.

Lt. Sommer spoke with the man for approximately 45 minutes to which he eventually agreed to place his handgun on the dashboard of the vehicle. He then exited his vehicle and he was taken into custody and transported to the hospital without incident.

The actions you took contributed in saving a life, you showed tremendous leadership, as well as compassion in your communication with this man. It is believed without your professionalism and caring communication this situation would have had a very different ending.

This letter of commendation is in recognition in the manner in which you handled this incident. Your actions reflect highly upon the Elkhart Police Department and the law enforcement profession. We are proud to acknowledge you Lt. Sommer for your exceptional police work and a job well done. Congratulations!

Police Administration

COMMENDATION



TO: Sgt. Greg Harder 405
FROM: Administration
DATE: September 19, 2022
RE: Outstanding Service

Last week a letter of recognition was received on your behalf from Lieutenant Michael Carich, of the Elkhart County Homicide Unit, explaining how you were able to solve a homicide cold case from 2002.

In 2002 the initial case went unsolved with no arrests made. In 2008 the case was reopened after a DNA match was made to a suspect, who was interviewed by Elkhart Homicide Unit detectives, but no arrest was made at that time.

In December of 2020 the investigation into this homicide was again reopened and you were one of the detectives assigned to this cold case. During your efforts and hard work, meticulously examining scene photos, you made an observation that hadn't been noticed during the previous investigations. Based on the results of this revelation the case was turned into the Elkhart County Prosecutor's Office for their review. Shortly after a warrant was issued for the arrest of the suspect charging him with murder.

This criminal has an extensive violent history that includes two previous convictions for attempted murder. He is currently incarcerated for an unrelated charge and was actually scheduled to be released soon. Because of your hard work and thoroughness this criminal will not be able to prey on any other citizens in our community.

This letter of commendation is in recognition of your relentless hard work and diligence in solving this cold case. Your actions reflect highly upon the Elkhart Police Department and the law enforcement profession. We are proud to acknowledge you Sgt. Harder for your exceptional police work and a job well done. Congratulations!

COMMENDATION



TO: Cpl. Brian Davis 468
FROM: Administration
DATE: September 19, 2022
RE: Life Saving

The Elkhart Police Administration was made aware of your actions during the following event and we wish to personally commend and recognize you for your outstanding police work and your dedicated service to the Elkhart Community:

On August 23, 2021 officers were dispatched to a residence on Vistula Street in reference to a man who was stabbed in the throat. Upon the arrival of Cpl. Jared Davies, Ptl. Brian Davis (holding the rank of patrolman at the time) and Chaplain Davis it was observed the male subject was in need of emergency assistance. Blood was everywhere, at the amount of blood he had already lost, action had to be taken quickly.

As Ptl. Davis quickly began to assess the injuries removing the towel from his neck where large lacerations, both in front and back, was observed. Cpl. Davies instructed Ptl. Davis to apply pressure to the neck as he entered the residence to conduct a protective sweep ensuring the scene was secure.

Ptl. Davis and Chaplain Davis both applied pressure around the victim's neck to help stop the bleeding. Ptl. Davis instructed Chaplain Davis where to apply pressure and where to assist in holding this man's neck. They both applied pressure to his neck to keep him alive until medics arrived a few minutes later and could then take over. To help keep the man at ease Ptl. Davis explained to him what they were doing to help stop his bleeding. Medics transported him to Elkhart General Hospital and he had emergency surgery. The physician treating him at the hospital advised that his injuries were life threatening and confirmed that he had indeed lost a large amount of blood.

Around a month after this terrible event occurred Ptl. Davis was approached by the male victim and thanked him for saving his life, stating had Ptl. Davis not acted so quickly he would have not survived.

This letter of commendation is in recognition in the manner in which you handled this incident and your ability to assess the situation, immediately taking the action needed to save this man's life.

Your actions reflect highly upon the Elkhart Police Department and the law enforcement profession. We are proud to recognize you Cpl. Davis for exceptional police work and a job well done. Congratulations!

Police Administration

COMMENDATION



TO: Cpl. Brian Davis 468
FROM: Administration
DATE: September 19, 2022
RE: Life Saving

The Elkhart Police Administration was made aware of your actions during the following event and we wish to personally commend and recognize you for your outstanding police work and your dedicated service to the Elkhart Community:

On August 23, 2021 Ptl. Davis (holding the rank of patrolman at the time) was dispatched to a residence on West Cleveland Avenue in reference to an unresponsive female. Upon his arrival a family was performing CPR and he quickly stepped in and took over for the family member, continuing chest compressions until the paramedics arrived on scene.

Once paramedics arrived they conducted a pulse check and observed her start breathing again. Although she was now breathing, paramedics advised Ptl. Davis to continue CPR, as they hooked her up to their monitor. The patient was moved to the ambulance, where she woke up and started speaking with paramedics. She was transported to the hospital, treated and made a recovery.

The actions you took contributed in saving her life. You clearly saw that she was not breathing and immediately took over for family giving her CPR. This letter of commendation is in recognition in the manner in which you handled this incident, your ability to take control, assess the situation and take action in rendering aide to save her life.

Your actions reflect highly upon the Elkhart Police Department and the law enforcement profession. We are proud to acknowledge you Cpl. Davis for exceptional police work and a job well done. Congratulations!