

AGENDA
POLICE MERIT COMMISSION
Monday, September 11, 2023 9:00 a.m.
Council Chambers

Municipal Building, 229 S. Second Street, Elkhart, IN 46516
<https://coei.webex.com/coei/j.php?MTID=m0dd7bdfd4b737aadac8a23e37de941fd>
Meeting Number 2329 716 1484
Password Police23

- 1. Call to Order**
- 2. Roll Call**
- 3. Approve Agenda**
- 4. Approve Minutes- Regular Meeting August 28, 2023**
- 5. Police Department**
 - Disciplinary Notice- Sgt. Scott Garvey**
 - Commendations- Life Saving: Ptl. Kyle Macumber (2)**
 - Change of Status Promotion- Cpl. Jeremy Snow, Cpl. Andy Chrobot**
 - Change of Status- Det. Zachary Uhles, Ptl. Justin Luckey, Ptl. Nicholas Tejada**
 - Retirement- Sgt. Scott Garvey, Det. Michal Miller**
- 6. Public Participation**
- 7. Adjournment**

POLICE MERIT COMMISSION
Thursday, August 28, 2023

President Jim Rieckhoff called a regular meeting of the Police Merit Commission (PMC) to order at 9:09 a.m., Monday, August 28, 2023. Clerk Nancy Wilson called the role. Commissioners Jim Rieckhoff, Brad Billings, and Thomas Barber attended in person. Jean Mayes was present on WebEx. Clifton Hildreth was absent.

1. APPROVE AGENDA

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

2. APPROVE MINUTES: Regular Meeting July 24, 2023 and Special Meeting August 3, 2023

On motion by Brad Billings, seconded by Thomas Barber and carried 4-0, the minutes from July 23, 2023 and August 3, 2023 were approved as presented.

3. POLICE DEPARTMENT

Chief Milanese presented a letter of notification for Ptl. Stephen Engles. The original disciplinary notice had an incorrect Policy number for the violation. He submitted a corrected letter. Jim Rieckhoff accepted the communication.

Chief Milanese presented a Disciplinary Notice for Cpl. Eon Johnson. He received a five-day suspension without pay and corrective training on firearm handling and safety. Jim Rieckhoff accepted the communication.

Chief Milanese presented Commendations for several officers. Elkhart Fire Division Chief David Cushwa presented Meritorious Service Awards for Life Saving for a four-alarm fire on Troon Court in June to: Ptl. Stephen Engles, Cpl. Nathanael Eddy, Ptl. Tyler Koepfel, and Ptl. Adam Jackson. Cpl. James Anderson received a Commendation for exceptional performance during a domestic violence trial. The Deputy Prosecuting Attorney for Elkhart County expressed her appreciation of his detailed and helpful notes and how well he testified. The Elkhart Police Department recognizes the importance of every aspect of law enforcement including the time and dedication it takes to research and present information to a jury. Ptl. Seth Youngblood received a commendation from the Elkhart County Prosecuting Attorney's Office for his ongoing assistance with outstanding warrants. Officer Youngblood offered his assistance with several arrest warrants that resulted in multiple arrests. He was commended for his collaborative efforts.

The actions of these officers reflect highly upon the Elkhart Police Department and the law enforcement profession. The Commissioners were all very proud to recognize all of them for their exceptional police work.

The formal Decision in the matter of Joy Phillips was presented. On motion by Jean Mayes, seconded by Thomas Barber and carried 4-0, the Decision in the matter of Joy Phillips dated August 21, 2023 was approved.

4. ADJOURNMENT

On motion by Brad Billings, seconded by Thomas Barber and carried 4-0, the City of Elkhart, Indiana Police Merit Commission was adjourned at 9:26 a.m.

Jim Rieckhoff, President

Attest: _____ Clifton Hildreth, Secretary

Rod Roberson
Mayor

Daniel Milanese
Chief



Police Department
175 Waterfall Dr.
Elkhart, IN 46516

574.295.7070
Fax: 574.293.0679

August 30, 2023

Sergeant Scott Garvey #345
Elkhart Police Department
175 Waterfall Dr.
Elkhart, IN 46516

RE: Discipline Notice – IAI23-6-5

Sgt. Garvey,

The following is a summary of the above listed investigations and resolutions:

FACTS: On August 3, 2023 the Captain's Review Board, consisting of Captain Moore, Captain Houser, Captain Hamlin, Lieutenant Thayer and Lieutenant Bias convened to review this case. The Board found that you violated Policy 320.5.8 (c) and Policy 320.3 in investigation IAI23-6-5.

FINDINGS: The Captain's Review Board recommended that alleged policy violations listed above be sustained. I agree with the recommendation.

The Office of Professional Standards conducted an investigation (IAI23-6-5) and provided evidence that you violated policy 320.8.5(c) during administrative investigation IAI22-10-8 by giving false, misleading statements, and/or misrepresenting or omitting material information to Professional Standards during that investigation. During administrative investigation IAI23-6-5 the Office of Professional Standards also provided evidence that you violated policy 320.3 by discussing Administrative Investigation IAI22-10-8 with another officer after being ordered not to do so.

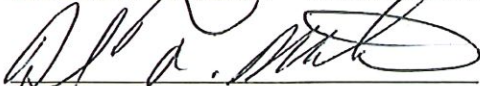
Withholding or provided false information during an internal investigation is of great concern. Failing to follow orders is also concerning and even more so when involved in an official internal investigation of which you were the focus officer. The failure to follow orders and providing false information compromised the integrity of the investigation. Due to the serious

nature of these allegations the Captain's Review Board's recommendation was termination. After reviewing the material presented to me I concur with the recommendation and will send a notification to the Elkhart Police Merit Commission requesting your employment with the Elkhart Police Department be terminated.

SUSTAINED: Policy 320.5.8(c) Performance

SUSTAINED: Policy 320.3 Directives and Orders

ACTION TAKEN: Termination



Daniel Milanese
Chief of Police

I.C. 36-8-3.5-17(c) If the chief of the department, after an investigation within the department, prefers charges against a member of the department for an alleged breach of discipline under subsection (b), including any civilian complaint of an alleged breach of discipline under subsection (b)(2)(F), (b)(2)(G), or (b)(2)(H), a hearing shall be conducted upon the request of the member. If a hearing is requested within five (5) days of the chief preferring charges, the parties may by agreement designate a hearing officer who is qualified by education, training or experience. If the parties do not agree with the five (5) day period, the commission may hold the hearing or designate a person or board to conduct the hearing, as provided in the commission's rules. The designated person or board must be qualified by education, training or experience to conduct such a hearing and may not hold an upper level policy making position. The hearing conducted under this subsection shall be held within thirty (30) days after it is requested by the member.

Received by:

Sgt. Scott Garvey

Date Signed

C: Police Merit Commission
Captain Hamlin
Professional Standards

COMMENDATION



TO: *Ptl. Kyle Macumber #496*

FROM: Administration

DATE: *June 9, 2023*

RE: *Commendation-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 May 22, 2023, Ptl Macumber demonstrated extraordinary heroism, prompt thinking, and swift action during a life-threatening emergency in the 600 block of East Carlton Avenue in Elkhart. At approximately 2150 hours, Ptl Macumber was dispatched to the scene following a distress call concerning an 18-year-old male who was reported to be unresponsive and in need of immediate medical attention.

Upon arrival Ptl Macumber quickly and efficiently assessed the situation. The young man was not breathing, and initial attempts to revive him using a single dose of Narcan by family members had proven unsuccessful. With the severity of the situation escalating and recognizing signs of a possible drug overdose, Ptl Macumber judiciously administered an additional dose of Narcan via a nasal delivery system.

Ptl Macumber then took over chest compressions from the distress family members and continued until the young man began to show signs of life. The arrival of paramedics, who took over from Ptl Macumber, underscored the critical role that the officer had played. His rapid response, effective decision-making, and unwavering commitment to saving a life were beyond commendable.

It is clear that the quick actions and unyielding resolve of Ptl Macumber on the night of May 22, 2023, were instrumental in saving the life of an 18-year-old young man. These actions represent the embodiment of the dedication and bravery that characterize our force, and it is with immense pride that we recognize and honor Ptl Macumber's heroic deed.

Your actions reflect highly upon the Elkhart Police Department and the law enforcement profession. We are proud to recognize you for your exceptional police work, it does not go unnoticed.

Respectfully,



Chief Dan Milanese



Assistant Chief Andrew Whitmyer



Captain Bryan Moore



Captain Travis Hamlin



Captain Denise Houser

COMMENDATION



TO: Ptl. Macumber#496
FROM: Administration
DATE: April 7, 2023
RE: Commendation- 200 blk of Park Ave.

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 March 17, 2023 at approximately 1646 hrs, Ptl. Macumber #496 was dispatched to the 200 blk of Park Ave in Elkhart to assist the Elkhart Fire Department. According to information provided by dispatch, there was a male on scene who was actively bleeding after cutting his arm.

Ptl. Macumber arrived first on scene and accessed the male subject. Ptl. Macumber placed a tourniquet on the male subject in an attempt to stop the rapid blood loss from the laceration. The male subject was transported to the hospital where he was stabilized and received treatment.


Sgt. VanScoik #446 spoke with an Elkhart Fire Department Firefighter/Paramedic who was the primary medic on this call. He advised that the quick thinking and actions of Ptl. Macumber saved the male subjects life.

This letter of commendation is in recognition in the manner in which you handled this incident. We thank you for your quick actions and for going above and beyond your duty.

Your actions reflect highly upon the Elkhart Police Department and the law enforcement profession. We are proud to recognize you for your exceptional police work.

Thank You!

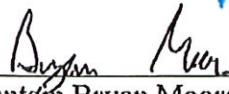
Respectfully,



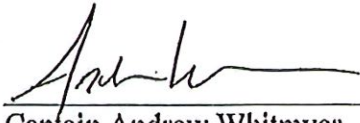
Chief Kris Seymore



Assistant Chief Dan Milanese



Captain Bryan Moore



Captain Andrew Whitmyer



Captain Travis Hamlin

Rod Roberson
Mayor

Daniel Milanese
Chief



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August 28, 2023

Police Merit Commission
Municipal Building
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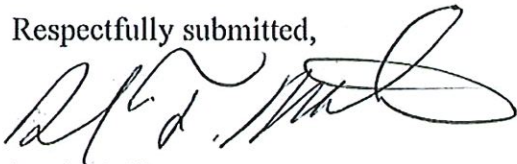
RE: Change of Status - Promotion
Corporal Jeremy Snow
Sergeant

Dear Commissioners:

Corporal Andy Chrobot interviewed for the position of Uniform Division Sergeant and was selected by the Promotional Review Board for this promotion; I concur with their recommendation. The date of his promotion was August 25, 2023.

Per policy this promotion will have a probationary six month period.

Respectfully submitted,



Daniel Milanese
Chief of Police

DM/kae

cc: Personnel File
Payroll – email
Services - email

Rod Roberson
Mayor

Daniel Milanese
Chief



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August 28, 2023

Police Merit Commission
Municipal Building
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RE: Change of Status - Promotion
Corporal Andy Chrobot
Sergeant

Dear Commissioners:

Corporal Andy Chrobot interviewed for the position of Uniform Division Sergeant and was selected by the Promotional Review Board for this promotion; I concur with their recommendation. The date of his promotion was August 25, 2023.

Per policy this promotion will have a probationary six month period.

Respectfully submitted,

Daniel Milanese
Chief of Police

DM/kae

cc: Personnel File
Payroll – email
Services - email

Rod Roberson
Mayor

Daniel Milanese
Chief



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August 16, 2023

Police Merit Commission
Municipal Building
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RE: Change of Status
Det. Zachary Uhles #424
Detective

Dear Commissioners:

On February 14, 2023, Det. Zachary Uhles was promoted to the position of Detective in the Criminal Investigations Division. Det. Uhles has successfully completed his probationary period of six months. At this time, I formally request that his status be changed from probationary to one of permanency as a CID Detective, effective August 14, 2023.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Milanese", written over a white background.

Daniel Milanese
Chief of Police

C: Personnel File
Payroll

Rod Roberson
Mayor

Daniel Milanese
Chief



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August 22, 2023

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

Re: Change of Status
Ptl. Justin Luckey #506

Dear Commissioners:

On August 22, 2023, Patrolman Justin Luckey completed his first year of service as a police officer with the Elkhart Police Department. His status will be changed from 3rd class, P-1 to 2nd class, P-2.

Respectfully Submitted,

Dan Milanese
Chief of Police

Cc: Personnel File
Services email
Payroll email

Rod Roberson
Mayor

Daniel Milanese
Chief



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August 22, 2023

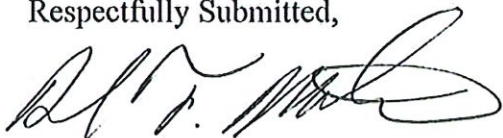
Police Merit Commission
229 S. Second Street
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Elkhart, IN 46516

Re: Change of Status
Ptl. Nicholas Tejada #505

Dear Commissioners:

On August 22, 2023, Patrolman Nicholas Tejada completed his first year of service as a police officer with the Elkhart Police Department. His status will be changed from 3rd class, P-1 to 2nd class, P-2.

Respectfully Submitted,



Dan Milanese
Chief of Police

Cc: Personnel File
Services email
Payroll email

Rod Roberson
Mayor

Daniel Milanese
Chief



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September 6, 2023

Police Merit Commission
Municipal Building
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Elkhart, IN 46516

RE: Retirement
Sergeant Scott Garvey #345

Dear Police Merit Commission:

Sergeant Scott Garvey submitted a letter indicating his intent to retire from the Elkhart Police Department effective September 1, 2023. Sgt. Garvey was hired on February 27, 2001 and upon his retirement he had served our department, and the citizens of Elkhart, over 22 years.

Scott served many years in the Uniform Patrol Division, and then served in the Services Division with the rank of sergeant. He has been an asset to the Elkhart Police Department and the Elkhart community.

Respectfully,

Daniel Milanese
Chief of Police

DM/ke

cc: Personnel File
Payroll

Rod Roberson
Mayor

Daniel Milanese
Chief



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September 6, 2023

Police Merit Commission
Municipal Building
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RE: Retirement
Detective Michal Miller #156

Dear Police Merit Commission:

After 35 years of service to the Elkhart Police Department, and the citizens of our Elkhart community, Det. Miller is retiring.

Det. Miller was hired on December 1, 1988. Michal served in the Uniform Division and then in 1991 became a K-9 officer in the K-9 Division until 2004. In 2004 she was promoted to the rank of Detective in the Criminal Investigation Division, and has continued to serve there for the last 19 years.

Michal started as an EPD Cadet, so at a young age she was interested in law enforcement; she has been an asset to the Elkhart Police Department and the Elkhart community.

Respectfully,

Daniel Milanese
Chief of Police

DM/ke

cc: Personnel File
Payroll