

**AGENDA**  
**BOARD OF PUBLIC SAFETY**  
**Tuesday, October 8, 2024**  
**9:00 A.M.**

**Council Chambers**

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

<https://signin.webex.com/join>

1-415-655-0001 Meeting number 2314 692 9303  
Password Safety24

1. **ROLL CALL**
2. **APPROVE AGENDA**
3. **APPROVE MINUTES: Regular Meeting September 24, 2024**
4. **POLICE DEPARTMENT**
  - **Policy Updates: 307 Vehicle Pursuits, 313 Child Abuse, 340 Volunteers, 401 Bias-Based Policing, 410 Involuntary Detentions, 431 Suspicious Activity Reporting, 700 Department-Owned and Personal Property**
5. **FIRE DEPARTMENT**
  - **Purchase of Two Sutphen Pumpers with Sourcewell Contract 113021-SUT**
6. **COMMUNICATIONS CENTER**
  - **September Month End Report**
7. **BUILDING AND CODE ENFORCEMENT**
8. **OTHER PUBLIC SAFETY MATTERS**
  - **Fire Merit Commission Minutes**
9. **PUBLIC PARTICIPATION**
10. **ADJOURNMENT**

BOARD OF PUBLIC SAFETY  
Tuesday, September 24, 2024

Chairman Kara Boyles called a regular meeting of the Board of Public Safety to order at 9:00 a.m., Tuesday, September 24, 2024. Maria Leon called the roll. Kara Boyles, Anthony Coleman and LaLaesha Black were present. Brian Thomas and Dacey Davis were absent.

1. APPROVE AGENDA

A motion was made by Anthony Coleman and seconded by Laesha Black to approve the agenda. On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the agenda was accepted as amended by removing the OTA Bid for 1253 Columbian from the bid opening and bid award and adding Notice of Administrative Leave to the Police Department.

2. OPEN BIDS: ORDER TO TAKE ACTION DEMOLITION BIDS

933 Princeton Street

Three quotes were received for the demolition of 933 Princeton Street. Beaver Excavating quoted \$32,600.00. Cross Excavating and Demolition quoted \$13,785.00. Pelley Excavating quoted \$16,448.00. On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the quotes were given to staff to review and report back with a recommendation later in the meeting.

1440 Cedar Street

Three quotes were received for the demolition of 1440 Cedar Street. Beaver Excavating quoted \$15,600.00. Cross Excavating and Demolition quoted \$1,985.00. Pelley Excavating quoted \$1,496.00. On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the quotes were given to staff to review and report back with a recommendation later in the meeting.

2711 Hawthorne Street

Three quotes were received for the demolition of 2711 Hawthorne Street. Beaver Excavating quoted \$7,250.00. Cross Excavating and Demolition quoted \$10,022.00. Pelley Excavating quoted \$5,997.00. On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the quotes were given to staff to review and report back with a recommendation later in the meeting.

3. MINUTES- Regular Meeting August 27, 2024

On motion by Anthony Coleman, seconded by Laesha Black and carried 3-0, the minutes from August 27, 2024 were approved as presented.

4. POLICE

Chief Daniel Milanese presented Notice of paid Administrative Leave for Cpl. Jared Habermehl which began on September 19, 2024 pending an investigation. Kara Boyles accepted the notification.

Chief Milanese notified the Board of two staffing changes. Captain Travis Hamlin has been reassigned to Captain of Patrol. Lt. Travis Snider moved to Services Division to replace Captain Hamlin.

5. FIRE

Chief Rodney Dale notified the Board that William Sullivan was promoted to the position of Division Chief of Administration, and Noah Lace was promoted to the position of Division Chief of Building Services. Kara accepted the notifications and placed them on file.

Chief William Sullivan presented an Agreement with National Medical Education & Training (NMETC) that allows students from NMETC to participate in

BOARD OF PUBLIC SAFETY  
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field training hours with our Fire Department. On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the Board approved a Field Practicum Agreement between the Elkhart Fire Department and NMETC, and authorized the Chief to sign the agreement.

6. COMMUNICATIONS

Dustin McLain presented the August Month End Report. On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the Board accepted and placed on file the August Month End Report.

Dustin asked the Board to approve three Conditional Offers of Employment. On motion by Anthony Coleman, seconded by Laesha Black and carried 3-0, the Board approved Conditional Offers of Employment for Abigail Voreis, Nicole White, and Austin Stonewall.

7. BUILDING & CODE ENFORCEMENT

Month End Report for August

Tim Vistine presented the August Month End Report. On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the Board accepted and placed on file the August Month End Report.

Award Demolition Bids

On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the Board awarded the demolition of 933 Princeton Street to Cross Excavating as the lowest, responsive and responsible bidder with a contract price of \$13,785.00.

On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the Board awarded the demolition of 1440 Cedar Street to Pelley Excavating as the lowest, responsive and responsible bidder with a contract price of \$1,496.00.

On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the Board awarded the demolition of 2711 Hawthorne Street to Pelley Excavating as the lowest, responsive and responsible bidder with a contract price of \$5,997.00.

8. OTHER PUBLIC SAFETY MATTERS

BOS Resolution 24-R-01 Resolution of Disposal of Surplus Property

On motion by Laesha Black, seconded by Anthony Coleman and carried 3-0, the Board approved Resolution 24-R-01, a Resolution to dispose of surplus property, and approved an Agreement between the City of Elkhart and LaSalle Council Boy Scouts of America for the purchase of the 1986 Wells Cargo trailer for \$1.00.

Fire Merit Commission Minutes

On motion by Anthony Coleman, seconded by Laesha Black and carried 3-0, the Board accepted and placed on file the Fire Merit Commission minutes from August 12, 2024 as presented.

9. ADJOURNMENT

Chairman Kara Boyles adjourned the Board of Safety meeting at 9:18 a.m.

\_\_\_\_\_  
Kara Boyles, Chairman

Attest: \_\_\_\_\_ Nancy Wilson, Clerk of the Board

Rod Roberson  
Mayor  
Dan Milanese  
Chief



*Police Department*  
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Elkhart, IN 46516  
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Board of Public Safety  
Municipal Building  
229 Second Street  
Elkhart, Indiana 46516

October 8<sup>th</sup> 2024

RE: Policy Updates

Dear Board Members,

The Elkhart Police Department is requesting the approval to changes made in the Elkhart Police Department Lexipol Policy Manual. Many of these changes are due to updates in state or federal law. Some changes have been made to mirror the procedures of the police department while others are minor grammar fixes as well as Indiana accreditations standards.

The policies needing approval are as follows:

- 1) Vehicle Pursuits
- 2) Child Abuse
- 3) Volunteers
- 4) Bias-Based Policing
- 5) Involuntary Detentions
- 6) Suspicious Activity Reporting
- 7) Department-Owned and Personal Property

All policies have been reviewed and approved by City Legal

Respectfully,

Chief Daniel Milanese  
Elkhart Police Department

## Vehicle Pursuits

### 307.1 PURPOSE AND SCOPE

#### Best Practice

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects.

#### 307.1.1 DEFINITIONS

##### State MODIFIED

Definitions related to this policy include:

**Authorized emergency vehicle or emergency vehicle** - Vehicles operated by a police agency, department or office, or the Department of Corrections, that are designated and used as an authorized emergency vehicle in accordance with I.C. § 9-21-20 and properly equipped with red and blue signal lamps and/or a siren, whistle, or bell as required/permitted by I.C. § 9-19.

**Emergency Driving** - In compliance with IC 9-21-1-8, the person who drives an authorized emergency vehicle when the vehicle is using audible or visual signals, as required by law and who is responding to an emergency call or fire, or who is in the pursuit of an actual or suspected violator of the law.

**Blocking or vehicle intercept** - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary roadblock.

**Boxing-in** - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Paralleling** - When officers, not directly involved in a pursuit or a failure to yield situation, are traveling in the same direction or on an intercept course with the intent to be in a position to assist. Officers paralleling a pursuit are considered part of the pursuit, regardless of their proximity to the pursuit. Paralleling must be done with due regard for the safety of all persons.

**Lawful intervention technique or pursuit intervention** - An attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the precision immobilization technique (PIT), ramming, or roadblock procedures (I.C. § 9-21-1-0.5).

**Precision immobilization technique (PIT)** - A low-speed technique used by a trained law enforcement officer (pursuant to IC 9-21-1-8(b)(5)) operating an authorized emergency vehicle to make contact at controlled speeds with the violator vehicle being pursued in order to push the rear of the violator vehicle to the point it spins causing the violator vehicle to stop.

**Primary pursuing officer** – The officer in the lead police vehicle during a pursuit.

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### *Vehicle Pursuits*

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**Ramming** - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

**Roadblocks** - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

**Terminate** - To discontinue a pursuit or stop chasing fleeing vehicles in compliance with this policy.

**Tire deflation device** - A device designed to puncture the tires of the pursued vehicle.

**Trail** - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

**Vehicle pursuit** - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid detention, apprehension, or arrest by an identified law enforcement officer while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

**Motorcycle** - Any 2, 3 or 4 wheeled motorized vehicle where the occupants are not protected inside a cab or body structure.

### **307.2 POLICY**

#### **Best Practice**

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

### **307.3 OFFICER RESPONSIBILITIES**

#### **State MODIFIED**

Vehicle pursuits shall only be conducted by authorized personnel using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law (I.C. § 9-13-2-6(1)(B)).

Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (I.C. § 9-21-1-8):

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.
- (c) Disregard regulations governing direction of movement or turning in specified directions.
- (d) Park or stand in the roadway.

# Elkhart Police Department

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### Vehicle Pursuits

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#### 307.3.1 WHEN TO INITIATE A PURSUIT

State MODIFIED

Officers are authorized to initiate a pursuit when:

- a. An officer can articulate that a suspect is attempting to evade arrest (I.C. § 35-44.1-3-1) or detention for a misdemeanor or felony that he/she has committed or is attempting to commit. (The act of fleeing does not constitute the authorization to initiate a pursuit)

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit as well as the Officers experience and ability to remain calm and in control to continue with the pursuit
- (e) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) The identity of the suspect has been verified and there is comparatively minimal risk to public safety in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as K-9 or other assistance.
- (l) [Motorcycles with a driver and passenger shall never be pursued.](#)
- (m) Pursuits with civilian riders are prohibited.

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#### 307.3.2 WHEN TO TERMINATE A PURSUIT

**Best Practice** **MODIFIED**

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape (I.C. § 9-21-1-8(d)).

**When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.**

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. **Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.**

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable (I.C. § 9-21-1-8(c)).
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) When the identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) When the risk of continuing the pursuit outweighs the seriousness of the crime, the pursuit shall be terminated.

#### 307.3.3 NOTIFICATIONS AFTER TERMINATING A PURSUIT

**State**

After the termination of a pursuit, the primary pursuing officer should make the following notifications:

- (a) the Communication Center should be notified:
  - 1. That all emergency equipment (lights and sirens) has been deactivated
  - 2. Of the location where the pursuit was terminated
  - 3. Of the suspect's last known location and direction of travel



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4. What actions officers took to terminate the pursuit (e.g., stationary, turned in the opposite direction)
  5. If the pursuit is terminated by a lawful intervention technique
  6. If the pursuit results in injury or death
- (b) A supervisor should be notified:
1. If the pursuit is ended by a lawful intervention technique
  2. If the pursuit resulted in an injury or death

#### 307.4 PURSUIT VEHICLES

State MODIFIED

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable. If a marked authorized emergency vehicle joins the pursuit, an officer operating an unmarked emergency vehicle shall relinquish the lead in a pursuit, when safe and feasible to do so, to the marked authorized emergency vehicle.

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit vehicles and a support vehicle such as K-9 or supervisor) that are directly pursuing the fleeing vehicle. However, the number of vehicles involved will vary with the circumstances. While officers paralleling the pursuit are "considered part of the pursuit" they will not be included in the authorized number of officers that are directly pursuing the fleeing vehicle.

An officer or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

##### 307.4.1 MOTORCYCLES

State

When involved in a pursuit, police department motorcycles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

If a marked authorized emergency vehicle joins the pursuit, an officer operating a motorcycle shall relinquish the lead in a pursuit, when safe and feasible to do so, to the marked authorized emergency vehicle.

##### 307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

State MODIFIED

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit (I.C. § 9-19-5-3; I.C. § 9-19-14-5).

Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support

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immediately upon arrival of a sufficient number of authorized emergency police department vehicles.

#### 307.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

**Best Practice** **MODIFIED**

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to the officer or others.

[The primary pursuing officer in the pursuit shall engage emergency lights and sirens.](#)

The primary pursuing officer must notify the dispatcher, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide any known information including, but not limited to:

- (a) The location, direction of travel and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.
- (c) The reason for the pursuit.
- (d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.
- (e) The number of occupants and identity or description.
- (f) The weather, road and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Unless relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

#### 307.4.4 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

**Best Practice**

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

- (a) Immediately notifying the dispatcher of the officer's entry into the pursuit.
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing officer is unable to provide.

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- (d) Broadcasting the progress of the pursuit, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.
- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

### 307.5 PURSUIT DRIVING

**Best Practice** **MODIFIED**

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - 2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered
  - 1. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
  - 2. Request other officers to observe exits available to the suspect.
- (d) Notify other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.
- (f) Officers shall obtain supervisor permission prior to leaving the Officer's jurisdiction, absent exigent circumstances.

#### 307.5.1 PURSUIT TRAILING

**Best Practice** **MODIFIED**

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the on-duty supervisor will determine how many units will be allowed to continue in the pursuit.

#### 307.5.2 OFFICERS NOT INVOLVED IN THE PURSUIT

**Best Practice** **MODIFIED**

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Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public and deploy tire deflating devices. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle.

#### 307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

**Best Practice** **MODIFIED**

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for:

- (a) Immediately notifying involved officers and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from, canines or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (i) Controlling and managing Elkhart Police Department officers when a pursuit enters another jurisdiction.
- (j) Preparing a post-pursuit review and documentation of the pursuit as required.

##### 307.6.1 WATCH COMMANDER RESPONSIBILITIES

**Best Practice**

Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Watch Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

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The Watch Commander shall review all pertinent reports for content and forward them to the Captain.

### 307.7 LOSS OF PURSUED VEHICLE

**Best Practice** **MODIFIED**

When the pursued vehicle is lost, the involved officers should broadcast any additional pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

### 307.8 INTERJURISDICTIONAL CONSIDERATIONS

**Best Practice** **MODIFIED**

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, shall determine whether to request the other agency to assume the pursuit.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

#### 307.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

**Best Practice** **MODIFIED**

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Elkhart Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this department shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

#### 307.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

**Best Practice**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

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When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Elkhart Police Department, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing agency by officers of this department will conclude at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that the termination point of a pursuit from another agency is within this jurisdiction, officers shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

#### **307.9 WHEN PURSUIT INTERVENTION IS AUTHORIZED**

##### **Best Practice**

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

##### **307.9.1 USE OF FIREARMS**

###### **State**

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers shall not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

##### **307.9.2 INTERVENTION STANDARDS**

###### **State MODIFIED**

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued.

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Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Intervention tactics should only be used by officers who have received training in the tactic.

Officers shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed (I.C. § 35-41-3-3(c)):

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Blocking or vehicle intercept should only be used after giving consideration to the following:
  - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers, or others.
  - 2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
  - 3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of safety to those involved or the public.
  - 4. The suspect vehicle is stopped or traveling at a low speed.
  - 5. Only law enforcement vehicles should be used in this tactic.
- (b) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
  - 1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
  - 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.
- (c) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public, and occupants of the pursued vehicle. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (d) Tire deflation devices should be deployed only after consideration of those factors relevant to deciding whether to initiate or continue a pursuit and notification of pursuing officers and the supervisor of the intent and location of the intended deployment, and in a manner that:

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1. Should reasonably only affect the pursued vehicle.
  2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
  3. Takes into account the limitations of such devices as well as the potential risk to officers, the public, and occupants of the pursued vehicle.
  4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children.
- (e) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers, or the public.
- (f) The PIT should only be used after giving consideration to the following:
1. Supervisory approval should be obtained before using the technique.
  2. The officer has been properly trained in pursuant to IC 9-21-1-8(b)(5)
  3. The need to immediately stop the suspect vehicle in order to safeguard life or preserve public safety and where it reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or the public.
  4. It reasonably appears the technique will terminate or prevent the pursuit.
  5. Those factors relevant to deciding whether to initiate or continue a pursuit.
  6. The technique should be used in accordance with department training guidelines and when so used it is considered a non-deadly use of force.
  7. The availability of sufficient back-up officers when the technique is used to prevent the suspect vehicle from escaping after stopping.

#### 307.10 CAPTURE OF SUSPECTS

##### State

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.



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When practicable, officers other than the primary pursuing officer should arrest and transport the suspect to jail.

#### 307.11 REPORTING REQUIREMENTS

**Best Practice** **MODIFIED**

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

- (a) The primary pursuing officer shall complete appropriate crime/arrest reports.
- (b) The primary pursuing officer or supervisor shall complete the appropriate pursuit report.
- (c) Officers who deployed tire deflation devices, set up roadblocks, or applied other lawful intervention techniques shall report that information to the primary pursuing officer for documentation.
- (d) After first obtaining the available information, on-duty field supervisor shall make notification per the notification protocols set in place. The following information may be included in the notification:
  1. Date and time of the pursuit.
  2. Initial reason and circumstances surrounding the pursuit.
  3. Length of pursuit in distance and time, including the starting and termination points.
  4. Involved vehicles and officers.
  5. Alleged offenses.
  6. Whether a suspect was apprehended, as well as the means and methods used.
    - (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy and the LETB Uniform Statewide Policy on Deadly Force..
  7. Arrestee information, if applicable.
  8. Any injuries and/or medical treatment.
  9. Any property or equipment damage.
  10. Name of the supervisor at the scene or who handled the incident.
  11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
- (e) After receiving copies of reports, logs, and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.
- (f) Annually, the Chief of Police should direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance, and training needs.

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#### **307.12 REGULAR AND PERIODIC PURSUIT TRAINING**

##### **Best Practice**

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

##### **307.12.1 ADDITIONAL TRAINING**

##### **State**

The Training Sergeant shall make available annual training on any additional vehicle pursuit procedures, regulations, and rules of the Department, and the uniform statewide minimum standard for vehicle pursuits adopted by the Indiana Law Enforcement Training Board.

## Child Abuse

### 313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Elkhart Police Department members are required to notify the Department of Child Services (DCS) via the Indiana Child Abuse and Neglect Hotline of suspected child abuse.

#### 313.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement.

### 313.2 POLICY

The Elkhart Police Department will investigate all reported incidents of alleged criminal child abuse and ensure DCS is notified as required by law.

### 313.3 MANDATORY NOTIFICATION

Members of the Elkhart Police Department shall notify DCS the Indiana Child Abuse and Neglect Hotline when there is reason to believe a child may be the victim of abuse or neglect, whether or not there exists an imminent danger to the child's health or welfare (I.C. § 31-33-5-1; I.C. § 31-33-7-7).

For purposes of notification, child abuse or neglect means a child described in I.C. § 31-34-1-1 through I.C. § 31-34-1-5, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court (I.C. § 31-9-2-14).

Members of the Elkhart Police Department shall also notify DCS anytime a suspected child victim of an offense under I.C. § 35-42-3.5-1 through I.C. § 35-42-3.5-1.4 (e.g., human trafficking, sexual trafficking/conduct, forced labor, forced marriage, prostitution), or I.C. § 35-45-4-1 et seq. (e.g., indecent acts, prostitution) is detained and may be a victim of child abuse or neglect (I.C. § 35-42-3.5-4; I.C. § 35-45-4-7).

#### 313.3.1 NOTIFICATION PROCEDURE

Notification shall occur as soon as practicable as follows (I.C. § 31-33-5-4):

- (a) Members should make an oral report by calling DCS or its child abuse and neglect hotline. Members may also fax or email reports of abuse or neglect to the appropriate child protective services agency.

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- (b) If the child has died, the member shall also call and forward related reports to the appropriate Prosecuting Attorney (I.C. § 31-33-8-4).

#### **313.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child-appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the Prosecuting Attorney for review (I.C. § 31-33-8-10).
- (d) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

#### **313.5 INVESTIGATIONS AND REPORTING**

Officers shall collaborate with DCS or the applicable child protective services agency whenever there is reason to believe that an offense has been committed, regardless of whether the officers believe there is an imminent danger to the child's health (I.C. § 31-33-7-7; I.C. § 31-33-8-2).

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated (I.C. § 31-33-8-8).

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officers in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This shall include photographs of such injuries, if practicable.
  - 1. Color photographs should be taken when possible (I.C. § 31-33-8-3).
- (f) Whether the child victim was transported for medical treatment or a medical examination.

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- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

**313.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the officer should make reasonable attempts to contact DCS. Generally, removal of a child from his/her family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation (I.C. § 31-33-8-8).

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to DCS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian:

- (a) Upon a court order or warrant (I.C. § 31-33-8-8; I.C. § 31-21-6-14; I.C. § 31-34-2-1).
- (b) When the member has probable cause to believe the child is in need of services and (I.C. § 31-34-2-3):
  1. It appears that the child's physical or mental condition will be seriously impaired or seriously endangered if the child is not immediately taken into custody.
  2. There is no reasonable opportunity to obtain an order of the court.
  3. Consideration for the safety of the child precludes the immediate use of family services to prevent removal of the child.

Appropriate documentation should be completed and forwarded to DCS as soon as practicable whenever an officer takes a child into custody (I.C. § 31-34-2-6).

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#### 313.6.1 SAFE HAVEN LAW

Officers shall take custody of a child who appears to be not more than 30 days old who is voluntarily left with the officer by a parent without an expressed intent to return for the child. Whenever practicable and necessary, an officer who takes custody of a child under such circumstances should take appropriate steps to protect the ~~child's~~ child's physical health or safety. Any person voluntarily leaving the child is not obligated to disclose the ~~parent's or his/her own~~ parent's or the person's own name (I.C. § 31-34-2.5-1).

The officer taking custody of the child shall immediately notify DCS or a licensed child-placing agency to assume the care, control, and custody of the child (I.C. § 31-34-2.5-2).

#### 313.7 INTERVIEWS

##### 313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

##### 313.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  1. A reasonable belief that medical issues of the child need to be addressed immediately.
  2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
  3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

#### 313.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian, or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent

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circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

Officers should request and obtain a copy of all photographs and a summary of X-rays and other medical care provided if available (I.C. § 31-33-10-3).

#### **313.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking, or use of narcotics (I.C. § 31-34-1-2).

##### **313.9.1 SUPERVISOR RESPONSIBILITIES**

The Criminal Investigation supervisor should:

- (a) Work with professionals from the appropriate agencies, including DCS, other law enforcement agencies, medical service providers, and local prosecutors to develop community-specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Criminal Investigation supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives at the scene.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the child.

##### **313.9.2 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Request Communications notify the on-call CID Detective.

#### **313.10 STATE MANDATES AND OTHER RELEVANT LAWS**

This department shall investigate alleged child abuse or neglect in the same manner that the Department conducts any other criminal investigation (I.C. § 31-33-8-2).

##### **313.10.1 PROCESSING REPORTS AND RECORDS**

The department shall release or forward any information, including copies of reports, to DCS and the appropriate juvenile court (I.C. § 31-33-7-7; I.C. § 31-33-8-11).

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#### 313.10.2 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse, or the death of a child, shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (I.C. § 31-33-18-1; I.C. § 31-33-18-2).

#### 313.10.3 CHILD FATALITY REVIEW TEAMS

This department will cooperate with, and provide documents upon request to, a local or state child death review team (I.C. § 16-49-2-1; I.C. § 16-49-2-4; I.C. § 16-49-3-5; I.C. § 16-49-6-4; I.C. § 16-49-5-2).

#### 313.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include (I.C. § 5-2-8-2):

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.
- (g) Recognizing abuse that requires mandatory notification to another agency.

#### 313.12 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include (I.C. § 5-2-8-1):

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.
- (g) Recognizing abuse that requires mandatory notification to another agency.



## Volunteers

### 340.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Elkhart Police Department volunteers to supplement and assist department personnel in their duties. Trained volunteers are members who can augment department personnel and help complete various tasks.

#### 340.1.1 DEFINITIONS

Definitions related to this policy include:

**Volunteer** - An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, interns, persons providing administrative support, and youth involved in a law enforcement Explorer Post, among others.

Reserve officers are covered in the Reserve Officers Policy.

### 340.2 POLICY

The Elkhart Police Department shall ensure that volunteers are properly appointed, trained and supervised to carry out specified tasks and duties in order to create an efficient department and improve services to the community.

### 340.3 ELIGIBILITY

Requirements for participation as a volunteer for the Department may include, but are not limited to:

- (a) Residency in the City of Elkhart.
- (b) Being at least 18 years of age for all positions other than Explorer.
- (c) Being at least 14 years of age for Explorer.
- (d) Possession of a valid driver's license if the position requires vehicle operation.
- (e) Possession of liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.
- (f) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.
- (g) Misdemeanor convictions will be looked at on a case by case basis.
- (h) No mental illness or chemical dependency condition that may adversely affect the person's ability to serve in the position.
- (i) Ability to meet physical requirements reasonably appropriate to the assignment.
- (j) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

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The Chief of Police may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

#### **340.4 RECRUITMENT, SELECTION AND APPOINTMENT**

The Elkhart Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

##### **340.4.1 APPOINTMENT**

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment by the Chief of Police or the authorized designee. Notice may only be given by an authorized representative of the Department, who will normally be the volunteer coordinator.

No volunteer should begin any assignment until he/she has been officially accepted for that position and has completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of the position description and agreement of service with the Department.

All volunteers shall receive a copy of the volunteer orientation materials and shall be required to sign a volunteer agreement. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills and abilities and the needs of the Department.

Volunteers serve at the discretion of the Chief of Police.

#### **340.5 PERSONNEL WORKING AS VOLUNTEERS**

Qualified regular department personnel, when authorized, may also serve as volunteers. However, this department shall not utilize the services of volunteers in such a way that it would violate employment laws or employee bargaining agreements (e.g., a detention officer participating as a volunteer for reduced or no pay). Therefore, the volunteer coordinator should consult with the Human Resources Department prior to allowing regular department personnel to serve in a volunteer capacity (29 CFR 553.30).

#### **340.6 DUTIES AND RESPONSIBILITIES**

Volunteers assist department personnel as needed. Assignments of volunteers will usually be to augment the Patrol Division, but volunteers may be assigned to other areas within the Department as needed. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills and abilities and the needs of the Department.

All volunteers will be assigned to duties by the volunteer coordinator or the authorized designee.

##### **340.6.1 COMPLIANCE**

Volunteers shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each volunteer upon appointment. The volunteer shall become thoroughly familiar with these policies.

## Volunteers

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Whenever a rule, regulation or guideline in this Policy Manual refers to regular department personnel, it shall also apply to a volunteer, unless by its nature it is inapplicable.

Volunteers are required by this department to meet department-approved training requirements as applicable to their assignments.

### 340.7 TASK-SPECIFIC TRAINING

Task-specific training is intended to provide the required instruction and practice for volunteers to properly and safely perform their assigned duties. A ~~volunteer's~~ volunteer's training ~~should~~ shall correspond to ~~his/her~~ their assignment as determined by the volunteer coordinator.

Volunteers will be provided with an orientation program to acquaint them with the policies of the Department and law enforcement procedures applicable to their assignments.

Volunteers ~~should~~ shall receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks, and should receive ongoing training as deemed appropriate by their supervisors or the volunteer coordinator.

Training should reinforce to volunteers that they shall not intentionally represent themselves as, or by omission infer that they are, officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all applicable orders and directives, either oral or written, issued by the Department.

### 340.8 SUPERVISION

Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the volunteer's assigned duties. The following are some considerations that supervisors should keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to members on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give volunteers an assignment or task that will tap these valuable resources.

A volunteer may be assigned as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of an employee of the Elkhart Police Department.

#### 340.8.1 FITNESS FOR DUTY

No volunteer shall report for work or be at work when his/her judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

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Volunteers shall report to their supervisors any change in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations
- (e) All law enforcement contacts

#### **340.9 INFORMATION ACCESS**

With appropriate security clearance, a volunteer may have access to or be in the vicinity of criminal histories, investigative files or information portals. Unless otherwise directed by a supervisor, the duties of the position or department policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized members shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

A volunteer whose assignment requires the use of, or access to, confidential information will be required to have his/her fingerprints submitted to the Indiana State Police IDACS Branch to obtain clearance. Volunteers working this type of assignment will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information verbally, in writing or by any other means by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

##### **340.9.1 RADIO AND MCT USAGE**

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using police radios or MCTs and shall comply with all related provisions. The volunteer coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

#### **340.10 EQUIPMENT**

Any property or equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

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### Volunteers

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#### 340.10.1 VEHICLE USE

Any volunteer who operates any vehicle while acting in the capacity of a volunteer shall receive training in safe driving and defensive driving. The specific training and course of study shall be determined by the volunteer coordinator.

Volunteers assigned to duties that require the use of a vehicle must first complete:

- (a) A driving safety briefing and department-approved driver safety course.
- (b) Verification that the volunteer possesses a valid driver's license.
- (c) Verification that the volunteer carries current vehicle insurance.

The supervisor should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating department vehicles, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked law enforcement vehicle.

Volunteers are not authorized to operate department vehicles under emergency conditions (lights and siren).

#### **340.11 DISCIPLINARY PROCEDURES/TERMINATION**

If a volunteer has a personnel complaint made against him/her or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

Volunteers are considered at-will and may be removed from service at the discretion of the Chief of Police, with or without cause. Volunteers shall have no property interest in their continued appointments. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice and a reason for their decision.

## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Elkhart Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing or improper profiling** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

### 401.2 POLICY

The Elkhart Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

### 401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

#### 401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

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### *Bias-Based Policing*

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To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### 401.4.2 REPORTING TRAFFIC STOPS

All traffic stops must be logged with dispatch and entered into the CAD system.

#### 401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and ~~his/her~~ the officer's supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review ~~Mobile-Audio mobile audio/Video- video~~ (MAV) recordings, portable audio/video recordings, Mobile Computer Terminal (MCT) data, and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
  - 1. Corrective measures shall be taken, in accordance with the Personnel Complaints Policy, for violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

#### 401.6 ADMINISTRATION

The Patrol Captain or designee shall review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review department information and the annual report and discuss the results with those they are assigned to supervise.

Elkhart Police Department  
Policy Manual

*Bias-Based Policing*

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**401.7 TRAINING**

Training on fair and objective policing and review of this policy ~~should be conducted as directed by the Training Sergeant/training lieutenant.~~ shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.



## Involuntary Detentions

### 410.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person under involuntary detention.

#### 410.1.1 DEFINITIONS

Definitions related to this policy include:

**Immediate detention** - When an individual is involuntarily detained by an officer for immediate hospitalization as provided in I.C. § 12-26-4 ~~5-1~~ 0.5.

**Involuntary detention** - Includes both immediate and emergency detentions.

**Emergency detention** - When an individual is involuntarily detained pursuant to a court approved petition under I.C. § 12-26-5-1.

### 410.2 POLICY

It is the policy of the Elkhart Police Department to protect the public and individuals through legal and appropriate use of the involuntary detention process.

### 410.3 AUTHORITY

~~An~~ An officer may take ~~an individual in to~~ into custody and transport ~~him/her to an~~ an individual to the appropriate facility in the following circumstances:

- (a) There are reasonable grounds to believe that an individual has a mental illness, is either dangerous or gravely disabled, and is in immediate need of hospitalization and treatment (I.C. § 12-26-4 ~~5-1~~ 0.5).
- (b) Pursuant to a court order (I.C. § 12-26-4 ~~5-1~~ 0.5).
- (c) Where an emergency detention petition is approved by a judge (I.C. § 12-26-5-2).

Individuals shall not be transported to a state institution ~~unless the emergency detention petition was filed by a state institution or the court order specifies otherwise~~ (I.C. § 12-26-4 ~~5-1~~; I.C. § 12-26-4-1.5; I.C. § 12-26-5-2 0.5).

#### 410.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for ~~an~~ involuntary detention, they may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the person so desires, the officer should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person.
- (b) If at any point the person changes ~~his/her~~ their mind regarding voluntary evaluation, the officers should proceed with ~~the involuntary~~ immediate detention, if ~~appropriate~~ appropriate (I.C. § 12-26-4 ~~5-1~~ 0.5).
- (c) Document the circumstances surrounding the ~~individual's~~ individual's desire to pursue voluntary evaluation and/or admission.

# Elkhart Police Department

## Policy Manual

### *Involuntary Detentions*

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#### **410.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any officer handling a call involving a person who may qualify for involuntary ~~immediate~~ detention should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the possible cause and nature of the ~~person's~~ person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources that may be readily available to assist with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Involuntary ~~detentions may~~ detention should be ~~considered~~ preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

#### **410.5 TRANSPORTATION**

Officers may transport individuals in the patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport.

#### **410.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the emergency petition or written statement containing the basis for the ~~officer's~~ officer's belief the person qualifies for ~~involuntary~~ immediate detention and remain present to provide clarification of the grounds for detention, upon request.

~~When an individual~~ Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

#### **410.7 DOCUMENTATION**

The written statement containing the basis for the conclusion that reasonable grounds exist for immediate detention shall be provided to the facility staff member assigned to the individual. A copy shall be retained for inclusion in the case report and filed with the court if any related criminal charges are filed by the officer (I.C. § 12-26-~~4 5-3~~ 0.5).

# Elkhart Police Department

## Policy Manual

### *Involuntary Detentions*

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The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the ~~involuntary~~ immediate detention.

#### **410.8 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody on an involuntary detention should resolve the criminal matter by issuing a summons or other required paperwork necessary to forward a criminal case to the prosecutors' office.

When an individual who may qualify for an involuntary detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the involuntary detention.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an involuntary detention.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

#### **410.9 FIREARMS AND OTHER WEAPONS**

Whenever a person is taken into custody for an involuntary detention, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon.

Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent). A firearm may be seized under I.C. § 35-47-14-3 if the officer believes the person presents an imminent risk of personal injury to him/herself or another and the officer submits to the circuit or superior court having jurisdiction over the person a written statement under oath or affirmation describing the basis for the belief that the person is dangerous.

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

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Policy Manual

*Involuntary Detentions*

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**410.10 TRAINING**

This department will provide department-approved training on interaction with mentally ill persons, involuntary detentions and crisis intervention (I.C. § 5-2-1-9(g)).

## Suspicious Activity Reporting

### 431.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

#### 431.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the **person's** [person's](#) identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity [that should be reported through Nationwide Suspicious Activity Reporting Initiative](#) may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "~~dry~~ **dry** run," "  creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.
- [Cyberattacks on critical computer or technology equipment.](#)
- [Unusual aviation activity \(e.g., learning to operate, or operating an aircraft, or interfering with the operation of an aircraft in a manner that poses a threat to persons or property and that would arouse suspicion of terrorism or other criminal behavior\).](#)
- [Damaging, manipulating, defacing, or destroying part of a facility/infrastructure or secured protection site.](#)

**Suspicious Activity Report (SAR)** - An incident report used to document suspicious activity.

### 431.2 POLICY

The Elkhart Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism, and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

# Elkhart Police Department

## Policy Manual

### *Suspicious Activity Reporting*

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#### **431.3 RESPONSIBILITIES**

The Criminal Investigation Captain and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations policy.

The responsibilities of the Criminal Investigation Captain include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.
- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

#### **431.4 REPORTING AND INVESTIGATION**

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

#### **431.5 HANDLING INFORMATION**

The Records Section will forward copies of SARs, in a timely manner, to the following:

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*Suspicious Activity Reporting*

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- Criminal Investigation supervisor
- The Crime Analysis unit
- Other authorized designees

## Department-Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property or department-owned property is damaged or lost.

### 700.2 POLICY

Members of the Elkhart Police Department shall properly care for department property assigned or entrusted to them. Department-owned property that becomes damaged shall be promptly replaced. Members' personal property that becomes damaged during the performance of assigned duties will be reimbursed in accordance with this policy.

### 700.3 DEPARTMENT-ISSUED PROPERTY

All property and equipment issued by the Department shall be documented in the appropriate property sheet or equipment log. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

#### 700.3.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, proper use, and replacement of department-owned property that has been assigned or entrusted to them. All stored and issued law enforcement-related equipment (e.g., firearms, civil disturbance gear, speed measuring devices) shall be maintained in a state of operational readiness by the member to whom it has been assigned or entrusted.

Intentional or negligent abuse or misuse of department-owned property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.
  1. A supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Captain, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage, or unserviceable condition.
  2. A review by command staff should determine whether additional action is appropriate.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, department-owned property shall only be used by those to whom it



# Elkhart Police Department

## Policy Manual

### Department-Owned and Personal Property

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was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

- (d) Department-owned property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) A ~~supervisor's~~ supervisor's approval is required before any attempt to repair damaged or unserviceable property is made by a member.

#### 700.3.2 QUARTERMASTER RESPONSIBILITIES

The Quartermaster is responsible for developing procedures that include:

- (a) Developing and maintaining appropriate forms, checklists and logs to document property issuance, returns, and inventories.
- (b) Conducting department property and equipment including inventories at least annually.
- (c) Maintaining accurate inventory and control records.

#### 700.4 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Services Captain. The member should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

The Department will not replace or repair costly items (e.g., jewelry, expensive watches, exotic equipment) that are not reasonably required as part of work.

#### 700.5 DAMAGE TO PROPERTY OF ANOTHER PERSON

Anyone who intentionally or unintentionally damages or causes to be damaged the real or personal property of another person while performing any law enforcement function shall promptly report the damage through their chain of command.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the Services Captain, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

A review of the incident by command staff to determine whether misconduct or negligence was involved should be completed.

##### 700.5.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of Elkhart or of another person while performing their duties within the jurisdiction of this department. It shall be the responsibility of the department member present or the member responsible for the property to report the damage as follows:

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*Department-Owned and Personal Property*

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- (a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Services Captain, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

Elkhart Fire  
500 East Street  
Elkhart, IN 46516

Phone: (574) 293-8931  
Fax: (574) 522-1023  
[Fire.Admin@Elkhartfire.org](mailto:Fire.Admin@Elkhartfire.org)



Rodney Dale  
*Fire Chief*

Kristi Sommer  
*Assistant Fire Chief*

10/15/2024

Board members,

Along with this communication you will find a contract to purchase two Sutphen Pumpers stock #571 and 576 on Sutphen Monarch Chassis for the total sum of \$1,775, 400.00. The price is based on Sutphen Sourcewell contract 113021-SUT. This contract with Sutphen outlines the terms of purchase for these two apparatus as authorized by the Common Council of the city of Elkhart. I, Rodney Dale, as Chief of the Elkhart Fire Department, submit this contract to be signed by the Board of Safety President to finalize this purchase. If there are any questions or comments please feel free to contact me, thanks.

Thanks you,

Rodney Dale  
Fire Chief



# SUTPHEN

## PROPOSAL

TO THE:  
City of Elkhart  
Elkhart, IN

DATE: September 11th, 2024

We hereby propose and agree to furnish the following firefighting equipment upon your acceptance of this Proposal:

**Two (2) Sutphen Stock Pumpers (Stock 571 and Stock 576) on Sutphen Monarch**

**Chassis for the total sum of .....\$887,700.00 x 2 = \$1,775,400.00\***

\*The above price is based on Sutphen Sourcewell contract 113021-SUT

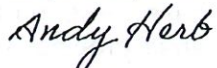
\*The following items that are not included in the trucks original specifications shall be included per the City of Elkhart's requests

- 1) An EMS cabinet with roll up door and 2 shelves shall be installed in place of the 2 forward facing seats
- 2) Graphics package to match the department's current apparatus
- 3) A blue wrap on the top half of the cab to match the department's current apparatus.

The apparatus and equipment being purchased hereunder shall be completed and delivered by approximately February 2025

This Proposal shall be valid for 14 days. If a Purchase Agreement or Purchase Order is not received by that date, Sutphen reserves the right to extend, withdraw, or modify this Proposal, including pricing, delivery times, and prepayment discounts, as applicable.

Respectfully submitted,



Andy Herb  
Herb Fire  
Authorized Representative for Sutphen Corporation  
614-329-1610





**PURCHASE AGREEMENT**

**FOR SUTPHEN FIRE APPARATUS**

THIS AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_ September \_\_\_\_\_, 20<sup>24</sup> by and between THE SUTPHEN CORPORATION, an Ohio Corporation, of Dublin, Ohio, hereinafter called "SUTPHEN" and the \_\_\_\_\_ City of Elkhart \_\_\_\_\_ of Elkhart, IN \_\_\_\_\_, hereinafter called "PURCHASER", sets forth the terms whereby Purchaser agrees to purchase a fire apparatus from Sutphen pursuant to the terms contained herein.

1. **PURCHASE**: Purchaser hereby agrees to buy and Sutphen hereby agrees to sell and furnish to Purchaser the apparatus and equipment according to the Sutphen Proposal dated \_\_\_\_\_ 9/11/24 \_\_\_\_\_ and made a part hereof, and the Proposal Price Page with the Sutphen Terms and Conditions also made part of this Agreement as attached hereto ("Proposal").
2. **PURCHASE PRICE**: Purchaser agrees to pay for said apparatus and equipment the total Purchase Price of \_\_\_\_\_ One Million Seven Hundred Seventy Seven Five Thousand Four Hundred & 0/100 (\$ 1,775,400.00 \_\_\_\_\_).

Changes to National Fire Protection Association ("NFPA") 1900, Environmental Protection Agency ("EPA") or changes legislated by Federal, State or Local Governments or changes in part availability or vendor relationships that impact the cost to manufacture the truck may incur additional charges which shall be borne by the purchaser. These may include but are not limited to changes that affect the major vendors of the fire apparatus industry such as pump manufacturers, seat manufacturers, electrical power supplies (generators) and powertrain (engine & transmission). Sutphen shall provide written notice to the Purchaser as soon as it reasonably believes any provision may be invoked. Sutphen shall provide, upon written request, documentation of such changes and increases.

Any such changes shall be documented on a change order executed by both Sutphen and Purchaser.

3. **PAYMENT**: Final payment shall be made at the time of final inspection at the factory as per Sutphen Proposal Terms and Conditions. Should payment be delayed, Sutphen reserves the right to charge interest at the rate of one and one-half percent (1.5%) per month, beginning on the day after payment is due.

4. **FINAL COMPLETION:** The apparatus and equipment being purchased hereunder shall be completed within approximately February 2025 months after the receipt and acceptance of this agreement at Sutphen's office as per Sutphen Proposal, provided that such delivery date shall be automatically extended for delays beyond Sutphen's control, including, without limitation, strikes, labor disputes, riots, civil unrest, pandemics, war or other military actions, sabotage, government regulations or controls, fire or other casualty, or inability to obtain materials or services. If such delay occurs, Sutphen shall give notice of delay to Purchaser. Purchaser shall not be entitled to any discount or reduction in price for such delay and Sutphen shall not be liable for any damages (compensatory, incidental, consequential or otherwise) related to such delay.
5. **MANUFACTURER'S CERTIFICATE OF ORIGIN:** Delivery, payment, and transfer of the Manufacturer's Certificate of Origin (MCO) shall take place at Sutphen during final inspection, and upon payment in full in accordance with the terms of this Agreement. Sutphen reserves the right to withhold delivery of the MCO until payment in full is received. If Purchaser requires any third-party equipment mounting, the apparatus shall be moved to the third-party facility by the dealer or Purchaser for such mounting. Such third-party work shall not delay or offset payment to Sutphen.
6. **SUTPHEN WARRANTIES:** Sutphen warrants to Purchaser that all goods and services furnished hereunder will conform in all respects to the terms of this order, including any applicable change orders, drawings, specifications, or standards incorporated herein, and/or shall be free of defects in materials, workmanship, and free from such defects in design. In addition, Sutphen warrants that the goods and services are suitable for and will perform in accordance with the purposes for which they were intended, for a period of one year from the Warranty Registration Date, unless an extended warranty is purchased.
7. **SHORTAGES AND OMISSIONS:** The apparatus shall be tested per NFPA #1900 at Sutphen's manufacturing facility. Purchaser agrees that the apparatus and equipment being purchased hereunder shall not be driven or used in any manner until it is paid for in full. In the event there are any shortages or omissions with the apparatus at time of completion, Purchaser may withhold a sum equivalent to the price of any such shortages as determined by Sutphen.

8. **DEFAULT:** In the case of any default in payment hereunder or in the payment on any notes, negotiable paper, obligations or other instruments issued by Purchaser, Sutphen may take full possession of the apparatus and equipment or of the piece or pieces upon which default has been made, and any payments that have been made theretofore shall be applied as rent in full for the use of the apparatus and equipment up to the date of taking possession by Sutphen.
9. **PURCHASER GUARANTEES:** With the signing of this agreement, Purchaser attests that it has the full power and legal authority to enter into this agreement and guarantees that funds for its purchase are available or in the process of collection.
10. **ACCEPTANCE:** This agreement shall not be binding until it is signed and approved by an officer of the Sutphen Corporation.
11. **TAXES, ETC.:** The purchase price provided for herein does not include any federal, state or local sales tax, duties, imposts, revenues, excise or other taxes which may hereafter be imposed by governmental authority or otherwise and which are made applicable to the apparatus or equipment covered by the agreement. In the event that any such taxes are subsequently imposed and become applicable, the purchase price herein shall be increased by the amount of such taxes and such sum shall be immediately paid by Purchaser to Sutphen. To the extent applicable, the prices and deliveries set forth herein are subject to the Defense Production Act.
12. **INSURANCE:** Sutphen shall provide insurance insuring the apparatus and equipment against loss by fire, theft, or collision and insuring against property damage and personal injury through the completion of the apparatus and transfer of the Manufacturer's Certificate of Origin.
13. **TERMINATION:** After the execution of this Agreement, Purchaser shall have no right to terminate the Agreement. Sutphen may, in its absolute and sole discretion, accept Purchaser's request to terminate the Agreement. In the event Sutphen accepts Purchaser's request to terminate the Agreement, Sutphen may charge a cancellation fee. The following charge schedule based on costs incurred may be applied, at Sutphen's sole discretion: (a) 10% after order is accepted by Sutphen; (b) 30% of the Purchase Price after production has commenced. The cancellation fee may increase accordingly as costs are incurred as the order progresses through engineering and into manufacturing.
14. **GENERAL:** This agreement and the Sutphen Proposal provided herein take precedence over all previous negotiations, oral or written, and no representations or warranties are applicable except as specifically contained in this agreement or in the Sutphen Proposal. No alteration, modification, amendment or change of this Agreement shall be binding unless executed in writing by the parties. No waiver of any of the provisions of this Agreement shall be deemed a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. If a Purchase Order is also issued, this Agreement and the Sutphen Proposal Terms and Conditions shall supersede the terms in the Purchase Order where terms may be inconsistent. This Agreement may be signed in counterparts by the parties, each

of which shall be deemed an original, but all of which together shall be deemed to be one and the same Agreement. A signed copy of this Agreement delivered by facsimile, e-mail, or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement. This Agreement may only be amended, modified or supplemented by an agreement in writing signed by each party hereto.

15. **GOVERNS:** This Agreement shall be governed and controlled as to interpretation, enforcement, validity, construction, effect and in all other respects by the laws, statutes and decisions of the State of Ohio. Exclusive jurisdiction and venue for any litigation at all related to this in the Franklin County Court of Common Pleas, Columbus, Ohio, and the parties hereto consent and submit to the general jurisdiction of this court. All of the terms and provisions of this Agreement shall be binding upon and inure to the benefit of and be enforceable by Sutphen, Purchaser, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be duly executed and attested by its duly authorized representatives, effective as of the date below when accepted at Sutphen Corporations offices.

**SALES REPRESENTATIVE OF  
THE SUTPHEN CORPORATION**

By \_\_\_\_\_  
Sales Representative

Accepted at offices of:  
The Sutphen Corporation  
6450 Eiterman Rd.  
Dublin, Ohio 43016

By \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

**PURCHASER**

City of Elkhart  
\_\_\_\_\_

By \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

By \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_



**Rod Roberson**  
Mayor

**Dustin McLain**  
Department Head



574.293.2175  
Fax: 574.970.0561

**Elkhart City Communications**  
135 East Franklin Street  
Elkhart, Indiana 46516

Date: October 1, 2024  
To: Mayor Rod Roberson  
Elkhart City Board of Public Safety  
Common Council  
From: Dustin McLain, Department Head  
Elkhart Communications Center  
Re: **September 2024 Month End Report**

We processed 8,090 incoming & outgoing emergency and non-emergency phone calls. This was a decrease of 1,076 calls from September 2023. Below is a summary of the calls we handled in Communications.

CALL SOURCES	911 *This includes Landlines, Wireless, VoIP, TextTTY, and abandoned.* (as reported by ECats State reporting online)	Administrative (non-emergency)	TOTAL
	2,099	5,991	8,090
2023 TOTALS	2,140	7,026	9,166

We entered 7,386 calls into the CAD, an increase of 263 calls from September 2023. Below is a breakdown of the call volume by shift.

	POLICE CALLS	FIRE CALLS	OTHER	TOTALS
Day Shift	2,046	374	364	2,784
Afternoon Shift	2,314	402	338	3,054
Midnight Shift	1,226	203	119	1,548
All Shifts	5,586	979	821	7,386
2023 TOTALS	5,473	851	829	7,153

\*Other Calls refers to calls made to communications that either required a response by other departments, such as Parks Dept., Street Dept., etc. This also includes calls that are dispatched out as attempts to locate, repossessions and/or private impounds.

**OTHER BUSINESS**

- For the month of September 2024, we handled 31 AUDIO REQUESTS for the Prosecutor’s Office and Police Dept. We provided 16 (FOIA) Public Records Requests to individuals.
- We have three applicants completing the conditional offer phase leaving us fully staffed on the dispatch floor and one administrative opening.

FIRE MERIT COMMISSION  
Monday, August 26, 2024

President Mandy Leazenby called a regular meeting of the Fire Merit Commission (FMC) to order at 3:30 p.m., Monday, August 26, 2024. Nancy Wilson called the role. Commissioners Mandy Leazenby, Doug Bowlby, Regina Fultes, Bunita Fields-Buggs, and Jim Rodino were present.

1. AGENDA

On motion by Jim Rodino, seconded by Bunita Fields-Buggs and carried 5-0, the agenda was approved as presented.

2. MINUTES

On motion by Jim Rodino, seconded by Doug Bowlby and carried 5-0, the minutes from the Regular Meeting on August 12, 2024 were approved.

3. FIRE DEPARTMENT

Public Hearing: Amendments to the Fire Merit Commission Rules Governing the Promotional Process for the Position of Inspector/Investigator

Mandy Leazenby opened the Public Hearing.

Proof of Publication was presented which appeared in the Elkhart Truth on August 14, 2024.

Chief Rodney Dale presented a request to change the Fire Merit Commission Rules, specifically to change the requirement of 8 years to 7 for Inspector/Investigator and to remove the Inspector 2 certification from the requirement to obtain the position of Inspector/Investigator.

Mandy asked if anyone would like to speak in favor of the amendments. She asked if anyone wanted to speak against the amendments. Seeing none, she closed the Public Hearing.

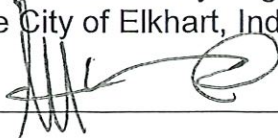
On motion by Doug Bowlby, seconded by Regina Fultes and carried 5-0, the FMC approved amendments to the Fire Merit Commission Rules governing the promotional process for the position of Inspector/Investigator, specifically to change the requirement of 8 years to 7 for Inspector/Investigator and to remove the Inspector 2 certification from the requirement to obtain the position of Inspector/Investigator.

Permission to Test for Medic Lieutenant, Diver/Operator, Suppression Lieutenant, Suppression Captain

Chief Rodney Dale requested permission to post the testing process for the positions of Medic Lieutenant, Diver/Operator, Suppression Lieutenant, and Suppression Captain. On motion by Regina Fultes, seconded by Doug Bowlby and carried 5-0, the FMC approved posting the testing process for the positions of Medic Lieutenant, Diver/Operator, Suppression Lieutenant, and Suppression Captain.

4. ADJOURNMENT

On motion by Regina Fultes, seconded by Bunita Fields-Buggs and carried 5-0, the City of Elkhart, Indiana Fire Merit Commission was adjourned at 3:36 p.m.

  
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Mandy Leazenby, President

Attest:    
Doug Bowlby, Secretary