

AGENDA
BOARD OF PUBLIC SAFETY
Tuesday, November 26, 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 2317 086 1833

Password: Safety24

1. **ROLL CALL**
2. **APPROVE AGENDA**
3. **APPROVE MINUTES: Regular Meeting November 12, 2024**
4. **POLICE DEPARTMENT**
 - **Commendations- Cpl. Clay Martin, Det. Casey Clays, Det. Jason Runyan (2), Sgt. Jack Oldroyd, Det. Scott Hauser, Det. Chris Faigh, Det. Josh Payne, Det. Zachary Uhles**
 - **Administrative Leave Update- Cpl. Swanson**
 - **Policy Updates-Policy 301 Chief's Review Board, Policy 1010 Personal Complaints**
5. **FIRE DEPARTMENT**
 - **Administrative Leave of Absence- Firefighter Jason Lantz**
6. **COMMUNICATIONS CENTER**
 - **Contract with Cummins, Inc.**
7. **BUILDING AND CODE ENFORCEMENT**
8. **OTHER PUBLIC SAFETY MATTERS**
9. **PUBLIC PARTICIPATION**
10. **ADJOURNMENT**

BOARD OF PUBLIC SAFETY
Tuesday, November 12, 2024

Vice Chairman Laesha Black called a regular meeting of the Board of Public Safety to order at 9:00 a.m., Tuesday, November 12, 2024. Clerk Nancy Wilson called the roll. Laesha Black and Dacey Davis were present. Kara Boyles and Brian Thomas were absent. Anthony Coleman attended on WebEx. Proxy Tim Reecer was present.

1. APPROVE AGENDA

On motion by Tim Reecer, seconded by Dacey Davis and carried 3-0, the agenda was approved as presented.

2. MINUTES- Regular Meeting October 22, 2024

On motion by Dacey Davis, seconded by Tim Reecer and carried 3-0, the minutes from October 22, 2024 were approved as presented.

3. POLICE

Chief Daniel Milanese presented a Memorandum of Understanding between the Elkhart Community School Corporation and the City of Elkhart to provide school resource officers and crossing guard services at various school locations throughout the school corporation. On motion by Tim Reecer, seconded by Dacey Davis and carried 3-0, the Board approved an MOU with Elkhart Community Schools and the City of Elkhart for crossing guard services and resource officers, and authorized Chief Dan Milanese to sign the agreement on the Board's behalf.

4. FIRE

Chief Rodney Dale presented an Agreement between the Elkhart Fire Department and Ascension St. Vincent Public Safety Medical to provide yearly wellness physicals for the fire service personnel. On motion by Tim Reecer, seconded by Dacey Davis and carried 3-0, the Board approved the Agreement between the Elkhart Fire Department and Ascension St. Vincent Public Safety Medical, and authorized the Fire Chief or Assistant Fire Chief to sign on the Board's behalf.

5. BUILDING & CODE ENFORCEMENT

Aimee Lattimer presented the October Month End Report. On motion by Tim Reecer, seconded by Dacey Davis and carried 3-0, the Board accepted and placed on file the October Month End Report.

6. OTHER PUBLIC SAFETY MATTERS

Fire Merit Commission Minutes

On motion by Dacey Davis, seconded by Tim Reecer and carried 3-0, the Board placed the Fire Merit Commission minutes from September 23, 2024 on file.

2025 Board of Safety Meeting Dates

On motion by Dacey Davis, seconded by Tim Reecer and carried 3-0, the Board approved the 2025 Board of Safety Meeting Dates as presented.

7. ADJOURNMENT

Vice-Chairman Laesha Black adjourned the Board of Safety meeting at 9:08 a.m.

_____ Laesha Black, Vice-Chairman

Attest: _____ Nancy Wilson, Clerk of the Board

COMMENDATION



TO: *Corporal Clay Martin #484*

FROM: *Captain Bryan Moore*

DATE: *July 18, 2024*

RE: *Commendation*

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

On June 25, 2024, while attending another call, Cpl Martin was approached by Tina, who was in distress over her injured four year old grandson Gabe. While shopping at the nearby Martin's Supermarket, he managed to get his hand caught in the wheels of a shopping cart, resulting in a painful injury.

Despite being engaged in another call, Cpl Martin took the time to attend to the young boy's injury. He administered first aid to the wound and bandaged it, all while displaying a calm demeanor and reassuring presence that helped to soothe the distressed child. In addition, Cpl Martin demonstrated compassion and empathy by offering Gabe a stuffed animal.

Gabe named the stuffed animal "Officer", reflecting the positive impression Cpl Martin made upon him. Tina expressed her gratitude for Cpl Martin's actions, noting that he went above and beyond the call of duty. This interaction had a lasting positive impact on both herself and her young grandson.

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

Job well done!

Respectfully,



Captain Bryan Moore



Chief Dan Milanese

Rod Roberson
Mayor
Dan Milanese
Chief



Police Department
175 Waterfall Dr.
Elkhart, IN 46516
574.295.7070
Fax: 574.293.0679

November 4, 2024

Detective Casey Claeys
Elkhart Police Department
175 Waterfall Drive
Elkhart, IN 46516

Dear Det. Casey Claeys,

This letter of Commendation is in recognition of your exemplary investigative work on EPD Case # 2024-0923-003. On 9-23-2024 officers responded to 313 N Riverside in reference to a serious bodily injury with a report of a potential rape. The scene was chaotic and no arrest was made the night of the incident. Det. Claeys quickly scheduled an interview with the victim which determined the potential for this investigation to lead to charges of attempted murder. Det. Claeys quickly began working on a search warrant for the residence where the incident took place and was able to quickly recover potential evidence that had been left behind, some of which was identified through the victim interview. Det. Claeys also completed search warrants for the suspects' cellular phones to gather additional evidence. This resulted in the arrest and charging of Tara Mollett for two Level 3 Felonies and a Level 6 Felony (Confinement with Serious Bodily Injury, Aggravated Battery and Strangulation). As well as the arrest and charging of Frederick Young for two Level 3 Felonies (Confinement with Serious Bodily Injury and Aggravated Battery).

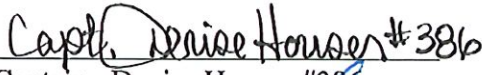
One of the suspect's phones was proving to be difficult to download due to not having the passcode and would potentially have to be sent off to Cellebrite Forensics. For a substantial fee, Cellebrite would attempt to gain access to the phone but could not even guarantee access. Through performing a meticulous investigation, Det. Claeys learned that the suspects were involved in a case through the Lynn Police Department. From thinking outside of the box, Det. Claeys contacted the Lynn Police Department and had them check their body camera involvement with the suspects to see if they had used their phones while being recorded. Lynn Police Department was able to retrieve the passcode for the phone, at which time Det. Claeys was able to gain access to the phone and retrieve extremely important evidence for this case.

Det. Claeys elicited open communication with other investigators/supervisors/and outside agencies which resulted in a successful team approach throughout the process of the investigation. Det. Claeys approached this case with analytical aptitude and sought out

additional information to aid in the success of this case beyond just getting the required information/evidence for a potentially successful case. Detective Claeys went above and beyond in his investigation of this case, well beyond what would be expected of an investigator, and we would like to commend him on a job well done!

Congratulations on a Job Well Done!

Sincerely,



Captain Denise Houser #386



Chief Dan Milanese #394

c: Personnel File



Rod Roberson
Mayor
Dan Milanese
Chief

Police Department
175 Waterfall Dr.
Elkhart, IN 46516
574.295.7070
Fax: 574.293.0679

October 31, 2024

Detective Jason Runyan
Elkhart Police Department
175 Waterfall Drive
Elkhart, IN 46516

Dear Det. Jason Runyan,

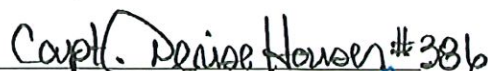
This letter of Commendation is in recognition of your exemplary investigative work on EPD Case # 2023-1216-024. In December of 2023, you were assigned PC follow-up for a Felony Domestic Battery – Presence of a Child case.

On 9-27-2024, the victim (C.C.) of this domestic case called the Elkhart Police Department. The victim wanted to express her gratitude to you for the exceptional investigative work you completed in this case. C.C. stated that you invested a lot of energy and time in pointing her to the correct resources and assisting her in getting through a difficult time. She felt strongly that you went above and beyond the normal detective role and wanted to express how grateful she was “from the bottom of her heart.” She felt that you played a vital role in keeping her and her children safe.

The Elkhart Police Department is proud of your professionalism and the manner in which you represented the police department in working this case. Your hard work and dedication does not go unnoticed!

Congratulations on a Job Well Done!

Sincerely,


Captain Denise Houser #386


Chief Dan Milanese #394

c: Personnel File



Rod Roberson
Mayor
Dan Milanese
Chief

Police Department
175 Waterfall Dr.
Elkhart, IN 46516
574.295.7070
Fax: 574.293.0679

October 31, 2024

Detective Jason Runyan
Elkhart Police Department
175 Waterfall Drive
Elkhart, IN 46516

Dear Det. Jason Runyan,

You are being commended for your exemplary performance and dedication in the recent EPD Case # 2024-0913-038, involving an armed robbery.

Midnight Shift Sergeant Jeremy Snow advised that the swift and effective response from Corporal Davies, the entire Midnight Shift, Sgt. Oldroyd (CID) and Detective Runyan (CID) was nothing short of outstanding. Their initiative and teamwork were instrumental in the successful resolution of the case. The Midnight Shift's meticulous approach and their ability to work seamlessly under pressure ensured that the investigation progressed with remarkable efficiency. The commitment displayed by the entire shift to apprehending the suspects and bringing them to justice is commendable and worthy of recognition.


Additionally, the CID's crucial role in the investigation cannot be overstated. Their expertise helped gain a confession from one of the involved parties, combined with the Midnight Shift's groundwork, was pivotal in solving the case. The collaboration between these units exemplifies the high standards of coordination and professionalism that we strive for in our department.

The hard work and dedication shown by Corporal Davies, the Midnight Shift, and CID Detectives Sgt. Oldroyd and Det. Runyan reflect the very best of our department's values. Their collective efforts not only led to the successful arrest of those involved but also demonstrated the strength of teamwork and the impact of proactive policing. Their commitment to duty and their collaborative spirit have set a high standard for future operations.

Your dedication and commitment to law enforcement and the citizens of this community is greatly appreciated. Keep up the good work!

Sincerely,

Capt. Denise Houser #386
Captain Denise Houser #386

 #394
Chief Dan Milanese #394

C: Personnel File

Rod Roberson
Mayor
Dan Milanese
Chief



Police Department
175 Waterfall Dr.
Elkhart, IN 46516
574.295.7070
Fax: 574.293.0679

October 31, 2024

Sergeant Jack Oldroyd
Elkhart Police Department
175 Waterfall Drive
Elkhart, IN 46516

Dear Sgt. Jack Oldroyd,

You are being commended for your exemplary performance and dedication in the recent EPD Case # 2024-0913-038, involving an armed robbery.

Midnight Shift Sergeant Jeremy Snow advised that *the swift and effective response from Corporal Davies, the entire Midnight Shift, Sgt. Oldroyd (CID) and Detective Runyan (CID) was nothing short of outstanding. Their initiative and teamwork were instrumental in the successful resolution of the case. The Midnight Shift's meticulous approach and their ability to work seamlessly under pressure ensured that the investigation progressed with remarkable efficiency. The commitment displayed by the entire shift to apprehending the suspects and bringing them to justice is commendable and worthy of recognition.*

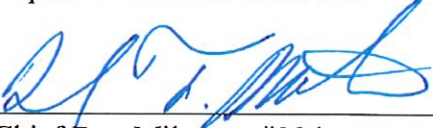
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The hard work and dedication shown by Corporal Davies, the Midnight Shift, and CID Detectives Sgt. Oldroyd and Det. Runyan reflect the very best of our department's values. Their collective efforts not only led to the successful arrest of those involved but also demonstrated the strength of teamwork and the impact of proactive policing. Their commitment to duty and their collaborative spirit have set a high standard for future operations.

Your dedication and commitment to law enforcement and the citizens of this community is greatly appreciated. Keep up the good work!

Sincerely,

Capt. Denise Houser #386
Captain Denise Houser #386

 394
Chief Dan Milanese #394

C: Personnel File



Rod Roberson
Mayor
Dan Milanese
Chief

Police Department
175 Waterfall Dr.
Elkhart, IN 46516
574.295.7070
Fax: 574.293.0679

September 9, 2024

Detective Scott Hauser #362
Elkhart Police Department
175 Waterfall Drive
Elkhart, IN 46516

Dear Detective Hauser,

I want to personally thank you for your hard work and dedication in the Criminal Investigations Division of the Elkhart Police Department. On 8-06-2024 I received an email from Captain Bryan Moore #378 stating that he had spoke to a victim from a battery case that had been assigned to you. The victim, Phillip Howard, expressed to Captain Moore how impressed he was with the effort and hard work you put into the case.

Reference EPD Case # 2024-0309-001.

The Elkhart Police Department is proud of your professionalism and the manner in which you represented the police department in working this case.

Congratulations on a Job Well Done!

Sincerely,

Capt. Denise Houser #386

Denise Houser #386
Captain of Criminal Investigations

c: Chief Dan Milanese
c: Personnel File



Rod Roberson
Mayor
Dan Milanese
Chief

Police Department
175 Waterfall Dr.
Elkhart, IN 46516
574.295.7070
Fax: 574.293.0679

September 16, 2024

Detective Christopher Faigh #376
Elkhart Police Department
175 Waterfall Drive
Elkhart, IN 46516

Dear Det. Chris Faigh,

This letter of Commendation is in recognition of your exemplary investigative work on EPD Case # 2024-0311-003.

Around March of 2024, Det. Payne #421 was assigned a DCS 310 referral from Kosciusko County in which a 7 year old advised her father, Recardo Dockins Jr., was performing sexual acts with her. The 7 year old was forensically interviewed in Kosciusko County in February of 2024 where she gave details of the sexual acts her father was doing to her when she would visit him in Elkhart, IN.

On 8-21-2024, you demonstrated the effectiveness of collaborative teamwork by assisting Det. Payne in this investigation. Recardo initially denied any sexual acts with his daughter. Det. Uhles offered Recardo the chance to take a truth verification exam to which he accepted. You then administered a CVSA on Recardo who showed deception on the relevant questions. You confronted Recardo about the deception. After obtaining the information from your CVSA, Det. Payne then joined back in on the interrogation and started to get Recardo to give small admissions of the sexual acts. Det. Payne was eventually able to get Recardo to admit to performing the sexual acts his daughter disclosed during her forensic interview. Subsequently, Recardo was placed under arrest and ultimately charged by the Prosecutor's Office for 6 counts of Child Molest, Level 1 Felony; 1 count of Incest, Level 4 Felony; and 1 count of Performing Sexual Conduct in the Presence of a Minor, Level 6 Felony.

We would like to commend you for the great example of teamwork you exhibited in working with Det. Payne and Det. Uhles on this case. Together, all of you took a case that had no tangible supporting evidence or witnesses and brought it to closure with an arrest.

The Elkhart Police Department is proud of your professionalism and the manner in which you represented the police department in working this case.

Congratulations on a Job Well Done!

Sincerely,

Capt. Denise Houser #386

Denise Houser #386
Captain of Criminal Investigations

c: Chief Dan Milanese
c: Personnel File

Rod Roberson
Mayor
Dan Milanese
Chief



Police Department
175 Waterfall Dr.
Elkhart, IN 46516
574.295.7070
Fax: 574.293.0679

September 16, 2024

Detective Josh Payne #421
Elkhart Police Department
175 Waterfall Drive
Elkhart, IN 46516

Dear Detective Josh Payne,

This letter of Commendation is in recognition of your exemplary investigative work on EPD Case # 2024-0311-003.

Around March of 2024, you were assigned a DCS 310 referral from Kosciusko County in which a 7 year old advised her father, Recardo Dockins Jr., was performing sexual acts with her. The 7 year old was forensically interviewed in Kosciusko County in February of 2024 where she gave details of the sexual acts her father was doing to her when she would visit him in Elkhart, IN.

In June of 2024, you conducted the first interview with Recardo Dockins Jr., who admitted to some similar events such as bathing his daughter, putting lotion on her and watching movies with her, but denied any sexual acts. This was a lengthy interview and another interview was scheduled. You were able to get the suspect in for another interview in August of 2024. On 8-21-2024, you called on the assistance of Det. Uhles and Det. Faigh to assist you in this interview. Recardo initially denied any sexual acts with his daughter. Det. Uhles then offered Recardo the chance to take a truth verification exam to which he accepted. Det. Faigh then administered a CVSA on Recardo who showed deception on the relevant questions. Det. Faigh confronted Recardo about the deception. You then joined back in on the interrogation and started to get Recardo to give small admissions of the sexual acts. You used your training and experience in interviewing tactics to build on the small admissions, eventually getting Recardo to admit to performing the sexual acts his daughter disclosed during her forensic interview. Subsequently, Recardo was placed under arrest and ultimately charged by the Prosecutor's Office for 6 counts of Child Molest, Level 1 Felony; 1 count of Incest, Level 4 Felony; and 1 count of Performing Sexual Conduct in the Presence of a Minor, Level 6 Felony. We would like to commend you for the diligent work you performed in this case and for the

great example of teamwork you exhibited in working with Det. Uhles and Det Faigh. You took a case that had no tangible supporting evidence or witnesses and brought it to closure with an arrest.

The Elkhart Police Department is proud of your professionalism and the manner in which you represented the police department in working this case.

Congratulations on a Job Well Done!

Sincerely,

Capt Denise Houser #386

Denise Houser #386
Captain of Criminal Investigations

c: Chief Dan Milanese

c: Personnel File



Rod Roberson
Mayor
Dan Milanese
Chief

Police Department
175 Waterfall Dr.
Elkhart, IN 46516
574.295.7070
Fax: 574.293.0679

September 16, 2024

Detective Zachary Uhles #424
Elkhart Police Department
175 Waterfall Drive
Elkhart, IN 46516

Dear Det. Zach Uhles,

This letter of Commendation is in recognition of your exemplary investigative work on EPD Case # 2024-0311-003.

Around March of 2024, Det. Payne #421 was assigned a DCS 310 referral from Kosciusko County in which a 7 year old advised her father, Recardo Dockins Jr., was performing sexual acts with her. The 7 year old was forensically interviewed in Kosciusko County in February of 2024 where she gave details of the sexual acts her father was doing to her when she would visit him in Elkhart, IN.

On 8-21-2024, you demonstrated the effectiveness of collaborative teamwork by assisting Det. Payne in this investigation. Recardo initially denied any sexual acts with his daughter. While assisting Det. Payne in interviewing Recardo, you offered Recardo the chance to take a truth verification exam to which he accepted. Det. Faigh then administered a CVSA on Recardo who showed deception on the relevant questions. Det. Faigh then confronted Recardo about the deception. After obtaining the information from the CVSA, Det. Payne then joined back in on the interrogation and started to get Recardo to give small admissions of the sexual acts. Det. Payne was eventually able to get Recardo to admit to performing the sexual acts his daughter disclosed during her forensic interview. Subsequently, Recardo was placed under arrest and ultimately charged by the Prosecutor's Office for 6 counts of Child Molest, Level 1 Felony; 1 count of Incest, Level 4 Felony; and 1 count of Performing Sexual Conduct in the Presence of a Minor, Level 6 Felony.

We would like to commend you for the great example of teamwork you exhibited in working

with Det. Payne and Det. Faigh on this case. Together, all of you took a case that had no tangible supporting evidence or witnesses and brought it to closure with an arrest.

The Elkhart Police Department is proud of your professionalism and the manner in which you represented the police department in working this case.

Congratulations on a Job Well Done!

Sincerely,

Capt. Denise Houser #386

Denise Houser #386
Captain of Criminal Investigations

c: Chief Dan Milanese

c: Personnel File

Rod Roberson
Mayor
Dan Milanese
Chief



Police Department
175 Waterfall Dr.
Elkhart, IN 46516
574.295.7070
Fax: 574.293.0679

November 22, 2024

Board of Public Safety
Municipal Building
229 S. Second St.
Elkhart, IN 46516

RE: Cpl. Scott Swanson
Return to work

Dear Board Members:

Cpl. Scott Swanson has been taken off of paid administrative leave and will return to full duty on Watch III starting Friday November 22nd, 2024.

Respectfully,


Dan Milanese
Chief of Police

C: Personnel File
Professional Standards

Rod Roberson
Mayor
Dan Milanese
Chief



Police Department
175 Waterfall Dr.
Elkhart, IN 46516
574.295.7070
Fax: 574.293.0679

November 21, 2024

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

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.

The policies needing approval are as follows:

- 1) Personnel Complaints #1010
- 2) Chief's Review Board #301

All policies have been reviewed and approved by City Legal.

Respectfully

A handwritten signature in black ink, appearing to read "D. Milanese", is written over the typed name of the Chief.

Chief Daniel Milanese
Elkhart Police Department

Chief's Review Board

301.1 PURPOSE AND SCOPE

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

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

301.2 POLICY

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

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

301.4 REVIEW BOARD

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

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

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

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

301.4.1 COMPOSITION OF THE BOARD

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

Elkhart Police Department

Policy Manual

Chief's Review Board

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

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

301.4.2 RESPONSIBILITIES OF THE BOARD

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

The board members may request further investigation (e.g. Professional Standards) and request any additional reports be submitted for the board's review.

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

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

The board shall make one of the following recommended findings:

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

Additional board responsibilities is as follows:

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

Elkhart Police Department

Policy Manual

Chief's Review Board

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

If the board determines that a policy violation has occurred, the incident shall be forwarded to the effected members Captain [to enter into the appropriate software as outlined in the E.P.D. complaint policy](#) . ~~to convene a Captain's Board as outlined in Policy 1010~~. If the board identifies any training needs, equipment needs/issues, or police related trends, that information will be forwarded to the appropriate division to determine how those needs/issues will be addressed.

Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Elkhart Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation. [Any formal supervisor counseling that is documented in the appropriate software system will be reviewed by the office of Professional Standards.](#)

1010.2 POLICY

The Elkhart Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints in accordance with this policy and applicable federal, state, and local laws; municipal and county rules; and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report complaints without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of a policy violation if true, would constitute a violation of department policy or federal, state, or local law, policy, or rule. Personnel complaints may be generated internally or by the public.

1010.3.1 SOURCES OF COMPLAINTS

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observation of or receipt from any source alleging a policy violation that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1010.4 SUPERVISOR RESPONSIBILITIES

A supervisor who becomes aware of an alleged complaint shall take reasonable steps to prevent aggravation of the situation.

Elkhart Police Department

Policy Manual

Personnel Complaints

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that documentation in the proper software system is completed upon receiving or initiating any complaint.

1. The Watch Commander of the accused member shall be notified and take the appropriate action based on the nature of the complaint.

(b) Responding to all complainants courteously and professionally.

(c) Resolving those personnel complaints that can be resolved immediately.

1. If the matter is resolved and no further action is required, the supervisor will note the resolution in the complaint module and notify the Watch Commander.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Chief of Police are notified via the chain of command as soon as practicable.

(e) Administration or Professional Standards will contact Human Resources in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination

(g) Investigating a complaint as follows:

1. Making reasonable efforts to obtain witnesses names, addresses, and telephone numbers.

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(h) Ensuring that the procedural rights of the focus member are followed.

(i) Ensuring interviews of the complainant are generally conducted during reasonable hours.

(j) Professional Standards may notify the Chief of Police about the complaints

1010.5 DOCUMENTATION

Supervisors shall ensure that all complaints are documented in the proper complaint software or form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

1010.6 COMPLAINT NOTIFICATION

Every member that has a complaint documented against them will be notified of the documentation by the supervisor that is entering the complaint. The notification will be sent by department email and addressed to the accused member, the accused member's Division Captain and the office of Professional Standards Lieutenant. The documentation will include the nature of the complaint and that the complaint will be sent to the office of Professional Standards for assessment. If the member documenting the complaint feels, with just cause, that immediate notification of the accused member will jeopardize an investigation, the documenting member can withhold the

Elkhart Police Department

Policy Manual

Personnel Complaints

notification. Any delay in notification will be approved in writing by the Chief of Police or the Chief's Designee. That written approval will be part of the documentation for the investigation.

1010.7 INITIAL ASSESSMENT

Professional Standards will review all complaints and determine how the complaint will be handled.

Complaints may be handled in the following manner:

(a) Professional Standards can review the complaint then assign the complaint to the appropriate Division / Shift Lieutenant to conduct either supervisor counseling or training that can be handled by an immediate supervisor or to request additional information from an immediate supervisor.

(b) Professional Standards may send a complaint that includes clearly defined and easily recognizable facts and does not require an Administrative Investigation to the Captain's Review Board. Professional Standards will notify the focus members' division Captain of this decision. The division Captain will set a date to convene the Captain's Review Board and send the focus member a notification letter for the Captain's review board.

(c) Professional Standards can conduct an administrative investigation.

(d) If the complaint can be closed "Exonerated" or "Unfounded" during the initial assessment, Professional Standards will document it in the complaint module. Professional Standards will close the complaint in the proper software system.

1010.8 TIME FRAME FOR COMPLETION OF COMPLAINT / ADMINISTRATIVE INVESTIGATION TO CAPTAIN'S REVIEW BOARD

Every complaint (being a complaint that is sent to the Captain's Review Board without an administrative investigation) or completed administrative investigation shall proceed with due diligence to be completed and forwarded to the Captain's review board within 45 business days (Monday - Friday) not to include City recognized Holidays from the date the complaint was entered into the appropriate software system used to document the complaint.

1010.9 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations will be conducted as follows:

1010.9.1 ADMINISTRATIVE INVESTIGATION

Administrative investigations may be conducted by:

1. Elkhart Police Department's Office of Professional Standards
2. A member of the Elkhart Police Department assigned by the Chief of Police or their designee
3. A member of the City of Elkhart's H.R. Department

Elkhart Police Department

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4. An independent investigator appointed by the Chief of Police, the Chief's designee, or the City of Elkhart's H.R. Department

1010.9.2 ADMINISTRATIVE INVESTIGATION STATUS NOTIFICATION

The investigator conducting the administrative investigation should provide the focus member with a copy of the complaint if one exists as required in i.c. 36-8-2.1-5(b)(5) as well as the policy(s) that the investigator is reviewing for the complaint. The investigator will provide the Chief of Police with periodic updates on the status of the investigation. The investigator will also provide the focus member with status updates upon the request of the focus member.

After an administrative investigation is completed, the office of Professional Standards will notify the focus member that the administrative investigation is complete and that the completed investigation was forwarded to the focus member's Division Captain. .

1010.9.3 ADMINISTRATIVE INVESTIGATION PROCEDURES

When an administrative investigation is conducted, the following applies to members covered by I.C. § 36-8-2.1-4 (I.C. § 36-8-2.1-5; I.C. § 36-8-2.1-11):

- (a) Prior to any interview, a member should be informed of the nature of the investigation.
 - 1. The member should be informed of who will be in charge of the investigation, the identity of the interviewer(s), and any other person who will be present during the interview.
 - 2. A statement of rights should be presented to the member and signed by the member and the interviewer.
- (b) Interviews of a focus officer should be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she should be compensated.
- (c) Unless waived by the member, interviews of a focus officer shall be at the Elkhart Police Department or other reasonable and appropriate place.
- (d) No more than two interviewers should ask questions of an accused member.
 - 1. Questions should be specific and directly related to the performance of duties or fitness for service as an officer.
- (e) All interviews should be for a reasonable period, and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators

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should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation, or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses.
1. Upon request, the member should be provided with a written transcript of the recorded interview, at no cost.
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
1. Unrepresented members shall be provided with reasonable time to obtain representation.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be compelled to submit to a polygraph or truth-telling device examination, nor shall any refusal to submit to such examination be mentioned in any investigation.
- (l) No member shall be required to disclose information about the possession of property, income, debts, or personal expenditures unless the information is obtained through legal process or indicates a conflict of interest that affects the member's official performance of duties (I.C. § 36-8-2.1-11).
- (m) Notice should be provided to members before the effective date of an adverse action as provided in I.C. § 36-8-2.1-9.

1010.9.4 ADMINISTRATIVE INVESTIGATION FORMAT

Administrative investigations shall be thorough and complete and shall essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date, and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Alleged Member / Allegations – A list of each focus member and the alleged policy violation for each officer.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements.

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Other evidence related to each allegation should also be detailed in this section.

Conclusion / Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended disposition should be provided for each allegation.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1010.9.5 DISPOSITIONS

Each personnel complaint / administrative investigation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Policy failure – When there is no policy which addresses the member's conduct, or the policy needs to be re-evaluated or re-written.

If an investigation discloses criminal misconduct or additional policy violations that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.9.6 COMPLETION OF INVESTIGATIONS

The Office of Professional Standards or assigned investigator will forward all completed administrative investigations to the focus member's Division Captain, who will then be responsible for convening the Captain's Review Board. The focus member will receive notification from the Office of Professional Standards or assigned investigator that the completed investigation has been forwarded.

1010.9.7 EXTENSIONS

When an investigator determines additional time is necessary to complete the administrative investigation, a written request to extend the investigation beyond 45 days time frame (as outlined in 1010.8) should be submitted to the Chief of Police for approval and the focus officer shall be notified. Upon the approval for the extension by the Chief of Police, the requesting supervisor/

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investigator will be granted an additional 20 days (as outlined above in the section of this policy regarding time frames for complaints and administrative investigations).

1010.10 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces, and other areas, including desks, offices, department issued electronics, and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio, or other document or equipment.

1010.11 ADMINISTRATIVE LEAVE

When a complaint against a member of the police department is criminal in nature, involves misconduct, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused member to administrative leave. Members involved in an encounter where deadly force was used will be subject to the following requirements of being placed on administrative leave only at the written directions of the Chief or their designee. Any member placed on administrative leave:

- (a) Shall relinquish any department badge(s) (not to include cloth badges that are sewn onto uniforms), identification, assigned weapons (to include issued magazines, ammunition and accessories), body armor, issued vehicle, department phone, issued keys, police radio, any issued chemical spray or agent (commonly referred to as pepper spray), electronic control weapon (ECW) and any other department equipment requested at the direction by the Chief or authorized designee.
- (b) Shall be notified that all police authority is suspended for the duration of the administrative leave
- (c) Shall not be granted access to buildings or facilities used for operations by the police department unless authorized in writing by the Chief or authorized designee. This does not apply if the individual on leave is summoned by a supervisor, Professional Standards, Elkhart City legal council, Elkhart City Humane Resources, the Chief of Police or his designee to one of the facilities.
- (d) Shall have all the rights to the following suspended; email, record management system (RMS), police department computer access, all messaging systems (i.e. critical app), any and all camera systems operated by the police department, access to IDACS/ NCIC and any other access or systems unless authorized in writing by the Chief or authorized designee.
- (e) All authorized approved part-time employment approved by the Chief that could involve anything listed above in this section shall be prohibited during the duration of the Administrative Leave.

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- (f) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (g) May be temporarily reassigned to a different shift and/or different job responsibilities, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1010.12 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Elkhart Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1010.13 CAPTAIN'S BOARD

- (a) The Division Captain of the focus member will convene a panel of up to 5 but no less than three (3) members for the Captain's Board.
 - 1. The board will be comprised of:
 - (a) The focus member's Division Captain as well as additional members as applicably described below.
 - (b) Two additional Captains
 - (c) If three Captains are unavailable, the Chief of Police shall designate the Assistant Chief of Police or another lieutenant(s) who is not involved in the investigation, to be on the Captain's Board.
 - (d) In addition to the 3 Captains as described above, If the rank of the focus member is Detective, Corporal, Patrolman or non-sworn member the board shall be comprised of one Sergeant from the same watch/division that did not document the complaint(s) being reviewed by the selected board and one Lieutenant from the same watch/division that did not document the complaint(s) being reviewed by the selected board . The selection of the Sergeant and Lieutenant will be done by the individual that is convening the board. The Chief or the Division Captain of the focus member may appoint a Sergeant or Lieutenant from another watch

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- or division to the board if they believe it would protect the objectivity of the board.
- (e) In addition to the 3 Captains as described above, If the rank of the focus member is Sergeant the board shall include 2 lieutenants from the same watch/division that did not document the complaint(s) being reviewed by the selected board . If there are not two (2) Lieutenants that can be selected from the same division due to their involvement in the investigation the person in charge of convening the board may select a Lieutenant(s) from a different Division. The selection of the Lieutenants will be done by the individual that is convening the board. The Chief or the Division Captain of the focus officer may appoint a Lieutenant from another division to the board if they believe it would protect the objectivity of the board.
 - (f) If the rank of the focus member is Lieutenant the board shall consist of 3 Captains as out lined above.
2. The focus member may choose any of the below options to address the Captain's Review Board:
 - (a) The focus member may choose not to appear before the Captain's Review Board and not provide additional documentation to be considered.
 - (b) The focus member may submit a written response to their Captain or Professional Standards, which will be forwarded to the Captain's Review Board to be considered.
 - (c) The focus member may appear in person in front of the Captain's Review Board.
 3. If the focus member chooses to appear before the Captain's Review Board, it will be on a voluntary basis. The board may or may not choose to ask questions of the focus member. If any questions are asked of the focus member, the focus member may choose to answer or not answer any or all of the questions asked. If a member chooses not to answer the questions of the Captain's Review Board it will have no bearing on the recommendation made by the board.
 4. Appearing before the Captain's Review Board is completely voluntary for the focus member. The focus member is not entitled to representation from legal counsel of any kind when appearing before the Captain's Review Board. The focus member is allowed to have a non-legal Fraternal Order of Police (F.O.P.) representative with them during the focus member's time appearing before the Captain's Review Board.
 5. The person convening the Captain's Board will notify the focus member of the date and time of the Captain's Board.
- (b) The Captain's Board will review the investigation and any other relevant materials. At a minimum, the Captain's Board will make two (2) recommendations, one for the status of the investigation and one for discipline. Only after it is determined that discipline is needed, the Captain's Board may then review the member's personnel file before any recommendation for discipline is decided.

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- (c) The Captain's Board will fill out the Captain's Board Recommendation Form, providing a written recommendations to the Chief of Police.
 - 1. Recommendations by the Captain's board:
 - (a) The status of the case
 - (b) Not sustained
 - (c) Exonerated
 - (d) Unfounded
 - (e) Sustained
 - (f) Policy Failure
 - 2. For any discipline (if needed)
 - 3. For policy changes (if needed)
- (d) The Captain's Board will forward the completed investigation and the Captain's Board Recommendation Form to the Chief of Police.

1010.13.1 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES TIMELINES

The Captain's review board should complete their review and forward their recommendation to the Chief of Police within 30 business days (Monday - Friday) not to include City recognized holidays after their review is complete unless the Captain's review board requests additional investigation from the submitting supervisor or administrative investigator. If additional investigation is requested the supervisor or administrative investigator will have an additional 30 business days (Monday - Friday) not to include City holidays to have the additional request completed. The request for additional investigation will be documented by the individual that convened the Captain's review board and given to the supervisor or administrative investigator for that case. The supervisor or administrative investigator will ensure that the documentation will be in the complaint file. The supervisor or administrative investigator will document the date they receive the request from the Captain's Review Board in the complaint file. The date the administrative investigator receives the request for follow up is the start of the 30 day extension.

Once the additional information is completed and sent to the Captain's Review Board, the board will have an additional 30 business days (Monday - Friday) not to include City holidays to complete their review and make their recommendation to the Chief of Police. The date that the additional information is sent to the Captain's Review Board will be documented in by the supervisor or administrative investigator in the complaint and that will be the start date for the additional 30 days for the Captain's Review Board to review the completed complaint/investigation with additional material as requested.

1010.13.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police may modify any recommendation. The Chief of Police may also return the file to the supervisor or administrative investigator for further investigation or action. The Chief of Police has 15 business

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days (Monday - Friday) not to include City recognized holidays to review the investigation/complaint and to evaluate the recommendation from the Captain's Review Board. If the investigation is returned for further investigation the supervisor or administrative investigator will have 30 business days (Monday - Friday) not to include City recognized holidays to complete the requested action or investigation. The 30 days will start on the day the supervisor or administrative investigator receives the request from the Chief of Police. The request and date of the request will be documented in the complaint file by the supervisor or the administrative investigator.

The date that the additional information is sent to the Chief of Police will be documented by the supervisor or administrative investigator in the complaint.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police or the Chief's designee will have 15 business days (Monday - Friday) not to include City recognized holidays from the day the completed complaint or administrative investigation, with any requested additional action or investigation, to review the investigation/complaint with the additional information as well as the recommended action by the Captain's Review Board. Prior to any discipline action, the Chief of Police or his designee shall provide the focus member with the following:

- (a) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice. A written response from the focus member must be received by the Chief of Police no later than the end (4:00p.m.) of the fifth business day (Monday - Friday) from the date listed on the notification given to the focus member by the office of the Chief of Police. If the focus member chooses not to meet with the Chief no meeting will be required. If the focus officer wishes to respond orally to the Chief of Police then the focus officer must submit the request for scheduling to the Chief of Police by email before the end (4:00p.m.) of the fifth business day (Monday - Friday). The meeting for the oral response will be scheduled at the Chief's earliest convenience. A response from the focus member is not required.
- (b) The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral statement to the Chief of Police, prior to of any discipline. The employee shall consider the following:
 - (a) The response is not intended to be an adversarial or a formal hearing.
 - (b) The response is not designed to accommodate the presentation of testimony or witnesses.
 - (c) The employee may offer additional information or mitigating factors for the Chief of Police to consider.
 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

Once the member has completed their response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regards to the recommended action to be implemented in regards to the focus member. The Chief of Police will render a written decision to the member and specify the grounds and reasons for the action that will be taken and any effective date if applicable. The Chief of Police or their designee will have 15 business days (Monday -Friday) not to include City recognized holidays to deliver to the member the written decision. The 15 days as listed in this paragraph will start immediately after the date the

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focus member has submitted their written response to the Chief or the day after the meeting with the Chief of Police or their designee has taken place. The date the written response is received by the office of the Chief will be documented in complaint/administrative investigation file. Once the Chief of Police has issued a written decision, the action shall become effective adherent to IC 36-8-3.5.

1010.13.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is provided written notification of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1010.14 LEVELS OF DISCIPLINE / ACTIONS

The following are corrective action(s) / levels of discipline(s) from least to the greatest:

1010.14.1 CORRECTIVE ACTION

1. Counseling – talking to the officer and documentation in the employee module in the RMS.
2. Corrective Remedial training – additional training to correct deficiencies.

1010.14.2 LEVELS OF DISCIPLINE

1. Verbal Reprimand – after a review from the Captain's board, a verbal reprimand that is documented for tracking purposes.
2. Written reprimand – a written reprimand from the Chief of Police.
3. Reassignment – a changing of job duties or position.
4. Suspension – loss of work without pay.
5. Demotion – loss of rank.
6. Termination - loss of employment.

1010.15 POST-DISCIPLINE APPEAL RIGHTS

Should any police officer have a grievance concerning any disciplinary matter, or the results of any disciplinary matter, his/her sole and exclusive remedy shall be to submit the grievance in accordance with I.C. 36-8-3.5 as applicable.

1010.16 CLOSED COMPLAINT/ADMINISTRATIVE INVESTIGATION

A complaint or administrative investigation is "closed" after any discipline that was recommended has been completed by the focus member or any appeals, as described in I.C. 36-8-3.5 have been completed and the outcome of any appeal has been fulfilled.

1010.17 TRAINING OF DISCIPLINARY MEASURES

The Services Captain should ensure all members are trained in this policy.

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1010.18 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1010.19 FRINGE BENEFITS

If the discipline issued is dismissal, the employee shall be provided written notice as to the status of his/her fringe and retirement benefits after dismissal.

1010.20 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause, at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

1010.21 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1010.22 NOTIFICATION OF THE LAW ENFORCEMENT TRAINING BOARD

The Chief of Police or the authorized designee shall notify the Law Enforcement Training Board (LETB) of the final determination of discipline of an officer in the following circumstances (I.C. § 5-2-1-12.5):

1. Conviction of a felony or a finding of not guilty for a felony by reason of mental disease or defect.
2. Conviction of a misdemeanor under circumstances that would cause a reasonable belief that the officer is dangerous, violent, or has a demonstrated propensity to violate the law.
3. Falsification of qualifications for employment as an officer.
4. Participation in criminal conduct that was uncharged.

The notification shall occur within 30 days of the imposition of the discipline.

If an officer resigns or retires during an administrative investigation of any of the above grounds for discipline, the Chief of Police or the authorized designee shall notify the LETB within 30 days of the resignation or retirement (I.C. § 5-2-1-12.5).

Elkhart Fire
500 East Street
Elkhart, IN 46516

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



Rodney Dale
Fire Chief

Kristi Sommer
Assistant Fire Chief

November 26, 2024

Board of Public Safety
Municipal Building
229 South Second Street
Elkhart, Indiana 46516

RE: Paid Administrative leave for Jason Lantz

Board Members:

I am requesting this Board to place Firefighter Jason Lantz on paid administrative leave effective November 11th 2024. Fire Fighter Lantz was involved in an incident at Elkhart General Hospital on November 6, 2024 and this incident is currently under investigation. We are awaiting the results of that investigation. Thanks for your time and I will keep the board posted as more information becomes available pertaining to this case.

Respectfully,

Rodney Dale
Fire Chief

Rod Roberson
Mayor

Dustin McLain
Department Head



574.293.2175
Fax: 574.294.5530

Elkhart City Communications
135 E Franklin Street
Elkhart, IN 46516

November 19th, 2024

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

RE: Power DMS

Dear Board Members,

In order to ensure our 9-1-1 Center remains fully operational at all times, redundancies are put in place. One of those redundancies is our generators. In order to make sure our generators are properly functioning, I am asking the board to approve an annual service agreement between the city of Elkhart and Cummins.

As part of the large radio upgrade made back in 2019, Elkhart County, Indiana Public Safety Communications (IPSC), and the City of Elkhart, agreed that each partner would help maintain service of the five radio towers throughout the county. Elkhart County maintains three, IPSC maintains one, and the City maintains the main tower located at the Indiana State Police facility on County Road 17 just north of County Road 6.

Cummins has serviced our generator at the 9-1-1 Center previously, and we would like to continue to have them maintain our equipment here, as well as the generator located at the Indiana State Police Toll Road facility. This generator provides backup power to the main radio tower that connects the other four towers in Elkhart County. If this tower were to fail, we would lose our primary channel of communication throughout the county.

Our legal department has reviewed and revised the contract to suit the needs of the city. I would ask that the Board approve and sign the included contract so that the Cummins can maintain our generators to ensure the Elkhart City 9-1-1 Center keeps redundancies in place for continuity of operations.

Thank you,

Dustin McLain
911/Communications Department Head

A large industrial generator set, likely a Cummins model, is shown mounted on a multi-axle trailer. The generator is a complex piece of machinery with various components like the engine, alternator, and control panels. The trailer has a white body and a dark chassis with multiple wheels. The background is a plain, light color.

**Planned Equipment
Maintenance Proposal to
ELKHART COMMUNICATION CTR**



To the attention of: ELKHART COMMUNICATION CTR

Cummins provides best in class products and related services worldwide with the highest quality in the industry. We service more than Cummins engines and generators, and we're pleased to offer you the following planned equipment maintenance proposal.

Cummins Available Planned Maintenance Services:

Cummins offers the following services - based on your selected packages these may or may not be included:

System Inspections: Batteries, controls, fuel systems, cooling systems, intake and exhaust systems, controls and accessories, aftertreatment basic run testing included in all Inspection Services.

Oil & Coolant Analysis: Sampling, included in all Inspection + Services, provides an overall snapshot of the equipment condition.

Planned Maintenance: Clean filters and oil changes included in Full Service keeps your product ready to run.

Load Bank Testing: Prevents wet stacking in diesel engines. In all units load bank testing applies controlled load to the equipment to test for proper operation providing peace of mind.

Transfer Switch & Switchgear: Cummins takes care of your whole system.

Cummins Branded Parts: Maintenance always includes Cummins Genuine Parts where applicable.

Warranty: Best-in-Industry warranty is always included, with a variety of extended warranty options available on Cummins equipment.

Digital Monitoring: Cummins Acumen is a best in class remote monitoring solution for your products to ensure availability and minimize unexpected costs.

Additional Available Services: Winterization, oil extension programs, training and more can all be customized to your needs.

For additional information regarding Cummins available products and services, please contact your Sales Representative.

Pricing for Services:

This 1 year proposal has been customized for your equipment and operations as described here:

<u>Customer Information:</u>	<u>Contact Information:</u>
ELKHART COMMUNICATION CTR	Name: Dustin Mclain
135 E FRANKLIN ST, ELKHART, Indiana, 46516-3609	Phone Number: 574-293-2175,574-596-3770
	Email: dustin.mclain@elkhartpolice.org



The package Custom Bundle includes the below services for this equipment:

Site Information:		Equipment Information:				
911 Elkhart Communication Center		Manufacturer: Cummins Model				
135 E Franklin St.		Model: Cummins Model				
Elkhart, Indiana 46516		Engine Serial Number:				
United States		Genset Serial Number: E910387874				
Quantity:	1	ATS Serial Number:				
Install Date:						
Warranty Expiration Date:						
Access:	Standard					
Access Notes:						
Year 1	Service Type	Frequency	Quantity	Unit Price	Extended Price	T&C
	Inspection +	Annually	1	683.84	683.84	
	Full Service	Annually	1	605.19	605.19	
	Group 31 - Maintenance Free	Once	1	202.67	202.67	
				Year 1 Total:	1,491.70	

Price of Services per Unit: USD 1,491.70
Total Price of Services: USD 1,491.70



The package Custom Bundle includes the below services for this equipment:

<u>Site Information:</u>		<u>Equipment Information:</u>	
Indiana State Police Toll Road Post 52422 CR 17 Bristol, Indiana 46507 United States		Manufacturer:	Generac
Quantity:	1	Model:	Non-Cummins
Install Date:		Engine Serial Number:	
Warranty Expiration Date:		Genset Serial Number:	3005647549
Access:	Standard	ATS Serial Number:	
Access Notes:	Equipment is located behind a locked gate and will require an employee escort while on site.		

Year 1	Service Type	Frequency	Quantity	Unit Price	Extended Price	T&C
	Inspection +	Annually	1	616.84	616.84	
	Full Service	Annually	1	538.19	538.19	
	Group 31 - Maintenance Free	Once	1	202.67	202.67	
Year 1 Total:					1,357.70	

Price of Services per Unit: USD 1,357.70
Total Price of Services: USD 1,357.70

Year 1 Total:	USD 2,849.40
Total Agreement - PreTax:	USD 2,849.40

Notes:

1 Year Planned Maintenance Agreement to include the following:

Full Service in November 2024

Inspection with Oil & Fuel Sample in May 2025

Pricing for Battery replacement to be performed at time of either the Full Service OR the Inspection.

Anything not specifically addressed above is not included.

Customer Responsibilities:



The Customer is responsible for operating the maintained equipment and shall perform all checks as described in the Operation and Maintenance Manual.

Proposal Considerations:

- 1. All work is planned from Monday to Friday on normal Business working hours – 8:00am to 5:00pm. Additional and off-hours work and billable amounts not listed in the above scope of work shall be based on current calendar year rates.
- 2. All pricing above is stated excluding any and all taxes.
- 3. This quotation is open for acceptance for 60 days after which both price and service delivery period will be subject to confirmation prior to acceptance of proposal.
- 4. This quotation assumes a 3.00% rate increase will be applied each year.
- 5. This proposal is offered in U.S. Dollar.
- 6. Payment terms for this quote are Pay as you go.

This maintenance proposal is expressly conditioned upon acceptance of the <https://www.cummins.com/regional-terms-and-conditions/powercare> of Cummins' Maintenance Agreement.

I appreciate your interest in working with Cummins and I thank you for your business. If you need any further assistance or clarification, please do not hesitate to contact me.

To accept this quotation as provided, please return a signed copy of this form or contact me for an electronically signable version.

Sincerely,

Jillian Wippel
Senior PEM Sales Executive - PG
(260) 241-1718
jillian.wippel@cummins.com
www.cummins.com

Please return signed agreement to: jillian.wippel@cummins.com

Seller hereby agrees to sell to Buyer, and Buyer hereby agrees to buy from Seller. The foregoing product/ services upon the terms and condition set forth in the "Planned Equipment Maintenance Agreement Terms and Conditions" attached here to which are hereby incorporated here in reference.

Customer Approval (Quote ID Q-327222)

Name: _____

Title: _____

Signature: _____

Date: _____

Approval Cummins Sales & Service - Mishawaka IN

Name: Benjamin Rankin

Title: Sales Manager

Signature: 

Date: 11/11/2024



Generator Planned Equipment Maintenance INSPECTION



INTERVALS AVAILABLE: WEEKLY, MONTHLY, QUARTERLY, SEMI-ANNUALLY OR ANNUALLY

BATTERIES AND BATTERY CHARGER

- Visually inspect battery terminal connections
- Verify electrolyte level, vent caps of all cells in the starting battery system
- Visually inspect wiring, connections and insulation
- Record battery charging functions
- Record battery information
- Record battery condition test

FUEL SYSTEM

- Visually inspect ignition system (Natural Gas and Propane Only)
- Record primary tank fuel level
- Inspect engine fuel system for leaks
- Visually inspect all engine fuel hoses, clamps, pipes, components and fittings
- Visually inspect rupture/ containment basin
- Inspect day tank and controls (if applicable)
- Optional - fuel sample for laboratory analysis*

COOLING SYSTEM

- Record coolant level
- Visually inspect for coolant leaks
- Visually inspect drive belts condition
- Verify for proper coolant heater operation
- Record jacket water temperature
- Visually inspect fan, water pump, drives and pulleys
- Visually inspect all coolant hoses, clamps and connections
- Visually inspect radiator condition
- Visually inspect louver for damage
- Visually inspect fan hub and drive pulley for mechanical damage
- Record freeze point of antifreeze protection
- Record DCA level prior to changing coolant filter
- Optional - Coolant sample for laboratory analysis*

LUBRICATION SYSTEM

- Visually inspect engine oil leaks
- Visually inspect engine oil lines and connections
- Record oil level
- Optional - Oil sample for laboratory analysis*

GENSET CONTROLS AND ACCESSORIES

- Visually inspect all engine mounted wiring, senders and devices
- Visually inspect all control mounted components and wiring
- Verify all connecting plugs are tightened and in a good condition
- Visually inspect all accessory components and wiring
- Visually inspect and test lighting indicators

INTAKE AND EXHAUST SYSTEMS

- Visually inspect air filter and housing
- Visually inspect all engine piping and connections
- Record air cleaner restriction
- Visually inspect engine exhaust system for leaks
- Visually inspect rain cap
- Optional – Air filter replacement*
- Optional - Clean crankcase breather or replace filters*

GENERAL CONDITIONS

- Visually inspect governor linkage and oil level
- Visually inspect guards
- Visually inspect enclosure
- Visually inspect engine and generator mounts
- Verify emergency stop operation

TRANSFER SWITCH

- Visually inspect controls and time delay settings
- Verify function of exercise clock and record settings from controller
- Verify remote start control operation
- Record utility / source one voltage

AFTERTREATMENT (Upon request)

- Verify DEF level
- Record DPF restriction
- Visually inspect aftertreatment and controls

SWITCHGEAR (Upon Request)

- Inspection and Full Service quote available upon request.

FULL SERVICE

INCLUDES INSPECTION

OPERATIONAL & FUNCTIONAL REVIEW OF GENERATOR CRITICAL COMPONENTS

- Inspect engine cooling fan & fan drives for excessive wear or shaft wobble
- Check all pulleys, belt tensioners, slack adjusters & idler pulleys for travel, wear & overall condition
- Inspect / lubricate drive bearings, gear or belt drives, and other shaft connecting hardware

LUBRICATION OIL & FILTRATION SERVICE

- Change engine oil
- Change oil, fuel and water filters
- Post lube services operations of genset (unloaded) at rated temperature

* Additional Charge

Any additional repairs, parts, or service which are required will be brought to the attention of the owner. Repairs will only be made after proper authorization from the owner is given to Cummins. Any additional repairs, maintenance or service performed by Cummins or a Planned Equipment Maintenance Agreement holder will be at current Cummins labor rates.

Arc flash boundary and available incident energy shall be identified and marked on equipment being serviced or maintained.

**CERTIFICATION REGARDING INVESTMENT WITH IRAN, EMPLOYMENT
ELIGIBILITY VERIFICATION AND NON-DISCRIMINATION COMMITMENT**

When the prospective Contractor is unable to certify to any of the statements below, it shall attach an explanation to this Affidavit.

STATE OF Indiana)
) §
COUNTY OF Bartholomew)

The undersigned Contractor, being duly sworn upon his/her/its oath, affirms under the penalties of perjury that:

1. Contractor has not, nor has any successor to, nor an affiliate of, Contractor, engaged in investment activities in Iran.

a. For purposes of this Certification, "Iran" means the government of Iran and any agency or instrumentality of Iran, or as otherwise defined at Ind. Code § 5-22-16.5-5, as amended from time-to-time.

b. As provided by Ind. Code § 5-22-16.5-8, as amended from time-to-time, a Contractor is engaged in investment activities in Iran if either:

i. Contractor, its successor or its affiliate, provides goods or services of twenty million dollars (\$20,000,000) or more in value in the energy sector of Iran; or

ii. Contractor, its successor or its affiliate, is a financial institution that extends twenty million dollars (\$20,000,000) or more in credit to another person for forty-five (45) days or more, if that person will (i) use the credit to provides goods and services in the energy sector in Iran; and (ii) at the time the financial institution extends credit, is a person identified on list published by the Indiana Department of Administration.

2. Contractor does not knowingly employ or contract with an unauthorized alien, nor retain any employee or contract with a person that the Contractor subsequently learns is an unauthorized alien. Contractor agrees that he/she/it shall enroll in and verify the work eligibility status of all of Contractor's newly hired employees through the E-Verify Program as defined by I.C. 22-5-1.7-3. Contractor's documentation of enrollment and participation in the E-Verify Program shall be included or provided upon request; and

3. Contractor shall require his/her/its subcontractors performing work under this public contract to certify that the subcontractors do not knowingly employ or contract with an unauthorized alien, nor retain any employee or contract with a person that the subcontractor subsequently learns is an unauthorized alien, and that the subcontractor has enrolled in and is participating in the E-Verify Program. The Contractor agrees to maintain this certification throughout the term of the contract with the City of Elkhart, and understands that the City may terminate the contract for default if the Contractor fails to cure a breach of this provision no later than thirty (30) days after being notified by the City.

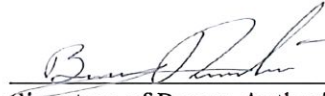
4. Persons, partnerships, corporations, associations, or joint venturers awarded a contract by the City of Elkhart through its agencies, boards, or commissions shall not discriminate against any employee or applicant for employment in the performance of a City contract with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment because of race, sex, religion, color, national origin, ancestry, age, gender expression, gender identity, sexual orientation or disability that does not affect that person's ability to perform the work. Breach of this provision may be regarded as material breach of contract.

I hereby affirm under the penalties of perjury that the facts and information contained in the foregoing affidavit are true and correct.

Dated this Eleventh day of Nov, 2024

Cummins Inc.

Contractor



Signature of Person Authorized to sign on behalf
of Contractor

Benjamin Rankin Sales Manager

Printed Name and Title