AGENDA
BOARD OF PUBLIC SAFETY
Tuesday August 10, 2021
9:00 A.M.
Council Chambers
Municipal Building, 229 S. Second Street, Elkhart, IN 46516
https://ccei.webex.com/coei/j.php?MTID=m1fc671a216de839e4f5e59fc1b81dfc1
1-415-655-0001 Meeting number 180 900 6123
Password BOS21

1. APPROVE AGENDA

2. APPROVE MINUTES: July 13, 2021

3. TABLED ITEMS
   • MOU Between IAFF Local #338 and City of Elkhart

4. POLICE DEPARTMENT

5. FIRE DEPARTMENT
   • July Month End Report

6. COMMUNICATIONS CENTER
   • July 2021 Month End Report

7. BUILDING AND CODE ENFORCEMENT
   • July 2021 Month End Report

8. OTHER PUBLIC SAFETY MATTERS
   • Police Merit Commission Minutes
   • Grievance- Firefighter Jacob Leighty
   • Towing Committee Complaint Recommendation
   • Set Towing Complaint Public Hearing Date

9. PUBLIC PARTICIPATION

10. ADJOURNMENT
BOARD OF PUBLIC SAFETY  
Tuesday, July 13, 2021

Anthony Coleman called a regular meeting of the Board of Public Safety to order at 9:00 a.m., Tuesday, July 13, 2021. Nancy Wilson called the role. Charlie Cross, Anthony Coleman, and Corinne Straight-Reed were present. Robert Woods and Carol Loshbough were absent. Elkhart Council liaison Arvis Dawson was present on WebEx.

1. **APPROVE AGENDA**
   
   On motion by Charlie Cross, seconded by Corinne Straight-Reed and carried 3-0 the agenda was adopted as presented.

2. **MINUTES of June 22, 2021**
   
   On motion by Corinne Straight-Reed, seconded by Charlie Cross and carried 3-0, the minutes from June 22, 2021 were approved as presented.

3. **TABLED ITEMS**
   
   **MOU Between IAFF Local #338 and the City of Elkhart**
   
   No action was taken.

4. **POLICE**
   
   Chief Seymore presented a contract between the EPD and Central Square for public safety citizen reporting software. A motion was made by Corinne Straight-Reed and seconded by Charlie Cross to approve the contract with Central Square for $6,755.00. Chief Seymore explained that Central Square is our records management system that we use for all of our incident reports. This is on-line reporting for the citizens of Elkhart. This is a key component for us to give citizens the option for on-line reporting. Chief Seymore was very clear that this is for low level, no suspect crimes. This will free up officers on the street once this gets rolling. Corinne asked if they could link the software to our 311 App? They discussed the possibilities. After discussion, Anthony called for the vote. The motion carried 3-0.

   Chief Seymore told the Board about seven commendations that were presented to their friends and family at the Police Merit Commission. Each Officer was recognized for outstanding police work and dedicated service to the Elkhart Community. Det. Brandon Roundtree was commended for action taken while off-duty on September 15, 2020. Cpl. Chris Bella was commended for appreciation from the Elkhart Community for an event in October, 2020. Cpl. Drew Neese was commended for handling an incident in October 2020 and for going above and beyond duty. Cpl. Davin Hackett was commended for his involvement in an event in November 2020 and for going above and beyond duty. Ptl. Emily Lamkin was commended for an event in March 2021 and for going above and beyond duty. Cpl. John Carver was commended for action during an event in April 2021 and for going above and beyond duty. Former Officer Troy Gray was commended for action during an event in May 2021 and for going above and beyond duty. The Chief told them their actions reflect highly upon the Elkhart Police Department and the law enforcement profession. He was happy to recognize them and is proud to work alongside them. Charlie Cross extended his commendations as well on a job well done!

5. **FIRE**

   Chief Edgerton gave a verbal report for June. The EFD responded to 871 calls for service. 64% were EMS related and 36% were Fire related. Corinne asked for the staffing numbers. Chief Edgerton said they are at 140 with 4 in rookie school
that will be finished in five weeks. They are in the process of establishing a new hiring pool. 131 individuals filled out applications and they are in the testing process. The individuals that pass the written test will move on to the agility test which will happen at the South Bend Fire Department's training facility. On motion by Charlie Cross, seconded by Corinne Straight-Reed and carried 3-0, the June Month End report was accepted.

6. COMMUNICATIONS CENTER
   Michelle Miller presented her June Month End Report. On motion by Corinne Straight-Reed, seconded by Charlie Cross and carried 3-0, the Elkhart Communications Center June 2021 Month End Report was accepted and placed on file.

7. BUILDING AND CODE ENFORCEMENT
   Henry Terrazas presented the June Month End Report. He shared with the Board that the City of Elkhart is growing. They are busy, noting the east and west side of town are growing like a weed. Henry said he as Commissioner is out in the field. The Code Enforcement Officers are knocking on doors with great success. On motion by Charlie Cross, seconded by Corinne Straight-Reed and carried 3-0 the Building and Code June Month End Report was accepted and placed on file.

8. OTHER PUBLIC SAFETY MATTERS
   On motion by Corinne Straight-Reed, seconded by Charlie Cross and carried 3-0, the Police and Fire Merit minutes were accepted and placed on file.

9. ADJOURNMENT
   On motion by Charlie Cross, seconded by Corinne Straight-Reed and carried 3-0, the Board of Public Safety meeting was adjourned at 9:35 a.m.

______________________________ Anthony Coleman, Member

Attest: ________________________ Nancy Wilson, Clerk of the Board
Date: August 2, 2021

To: Mayor Rod Roberson
Elkhart City Board of Public Safety
Commser. Council

From: Michelle E. Miller, Department Head
Elkhart Communications Center

Re: July 2021 Month End Report

We processed 10,892 incoming & outgoing emergency and non-emergency phone calls. This was an increase of 34 calls from July 2020. Below is a summary of the calls we handled in Communications.

<table>
<thead>
<tr>
<th>CALL SOURCES</th>
<th>911</th>
<th>Administrative (non-emergency)</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2,412</td>
<td>8,480</td>
<td>10,892</td>
</tr>
<tr>
<td>2020 TOTALS</td>
<td>2,367</td>
<td>8,491</td>
<td>10,858</td>
</tr>
<tr>
<td>2019 TOTALS</td>
<td>2,104</td>
<td>8,524</td>
<td>10,628</td>
</tr>
</tbody>
</table>

By shift, we entered 7,369 calls into the CAD, an increase of 3 calls from July 2020. Below is a breakdown of the call volume by shift.

<table>
<thead>
<tr>
<th></th>
<th>POLICE CALLS</th>
<th>FIRE CALLS</th>
<th>OTHER</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day Shift</td>
<td>1974</td>
<td>329</td>
<td>168</td>
<td>2471</td>
</tr>
<tr>
<td>Afternoon Shift</td>
<td>2391</td>
<td>347</td>
<td>300</td>
<td>3038</td>
</tr>
<tr>
<td>Midnight Shift</td>
<td>1523</td>
<td>179</td>
<td>158</td>
<td>1860</td>
</tr>
<tr>
<td>All Shifts</td>
<td>5888</td>
<td>855</td>
<td>626</td>
<td>7,369</td>
</tr>
<tr>
<td>2020 TOTALS</td>
<td>5891</td>
<td>832</td>
<td>643</td>
<td>7,366</td>
</tr>
<tr>
<td>2019 TOTALS</td>
<td>6085</td>
<td>793</td>
<td>661</td>
<td>7,549</td>
</tr>
</tbody>
</table>

*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 July 2021 we handled 56 AUDIO REQUESTS for the Prosecutor’s Office and Police Dept. We provided 10 (FOIA) Public Records Requests to individuals.
- We continue to have 3 open positions at this time.
## Call Summary

**Elkhart City 911 Communications Center**

135 E. Franklin St  
Elkhart, IN 46516  
County: Elkhart  
Agency Affiliation: Police

Report Date: 08/02/2021 12:10:51  
Report Date: 07/01/2021  
From: Report Date To: 07/31/2021  
Period Group: Month  
Days Of Week: All  
Call Type: All

Year: 2021  
Agency Affiliation: Police

### Filters:
- Abandoned: Include Abandoned
- NSI Filters: NSI Included in 911 Totals

<table>
<thead>
<tr>
<th></th>
<th>July 2021</th>
<th>Total</th>
<th>County Average</th>
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</thead>
<tbody>
<tr>
<td><strong>911</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Inbound</td>
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<td>2,394</td>
<td>3,540</td>
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<tr>
<td>Abandoned</td>
<td>17</td>
<td>17</td>
<td>389</td>
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<td>Abandoned %</td>
<td>0.70%</td>
<td>0.70%</td>
<td>9.90%</td>
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<tr>
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<td>1</td>
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<tr>
<td>Total</td>
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<td>2,412</td>
<td>3,930</td>
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<td><strong>10-Digit Emerg</strong></td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Outbound</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Unparsed</td>
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<td>0</td>
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</tr>
<tr>
<td>Total</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Administrative</strong></td>
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<tr>
<td>Inbound</td>
<td>6,224</td>
<td>6,224</td>
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<tr>
<td>Abandoned</td>
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<td>4</td>
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<tr>
<td>Outbound</td>
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<td>2,252</td>
<td>1,963</td>
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<tr>
<td>Unparsed</td>
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<td>3</td>
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<tr>
<td>Total</td>
<td>8,480</td>
<td>8,480</td>
<td>6,887</td>
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<tr>
<td>Avg Call Duration</td>
<td>84.0</td>
<td>84.0</td>
<td>90.2</td>
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<tr>
<td>Total</td>
<td>10,892</td>
<td>10,892</td>
<td>10,620</td>
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# Building Dept Monthly Report - 2021

## July Inspections

<table>
<thead>
<tr>
<th>Building Inspector</th>
<th>Commercial</th>
<th>Residential</th>
<th>Commercial Violations</th>
<th>Residential Violations</th>
<th>Commercial Abated</th>
<th>Residential Abated</th>
<th>Totals</th>
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<tbody>
<tr>
<td>Building Inspector</td>
<td>Building</td>
<td>45</td>
<td>28</td>
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<td></td>
<td></td>
<td>73</td>
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<td>0</td>
</tr>
<tr>
<td></td>
<td>Plumbing</td>
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<td></td>
<td></td>
<td>0</td>
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<tr>
<td></td>
<td>Fire</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Mechanical Inspector</td>
<td>Building</td>
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<td>0</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Electrical</td>
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<tr>
<td></td>
<td>Mechanical</td>
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<td></td>
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<td>Plumbing Inspector</td>
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<td></td>
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<td>3</td>
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<tr>
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<td></td>
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<tr>
<td></td>
<td>Mechanical</td>
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<tr>
<td></td>
<td>Plumbing</td>
<td>32</td>
<td>26</td>
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<td></td>
<td></td>
<td>58</td>
</tr>
<tr>
<td></td>
<td>Fire</td>
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<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Electrical Inspector</td>
<td>Building</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Electrical</td>
<td>115</td>
<td>44</td>
<td></td>
<td></td>
<td></td>
<td>159</td>
</tr>
<tr>
<td></td>
<td>Mechanical</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Plumbing</td>
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<td></td>
<td>Fire</td>
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<td>0</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

**Totals:** 231 127 0 0 0 0 358

## Building Permits By Category

<table>
<thead>
<tr>
<th>Building Permit Category</th>
<th>Number of Permits</th>
<th>Value</th>
<th>Average Value</th>
<th>Permit Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential New</td>
<td>2</td>
<td>$268,369.00</td>
<td>$134,184.50</td>
<td>$532.00</td>
</tr>
<tr>
<td>Residential Alteration/Addition</td>
<td>54</td>
<td>$523,240.00</td>
<td>$9,689.63</td>
<td>$2,591.00</td>
</tr>
<tr>
<td>Commercial New</td>
<td>5</td>
<td>$6,375,000.00</td>
<td>$1,275,000.00</td>
<td>$3,076.00</td>
</tr>
<tr>
<td>Commercial Alteration/Addition</td>
<td>20</td>
<td>$2,985,869.00</td>
<td>$149,293.45</td>
<td>$3,419.00</td>
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<tr>
<td>Manufactured House Set-up</td>
<td>1</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
<td>$40.00</td>
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<tr>
<td>Fire Suppression Systems</td>
<td>5</td>
<td>$447,590.00</td>
<td>$89,518.00</td>
<td>$360.00</td>
</tr>
<tr>
<td>Storage Tank Install/Removal</td>
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<td>$0.00</td>
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<td>$0.00</td>
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<tr>
<td>Building Demolition/Move</td>
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<td>$20,138.00</td>
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<td>Swimming Pool Install</td>
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<td>$0.00</td>
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<tr>
<td>Res/Com Accessory Structures</td>
<td>7</td>
<td>$84,700.00</td>
<td>$12,100.00</td>
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<tr>
<td>Canopies, Tents, Other.</td>
<td>5</td>
<td>$1,420.00</td>
<td>No Value</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

**Building Permits Issued:** 101 | **Value:** $10,712,326.00 | **Permit Fees:** $10,658.00
**Electrical Permits Issued:** 41 | **Value:** $3,410.00 | **Permit Fees:** $3,410.00
**Mechanical Permits Issued:** 65 | **Value:** $10,455.00 | **Permit Fees:** $10,455.00
**Plumbing Permits Issued:** 28 | **Value:** $1,895.00 | **Permit Fees:** $1,895.00
**Total Permits Issued:** 235 | **Value:** $10,712,326.00 | **Total Permit Fees Collected:** $26,418.00
<table>
<thead>
<tr>
<th>Amount</th>
<th># of Tickets</th>
<th>Closed</th>
<th>Active</th>
<th>Incidents</th>
<th>Code Officer</th>
<th>Note</th>
<th>Fine Amount</th>
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</thead>
<tbody>
<tr>
<td>$2000.00</td>
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<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Total: $24,000.00

Money Collected (Unsafe Fund)
POLICE MERIT COMMISSION
Monday, June 14, 2021

President James Rieckhoff called a meeting of the Police Merit Commission to order at 9:00 a.m., Monday, June 14, 2021. Clerk of the Commission Nancy Wilson called the role. Commissioners James Rieckhoff, Thomas Barber, Clifton Hildreth, and Brad Billings attended in person. Jean Mayes was absent at roll call and joined the meeting in progress on WebEx.

1. **PMC RESOLUTION 21-R-01**
   On motion by Brad Billings, seconded by Thomas Barber and carried 4-0, the Police Merit Commission (PMC) adopted Resolution 21-R-01, a Resolution establishing the Policy by which members of the Police Merit Commission may participate by electronic means of communication.

2. **APPROVE AGENDA**
   On motion by Brad Billings, seconded by Clifton Hildreth and carried 4-0, the agenda was approved as presented.

3. **MINUTES- May 24, 2021**
   On motion by Clifton Hildreth, seconded by Thomas Barber and carried 4-0, the minutes from May 24, 2021 were approved as presented.

4. **POLICE DEPARTMENT**
   Captain Steve Price presented a Change of Status for seven Officers who completed their first year of service. Nathaniel Toth, Seth Youngblood, Bryce Moore, Anthony Reese, Gavin Headley, Kristopher Kreager, and Derek Heigl changed rank from 4th class Patrolman P-1 to 3rd class P-2. Jim Rieckhoff accepted the notification.
   Captain Price notified the Commissioners that Ptl. Troy Gray resigned effective May 31, 2021. On motion by Brad Billings, seconded by Thomas Barber and carried 5-0, the Police Merit Commission (PMC) accepted the resignation of Ptl. Troy Gray.
   Nancy noted for the record that Commissioner Jean Mayes joined the meeting on WebEx.

   Captain Price presented a Disciplinary Notice for Ptl. Jordan Sears. On May 28, 2021 the Chief’s Review Board conducted a review of the crash that occurred on May 17, 2021 and found the crash to be chargeable. The Chief agreed and took the action of a five-day suspension without pay, loss of take home vehicle for 30 calendar days, and remedial EVOC training with Sgt. Odle. Jim Rieckhoff noted this discipline falls within the Chief’s discretion and accepted the discipline for the record.

   Captain Price presented a Change of Status Promotion for Acting Lt. Travis Snider. Lt. Snider interviewed for the position of Lt. of the Uniform Division Patrol. On motion by Clifton Hildreth, seconded by Jean Mayes and carried 5-0, the PMC promoted Lt. Travis Snider to probationary Lieutenant of the Uniform Division Patrol effective May 6, 2021.

   Captain Price presented a Joint Motion to Continue the hearings for Cpl. Taryn Lanzen and Sgt. Nathan Lanzen. On motion by Jean Mayes, seconded by Clifton Hildreth and carried 5-0, the PMC continued the hearing date for Cpl. Taryn Lanzen to July 15, 2021 at 9:00 a.m. in the City Council Chambers. On motion by Clifton Hildreth, seconded by Brad Billings and carried 5-0, the PMC continued the hearing for Sgt. Nathan Lanzen to July 19, 2021 at 9:00 a.m. in the City Council Chambers.
POLICE MERIT COMMISSION
Monday, June 14, 2021

5. ADJOURNMENT
   On motion by Brad Billings, seconded by Clifton Hildreth and carried 5-0, the City of Elkhart, Indiana Police Merit Commission was adjourned at 9:15 a.m.

   [Signature]
   James Rieckhoff, President

Attest: [Signature] Clifton Hildreth, Secretary
POLICE MERIT COMMISSION  
Monday, July 12, 2021

President James Rieckhoff called a meeting of the Police Merit Commission to order at 9:00 a.m., Monday, July 12, 2021. Clerk of the Commission Nancy Wilson called the role. Commissioners James Rieckhoff, Thomas Barber, Clifton Hildreth, and Brad Billings attended in person. Jean Mayes was absent.

1. APPROVE AGENDA  
   On motion by Brad Billings, seconded by Clifton Hildreth and carried 4-0, the agenda was approved as presented.

2. MINUTES- Regular Meeting June 14 and Special Meeting June 24, 2021  
   On motion by Clifton Hildreth, seconded by Brad Billings and carried 4-0, the minutes from June 14, 2021 were approved as presented. On motion by Clifton Hildreth, seconded by Brad Billings and carried 4-0, the minutes from June 24, 2021 were approved as presented.

3. POLICE DEPARTMENT  
   Chief Seymore notified the Commission that Cpl. Dennis Russell submitted a letter indicating his intent to retire from the Elkhart Police Department effective July 9, 2021. On motion by Brad Billings, seconded by Cliff Hildreth and carried, the retirement of Cpl. Russell was accepted.

   Chief Seymore notified the Commissioners that Ptl. Landon Vargo resigned effective June 25, 2021. On motion by Cliff Hildreth, seconded by Thomas Barber and carried 4-0, the Police Merit Commission accepted the resignation of Ptl. Landon Vargo.

   Chief Seymore presented commendations for several Officers. The families were invited to attend and each Officer was recognized for outstanding police work and dedicated service to the Elkhart Community. Det. Brandon Roundtree was commended for action taken while off-duty on September 15, 2020. Cpl. Chris Bella was commended for appreciation from the Elkhart Community for an event in October, 2020. Cpl. Drew Neese was commended for handling an incident in October 2020 and for going above and beyond duty. Cpl. Davin Hackett was commended for his involvement in an event in November 2020 and for going above and beyond duty. Ptl. Emily Lamkin was commended for an event in March 2021 and for going above and beyond duty. Cpl. John Carver was commended for action during an event in April 2021 and for going above and beyond duty. Former Officer Troy Gray was commended for action during an event in May 2021 and for going above and beyond duty. The Chief told them their actions reflect highly upon the Elkhart Police Department and the law enforcement profession. He was happy to recognize them and is proud to work alongside them. He congratulated them on a job well done. Jim Rieckhoff thanked them and everyone who came to support them.

4. ADJOURNMENT  
   On motion by Brad Billings, seconded by Clifton Hildreth and carried 4-0, the City of Elkhart, Indiana Police Merit Commission was adjourned at 9:24 a.m.

[Signature]
James Rieckhoff, President

Attest: Clifton Hildreth, Secretary
STATE OF INDIANA  
ELKHART CITY POLICE MERIT COMMISSION
COUNTY OF ELKHART

IN RE THE MATTER OF:  

TARYN LANZEN

DECISION

Commission President James Rieckhoff called a special meeting of the Police Merit Commission to order at 9:00 a.m., Thursday, July 15, 2021. Clerk of the Commission Nancy Wilson called the roll. Commissioners James Rieckhoff, Clifton Hildreth, Brad Billings and Thomas Barber attended in person. Commissioner Jean Mayes attended on WebEx.

At the hearing Elkhart Police Chief Kris Seymore appeared in person with legal counsel Rose Rivera. Corporal Taryn Lanzen appeared in person with legal counsel Elizabeth Bemis.

The purpose of the Special Meeting was to consider written allegations made by Elkhart Chief Seymore that Corporal Lanzen had engaged in Immoral Conduct [as used in Ind. Code 36-8-3.5-17(b)(2)(F)], Conduct Injurious to the Public Peace or Welfare [I.C. 36-8-3.5-17(b)(2)(G)], and Conduct Unbecoming a Member [I.C. 38-8-3.5(b)(2)(H)]. These charges were based on alleged violations of Elkhart Police Policies 320.5.2(a) and (b) (Ethics), 320.5.4(c) (Relationships), 320.5.8(c) and (i) (Performance), and 320.9(i) and (i) (Conduct).

The specific Policy violations arose as the result of actions occurring during a personal relationship between Corporal Lanzen and a much older male citizen (hereafter "Citizen") whom she met through her duties as a police officer. During a period of approximately ninety days, inter alia, she (1) obtained control over Citizen’s residential real estate, investment accounts, and retirement accounts, (2) became Citizen's attorney-in-fact, Health Care Representative, and the executor and sole beneficiary of Citizen’s will, and (3) received a blank check from Citizen, filled it in and signing it "Taryn Lanzen POA", and used it to pay $32,000.00 toward the purchase of a rare automobile for her husband.

The Chief recommended that if the Commission found Corporal Lanzen to have committed misconduct as alleged, it should terminate her employment with the City of Elkhart Police Department.

Corporal Lanzen denied that she had committed misconduct as alleged, contending that Citizen was a lonely and neglected person who needed assistance in managing his affairs and keeping up his residence; that she had experience in such matters especially through her side-job of flipping houses; that she and her husband made repairs to Citizen’s house and grounds; that Citizen had agreed to, acquiesced in, or initiated the actions which she had taken with regard to his assets; and that she looked at his a father-figure whom she wanted to take into her family.

Both counsel made opening statements setting forth their views of the evidence to be presented. Chief Seymore then presented two witnesses, namely, Elkhart Police Detective James Anderson and himself, who testified as to the allegations. Corporal Lanzen presented as a witness for her Elkhart County Sheriff’s Detective Robert Smith and she testified extensively on her own behalf. Both parties submitted many
documentary exhibits as well. Each Commissioner was given the opportunity to question each witness, although few such questions were asked. Neither party presented Citizen as a witness.

Following the completion of the examination of witnesses, both counsel made final arguments. Ms. Rivera argued that the evidence established that Corporal Lanzen had committed misconduct as alleged and that termination was the appropriate sanction to be imposed upon her.

Ms. Bernis argued that the evidence showed Citizen had developed a close relationship with Corporal Lanzen and had come to trust her and rely on her advice and assistance, that Corporal Lanzen did not financially benefit from her relationship except as to the check which Citizen had clearly intended to be a gift to her, and that the evidence did not establish that Corporal Lanzen had committed any misconduct alleged. She also argued that in the event the Commission did find the commission of misconduct by Corporal Lanzen, termination of her employment was too great a sanction to impose on her.

After the arguments were completed, the President declared a recess and the Commissioners present retired to a private room to review the evidence, with Commissioner Mayes present through a FaceTime call. After deliberations were completed, the Commissioners returned to the Hearing Room, with Commissioner Mayes again present by WebEx. The hearing was again called to order. The parties and their counsel were again present.

Two motions were presented as follows:

1. Commissioner Brad Billings moved that the Commission find that Corporal Lanzen had engaged in conduct constituting Inimoral Conduct, Conduct Injurious to the Public Peace or Welfare, and Conduct Unbecoming a Member. This motion was seconded by Commissioner Thomas Barber. The Clerk conducted a roll-call vote. The motion carried by a vote of 5 in favor and none opposed. The motion was therefore carried.

2. Commissioner Clifton Hildreth then moved that the Commission impose upon Corporal Lanzen a sanction including a sixty-day suspension from duty without pay to be followed by a period of probation for six months. This motion was seconded by Commissioner Jean Mayes. The Clerk conducted a roll-call vote. The motion carried by a vote of 5 in favor and none opposed. The motion was therefore carried.

There having been no further matters presented for consideration, the President declared the hearing adjourned at 6:57 p.m.

Date: 7/26/21

James Rieckhoff, President
Elkhart City Police Merit Commission

Attest: Clifton Hildreth
Clifton Hildreth, Secretary
STATE OF INDIANA  )  ELKHART CITY POLICE MERIT COMMISSION
COUNTY OF ELKHART  )

IN RE THE MATTER OF:)

NATHAN LANZEN )

DECISION

Commission President James Rieckhoff called a special meeting of the Police Merit Commission to order at 9:00 a.m., Monday, July 19, 2021. Clerk of the Commission Nancy Wilson called the roll. Commissioners James Rieckhoff, Brad Billings, Clifton Hildreth, and Thomas Barber attended in person. Commissioner Jean Mayes attended on WebEx.

The purpose of the Special Meeting was to consider written allegations made by Elkhart Chief Seymore that Sergeant Lanzen had engaged in Immoral Conduct [as used in Ind. Code 36-8-3.5-17(b)(2)(F)], Conduct Injurious to the Public Peace or Welfare [I.C. 36-8-3.5-17(b)(2)(G)], and Conduct Unbecoming a Member [I.C. 38-8-3.5(b)(2)(H)]. These charges were based on alleged violations of Elkhart Police Policies 320.5.2(a) and (b) (Ethics), 320.5.4(c) (Relationships), 320.5.8(a) and (i) (Performance), and 320.9(i) and (l) (Conduct).

The specific Policy violations allegedly arose as the result of actions occurring during a personal relationship between Corporal Taryn Lanzen, the wife of Sergeant Lanzen, and a much older male citizen (hereafter “Citizen”) whom she met through her duties as a police officer. During a period of approximately ninety days, she inter alia (1) obtained control over Citizen’s residential real estate, investment accounts, and retirement accounts, (2) became Citizen’s attorney-in-fact, Health Care Representative, and the executor and sole beneficiary of Citizen’s will, and (3) received a blank check from Citizen, filled it in and signing it “Taryn Lanzen POA”, and used it to pay $32,000.00 toward the purchase of a rare automobile for her husband. The Chief alleged that Sergeant Lanzen was aware of, approved of, and accepted benefits of his wife’s inappropriate activities.

The Chief recommended that if the Commission found Sergeant Lanzen to have committed misconduct as alleged, it should terminate his employment with the City of Elkhart Police Department.

Sergeant Lanzen timely demanded a hearing as to the Chief’s allegations. At the hearing Chief Seymore appeared in person with legal counsel Rose Rivera. Sergeant Nathan Lanzen appeared in person with legal counsel Elizabeth Bemis.

At the outset of the hearing, the parties orally informed the Commission that they had reached an agreement to settle the dispute at issue, which they submitted to the Commission for consideration and approval. By the terms of that agreement, Sergeant Lanzen would admit that he engaged in Conduct Unbecoming a Member of the Elkhart Police Department and would receive a sanction consisting of (a) a demotion to the rank of Corporal and (b) a suspension from duty of thirty days without pay.
The President then placed Sergeant Lanzen under oath and questioned him about his understanding of the agreement which the lawyers had described and whether he desired to resolve the parties’ dispute in the manner proposed. Sergeant Lanzen responded that he did understand the agreement and did wish to resolve the dispute pursuant to the terms of the agreement.

The President then declared a recess and the Commissioners present retired to a private room to review the propriety and appropriateness of the agreement, with Commissioner Mayes present through a FaceTime call. After these deliberations were completed, the Commissioners returned to the Hearing Room, with Commissioner Mayes again present by WebEx. The hearing was again called to order. The parties and their counsel were again present.

Commissioner Clifton Hildreth moved that the Commission accept the terms of the parties’ agreement that Sergeant Lanzen had engaged in conduct constituting Conduct Unbecoming a Member and impose the agreed-upon sanction. This motion was seconded by Commissioner Thomas Barber. The Clerk conducted a roll-call vote. The motion carried by a vote of 4 to 1, with Commissioner Mayes dissenting. The motion was therefore carried.

The President then ordered that Sergeant Lanzen be demoted to the rank of Corporal and serve a thirty-day suspension from duty without pay commencing July 20, 2021.

There being no further matters presented for consideration, the President declared the hearing adjourned at 9:38 a.m.

Date: 7/26/21

[Signature]
James Rieckhoff, President
Elkhart City Police Merit Commission

Attest: [Signature] Clifton Hildreth, Secretary
Union grievance form

THIS FORM IS TO BE UTILIZED IN THE SUBMISSION AND PROCESSING OF GRIEVANCES PURSUANT TO THE PROCEDURES SET FORTH IN THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ELKHART AND THE CITY OF ELKHART FIRE FIGHTERS ASSOCIATION, LOCAL #338 OF THE INTERNATIONAL FIRE FIGHTERS ASSOCIATION, AFL-CIO.

NAME OF GRIEVANT OR GRIEVANTS: Jacob Leighty

JOB RANK: Lieutenant BATTALION CHIEF: Brian Bemiller

DATE OF OCCURRENCE GIVING CAUSE FOR GRIEVANCE: June 15, 2021

STATE GRIEVANCE (Give the section of the Agreement violated and, all dates, facts and specifics surrounding this grievance. Attach additional sheet(s) if necessary):

I (Jacob Leighty) requested the use of Comp. Time to be taken from 1445 to 2100 on my duty day of Tuesday June 15, 2021. On Monday June 14 I received a notification via Crew Sense that BC Chris McFarland denied my comp time request. I called Assistant BC Mike Hochstetler and he stated the department had entered the matrix and they would not call over time to cover my comp. time request.

Per Article 32 Section 11 of the collective bargaining agreement between the City of Elkhart and Association of Firefights Local #338 “Firefighters requesting to use earned compensatory time shall be permitted the use of such, so long as fire department operations and adequate staffing maintained, and so long as there is an open vacation slot for the day.” At that time there were 3 open vacation slots for Tuesday June 15, 2021.

Article 32 section 11 goes on to say “The payment of overtime to one or more firefighters in order to maintain adequate staffing shall not be reason to deny the use of compensatory time.” No overtime was called.

Also on Tuesday June 15th 2021 Captain K. Roth was utilized on FU10. Placing him back on a front line apparatus would have been enough to cover the requested comp. time.

I (Jacob Leighty) then moved a Vacation Day from November 3rd 2021 to Tuesday June 15 2021.

I am requesting my vacation day be placed back into its original place on the vacation list to remediate the above issue.

DATE RELIEF FIRST SOUGHT _June 21, 2021_ FROM BATTALION CHIEF

DECISION OF BATTALION CHIEF:

Due to the fact that we were in the matrix, and make 28 was out of service, at the time we could not call overtime so comp time was approved under Sec 32 Sect 11. For that reason I am resolving.

DATE DECISION RENDERED: 6.21.21

BATTALION CHIEF
GRIEVANT

NOTE: IF THE DECISION OF THE IMMEDIATE BATTALION CHIEF DOES NOT RESOLVE THE GRIEVANCE TO THE SATISFACTION OF GRIEVANT(S) THIS FORM MUST BE SUBMITTED TO THE UNION EXECUTIVE BOARD.
Union grievance form

TO: FIRE CHIEF – THIS GRIEVANCE HAS NOT BEEN RESOLVED TO THE SATISFACTION OF THE ABOVE NAMED GRIEVANT (S)

DATE: 6-24-2021 BY: Lt. JONES
JOB RANK: Lt.

ACKNOWLEDGEMENT OF RECEIPT ON BEHALF OF CHIEF:
I have received this grievance from Lieutenant Leighty on 6/24/2021 @ 1:49pm. The OT was called to cover the singular spot available for Comp Time as requested by Ryan Chris. That OT was then cancelled due to going into the matrix for lack of billing and OT money to cover front line rigs. Ryan Chris filed a grievance to (cont)

DATE DECISION RENDERED: Denied
FIRE CHIEF
GRIEVANT(S)

CONTINUED FROM ABOVE:
reclaim his Vacation Day that he used to be off that day. His argument was sustained due to the fact that Captain Kenny Roth was on Fire Unit 10 in the 1st position. His Comp Time should have been granted. Ryan Chris got his Vacation Day back.

As there was only one possibility for allowing Comp Time as stated above, Lieutenant Leighty was ineligible as Ryan Chris’ Comp Time request was first OT was called to cover his position and no overtime could be used thereafter due to the matrix and keeping front line apparatus in service. I fully explained this to Lieutenant Leighty and asked if he understood – to which he replied “yes.” I asked him if he was satisfied with the resolution/decision and he said “no.” I told him that I would write it up and get it to the Fire Chief.

David Coshwa
Division Chief of Operations
06-24-21 1430 hrs.
August 4, 2021

Dear Board of Public Safety,

You were previously informed in a memo dated May 3, 2021 that a complaint had been received regarding Howard’s Towing. Pursuant to the complaint procedure outlined in the Towing Service Agreement, the City of Elkhart notified the Board of Public Safety and referred the complaint to a committee comprised of the Elkhart City Attorney, the Manager of the City of Elkhart’s Human Relations Department, a designated representative of the Elkhart Police Department, and a representative of the Towing Services, not connected with the Towing Service that is the subject of the complaint.

This Committee met on Thursday, July 29, 2021 and is making the following recommendation: The Committee is recommending that the Board of Public Safety issue to Howard’s Towing Service a written reprimand for violating the contract by charging fees not currently permitted by the contract, specifically an administrative fee, and a winch and recovery fee for labor other than winch and recovery. The Committee is also recommending that the contract the City currently has with its various towing service providers be immediately updated and amended to include these fees, as it has come to the Committee’s attention that all towing providers in the industry charge these fees to cover costs for services that need to be included in the contract, some of which are services required by the State of Indiana.

The contract states the Board of Public Safety shall set the complaint for public hearing within thirty (30) days of receipt of the recommendation. For this reason, we request that the Board of Public Safety set a hearing in this matter.

Sincerely,

Rose M. Rivera
City Attorney

CC: Andrew Whitmyer, Chief Kris Seymore, Nancy Wilson, Kacey Jackson
August 4, 2021

Jerry Kindig, President
Howard’s Towing LLC
2000 Leininger Avenue
Elkhart, IN 46517-1324

Dear Mr. Kindig,

The City of Elkhart received a complaint alleging Howard’s Towing had been charging an administrative fee, which is not permitted pursuant to the Towing Service Agreement between Howard’s Towing and the City of Elkhart. In addition, the complaint also alleged Howard’s Towing application of the Winch and Recovery Fee was applied under inappropriate circumstances.

Pursuant to the complaint procedure outlined in the Towing Service Agreement, the City of Elkhart notified the Board of Public Safety and referred the complaint to the appropriate committee, comprised of the Elkhart City Attorney, the Manager of the City of Elkhart’s Human Relations Department, a designated representative of the Elkhart Police Department, and a representative of the Towing Services, not connected with the Towing Service that is the subject of the complaint. The Committee’s recommendation will be officially made to the Board of Public Safety on Tuesday, August 10, 2021 at 9:00 am. The recommendation is the following:

The Committee is recommending that the Board of Public Safety issue to Howard’s Towing Service a written reprimand for violating the contract by charging fees not currently permitted by the contract, specifically an administrative fee, and a winch and recovery fee for labor other than winch and recovery. The Committee is also recommending that the contract the City currently has with its various towing service providers be immediately updated and amended to include these fees, as it has come to the Committee’s attention that all towing providers in the industry charge these fees to cover costs for services that need to be included in the contract, some of which are services required by the State of Indiana.
After such recommendation has been made, the Board of Public Safety shall set the complaint for public hearing within thirty (30) days of receipt of the recommendation. For this reason, we are requesting the Board of Public Safety set a hearing for this matter.

Sincerely,

[Signature]

Rose M. Rivera
City Attorney

CC: Andrew Whitmyer, Chief Kris Seymore, Nancy Wilson, Kacey Jackson, Corinne Straight-Reed, Dr. Robert Woods, Carol Loshbaugh, Anthony Coleman, and Rev. Charlie Cross.