

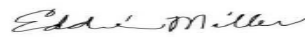
I. EXECUTIVE SESSION

The Board of Public Safety met in the Executive Session on Wednesday, February 17, 2021 at 8:37 a.m. The meeting was held virtually for the purposes specified in I.C.5-14-1.5-6.1(b)(6)(A) to receive information concerning alleged misconduct and to discuss, before a determination, the individual’s status as an employee.

BOARD OF PUBLIC SAFETY



Luther Taylor, President



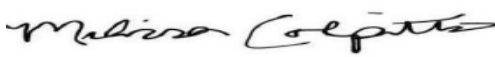
Eddie Miller, Member



Daniel Jones, Member



Daryll Heller, Member



Melissa Colpitts, Member

ATTEST:



Attest: Anne Fuchs, Clerk

II. REGULAR MEETING

March 17, 2021

The Board of Public Safety met in the Regular Meeting at 9:19 a.m. on Wednesday, March 17, 2021, with Board Members Luther Taylor, Daniel Jones, Daryll Heller and Melissa Colpitts present. Also present were Attorney Danielle Weiss and Board Clerk Anne Fuchs. The meeting was held virtually via Microsoft Teams at the following link: <https://tinyurl.com/BPS03172021>

Attorney Weiss asked that everyone mute their microphone when not speaking and reminded attendees that comments from the public should be saved for the Privilege of the Floor portion of the meeting. Attorney Weiss then read through the agenda to note any additions or corrections. With none being noted, the meeting moved forward.

Board President Luther Taylor called roll and confirmed the presence of Board Members.

A. APPROVE MINUTES OF PREVIOUS MEETINGS

Upon a motion by Darryl Heller, seconded by Melissa Colpitts and carried by roll call, the Board approved the Minutes of February 17, 2021 and March 3, 2021 as presented.

B. POLICE DEPARTMENT

1. APPROVE APPLICATION AND DECLARATION FOR RETIREMENT-PATROLMAN FIRST CLASS MICHAEL TUTINO

Police Chief Scott Ruskowski submitted to the Board the Application and Declaration for Retirement for Officer Scott Bryant effective March 3, 2021. Chief Ruskowski stated Officer Bryant is retiring from the department in good standing after serving for twenty (20) years, eight (8) months and three (3) days. He joined the Board in wishing him success in his future endeavors and thanking him for his many years of service with the South Bend Police Department. By roll call, the application and declaration for retirement was approved.

2. ACCEPT LETTER OF RESIGNATION-PATROLMAN FIRST CLASS JOHN COMEAU

Police Chief Scott Ruskowski submitted a letter to the Board requesting the acceptance of resignation of Patrolman First Class John Comeau effective March 8, 2021. The resignation was accepted by the Board.

3. (a)(b) APPROVE SPECIAL POLICE COMMISSIONS-MICHELLE KOVACH AND RILEY HANSON

Police Chief Scott Ruskowski submitted a letter recommending the issuance of a Special Police Commission to Michelle Kovach and Riley Hanson. Mr. Heller asked what the special police commissions do and what category it is in. Police Chief Ruskowski stated they have access to records and front desk as well as writing tickets and running plates. Police Chief Scott Ruskowski stated these commissions do not include the powers of arrest nor the carrying of a weapon. Mr. Heller had no further questions. Upon a motion made by Mr. Heller, seconded by Ms. Colpitts and carried by roll call, the recommendation was approved.

4. APPROVE RESCISSION OF SPECIAL POLICE COMMISSION-DIETRA PICKENS

Police Chief Scott Ruskowski submitted a letter asking for the rescission of the Special Police Commission for Dietra Pickens, stating Ms. Pickens is no longer employed by the City of South Bend and would no longer require the commission. She has transferred to another agency in the City. Upon a motion by Ms. Colpitts, seconded by Mr. Heller and carried by a roll call, the rescission recommendation was approved.

5. APPROVE LEXIPOL POLICY UPDATES

420-Contacts and Temporary Detentions: Police Chief Ruskowski asked if section E, G, H should be removed and possibly M as well. Mr. Heller stated he reviewed the policy and agrees with the removal of E, G, H, and M as well.

433-Proposed New Policy on School Resource Officer - TABLED: President Taylor asked for an overview of the updates and any changes from the last meeting. President Taylor stated Chief Crittendon was looking into the School Resource Officers and if that is not ready it can be rolled into the next meeting, with updates provided at that time. Chief Ruskowski stated Chief Crittendon was working on the School Resource Officers, but he had to have another follow-up surgery this morning and is doing well and that poses some issues. Chief Ruskowski also stated there were several legit questions and himself and city legal are working on answering those questions. (Attorney Martinez moved on to a role with the U.S. Attorney’s Office, therefore, Mr. Haupt is stepping in to assist in the interim). Upon further discussion between Chief Ruskowski, Attorney Jeff Haupt, and Board Attorney Danielle Weiss, it was decided that this policy was not ready to move forward, and that Attorney Haupt would need to have more time to address some of Mr. Heller’s specific questions, as well as a more in-depth look at the MOU. Attorney Weiss stated approval of this policy would be held off for the moment. President Taylor stated this policy is not approved at this time and was followed by a roll call.

1000-Recruitment and Selection: Police Chief Ruskowski stated the point of clarification on this policy was spelling out the definition of “VSA” or “Voice Stress Analysis,” which has been spelled out more clearly in the updated policy. Chief Ruskowski added that the other concern was regarding the age limit on the application, which has changed per the state statute. It currently has the age of forty (40) but did change this year. City Legal said it could change again. Chief stated that an I.C. code reference in the policy could be sufficient to clarify the age and to allow flexibility when the law changes. President Luther states he is comfortable leaving the policy with the age of forty (40).

1007-Personnel Complaints: President Taylor started off with asking Police Chief Ruskowski if there are any new specifics. Police Chief Ruskowski recalled that in the past, the idea was discussed to have places around the City with police complaint forms available. However, due to having 311 answering all calls, and availability of forms on the website, the discussion fell off the radar. Mr. Heller stated he has concerns with respect to people that do not have access to technology being comfortable going into the Police Station. Mr. Heller said he is not sure if it needs to be in this policy or the city policy. Police Chief Ruskowski states he will investigate some places that would be able to have the forms. Mr. Heller stated he does not feel the need to hold up this policy because of this issue.

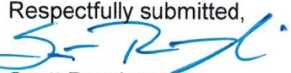
Upon a motion made by Mr. Jones, seconded by Mr. Heller and carried by roll call, policies **420, 1000, and 1007 were approved**. Policy 433 was tabled for the next meeting.

6. FILE MONTHLY STATISTICAL ANALYSIS REPORT – FEBRUARY 2021

Police Chief Ruskowski noted that in the Part One Crimes section there is an 68% increase of aggravated crimes, due to how crimes are classified. Police Chief Ruskowski stated for example, “when someone is in their home and a bullet enters the house that is considered an aggravated assault.” Police Chief Ruskowski also stated that Auto theft increased as well by 55% in the month of February due to residents leaving their cars on to warm up during the cold months. Police Chief Ruskowski stated that something was published stating South Bend was a dangerous city along with the UCR stats being high but stated they have not used that in over three years. President Taylor thanked Chief Ruskowski for putting the message out regarding the increased crime rates and how to prevent them. Mr. Heller asked what UCR was. Police Chief Ruskowski stated it is what the FBI and Department of Justice use to report crime but also stated it is not an accurate recording. President Taylor accepted the monthly report for filing.

The FEBRUARY 2021 analysis is as follows:

PART 1 OFFENSES	YEAR TO DATE					
	2020	2021	CHANGE	2020	2021	CHANGE
HOMICIDE	2	2	0	6	3	-3
JUSTIFIABLE HOMICIDE	0	0	0	0	0	0
RAPE	5	5	0	11	11	0
ROBBERY	40	15	-25	60	35	-25
AGGRAVATED ASSLT	57	134	77	148	249	101
BURGLARY RES	37	26	-11	75	54	-21
BURGLARY NON RES	16	7	-9	28	20	-8
LARCENY	175	139	-36	407	363	-44
MOTOR VEH THEFT	31	39	8	60	93	33
ARSONS	3	2	-1	4	5	1
GRAND TOTAL	366	369	3	799	833	34

Respectfully submitted,

 Scott Ruskowski
 Chief of Police

<u>PART 1 OFFENSES</u>	<u>2020</u>	<u>2021</u>	<u>CHANGE</u>
HOMICIDE	6	3	-50%
JUSTIFIABLE HOMICIDE	0	0	0%
RAPE	11	11	0%
ROBBERY	60	35	-42%
AGGRAVATED ASSLT	148	249	68%
BURGLARY RES.	75	54	-28%
BURGLARY NON RES.	28	20	-29%
LARCENY	407	363	-11%
MOTOR VEH THEFT	60	93	55%
ARSONS	4	5	25%
GRAND TOTAL	799	833	4%

4% CHANGE IN PART 1 CRIMES THROUGH FEBRUARY 2021

C. FIRE DEPARTMENT

1. APPROVE PROMOTIONS TO FIREFIGHTER SECOND CLASS-FERNANDO LOPEZ AND JUSTIN LEWIS

Fire Chief Carl Buchanon recommended the promotions to Firefighter Second Class of Fernando Lopez and Justin Lewis effective March 17, 2021. Fire Chief Carl Buchanon stated it was his pleasure to make these recommendations and that these two individuals are doing a great job. The promotions were approved upon a motion made by Mr. Heller, seconded by Ms. Colpitts, and carried by roll call.

2. DETERMINE AND APPROVE DUTY STATUS PURSUANT TO I.C. 36-8-3-4(N)-BRIAN BARTLETT

President Taylor stated that this matter is regarding whether to approve **paid** or **unpaid** leave for a firefighter (Brian Bartlett) who is currently on an administrative leave while his criminal case is pending in trial court. Mr. Taylor stated Chief Buchanon placed Firefighter Bartlett on leave with pay, but according to the statute, Chief Buchanon does not have the authority to do that without Board approval.

President Taylor stated that since we do not have a specific policy regarding paid and unpaid administrative leave, he recommends a not-to-exceed 30-day paid leave period, pending a more specific policy. Following a clarifying question from Attorney Weiss, Mr. Taylor added that after thirty (30) days, the leave would change to **unpaid** leave.

Ms. Colpitts agreed and stated this is consistent with what has been done in the past. Mr. Jones agreed. Mr. Heller wanted it clarified when Brian was put on leave. President Taylor confirmed his paid leave started on February 22 and confirmed that thirty days from this date would therefore be March 22. Mr. Heller then asked for Chief Carl Buchanon’s input. Chief Carl Buchanon thanked the Board and stated in this case, the incident occurred when the Firefighter was off-duty. Chief Buchanon further stated that he is not against the 30 day paid leave followed by subsequent unpaid leave, if the case continues, and stated this is fair. Upon a motion made by Mr. Jones, seconded by Ms. Colpitts and carried by roll call, the 30 day paid administrative leave, terminating on March 22, 2021, and followed by unpaid leave during the pendency of Firefighter’s criminal case, was approved.

3. FILE MONTHLY STATISTICAL ANALYSIS REPORT FOR FEBRUARY 2021

Fire Chief Carl Buchanon stated February has been a busy month. More structural fires this year from last year as well as 11 single family homes that sustained fire damage than the previous February 2020. Fire Chief Carl Buchanon stated they had 1,464 incidents for the month of February and total of all apparatus was 3,680 for the month of February. Fire Chief Carl Buchanon stated the firefighters are doing great work during this pandemic. The smoke detectors are still being installed in residents’ homes but firefighters are being cautious of going into the homes and making sure everyone is safe with the correct PPE. Thirty-two have been installed in the month of February including a hearing-impaired resident. The goal is to help install smoke detectors in all residents’ homes. Fire Chief Carl Buchanon stated on behalf of the fire investigation, inspectors are working diligently as well as the paramedicine and paramedics program who are issuing vaccines to the homebound. The Board thanked Chief Buchanon for his excellent work and accepted the report for filing.

FEBRUARY 2020	FEBRUARY 2021
STRUCTURE FIRES Property Damage--Buildings & Contents (Estimates)	
\$125,000	\$160,800
INSPECTION DIVISON	
120 Inspections 9 Re-Inspections	139 Inspections 72 Re-Inspections
INVESTIGATION DIVISON	
10 Investigations	13 Investigations
1 Incendiary 5 Accidental 0 Natural 4 Undetermined	2 Incendiary 4 Accidental 0 Natural 4 Undetermined

PRIVILEGE OF THE FLOOR

Attorney Weiss reminded the public to use the hand-raising function of Microsoft Teams to indicate their desire to speak during Privilege of the Floor. She reminded attendees that they would be allotted three (3) minutes to speak.

Mark Piasecki of 100 Conestoga Lane, South Bend, introduced himself and noted that this is his first time attending a Board of Safety meeting and that he would like to add his comments to the Use of Force Policy after taking time to review it very carefully. He stated the policy should incorporate Indiana State Law regarding Use of Force by an Indiana law enforcement officer, as a foundation of any Use of Force Policy. He stated the definition of “forceable felony” should also be included in this policy statement. He said it is essential to include a specific definition of “Use of Force” and how it can be used by law enforcement. He cited the “simple” definition used by the International Association of Chiefs of Policy should be included in the policy. He also cited the duty to report violations (Section 300.2.2) and stated that the current policy requires officers with indirect knowledge of policy violations to report violations to a supervisor. He wanted to know what “indirect knowledge” is and stated it is a slippery term. He stated we need a better understanding of what “indirect knowledge” means and requested a better definition of that term. Mr. Taylor thanked him for his comments.

Terry Bays, Faith in Indiana, of 827 Park Ave, South Bend, introduced herself and commended Chief Ruszkowski on his attention to accurate reporting in the NIBR system and suggested that personnel complaint forms could be made available in hard copy form at St. Joseph County Public libraries, as they are neutral places with great access to the public. Mr. Taylor thanked Ms. Bays and stated he believes Chief Ruszkowski will take her suggestions into consideration.

ADJOURNMENT

There being no further business to come before the Board, upon a motion by Mr. Heller and a second by Ms. Colpitts and carried by roll call, the meeting was adjourned at 9:14 a.m.

BOARD OF PUBLIC SAFETY



Luther Taylor, President



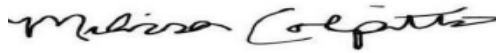
Eddie Miller, Member



Daniel Jones, Member

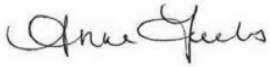


Daryll Heller, Member



Melissa Colpitts, Member

ATTEST:



Attest: Anne Fuchs, Clerk