

I. EXECUTIVE SESSION

The Board of Public Safety met in Executive Session on Wednesday, May 18, 2022, at 8:36 a.m. with Board President Daniel Jones, and Board members Melissa Colpitts, Lee Ross, Al Kirsits, Darryl Heller (absent), and Attorney Danielle Weiss. The meeting was held in the 13<sup>th</sup> Floor Boardroom, County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana, and virtually via Microsoft Teams for the purposes specified in I.C. 5-14-1.5-6.1(b)(2)(B) to discuss strategy with respect to litigation pending or threatened specifically in writing and I.C. 5-14-1.5-6.1(b)(6) to receive information concerning an individual's alleged misconduct and to discuss, before a determination, the individual's status as an employee. The meeting ended at 9:01 a.m.

BOARD OF PUBLIC SAFETY



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 Daniel Jones, President




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 Melissa Colpitts, Member

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 Darryl Heller, Member




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 Lee Ross, Member




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 Alfred Kirsits, Member

ATTEST: 

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 Theresa Heffner, Clerk
II. REGULAR MEETING
May 18, 2022

The Board of Public Safety met in the Regular Meeting at 9:16 a.m. on Wednesday, May 18, 2022, with Board President Dan Jones, and board members Melissa Colpitts, Darryl Heller (absent), Lee Ross, Al Kirsits was present. Also present were Police Chief Scott Ruszkowski, Fire Chief Carl Buchanon, and Attorneys Danielle Weiss, Christina Shakour, and Kylie Connell. Board Clerk Theresa Heffner was also present. The meeting was held in the 13<sup>th</sup> Floor Boardroom, 227 W. Jefferson Blvd., South Bend, Indiana and virtually via Microsoft Teams at the following link: <https://tinyurl.com/BPS05182022Hybrid>

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. Fire Chief Buchanon requested an addition to the agenda for the Board to approve the lateral hiring of two (2) firefighters. Police Chief Ruszkowski also requested an addition to the agenda for the Board to approve the promotion of Andrew Hines to Sergeant in Special Assignment. Attorney Weiss approved the additions and with no other additions noted, referred to President Dan Jones who called roll and confirmed the presence of the Board Members.

A. APPROVE MINUTES OF PREVIOUS MEETING

Upon a motion by Mr. Kirsits, seconded by Ms. Colpitts and carried by roll call, the Board approved the Minutes of the April 20, 2022 regular meeting. Mr. Ross did not vote since he was not in attendance at the April 20, 2022 meeting.

B. POLICE DEPARTMENT

1. APPROVE HIRING OF PROBATIONARY POLICE OFFICERS

Chief Scott Ruskowski submitted a letter to the Board recommending that the below individuals be accepted for employment as probationary police officers with the SBPD effective May 18, 2022.

Upon a motion by Mr. Ross, seconded by Mr. Kirsits, and followed by a roll call, the hiring of probationary police officers was approved.

2. SWEARING IN OF PROBATIONARY POLICE OFFICERS

Nicholaus Paul Baab  
Dakota Jay Cremeans  
Devonte Tahshawn Spratt  
Brock Michael Staton  
Nathan Edward Stoll

Officer Chris Brady gave a brief biography of the Officers highlighting their talents, achievements, education, and interests. City Clerk Dawn Jones administered the oath, followed by the badge pinning.

3. APPROVE PROMOTIONS TO PATROLMAN 1<sup>ST</sup> CLASS

Alex Paczesny  
Michael Sibilla

In a letter to the Board, Chief Ruskowski requested the Board approve the promotion of Patrolman 2nd Class to Patrolman 1<sup>st</sup> Class effective May 19, 2022 for the above officers.

Upon a motion by Mr. Kirsits, seconded by Mr. Ross, and followed by a roll call, the promotion to Patrolman 1<sup>st</sup> Class was approved.

4. APPROVE PROMOTION TO SERGEANTS IN SPECIAL ASSIGNMENT - ANDREW HINES

In a letter to the Board, Chief Ruskowski requested the Board approve the promotion of Patrolman 1st Class to Sergeant in Special Assignment effective May 18, 2022. Chief Ruskowski explained that Sergeant Hines will be moving to the violent crimes unit as a supervisor to take over for Sergeant Masterson who is stepping down to patrol.

Upon a motion by Mr. Ross, seconded by Mr. Kirsits, and followed by a roll call, the promotion to Sergeant in Special Assignment was approved.

5. APPROVE APPLICATION AND DECLARATION FOR RETIREMENT - PATROLMAN 1<sup>ST</sup> CLASS RONALD WILSON II

Chief Ruskowski submitted a Letter of Application and Declaration for Patrolman 1<sup>st</sup> Class Ronald Wilson II effective June 4, 2022. PFC Wilson just completed the hiring process to be moved into a post-retirement civilian position. Chief Ruskowski explained to the Board that the Department is adjusting staffing by having civilians take on roles that officers had been doing. The Department will be bringing on civilian crime scene and forensic technicians to lessen the load of on-duty officers who are crime scene investigators. Chief Ruskowski continued to note that PFC Wilson will help with collecting, documenting, and photographing evidence, and PFC Wilson will be joined by another officer and another civilian in this task to help relieve the stress of the crime scene investigators.

Upon a motion by Mr. Ross, seconded by Mr. Kirsits, and followed by a roll call, the declaration for retirement was approved.

6. ACCEPT LETTER OF RESIGNATION - OFFICER DAVID MCSHANE

Chief Ruskowski submitted a letter of resignation for Officer David McShane, effective June 4, 2022.

President Jones accepted the Letter of Resignation on behalf of the Board.

7. APPROVE RESOLUTION NO. 02-2022 APPOINTING AN AGENT/CHIEF NEGOTIATOR TO REPRESENT THE BOARD OF PUBLIC SAFETY FOR THE UPCOMING POLICE DEPARTMENT NEGOTIATIONS

Upon a motion by Ms. Colpitts, seconded by Mr. Kirsits, and followed by a roll call, the

following resolution was approved.

**RESOLUTION NO. 02-2022**

**A RESOLUTION OF THE BOARD OF PUBLIC SAFETY OF  
THE CITY OF SOUTH BEND, INDIANA, APPOINTING  
AN AGENT/CHIEF NEGOTIATOR TO REPRESENT THE BOARD OF PUBLIC  
SAFETY FOR THE UPCOMING POLICE DEPARTMENT NEGOTIATIONS**

WHEREAS, the Board of Public Safety is the administrator of the Police Department and has the “exclusive control over all matters and property relating” to it and the authority to adopt the rules governing the Police Department pursuant to Indiana Code §36-8-3-2; and

WHEREAS, pursuant to Indiana Code § 36-8-3-3(d), the Common Council has until November 1, 2022, the exclusive authority to fix by ordinance the annual compensation for all members of the South Bend Police Department; and

WHEREAS, the 2021-2022 Working Agreement between the City of South Bend and the Fraternal Order of Police South Bend Lodge No. 36 will expire on December 31, 2022; and

WHEREAS, the Board of Public Safety desires to appoint a Chief Negotiator who would appoint his or her own advisory City Negotiating Team to represent it and to provide updates during executive sessions called for the purpose of discussing strategy with regard to collective bargaining pursuant to Indiana Code § 5-14-1.5-6.1(b)(2)(A); and

WHEREAS, the Advisory City Negotiating Team shall not be considered a “governing body” or “public agency” under Indiana Code § 5-14-1.5-2; and

WHEREAS, the City of South Bend Administration and the Board of Public Safety believe that this Resolution is in the best interest of promoting positive and harmonious labor negotiations.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Public Safety of the City of South Bend, Indiana, as follows:

Section I. The Board of Public Safety of the City of South Bend, Indiana hereby appoints the Corporation Counsel for the City of South Bend, or his/her designee, as its Agent for the upcoming labor negotiations with the Fraternal Order of Police South Bend Lodge No. 36. The Corporation Counsel or his/her designee shall be the City's Chief Spokesperson and Chief Negotiator concerning all matters related to the working conditions and other matters addressed in the Working Agreement except the annual compensation of the police officers.

Section II. Ever respectful of the Common Council's legitimate interest with respect to annual compensation, Corporation Counsel or his/her designee shall attempt to coordinate with the South Bend Common Council's designated Agent concerning strategy, negotiation times, scheduling of executive sessions, advisory team membership, and other matters pertaining to negotiations.

Section III. This resolution shall be in full force and effect from this date until a Working Agreement is signed by this Board.

Adopted this 18th day of May 2022.

BOARD OF PUBLIC SAFETY  
OF THE CITY OF SOUTH BEND, INDIANA

s/Daniel Jones, President  
s/Melissa Colpitts, Member  
s/Lee Ross, Member  
s/Alfred Kirsits, Member

ATTEST:  
s/Theresa Heffner/Clerk

8. APPROVE RESOLUTION NO. 03-2022 AMENDING THE 2022 HOLIDAY SCHEDULE FOR THE SOUTH BEND POLICE DEPARTMENT

Upon a motion by Mr. Ross, seconded by Mr. Kirsits, and followed by a roll call, the following resolution was approved.

**RESOLUTION NO. 03-2022  
A RESOLUTION OF THE BOARD OF PUBLIC SAFETY OF THE CITY OF SOUTH BEND, INDIANA AMENDING THE 2022 HOLIDAY SCHEDULE FOR THE SOUTH BEND POLICE DEPARTMENT**

WHEREAS, the Board of Public Safety of the City of South Bend, Indiana (“City”) approved a 2022 Holiday Schedule for the South Bend Police Department on October 20, 2021; and

WHEREAS, subsequently, the City’s Common Council amended Chapter 2, Article 8, Section 2-121(a) of the South Bend Municipal Code by Ordinance No. 10855-22 to include Juneteenth, which falls yearly on June 19<sup>th</sup>, as a newly designated holiday for all City employees; and

WHEREAS, the Board of Public Safety desires to amend the South Bend Police Department 2022 Holiday Schedule to include Juneteenth.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Public Safety of the City of South Bend:

SECTION I. That all sworn police officers who are assigned to work as their regular schedule, Monday through Friday, 5 days on and 2 days off or 4 days on and 3 days off, the following holidays shall apply:

New Year’s Day (observed)	Friday, December 31, 2021*
Martin Luther King Jr. Day	Monday, January 17, 2022
Memorial Day	Monday, May 30, 2022
Juneteenth	Monday, June 20, 2022*
Independence Day	Monday, July 4, 2022
Labor Day	Monday, September 5, 2022
Veteran’s Day	Friday, November 11, 2022
Thanksgiving Day	Thursday, November 24, 2022
Day after Thanksgiving	Friday, November 25, 2022
Christmas Day (observed)	Monday, December 26, 2022

In addition to the ten (10) designated holidays above, employees may choose one (1) additional floating holiday subject to South Bend Municipal Code Sec. 2-121(a), which may be any day of the employee’s choosing subject to a supervisor’s pre-approval.

SECTION II. That all sworn police officers who are assigned to work as their regular work schedule, 6 days on and 3 days off, there shall be no paid holidays. The following dates are designated as Critical Duty Days:

New Year’s Day	Saturday, January 1, 2022
Memorial Day	Monday, May 30, 2022
Independence Day	Monday, July 4, 2022
Labor Day	Monday, September 5, 2022
Thanksgiving Day	Thursday, November 24, 2022
Christmas Eve	Saturday, December 24, 2022
Christmas Day	Sunday, December 25, 2022
New Year’s Eve	Saturday, December 31, 2022

For purposes of the Critical Duty Day stipend, the Critical Duty Day shall start at 6:00 a.m., and last 24 hours.

SECTION III. That officers assigned to the South Bend Community School Corporation shall, while so assigned, follow the holiday schedule set by the South Bend Community School Corporation for its clerical employees. Officers so assigned shall be eligible for Critical Duty Day pay only if assigned temporarily to a regular detail or otherwise eligible.

Adopted this 18th day of May 2022.

BOARD OF PUBLIC SAFETY  
OF THE CITY OF SOUTH BEND, INDIANA

s/Daniel Jones, President  
s/Melissa Colpitts, Member  
s/Lee Ross, Member  
s/Alfred Kirsits, Member

ATTEST:  
s/Theresa Heffner/Clerk

9. FILE MONTHLY STATISTICAL ANALYSIS REPORT APRIL 2022

Chief Ruszkowski submitted the monthly statistical analysis report for April 2022 to the Board. He noted good news in that there was a thirty-four percent (34%) decrease in aggravated assaults and a thirty-five percent (35%) decrease in motor vehicle thefts as well and a sixty-seven percent (67%) decrease in arsons. He continued to explain that the numbers are still too high but hopes that one day he will be around to see the numbers reduced to zero.

President Jones accepted the Monthly Statistical Analysis Report for April 2022 on behalf of the Board.

The APRIL 2022 analysis is as follows:

PART 1 OFFENSES	YEAR TO DATE					
	2021	2022	CHANGE	2021	2022	CHANGE
HOMICIDE	4	3	-1	9	6	-3
JUSTIFIABLE HOMICIDE*	0	0	0	0	1	1
RAPE	4	3	-1	21	23	2
ROBBERY	17	28	11	70	78	8
AGGRAVATED ASSLT	173	111	-62	540	359	-181
BURGLARY RES	31	30	-1	120	133	13
BURGLARY NON RES	13	23	10	44	68	24
LARCENY	241	208	-33	800	667	-133
MOTOR VEH THEFT	53	25	-28	199	130	-69
ARSONS	5	2	-3	12	4	-8
GRAND TOTAL	541	433	-108	1815	1468	-347

Respectfully submitted,



Scott Ruszkowski  
Chief of Police

SR/jji

Month: APRIL 2022

<u>PART 1 OFFENSES</u>	<u>2021</u>	<u>2022</u>	<u>CHANGE</u>
HOMICIDE	9	6	-33%
JUSTIFIABLE HOMICIDE*	0	1	100%
RAPE	21	23	10%
ROBBERY	70	78	11%
AGGRAVATED ASSLT	540	359	-34%
BURGLARY RES.	120	133	11%
BURGLARY NON RES.	44	68	55%
LARCENY	800	667	-17%
MOTOR VEH THEFT	199	130	-35%
ARSONS	12	4	-67%
<b>GRAND TOTAL</b>	<b>1815</b>	<b>1468</b>	<b>-19%</b>

-19% CHANGE IN PART 1 CRIMES THROUGH APRIL 2022



### C. FIRE DEPARTMENT

#### 1. APPROVE HIRING OF LATERAL FIREFIGHTERS

John Bennett

Collin Gordon

Chief Buchanon requested the Board approve the lateral hiring of the above firefighters. Last month, seven (7) lateral hires were added to the Department, and those lateral hires were already established in the Public Employee Retirement Fund (PERF). Chief Buchanon noted the two (2) firefighters presented at this meeting for lateral hiring approval were just recently approved by PERF, and now they can have their hiring to the Department be approved and then begin their one-year probationary period with the SBFDF.

Upon a motion by Ms. Colpitts, seconded by Mr. Kirsits, and followed by a roll call, the lateral hiring was approved.

#### 2. APPROVE APPLICATION AND DECLARATION OF RETIREMENTS

Captain Pat Kottkamp

Firefighter Douglas Salyer

Captain Daniel Dobski

Captain Cliff Powell

Chief Carl Buchanon submitted Declarations of Retirements for the above firefighters who have a combined total of ninety-nine (99) years of service to South Bend and its residents. Chief Buchanon noted that fellow police officers as well as Chief Ruszkowski have stated before that departments can never replace the experience of these individuals that have served in the capacity that they have; however, they appreciate the incoming officers and firefighters who will hopefully take over where the retirees left off. Chief Buchanon asked the Board to approve the Applications and Declarations of Retirements.

Therefore, upon a motion by Mr. Ross, seconded by Mr. Kirsits, and followed by a roll call, the Applications and Declarations for Retirements were approved unanimously.

#### 3. ACCEPT LETTER OF RESIGNATION – FIREFIGHTER BAYLOR KERN-LOVICK

Chief Buchanon submitted a letter of Resignation for Firefighter First Class Baylor Kern-Lovick, Badge #634, effective May 2, 2022. Chief stated they wish him the best of luck in his future endeavors.

President Jones accepted the Letter of Resignation on behalf of the Board.

#### 4. APPROVE RESOLUTION NO. 04-2022 AMENDING THE 2022 HOLIDAY SCHEDULE FOR THE SOUTH BEND FIRE DEPARTMENT

Upon a motion by Ms. Colpitts seconded by Mr. Kirsits, and followed by a roll call, the resolution was approved.

**RESOLUTION NO. 04-2022  
A RESOLUTION OF THE BOARD OF PUBLIC SAFETY OF THE CITY OF SOUTH BEND, INDIANA AMENDING THE 2022 HOLIDAY SCHEDULE FOR THE SOUTH BEND FIRE DEPARTMENT**

WHEREAS, the Board of Public Safety of the City of South Bend, Indiana (“City”) approved the 2022 Holiday Schedule for the South Bend Fire Department on December 15, 2021; and

WHEREAS, subsequently, the City’s Common Council amended Chapter 2, Article 8, Section 2-121(a) of the South Bend Municipal Code by Ordinance No. 10855-22 to include Juneteenth, which falls yearly on June 19<sup>th</sup>, as a newly designated holiday for all City employees; and

WHEREAS, the Board of Public Safety desires to amend the South Bend Fire Department 2022 Holiday Schedule to include Juneteenth.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Public Safety of the City of South Bend:

SECTION I. That all firefighters who work 24-hour shifts are not entitled to holidays off.

SECTION II. That for all firefighters who work 24-hour shifts, Critical Duty Days are as set forth in Article 25 of the current Collective Bargaining Agreement which is in force in 2022 per Article 33 of the Agreement.

SECTION III. That all firefighters who are assigned to work a four- or five-day work week shall have the following holidays apply:

New Year’s Day (observed)<sup>a</sup> Friday, December 31, 2021\*

<sup>a</sup> Note that the New Year’s Day holiday was observed on December 31, 2021, and Juneteenth shall be observed on June 20, 2022 in accordance with Sec. 2-120(b) and Sec. 2-120(c) of the South Bend Municipal Code.

Martin Luther King Jr. Day	Monday, January 17, 2022
Memorial Day	Monday, May 30, 2022
Juneteenth	Monday, June 20, 2022*
Independence Day	Monday, July 4, 2022
Labor Day	Monday, September 5, 2022
Veteran’s Day	Friday, November 11, 2022
Thanksgiving Day	Thursday, November 24, 2022
Day after Thanksgiving	Friday, November 25, 2022
Christmas Day (observed)	Monday, December 26, 2022

SECTION IV. That all firefighters who are assigned to work a four- or five-day work week shall have one floating holiday to be taken, upon approval from a supervisor, at the time of their choosing.

Adopted this 18th day of May 2022.

**BOARD OF PUBLIC SAFETY  
OF THE CITY OF SOUTH BEND, INDIANA**

s/Daniel Jones, President  
s/Melissa Colpitts, Member  
s/Lee Ross, Member  
s/Alfred Kirsits, Member

ATTEST:  
s/Theresa Heffner/Clerk

- APPROVE LEXIPOL POLICY 317 DUTY FIREARMS AND USE OF FORCE  
Chief Buchanon noted that this item was a continuation from last month’s agenda item to allow Board members time to review the policy more thoroughly. He explained that it is in regard to Firefighters and EMS personnel in circumstances where they may need to restrain individuals for medical reasons only. Chief Buchanon emphasized that firefighters would not be using use of force on citizens or anyone else, and he noted that firefighters also do not have any arrest or detainment authority. He clarified that fire investigators and inspectors go through training at the police department and are certified through the state to carry a

firearm, which provides them protection when they are investigating fires alone in the early morning or late at night.

Ms. Colpitts asked about arrest powers listed in the policy and asked for clarification. Chief Buchanan explained that fire investigators used to be accompanied by a police investigator and the police officer had arrest powers, not the fire investigator. Attorney Shakour advised that this was only in the event a police officer is not able to be present; otherwise, the police department’s guidelines and policy that was approved last year is what governs the fire department.

Upon a motion by Ms. Colpitts, seconded by Mr. Kirsits, and followed by a roll call, Lexipol Policy 317- Duty Firearms and Use of Force was approved.

6. FILE MONTHLY STATISTICAL ANALYSIS REPORT FOR APRIL 2022

Fire Chief Buchanan submitted the monthly statistical analysis report for April 2022 to the Board. Chief Buchanan noted that there were 388 inspections done in April which is a significant increase. He suggested the increase in inspections may mean inspectors are getting businesses back open and back to normal after several years of COVID-19. Chief Buchanan also noted that there were forty-one (41) fires in April, and he wanted to comment that fires are still out there in the community and prevalent. He thanked Community Risk Reduction for getting smoke detectors and carbon monoxide detectors into homes where fires are more prevalent and hopes this will lead to a reduction in the number of fires. He also wanted to note that there were a total number of 4,366 calls made to all SBFD apparatuses for the month of April as well as 1,747 different incidents that the SBFDF responded to.

President Jones accepted the Monthly Statistical Analysis Report for April 2022 on behalf of the Board.

APRIL 2021	APRIL 2022
<b>STRUCTURE FIRES</b> Property Damage--Buildings & Contents (Estimates)	
\$94,900	\$280,200
<b>INSPECTION DIVISION</b>	
338 Inspections 169 Re-Inspections	388 Inspections 200 Re-Inspections
<b>INVESTIGATION DIVISION</b>	
15 Investigations	11 Investigations
1 Incendiary 8 Accidental 0 Natural 5 Undetermined	1 Incendiary 6 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.

ADJOURNMENT

There being no further business to come before the Board, upon a motion by Mr. Ross and a second by Mr. Kirsits and carried by roll call, the meeting was adjourned at 9:54 a.m.



BOARD OF PUBLIC SAFETY



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Daniel Jones, President



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Melissa Colpitts, Member

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Darryl Heller, Member



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Lee Ross, Member



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Alfred Kirsits, Member

ATTEST:



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Theresa Heffner, Clerk