

I. EXECUTIVE SESSION

The Board of Public Safety met in Executive Session on Wednesday July 20, 2022, at 8:40 a.m. with Board President Daniel Jones, and Board Members Melissa Colpitts, Darryl Heller, Lee Ross, Al Kirsits, and Attorney Danielle Weiss. The meeting was held in the 13th 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)(A) for discussion of strategy with respect to collective bargaining, I.C. 5-14-1.5-6.1(b)(2)(B) for discussion of strategy with respect to litigation that is pending, and I.C. 5-14-1.5-6.1(b)(6) to receive information concerning alleged misconduct of an individual over whom the Board has jurisdiction. The meeting ended at 9:13 a.m.

BOARD OF PUBLIC SAFETY



Daniel Jones, President



Darryl Heller, Member



Lee Ross, Member



Alfred Kirsits, Member

ATTEST:



Theresa Heffner, Clerk

II. REGULAR MEETING

July 20, 2022

The Board of Public Safety met in the Regular Meeting at 9:22 a.m. on Wednesday, July 22, 2022, with Board President Daniel Jones, and Board Members Melissa Colpitts, Darryl Heller, Lee Ross, Al Kirsits present. Also present were Police Chief Scott Ruskowski, Fire Chief Carl Buchanon, and Attorneys Danielle Weiss, Christina Shakour, and Kylie Connell. Board Clerk Theresa Heffner was also present. The meeting was held on the 4th Floor Council Chambers Room, 227 W. Jefferson Blvd., South Bend, Indiana and virtually via Microsoft Teams at the following link: <https://tinyurl.com/BPS07202022>

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. Attorney Weiss asked the FOP representative if they would be okay with moving item #11 Hearing on FOP # 36 Grievances 22-01 and 22-02 to the end of the Fire Department Items right before their Hearing. FOP President Harvey Mills stated that would be acceptable. Attorney Weiss welcomed the public, called roll, and confirmed the presence of all Board Members.

We were informed by virtual attended that the sound was cutting in and out through most of the meeting which made it difficult to hear.

A. APPROVE MINUTES OF PREVIOUS MEETINGS

Upon a motion by Darryl Heller, seconded by Al Kirsits and carried by roll call, the Board approved the Minutes of the June 15, 2022 regular meeting.

B. APPROVE CHALLENGE COIN POLICY

Attorney Weiss stated that The Board drafted a Challenge Coin Policy which states that the Board of Public Safety can award Challenge Coins to deserving individuals who go above and beyond the call of duty in their daily work. Primarily, these coins will be awarded to

sworn Police and Fire personnel of the City of South Bend. It was noted that civilian employees and private citizens may also be eligible to receive a Challenge Coin if special circumstances are presented. Attorney Weiss stated acts deserving of receiving a Challenge Coin include, but are not limited to, the following:

- Sworn Police Officers and Firefighters retiring in good standing with twenty (20) or more years of vested service.
- Individuals who perform acts of heroism in the delivery of emergency services, which result in the saving of a life.
- Individuals who provide extraordinary assistance in a particular emergency event or operations.
- Individuals who demonstrate a sustained commitment to the South Bend community through exceptional service or outreach efforts.

Attorney Weiss also stated the Board will typically determine at its regularly scheduled meetings whether any Challenge Coins should be awarded; however, it may also consider the topic at other times as appropriate.

Upon a motion by Darryl Heller, seconded by Al Kirsits, and followed by a roll call the Challenge Coin Policy was approved.

C. POLICE DEPARTMENT

1. APPROVE RE-HIRING OF POLICE OFFICER – REID SPITAEELS

Chief Ruszkowski stated that Officer Reid Spitaels resigned from SBPD in good standing. Officer Spitaels has asked to return to the SBPD and Chief Ruszkowski stated that it is his recommendation to allow Officer Reid Spitaels to be sworn in and, upon completion of Veteran Officers Training, begin the duties of Patrolman 1st Class which includes a one (1) year probationary period.

Upon a motion by Darryl Heller, seconded by Al Kirsits and followed by a roll call, the Board approved the Re-Hiring of Officer Reid Spitaels.

2. APPROVE HIRING OF PROBATIONARY POLICE OFFICERS

Ashley De LaRosa

David Finn

Chief Ruszkowski submitted a letter of recommendation for the hiring of Probationary Police Officers Ashley De LaRosa and David Finn effective July 20, 2022. Chief stated both individuals have met all requirements of the application process of the SBPD.

Upon a motion by Darryl Heller, seconded by Al Kirsits and followed by a roll call, the above individuals were approved for hire.

3. SWEARING IN OF POLICE OFFICERS

Reid Spitaels

Ashley De LaRosa

David Finn

Captain Fulnecky 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.

4. APPROVE PROMOTION TO SERGEANT – COREY CALVERT

In a letter to the Board, Chief Ruszkowski requested the Board approve the promotion of Patrolman 1st Class to Sergeant in the Patrol Division no longer in Special assignment effective June 16, 2022.

Upon a motion by Lee Ross, seconded by Al Kirsits, and followed by a roll call the promotion to Sergeant was approved.

5. APPROVE APPLICATIONS AND DECLARATIONS OF RETIREMENTS

Antwon Jones

Daniel Moryl

Angela Kline

Chief Ruszkowski submitted Letters of Applications and Declarations for Retirement for the above Officers.

Chief Ruszkowski stated Officer Antwon Jones has retired in good standing, from the SBPD, effective July 16, 2022. He will have been with the Department for twenty-one (21) years, two (2) months, and nine (9) days.

Chief Ruszkowski stated that Sergeant Daniel Moryl has retired in good standing, from the SBPD, effective July 25, 2022. He will have been with the Department for thirty (30) years, and three (3) days.

Chief Ruszkowski stated Sergeant Angela Kline has retired from the SBPD in good standing, effective June 23, 2022. She will have been with the Department for twenty-four (24) years, and four (4) days.

Chief asked the Board to join him in thanking them for their many years of service. Upon a motion by Lee Ross, seconded by Al Kirsits and followed by a roll call the Applications and Declarations of Retirement were approved.

6. ACCEPT LETTER OF RESIGNATION – NOLAN KENT

Chief Ruszkowski submitted a letter of resignation for Officer Kent Nolan, effective July 29, 2022.

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

7. APPROVE LETTER OF RECOMMENDED DISCIPLINARY ACTION – LAUREN SLISHER

Chief Ruszkowski submitted a letter of recommended disciplinary action for Officer Lauren Slisher. Chief stated the discipline is for six (6) days suspension without pay, and six (6) additional months as a 2nd Class Patrol Officer.

Upon a motion by Darryl Heller, seconded by Lee Ross, and followed by a roll call, the Letter of Recommended Disciplinary Action for Lauren Slisher was approved.

8. RECEIVE NOTIFICATION OF APPLICATION FOR 2022 EDWARD BYRNE JUSTICE ASSISTANCE GRANT

Chief Ruszkowski explained that this is a grant SBPD typically applies for, and the amount varies every year. Chief Ruszkowski informed the Board that the Department is required to notify the Board, the South Bend Common Council and the Mayor's Office any time they apply for Department of Justice Awards. SBPD is hoping to receive \$139,0000; the County would receive \$5,000, and Mishawaka did not qualify. If awarded, SBPD will be spending its money on Technology Upgrades.

9. APPROVE LEXIPOL POLICY UPDATES

203 Training
306 Vehicle Pursuits
315 Discriminatory Harassment
320 Standards of Conduct

In Lexipol Policy 320.5.3, Discrimination, Oppression or Favoritism, Mr. Heller asked why Gender identity or expression was taken off the list. Attorney Connell explained that in her research she found that the classification of sexual orientation encompasses those subsections, so they don't need to be listed individually.

Mr. Heller asked if there were any other substantive changes. Chief Ruszkowski noted that there are two types of roadblocks, stationary and a rolling roadblock. They weren't previously defined because it was assumed everyone knew, so SBPD wanted to provide clarification in the update.

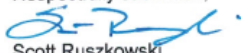
Upon a Motion by Darryl Heller, seconded by Al Kirsits, and followed by a roll call, each of the above Lexipol Policy Updates were approved individually.

FILE MONTHLY STATISTICAL ANALYSIS REPORT JUNE 2022

Chief Ruskowski submitted the June monthly report to the Board.

| <u>PART 1 OFFENSES</u> | <u>2021</u> | <u>2022</u> | <u>CHANGE</u> | <u>2021</u> | <u>2022</u> | <u>CHANGE</u> |
|------------------------|-------------|-------------|---------------|-------------|-------------|---------------|
| HOMICIDE | 2 | 4 | 2 | 11 | 13 | 2 |
| JUSTIFIABLE HOMICIDE* | 0 | 0 | 0 | 0 | 2 | 2 |
| RAPE | 4 | 5 | 1 | 31 | 36 | 5 |
| ROBBERY | 41 | 45 | 4 | 161 | 141 | -20 |
| AGGRAVATED ASSLT | 217 | 141 | -76 | 1002 | 618 | -384 |
| BURGLARY RES | 54 | 50 | -4 | 209 | 221 | 12 |
| BURGLARY NON RES | 20 | 37 | 17 | 76 | 134 | 58 |
| LARCENY | 245 | 252 | 7 | 1268 | 1121 | -147 |
| MOTOR VEH THEFT | 38 | 40 | 2 | 284 | 219 | -65 |
| ARSONS | 1 | 3 | 2 | 17 | 9 | -8 |
| GRAND TOTAL | 622 | 577 | -45 | 3059 | 2512 | -547 |

Respectfully submitted,



Scott Ruskowski
Chief of Police

| <u>PART 1 OFFENSES</u> | <u>2021</u> | <u>2022</u> | <u>CHANGE</u> |
|------------------------|-------------|-------------|---------------|
| HOMICIDE | 11 | 13 | 18% |
| JUSTIFIABLE HOMICIDE* | 0 | 2 | 200% |
| RAPE | 31 | 36 | 16% |
| ROBBERY | 161 | 141 | -12% |
| AGGRAVATED ASSLT | 1002 | 618 | -38% |
| BURGLARY RES. | 209 | 221 | 6% |
| BURGLARY NON RES. | 76 | 134 | 76% |
| LARCENY | 1268 | 1121 | -12% |
| MOTOR VEH THEFT | 284 | 219 | -23% |
| ARSONS | 17 | 9 | -47% |
| GRAND TOTAL | 3059 | 2512 | -18% |

-18% CHANGE IN PART 1 CRIMES THROUGH JUNE 2022

Chief Ruskowski explained that there was a reduction in Part 1 Offenses by eighteen percent (18%) when compared to June of 2021. Prior months in 2022 had been consistently down nineteen percent (19%) compared to their 2021 months and Chief Ruskowski noted that in June 2022 a percentage point was lost but still is an overall decrease. Chief Ruskowski continued to note that even though South Bend has had a reduction in aggravated assaults, there were still sixty-four (64) criminal assault shootings in 2022 so far, which he emphasized is sixty-four (64) too many.

Mr. Heller asked why the numbers are decreasing. Chief Ruskowski stated that when the classifications were made, the classification and incident remains the same, but the victim count has changed. For example, if there were shots fired into a second-story window of a house, and then there were ten (10) people in the house, and nine (9) of them were in the basement, past reports would count ten (10) victims. SBPD worked with the FBI, the State Police, and the Department of Justice to get on the same page so the victim count would accurately depicted the number of victims that were in close proximity to the bullets entering the house, so in the house example, only one (1) person in that house is a true victim and would be reported as such.

10. HEARING ON FOP #36 GRIEVANCES 22-01 AND 22-02

FOP President Harvey Mills requested a hearing required by the Working Agreement between FOP 36 and the City of South Bend to appeal a grievance filed by FOP 36 as provided for in Article 8, Section 1, Step 4 of the Working Agreement. FOP 36 wished to appeal two separate grievances; 21-001 and 21-002. President Mills stated that as outlined in Article 8, Section 3(A) of the Working Agreement, it is presumed that the City/Chief of Police has denied these grievances as there has been no discussion; therefore the FOP asked that the items be placed on the for the Board to make a decision. Harvey Mills presented evidence on behalf of FOP 36. Assistant City Attorney Kylie Connell and Police Chief Scott Ruskowski were present to provide evidence and answer questions from the Board.

After hearing all of the evidence presented, the Board Members deliberated and decided they were ready to cast their votes at that time. The following represents the decision of the Board on this grievance.

Bargaining Agreement: 2021-2022 Working Agreement Between the City of South Bend and the Fraternal Order of Police South Bend Lodge No. 36

Grievance Number(s): 22-01 and 22-02 consolidated (per agreement of the parties)

Date of Original Submission to Board: June 9, 2022

Date of Grievance Hearing: July 20, 2022

Question presented (see attached filings from the parties for additional information): Whether the City Administration violated Article 15, Section 3 regarding minimum shift levels by including assigned K-9 units in the minimum patrol count.

Decision of the Board of Public Safety:

The grievance is denied because the matter has already come to a resolution. Furthermore, a fine is not appropriate in this situation.

As the parties have already agreed, K-9 units will not be counted in the patrol numbers for minimum staffing in the future, but they will still be allowed to be assigned to a patrol area if deemed appropriate. The Board encourages better communication in the future to avoid confusion on these staffing issues, and further encourages that every effort be made to get to the minimum staffing levels up whenever a shift falls below the minimum level.

D. FIRE DEPARTMENT

1. APPROVE AMENDED SENIORITY DATES FOR ELIGIBLE FIREFIGHTERS

Chief Buchanan stated that he provided a letter requesting favorable consideration for their amended seniority dates for some of SBFD's INPERs eligible Firefighters (lateral hires). This was to ensure that individuals coming from other career departments, had their dates lined up with the dates of accepting employment with the SBFD so they wouldn't have a lapse in coverage with the state. It was noted that for every two (2) years with their prior department, lateral hires received one (1) year of seniority with the SBFD.

Ms. Colpitts asked how the process was handled before. Chief Buchanan explained that they did not have a process for the lateral hiring that was established this year. They wanted to make sure it was a fair process and because the Chief appreciated them wanting to be a part of the SBFD and they wanted to avoid any type of disincentive in transferring.

Upon a motion by Melissa Colpitts, seconded by Al Kirsits, and followed by a roll call, each of the amended seniority dates were approved.

2. APPROVE APPLICATIONS AND DECLARATIONS FOR RETIREMENT – CAPTAIN WILLIE PERRY

Chief Buchanan provided a letter to the Board for the Application and Declaration for Retirement for Captain Perry, badge number 270, was appointed to the SBFD on November 19, 1986 and served with loyalty and diligence. His effective date of retirement is July 2, 2022

Chief Buchanan asked the Board to approve the retirement and help him show appreciation and gratitude for his commitment and dedication to the SBFD and the citizens of the City of South Bend for thirty-six (36) years.

President Jones also noted his appreciation and thanked him on behalf of the Board.

Upon a motion by Lee Ross, seconded by Al Kirsits, and followed by a roll call, each of the Application and Declaration of Retirement was approved.

3. ACCEPT LETTER OF RESIGNATION – JUSTIN LEWIS

Chief Buchanon submitted a letter of resignation for Firefighter Justin Lewis, effective July 15, 2022.

Mr. Heller asked if he was leaving to go to another fire department. Chief Buchanon confirmed that he was moving to another fire department close to where he is from.

4. APPROVE LETTER OF RECOMMENDED DISCIPLINARY ACTION – CHRISITAN STEVENS

Chief Buchanon submitted a letter to the Board recommending disciplinary action for Firefighter Christian Stevens and asked the Board to approve the discipline per the letter provided.

Upon a Motion by Darryl Heller, seconded by Melissa Colpitts, and followed by a roll call, the Letter of Recommended Disciplinary Action for Christian Stevens was approved.

5. APPROVE LEXIPOL POLICES

Policy 1010 – Discriminatory Harassment
 Policy 1011 – Personnel Complaints

Mr. Heller asked if these policies were new or revised. Assistant City Attorney Shakour responded that these are new policies implementing procedures that were already in place and memorializing them. Mr. Heller asked what process was followed in drafting the language in the points of inclusion. Chief Buchanon responded that it was in collaboration with the Locals making sure they were aware that they were drafting these policies. Chief Buchanon continued to note that the drafting was also coinciding with all fire departments nationally, and the direction that departments are heading is to make it clear for all personnel that have any form of harassment or any complaints would not be retaliated against. Mr. Heller thanked the Department for writing the policies and commended the clarity and comprehensiveness of the policies.

Upon a Motion by Al Kirsits, seconded by Darryl Heller, and followed by a roll call, each of the Application and Declaration of Retirement was approved.

6. FILE QUARTERLY TRAVEL & TRAINING EXPENSE REPORT



SOUTH BEND FIRE DEPARTMENT
 Quarterly Travel & Training Expenses: April-June 2022
 Carl R. Buchanon, Fire Chief

| MONTHLY EXPENSE | NAMES OF ATTENDEES | DESTINATION | JUSTIFICATION | COST / EXPENSES |
|---------------------------------|--|----------------------------------|--|---|
| April - \$3419 | Captain Barry Sebesta | Jacksonville, FL April 9-16 | Annual Conference Arson Investigators | registration, air, hotel, meals \$2,225 |
| | Assistant Chief G. Ellis | Indianapolis, IN 26-Apr | Behavioral Health Training Int'l Assoc. of Firefighters | \$0 |
| | Suzie Krill | Indianapolis, IN April 10-14 | PIO Boot Camp | registration, hotel, meals \$1,194 |
| May - \$4660 | Troy Platz, Justin Watkins | Monroe, NC May 8-13 | Scott Compressor Training | hotel, meals, fuel \$1,260 |
| | Andrew Fox, Jason Kratzer, Tony Maciejewski, Tyler King | Delafield, WI May 13-15 | 5Alarm Extrication Training | registration, hotel, meals, fuel \$3,400 |
| June - \$2860 | Chris Baker, Brent VanBrauene | College Station TX June 13-17 | TX Public Safety Aviation Search & Rescue Exercise | air, hotel, meals, uber \$2,703 |
| | Steve Pritz, Shawn Kuminecz | June 13-17 | | |
| | Jason Kratzer | Kalamazoo, MI June 25-26 | Conference--Nozzle Forward | hotel, meals \$157 |
| QUARTER TOTAL - \$10,939 | | | | |

Chief Buchanon stated that the quarterly travel and training expense report is submitted to recognize that the Sbfd's personnel is still acquiring experience and going through the educational process of making themselves better so as to serve the citizens and be an asset to the department.

7. FILE MONTHLY STATISTICAL ANALYSIS REPORT FOR JUNE 2022

Fire Chief Buchanon submitted the monthly statistical analysis report for June 2022.

| JUNE 2021 | JUNE 2022 |
|--|---|
| STRUCTURE FIRES Property Damage--Buildings & Contents (Estimates) | |
| \$42,500 | \$710,600 |
| INSPECTION DIVISION | |
| 276 Inspections 138 Re-Inspections | 326 Inspections 163 Re-Inspections |
| INVESTIGATION DIVISION | |
| 5 Investigations | 11 Investigations |
| 0 Incendiary 4 Accidental 0 Natural 1 Undetermined | 1 Incendiary 4 Accidental 0 Natural 6 Undetermined |

Chief Buchanon noted that the June monthly statistical analysis outlines some of the significant factors that the Department has been involved in. He stated there has been an influx in property damage as far as structure fires when compared to June 2021 and noted there was no known reasoning behind this change. He continued to note that crews are doing a fantastic job responding to these incidents, and fortunately the Department has not had any fatalities. He speculated that property damage is at a higher rate than it has been in previous years due to the cost of replacing property which is a nationwide problem.

Lastly, Chief Buchanon informed the Board that the Department did initiate more inspections for June than last year and the run total for the month of June was 4,764 runs for all of the units with the Sbfd.

8. HEARING ON IAFF #362 GRIEVANCES

South Bend Firefighters’ Union Local No. 362 President Christian Rose submitted a request to the Board to appeal a policy set forth by the City’s Human Resources Department, stating that it went against Article #21, Section D of the Collective Bargaining Agreement’s use of sick time.

Upon notice of this request, Board Attorney Danielle Weiss noted she had a conflict and excluded herself from the hearing. Assistant City Attorney Tom Panowicz filled in to advise the Board for purposes of this grievance.

Union President Christian Rose and Union Vice President Eric Griffin were present to speak to the Board on behalf of the firefighters that were required to use sick time if they were exposed to a coworker while on duty who tested positive for COVID-19, but never tested positive themselves. They asked that the Board overturn the ruling by Human Resources and return the sick time back to the firefighters affected. The affected firefighters were also in attendance for the duration of the hearing.

Assistant City Attorney Christina Shakour and Fire Chief Buchanon provided responses to the Board and the Union regarding the grievance.

After hearing all evidence presented, the Board Members deliberated and decided they were ready to cast votes. The following represents the decision of the Board on this grievance.

Bargaining Agreement: 2022-2024 Collective Bargaining Agreement Between the City of South Bend and the South Bend Firefighters’ Association Local No. 362

Grievance(s) Reference: 15 grievances filed in May 2022 regarding Article 21, Section D sick leave

Date of Original Submission to Board of Public Safety: July 13, 2022

Date of Grievance Hearing: July 20, 2022

Question presented (see attached filings from the parties for additional information):
Did the City Administration violated Article 21, Section D by using sick leave time for firefighters who were quarantined, as a result of on-duty exposure to a co-worker who tested positive for covid-19, but did not get ill? And if yes, should the firefighters sick leave time be returned?

Decision of the Board of Public Safety:

After hearing the arguments and the responses to their questions from both City Administration and Local 362 representatives, and considering the documentation submitted, the Board of Public Safety (“Board”) deliberated the questions presented. Thereafter, upon motion and unanimous vote, the Board agrees with the grievances filed and decides yes, the City Administration violated Article 21, Section D. Furthermore, the Board, by the same motion and unanimous vote, decides yes, the sick leave time used for being quarantined but not ill should be returned to the firefighters who filed the grievances.

D. 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.

Board Attorney Weiss wanted to note that this was Melissa Colpitts’ last meeting and that the Board and the City should thank her for her service.

F. ADJOURNMENT

There being no further business to come before the Board, upon a motion by Darryl Heller seconded by AL Kirsits and carried by roll call, the meeting was adjourned at 12:55 p.m.

BOARD OF PUBLIC SAFETY



Daniel Jones, President



Darryl Heller, Member



Lee Ross, Member



Alfred Kirsits, Member

ATTEST: 

Theresa Heffner, Clerk