

I. REGULAR MEETING

February 15, 2023

The Board of Public Safety met in the Regular Meeting at 9:16 a.m. on Wednesday, February 15, 2023, with Board President Daniel Jones, and Board Members Darryl Heller, Lee Ross, Al Kirsits, and Pam Claeys were present. Also present were Police Chief Scott Ruszkowski, Fire Chief Carl Buchanon, and Attorneys Tom Panowicz, Kylie Connell, Adam Taylor (Virtual), and 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/2023BPSHybrid>

Attorney Panowicz 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 Panowicz then read through the agenda to note any additions or corrections. Fire Department suggested and the Board approved a change in the sequence of items to be heard for the Fire Department, that is, switching items E2 and E3 so that Approve Transition from Duty Manual to Lexipol would be E2 and Approve Amended Lexipol Policies would be E3.

A. CALL ROLL OF MEMBERS

President Dan Jones welcomed the public, called roll, and confirmed the presence of Board Members.

B. APPROVE MINUTES OF PREVIOUS MEETINGS

Upon a motion by Lee Ross, seconded by Pam Claeys, and carried by a roll call, the Board approved the Minutes of the January 18, 2023 regular meeting.

C. APPROVE RESOLUTION NO. 01-2023 ESTABLISHING POLICY CHANGE REQUIREMENTS FOR THE SOUTH BEND POLICE AND FIRE DEPARTMENTS

Attorney Connell stated that in discussion with Fire Department Attorney Taylor they discussed this resolution as a way to make things clearer. I know that we had previously discussed what policy changes need to come before the board, but it was spelled out very well. This resolution will make things clearer on what items the board would approve and not approve. whether it's grammar or punctuation, a code citation, or if a law has changed and we are updating our policies on what the law says, they would come before the board but wouldn't necessarily need to be approved by the board. This resolution was established for both departments to identify which items would require approval from the board.

Mr. Heller asked for clarification on item 2. C. in the resolution.

Attorney Connell advised that it would be a change in a specific Indiana Code.

Ms. Claeys pointed out that the policies can be viewed online too.

Upon a motion by Pam Claeys, seconded by Al Kirsits, and followed by a roll call Resolution No. 01-2023 Establishing Policy Change Requirements for The South Bend Police and Fire Departments were approved.

D. POLICE DEPARTMENT1. APPROVE HIRING IN OF PROBATIONARY POLICE OFFICERS

Chief Ruszkowski submitted a letter of recommendation for the hiring of Probationary Police Officers Michael Dube and Shanna Gilmer effective February 15, 2023. Chief stated Officer Dube and Officer Gilmer has met the requirements of the application process of the SBPD. Chief noted Officer Dube was a sworn officer on the Mishawaka Police Department from February 4, 2003 to February 14, 2023 and Officer Gilmer was a sworn officer on the City of Plymouth Department from January 19, 2004 to February 12, 2023.

Upon a motion by Lee Ross, seconded by Al Kirsits, and followed by a roll call, the Board approved the hiring of Probationary Police Officer Michael Dube and Probationary Police Officer Shanna Gilmer.

2. SWEARING IN OF PROBATIONARY POLICE OFFICER

Captain Fulnecky gave a brief biography of Officer Dube and Officer Gilmer highlighting their talents, achievements, education, and interests. City Clerk Dawn Jones administered the

oath which was then followed by the badge pinning.

3. APPROVE APPLICATION AND DECLARATION OF RETIREMENTS

Juan Lora

Christopher Krueger

Chief Ruzzkowski submitted Letters of Applications and Declarations for Retirement for the above officers.

Chief Ruzzkowski stated Officer Juan Lora, PN2022 has retired in good standing, from the SBPD, effective February 25, 2023. He will have been with the Department for twenty-five (25) years, five (5) months, and eight (8) days. Chief noted that Officer Lora may be returning in a part-time capacity.

Chief Ruzzkowski stated that Officer Christopher Krueger, PN2020 has retired in good standing, from the SBPD, effective February 18, 2023. He will have been with the Department for twenty-five (25) years, and twenty (20) days. Chief noted that this was the second retirement for Officer Krueger. He initially retired and then came back part-time, but when that wasn't enough, he returned as a full-time officer.

Chief Ruzzkowski asked the Board to join him in wishing them success in their new endeavors and thanking them for their many years of service. Upon a motion by Al Kirsits, seconded by Pam Claeys, and followed by a roll call the Applications and Declarations of Retirement were approved.

4. RECEIVE UPDATED SOUTH BEND POLICE POLICY MANUAL

Police Attorney Kylie Connell submitted the SBPD Policy Manual that was updated on January 4, 2023.

5. FILE REVISED 4TH QUARTER REPORT FOR SPECIALIZED SCHOOLS

Chief Scott Ruzzkowski submitted a revised 4th Quarter Report for Specialized Schools for October, November, and December of 2022.

Quarterly Reports for Specialized Schools
October, November, December 2022

Officer's Name	Name of Training	Career Path Development?	Location	Start Date	End Date	Training Hours	# Officers Attended	Total Hours	Estimated Cost	Fee	Hotel	Per Diem	Air Fare	Rental Car	Misc	Actual Cost
Melvin Antoin	S.T.O.P.S. Instructor Training	Yes	Franklin, IN	10/9/2022	10/12/2022	24.00	1.00	24.00	\$ 1,721.00	\$ 499.00	\$ 439.00	\$ 121.81				\$ 1,059.81
Brad Rubyschels	Advanced EVIDC Instructor Course	Yes	Plainfield, IN	10/17/2022	10/19/2022	21.00	1.00	21.00	\$ 622.00		\$ 488.15	\$ -	\$ -	\$ -	\$ -	\$ 488.15
Beny Mullins, Kyle Brock & Joshua Brooks	Cellular Technology Analysis and Analysis	Yes	Fort Wayne, IN	10/17/2022	10/19/2022	24.00	3.00	72.00	\$ 5,856.96	\$ 1,800.00	\$ 1,466.56	\$ 325.07	\$ -	\$ -	\$ 3.35	\$ 8,445.94
Randall McMurphy & Tyler Donlon	Advanced EVIDC Instructor Course	Yes	Plainfield, IN	10/17/2022	10/19/2022	7.00	5.00	21.00	\$ 1,389.00	\$ -	\$ 876.30	\$ 266.70	\$ -	\$ -	\$ -	\$ 1,442.00
Sierra Halstead	FBI CISO Fingerprint Class	Yes	Clarkburg, WV	10/24/2022	10/28/2022	21.00	1.00	21.00	\$ 768.94	\$ -	\$ 499.36	\$ 80.90	\$ -	\$ -	\$ 40.48	\$ 629.68
Ken Stuart, Lamy Sanchez & Chris Bidy	CAT-Scenario Train The Trainer	Yes	Plainfield, IN	10/20/2022	10/21/2022	7.00	3.00	21.00	\$ 354.00	\$ -	\$ 273.05					\$ 273.05
Angelica Glaspe, Jonathan Gray	238-0043- FBI Hazardous Device School for Bomb Technician Certification	Yes	Anniston, AL	11/8/2022	11/22/2022	40.00	8.00	320.00	\$ 264.00		\$ 17.43					\$ 17.43
Brett Almy, Eric Laweck, Eric Merz, Kyle Blinski, Jose Aguilar, Elijah Tyler, Jarveir Boulton, Nathan Gates, Phelps Strina J & Ronald Wilson, I	Domestic Homicide Investigation	Yes	South Bend, IN	11/28/2022	12/9/2022	40.00	10.00	400.00	\$ 13,750.00		\$ 13,750.00					\$ 13,750.00
Randall McMurphy, Tyler Donlon & Corey Calvert	Emergency Vehicle Operations- EVIDC Instructor	Yes	Plainfield, IN	12/4/2022	12/9/2022	21.00	3.00	63.00	\$ 2,442.00		\$ 1,470.00	\$ 614.98	\$ -	\$ -	\$ -	\$ 2,084.98
Anthony Pearson & Chelsea Ward	Defensive Tactics Guest Instructor	Yes	Plainfield, IN	12/16/2022	12/30/2022	28.00	2.00	56.00	\$ 1,845.00		\$ 817.08	\$ 144.99	\$ -	\$ -	\$ -	\$ 962.07
Total						283.00	30.00	819.00	\$ 26,909.90	\$ 2,299.00	\$ 20,091.52	\$ 1,541.37	\$ -	\$ -	\$ 45.81	\$ 28,817.30



6. FILE MONTHLY STATISTICAL ANALYSIS REPORT JANUARY 2023

Chief Scott Ruzzkowski submitted the monthly statistical analysis report for January 2023.

The JANUARY 2023 analysis is as follows:

PART 1 OFFENSES	YEAR TO DATE					
	2022	2023	CHANGE	2022	2023	CHANGE
HOMICIDE	1	2	1	1	2	1
JUSTIFIABLE HOMICIDE*	0	1	1	0	1	1
RAPE	8	4	-4	8	4	-4
ROBBERY	17	37	20	17	37	20
AGGRAVATED ASSLT	81	85	4	81	85	4
BURGLARY RES	39	48	9	39	48	9
BURGLARY NON RES	23	7	-16	23	7	-16
LARCENY	129	206	77	129	206	77
MOTOR VEH THEFT	46	64	18	46	64	18
ARSONS	1	0	-1	1	0	-1
GRAND TOTAL	345	453	108	345	453	108

Respectfully submitted,


Scott Ruskowski
Chief of Police

E. FIRE DEPARTMENT

1. APPROVE PROMOTIONS TO CAPTAIN

Aaron LaCava
Karl Hopskins
Scott Mellen
Ben Norton

Chief Carl Buchanon submitted a Letter of recommendation for the promotion of Captain no longer in special assignment for the above firefighters. Chief Buchanon stated Firefighters LaCava, Hopkins, Mellen, and Norton were placed in the position of Captain in Special Assignment (CISA) on February 16, 2022, and this assignment required several evaluations in order to determine their abilities in a leadership position. Chief stated the Firefighters have completed all requirements of the Captain's position in outstanding fashion. Chief Buchanon asked the Board for approval of the above Firefighters to be promoted to the rank of Captain, no longer in special assignment effective February 15, 2023.

Upon a motion by Al Kirsits, seconded by Darryl Heller, and followed by a roll call the Promotions to Captain were approved.

2. APPROVE TRANSITION FROM DUTY MANUAL TO LEXIPOL

Attorney Taylor, noted that the intent was to approve the transition from the Duty Manual to Lexipol before approving any amended Lexipol policies as the agenda initially outlined. The board of Public Safety is obviously the final authority with regard to public Safety Agency policy. Originally, the Board of Public Safety approved what was referred to as a duty manual, and that was many of the policies, although there were additional policies that were referred to as the SOPs or standard operating procedures that were in effect and that were in essence kept as in a paper file outside of the duty manual. The last update of that duty manual was back in 2017, which was when it was approved as a whole. The fire department, as well as police transitioned within the last few years to using the nationwide policy-making service referred to as Lexipol and Lexipol is a software and a service because they have a team of people that create nationwide best practices policies for public safety agencies. And so Lexipol presents a major upgrade over what we did before, which was in house preparation of these policies. One of the big benefits as well is that they provide updates so when they're changes in statute or their team finds issues with them, they provide those to us and flag them. We have been using Lexipol and here is what I would identify as the problem. there's been an operating assumption that the fire department had transitioned to using Lexipol as its sole policy manual. Fire Department started getting policies added to Lexipol sometime in approximately 2020, and then in late 2021. Internally, the duty manual was essentially retired so, all policies to all personnel were basically issued and administered through the Lexipol system. The Lexipol policies were issued to all personnel at that time. The Board has been at least aware that this is happening to the extent that we've been seeking approvals for various Lexipol policies for over the last year and we had previously discussed in different meetings and agendas the transition to Lexipol as a manual. It seems though that this process was never formalized, and in fact, there was never a point at which all of the Lexipol policies were put before the board. There are more policies

here than would have appeared in the duty manual. Despite the fact that the Lexipol policies mostly incorporated what was in those SOP's, as well as the Duty Manual. Our proposed resolution for this, with an understanding that the board may have questions with regard to all of the policies, is that we do need to transition to the Lexipol manual and officially and formally retire the Duty Manual. The fire department wants the Lexipol manual to be the sole source of policies, and we've provided the document for you dated 12/20 on the bottom. That was the most recent date that those policies were issued. It's apparent at this point that these policies are being used right now. There is no way of undoing that at this point. This was an oversight I would own even though this came before me, I've only been part of the legal department for a short time, but the legal department did not flag this as an issue that should be raised earlier with the board. The Fire Department was doing the best they could to implement best practices as soon and as quickly as possible. We understand that it may take time for us to digest and review these policies and we want to have full transparency and disclosure about the process. We understand that perhaps the best way, and this is a proposal that I have, but I am open to however the board would like to move forward, is that we present sections of this policy manual to review over successive monthly Board of Public Safety meetings so that we can basically do a full review of the entire policy manual for any concerns or changes with the understanding that these policies are essentially in effect.

Mr. Heller asked if the copy the board received was the current Lexipol policy or the Duty Manual.

Attorney Taylor responded that it is the Lexipol Policy Manual and that he would send the board members a copy of the Duty Manual.

Mr. Ross asked if the Lexipol document they received included all of the policies or if they would receive them in sections.

Chief Buchanon advised that the proposal is to provide the board with sections of the Lexipol policy so as not to bombard you with them all at once. To make sure in all fairness that you get to view them in their entirety and ask questions.

Ms. Claeys asked if many of the changes were in format only or are they substance as well.

Chief Buchanon explained that the Duty Manual was comprised and has been pretty standard to us for many, many years, but a lot of the changes in today's version refers to proper pronunciation and language but more so to represent all genders of the fire department. And we felt like that was important to be transparent and the transparency of what we were trying to achieve within the whole department that everyone needs to be included not based on language that was in there from many, many years ago. So, a lot of it is just language changes, but some of it also represents the many changes that public safety, Fire and Police that were introduced over the last however many years and we want to stay current with what is going on in our society and the nation and to be consistent with the practices that are going on there.

Attorney Taylor added that while much of what is in the manual is an update of what was contained in SOP's or in the Duty Manual. There is a lot of policy that were incorporated in the SOP's that was never taken before the board, so in a way would represent not a change in department policy but would represent something the board had not seen and and in that sense would be new.

Mr. Kirsits noted that this is a good thing for South Bend and Lexipol provides good best practices. I can see the Duty Manual maybe having a few things in it to our locale like the automated fire alarms that go off. Whether you reset them or not it's just a huge liability for that fire department.

Chief Buchanon stated that there are going to be certain Policies that were in our duty manual that we definitely need to make sure that we are not omitting things, but also making sure that we have clarified clearly and made sure of the correct spelling of every word and who it is prescribed to. We are not trying to eliminate any of the policies in the

Duty Manual, we are just trying to update them to make sure that they are representing today's standards, not just yesterdays.

Mr. Heller asked if the Lexipol manual the board received included the amended policies that are on the agenda or the previous version.

Attorney Taylor advised that the manual they received included all the policies that were enforced as of 12/22. The items submitted on the agenda are amended and are not included in the manual you have.

Ms. Claeys asked what the term online medical control meant under policy 501 Patient Refusal to Pre-Hospital Care. Captain Chris Rose explained that online medical control is the doctor that is in charge at the ER.

Ms. Claeys asked what the term CBA means in policy 900 Illness and Injury Prevention Program. Attorney Connell responded that it means Collective Bargaining Agreement.

Upon a motion by Darryl Heller, seconded by Al Kirsits, and followed by a roll call the Transition from Duty Manual to Lexipol was approved.

3. APPROVE AMENDED LEXIPOL POLICIES

501 – Patient Refusal of Pre-Hospital Care

900 – Illness and Injury Prevention Program

908 – Respiratory Protection Program

910 – Health and Safety Officer

Attorney Taylor, noted that the intent was to approve the transition from the Duty Manual to Lexipol before approving any amended Lexipol policies as the agenda initially outlined. He explained that since the board has not seen these policies, they are essentially new. He continued to explain that the changes were quality control changes or changes in formatting to each policy. The policies provided were color coded, so yellow indicates additions and red indicates words that were removed from the policies.

Mr. Heller asked if the terms certified Indiana or Licensed Medical Emergency Technician Responder or higher synonymous under policy 501, patient refusing medical care against medical advice.

Chief Buchanon responded yes, mostly all of the firefighters are basic EMT's. Prior to that we had several that were clarid as first responders, but since then and moving forward predominantly we have advanced medical technicians and paramedics and beat paramedics on top of that. Anyone licensed under the Indiana Emergency Technician would be a emergency medical technician.

Mr. Heller asked why the second paragraph under Purpose and Scope in policy 900 was being removed. Attorney Taylor explained that it was just unnecessary. Ultimately, it doesn't have any affect any on the substantive policy or performance of what is being implanted in the policy.

Ms. Claeys asked for an example of the difference between the Duty Manual and Lexipol. For example, the Duty Manual is more localized where Lexipol is more standardized.

Attorney Taylor explained that Lexipol has its own standards that it follows, but they sometimes arbitrarily decide to change a little bit of the formatting like some of the policies had these aspirational statements about what they were hoping would be accomplished and they've been updating to remove those things. A lot of the language in the Duty Manual is more concise. The Lexipol policies are a lot broader than the Duty Manual.

Attorney Connell Lexipol provides code updates and best practice standards. These updates come to us regularly.

Upon a motion by Darryl Heller, seconded by Al Kirsits, and followed by a roll call the Amended Lexipol Polices were approved.

4. RECEIVE SOUTH BEND FIRE DEPARTMENT POLICY MANUAL (LEXIPOL)
 Attorney Panowicz clarified on the record that the Board was just receiving the manual and the Board is reserving the right to review sections as they come in. Fire Department will present in sections.

5. FILE MONTHLY STATISTICAL ANALYSIS REPORT FOR JANUARY 2023
 Chief Carl Buchanon submitted the monthly statistical analysis report for January 2023.

Mr. Ross asked why there were 105 reinspections last January and this year there weren't any. Chief Buchanon responded that they were able to get caught up after COVID and not being able to get into some of the businesses or businesses being able to re-establish themselves. Once the businesses were able to open back up, we were able to get in to do our inspection.

Ms. Claeys noted that 1880 calls is a lot of activity. Chief Buchanon explained that there has been a lot lot more activity in the past year because there are more people working from home or home schooling. When students were in school and parents were at work there was less activity in the home.

JANUARY 2022	JANUARY 2023
STRUCTURE FIRES Property Loss	
\$102,300	\$874,920
INSPECTION DIVISON	
205 Inspections 105 Re-Inspections	138 Inspections
INVESTIGATION DIVISON	
8 Investigations	14 Investigations
2 Incendiary 6 Accidental 0 Natural 0 Undetermined	0 Incendiary 9 Accidental 0 Natural 2 Undetermined 3 Under Investigation

F. PRIVILEGE OF THE FLOOR

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

President Jones asked Chief Ruszkowski what happens when all of the officers on duty are called to an event like the fight at the Washington High School basketball game. What happens to the rest of the City during this time. Chief explained that the City had help from Mishawaka and St. Joseph County Police to handle the calls coming in during that time.

Reverend Odell Haughes from New Horizons Outreach Ministry at 816 Clyde Street, Mishawaka, IN. He wanted to see if there were any updates to incident involving Dante Perry in November 2022.

Mr. Heller asked the SBPD lawyer if there have been any updates that can be shared.

Attorney Connell explained that this is active and pending and that the prosecutor's office has taken over the case. Chief Ruszkowski explained that they cannot discuss the case because it is a criminal matter and as soon as civil attorneys enter, we are no longer able to speak about the case.

Ms. Claeys spoke about the heroic act of Officer Ashley DeLarosa in hopes that she would receive accolades for her efforts. Chief Ruskowski explained that they receive many recommendations for commendations, and they go through a review process to determine which officers will receive a commendation.

Chief Ruskowski invited Board member to attend the graduation of sixteen (16) officers on February 24th at 9:30 a.m. at Washington High School. He also invited board members to attend an award ceremony on March 7th at 6 p.m.

G. ADJOURNMENT

There being no further business to come before the Board, upon a motion by Lee Ross, seconded by Darryl Heller, and carried by roll call, the meeting was adjourned at 10:28 a.m.

BOARD OF PUBLIC SAFETY



Daniel Jones, President

Darryl Heller, Member



Lee Ross, Member



Alfred Kirsits, Member



Pam Claeys, Member

ATTEST:



Theresa Heffner, Clerk