

I. EXECUTIVE SESSION

The Board of Public Safety met in the Executive Session on Wednesday, March 20, 2024 at 8:51 a.m. with Board President Daniel Jones, and Board Members, Darryl Heller, Lee Ross (absent), Al Kirsits, Pamela Claeys and Attorney Tom Panowicz. Chief Ruszkowski and Attorney Kylie Connell joined the meeting at 8:54 a.m. 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)(6)(a) to receive information concerning and individual’s alleged misconduct and I.C. 5-14-1.5-6.1(b)(7) for discussion of records classified as confidential by state statute (I.C. 5-14-3-4(a)(9)). The meeting concluded at 9:10 a.m.

BOARD OF PUBLIC SAFETY

Daniel Jones, President



Darryl Heller, Member

Ross Lee, Member



Al Kirsits, Member



Pamela Claeys, Member

ATTEST:



Theresa Heffner, Clerk

I. REGULAR MEETING

The Board of Public Safety met in the Regular Meeting at 9:17 a.m. on Wednesday, March 20, 2024, with Board President Daniel Jones, and Board Members Darryl Heller, Lee Ross (absent), Al Kirsits, and Pamela Claeys were present. Also, Police Chief Scott Ruszkowski, Fire Chief Carl Buchanon, and Attorneys Tom Panowicz, Adam Taylor, Kylie Connell, and Board Clerk Theresa Heffner. 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/2024BPSHybrid>

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.

After reading through the agenda items, Attorney Panowicz noted that there was one addition to the agenda. Approval of the promotion of Troy Whitesel to Captain was added to the agenda as item D. 6.

A. ROLL CALL OF MEMBERS

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

B. 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 February 20, 2024, regular meeting and the March 13, 2024 special meeting.

C. POLICE DEPARTMENT

1. APPROVE PROMOTIONS TO PATROLMAN 1ST CLASS

Donzell Brown

Daniel Butcher
Janathan Campbell Jr.
Spencer Davis
Madelin Durbin
Max Ellison
Alan Froula
Owen Hoggard
William Krager
Austin Minix
Zachary Mullins
Joshua Pennington
Luke Primerano
Terry Redden

Chief Scott Ruskowski submitted letters of recommendations for the above officers to be promoted to Patrolman 1st Class and retro pay effective March 15, 2024, and stated the officers have successfully met the requirements outlined in the working agreement to become a PFC within the SBPD.

Upon a motion by Pam Claeys, seconded by Al Kirsits, and followed by a roll call, the Board approved the Promotions to Patrolman 1st Class for the above Officers.

2. ACCEPTING LETTER OF RESIGNATION - LAUREN BAKER

Chief Scott Ruskowski submitted a letter of resignation for Officer Lauren Baker. Chief stated Officer Baker was sworn into the department on June 16, 2021, and her effective date of resignation was March 10, 2024. President Jones accepted the letter of behalf of the Board.

3. RECEIVE LEXIPOL POLICIES

312 - Search and Seizure
323 - Report Preparation
504 - Operating while Intoxicated
1010 - Personnel Records

Attorney Kylie Connell submitted the above Lexipol Policies for review by the Board and to be considered for approval at the next Board Meeting. Attorney Connell did a summary of each item above.

Darryl Heller asked if new additions were in blue print. Attorney Connell advised that yes, items in blue are new additions.

Darryl Heller asked for an explanation or definition of plain view. Chief Ruskowski explained that plain view means that anyone walking by could see the same thing as an officer without anything being moved. He added that there are exceptions such as when something might be in plain view, but it is not covered under the obtained search warrant. The officer/s would then have to request an amendment to the current search warrant, but you could hold the item because it was in plain view.

Darryl Heller asked what legitimate community caretaking interests under item 312.3, Search and Seizure means. Attorney Connell advised that an example would be when a vehicle is blocking traffic or blocking something that it shouldn't be blocking. There may or may not be an inventory done on the vehicle which means we did not take anything from the vehicle. Chief Ruskowski explained that if kids are playing near a vehicle with broken glass or jagged edges, even on private property, SBPD can move that vehicle as an example of a legitimate community caretaking interest.

Pam Claeys asked when a search warrant would not be needed. Chief Ruskowski advised that certain circumstances are emergency in nature, so if an officer arrives at a home and hears screaming and things breaking, they can enter the house without a search warrant based on exigent circumstances.

Attorney Connell advised that officers are trained in these types of instances and are not

pure officer discretion as they are trained on when they do and don't need a search warrant. They must determine if there is an exception warranted. Chief Ruszkowski added that when in doubt, always get a search warrant.

Pam Claeys noted that there are a lot of exceptions in the policy. Attorney Connell advised that they are all legal exceptions. They are not decided by the SBPD. They are case law meaning the Supreme Court has determined that these exceptions do apply. They are solid in the law.

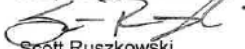
FILE MONTHLY STATISTICAL ANALYSIS REPORT FEBURARY 2024

Chief Scott Ruszkowski submitted the monthly statistical analysis report for February 2024, and stated there was a twenty Six Percent (26%) decrease in Part One Offenses.

The FEBRUARY 2024 analysis is as follows:

PART 1 OFFENSES	2023	2024	CHANGE	YEAR TO DATE		CHANGE
				2023	2024	
HOMICIDE	0	1	1	2	2	0
JUSTIFIABLE HOMICIDE*	0	0	0	1	1	0
RAPE	7	7	0	11	12	1
ROBBERY	30	18	-12	67	44	-23
AGGRAVATED ASSLT	61	71	10	146	133	-13
BURGLARY RES	32	30	-2	80	68	-12
BURGLARY NON RES	10	13	3	17	22	5
LARCENY	161	128	-33	367	246	-121
MOTOR VEH THEFT	35	26	-9	99	53	-46
ARSONS	2	0	-2	2	2	0
GRAND TOTAL	338	294	-44	791	582	-209

Respectfully submitted,



Scott Ruszkowski
Chief of Police

Month: FEBRUARY 2024

<u>PART 1 OFFENSES</u>	<u>2023</u>	<u>2024</u>	<u>CHANGE</u>
HOMICIDE	2	2	0%
JUSTIFIABLE HOMICIDE*	1	1	0%
RAPE	11	12	9%
ROBBERY	67	44	-34%
AGGRAVATED ASSLT	146	133	-9%
BURGLARY RES.	80	68	-15%
BURGLARY NON RES.	17	22	29%
LARCENY	367	246	-33%
MOTOR VEH THEFT	99	53	-46%
ARSONS	2	2	0%
GRAND TOTAL	791	582	-26% ^A

-26% CHANGE IN PART 1 CRIMES THROUGH FEBRUARY 2024

Pamela Claeys asked if the theft of Kia vehicles from last year has been fixed. Chief Ruszkowski noted that some of these things came about due to challenges on Tik Tok. Hyundai and Kia have worked on preventative measures from that happening.

Pamela Claeys asked if the new LED City lights are helping reduce theft. Chief Ruszkowski noted that the lights certainly have made things clearer on camera footage, etc., but he wasn't sure the lights were the main cause in reduced theft.

D. FIRE DEPARTMENT

1. APPROVE ADJUSTED HIRE DATES OF FIREFIGHTERS

Charles Barnes
Tim Perry

Chief Carl Buchanan stated the Board previously approved hiring of the above firefighters at the February 21, 2024, Board of Safety Meeting and asked that the Board recognize their sworn date and approve their adjusted dates of hire. Chief stated both firefighters have previous experience and Firefighter Barne's adjusted hiring date is February 12, 2019, and Firefighter Perry's adjusted hiring date is November 1, 2022.

Upon a motion by Pam Claeys, seconded by Darryl Heller, and followed by a roll call, above adjusted hiring dates were approved for Firefighter Barnes and Perry.

2. APPROVE APPLICATION AND DECLARATION FOR RETIREMENTS

Assistant Chief/Fire Marshal Gerard Ellis
Captain Robert Rose

Chief Carl Buchanan submitted Letters of Application and Declaration for Retirements for the above Firefighters and discussed years served and retirement dates.

Assistant Chief/Fire Marshal Gerard Ellis was appointed to the SBFD on June 5, 2002. Chief stated Assistant Chief Ellis was promoted to Captain/Public Education/PIO, and Safety & Life Educator on September 11, 2012, and stated he was also a member of the Honor Guard for the extent of his career, as well as being the Pension Secretary for the SBFD. Chief Buchanan stated on April 27, 2020, he was promoted and appointed to the position of Assistant Chief of Fire Prevention/Fire Marshal and his effective date of Retirement is March 9, 2024.

Captain Robert Rose was appointed to the SBFD on June 1, 2001, spending most of his years as 1660, Captain of the Medics on B-Shift, and his effective date of Retirement was March 8, 2024.

Chief Buchanan's letter asked the Board to join them in appreciation and gratitude for the above firefighters' commitment and distinguished services to the SBFD and the residents of the City of South Bend and wished them many years of good health and happiness in retirement.

Upon a motion by Dan Jones, seconded by Pam Claeys, and followed by a roll call the Board approved the Application and Declaration for Retirement for Assistant Chief Ellis.

Upon a motion by Darryl Heller, seconded by Pam Claeys, and followed by a roll call the Board approved the Application and Declaration for Retirement for Captain Rose.

3. APPROVE LEXIPOL POLICY 1043 – OUTSIDE EMPLOYMENT

Attorney Adam Taylor submitted the Lexipol Policy 1043: Outside Employment for approval and reminded the Board Members and the public that the above policy was submitted to the Board at the February 2024 Board of Public Safety Meeting.

Attorney Taylor noted that a correction was made under 1043.7 to include the outside request form.

Upon a motion by Darry Heller, seconded by Pam Claeys, and followed by a roll call, Lexipol Policy 1043 Outside Employment was approved.

4. RECEIVE LEXIPOL POLICY 917 – PERSONAL FIREARMS

Attorney Adam Taylor submitted Lexipol Policy 917: Personal Firearms to be considered for approval at the next Board Meeting. Attorney Taylor did a brief summary.

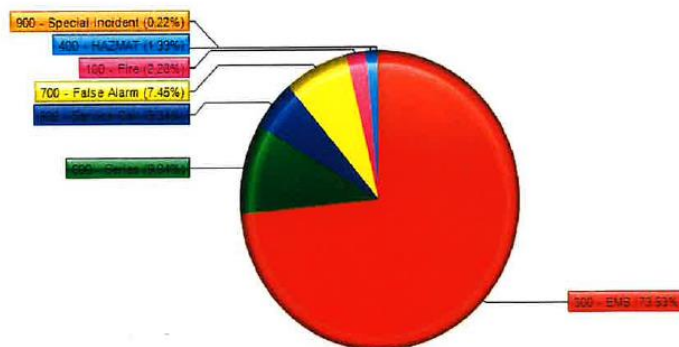
Attorney Taylor noted that under 917.4 a firefighter was not allowed to carry a personal firearm on duty, but this change allows them to carry a personal firearm as long as it is kept locked in a vehicle or glovebox.

5. FILE MONTHLY STATISTICAL ANALYSIS REPORT FOR FEBRUARY 2024

Chief Carl Buchanan submitted the monthly statistical analysis report for February 2024.

FEBRUARY 2023	FEBRUARY 2024
STRUCTURE FIRES Property Damage--Buildings & Contents (Estimates)	
\$222,500	\$346,000
INSPECTION DIVISION	
206 Inspections	242 Inspections
INVESTIGATION DIVISION	
11 Investigations	11 Investigations
1 Incendiary 6 Accidental 0 Natural 4 Undetermined	4 Unintentional 1 Undetermined 4 Under Investigation 2 Failure equip. or heat source

2024 February Incident Type	Fire Department Monthly Breakdown
100 - Fire	41
300 - EMS	1322
400 - HAZMAT	24
500 - Service Call	96
600 - Series	177
700 - False Alarm	134
900 - Special Incident	4
Monthly Total	1798



6. APPROVE PROMOTION TO CAPTAIN - TROY WHITESEL

Chief Carl Buchanon submitted a letter stating on January 18, 2023, Firefighter Troy Whitesel, Badge #488, was placed in the position of Captain in Special Assignment (CISA). This special assignment required several evaluations to determine Firefighter Whitesel’s abilities in a leadership position. Chief stated he has completed all the requirements of the captain’s position that he has occupied in outstanding fashion. Chief recommended that Captain in Special Assignment Troy Whitesel, be promoted to the rank of Captain, no longer in special assignment with an effective date of this promotion is retroactive to January 19, 2024.

Upon a motion by Al Kirsits, seconded by Pam Claeys, and followed by a roll call, The Board approved the Promotion to Captain no longer in Special Assignment.

E. 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.

Chief Ruszkowski stated that the Police Department was having an award ceremony this evening (March 20, 2024) from 6 – 7 p.m. at the Four Winds Casino and invited the Board members to attend.

F. ADJOURNMENT

There being no further business to come before the Board, upon a motion by, seconded by, and carried by roll call, the meeting was adjourned at 9:51 a.m.

BOARD OF PUBLIC SAFETY

Daniel Jones, President



Darryl Heller, Member

Ross Lee, Member



Al Kirsits, Member



Pamela Claeys, Member

ATTEST:



Theresa Heffner, Clerk