

January 17, 2023

The Board of Public Works & Safety met on Wednesday, January 17, 2023, at 10:00 a.m. in the Marion City Council Chambers. Present were Alex Huskey, Janice Adams, Brian Flynn, Linda Wilk, and secretary to the board.

Motion to approve December 19, 2022 minutes-Brian Flynn; seconded Janice Adams. Motion carried.

Motion to approve January 4, 2023 minutes- Janice Adams; seconded Brian Flynn. Motion carried.

Marion Police Department- Introduction of new staff

Police Chief Angela Haley introduced Captain Tim Pauley and Sergeant Richard Sisson.

Marion Police Department- Swearing in

Police Chief Angela Haley swore in officers Brennan Butche and Darius Dora.

City of Marion- Resolution 1-2023

Corporate Counsel Tom Hunt: Good morning members of the board. Um I have for your consideration Resolution 1-2023. This involves the remaining roughly forty-two acres at the old RCA site that has just been abandoned for a number of years. We believe we have um a potential buyer for this site. The property six or seven years ago was deeded to the city of Marion. Um in correctly, it should have been deeded to the Redevelopment Commission. The Redevelopment Commission has um much more flexibility then the city does to deal in distress properties that need redevelopment. Frankly, the city shouldn't be in the real estate business but the Redevelopment Commission exists for that very purpose. So, what we're asking you to do today is authorize the mayor to sign a deed from the city to the Redevelopment Commission so that they can explore the potential transfer of this property to a buyer who will redevelop the property and put it back on the tax rolls.

Alex Huskey: Are there any questions, comments or concerns? Definitely appreciate the work that has been done. I know it, it's a challenge when the city gets in the business of real estate. So, definitely appreciate the thoughtfulness that has gone into this. If there are no additional questions, comments, or concerns I would entertain a motion to approve Resolution 1-2023.

Motion to approve Resolution 1-2023- Brian Flynn; seconded Linda Wilk. Motion carried.

Marion Police Department- S.O.P'S

Alex Huskey: Good morning, Sergeant Reel and thank you for helping us a little bit with the crowd control and noise control.

Sergeant Reel: Yep, you are welcome. So I have submitted packets in the process of doing what I have been asked to do by the chief. Um reevaluated S.O.P's uh to see where we need to update them. A lot of it is just wording changes. Hopefully you got to review them. I did review I did that on one of them I didn't highlight for you but there was a change and I will explain that. I don't know why it didn't highlight for you. I apologize. So we are going to start off with our

Firearms S.O.P. number 301. If you go down to procedure letter V number 2 where it says duty shot gun. Uh we have city issued shot guns however, we have officers that would like to carry their own which is at their expense. So the chief was okay with allowing them to do that. The approval will actually be by the chief. We are not looking for them to pull out some big fancy gun that they see one video game or something like that. It's gotta be in line with something we use. So personally owned shot guns with written approval from chief of Police was added in there. Go down to number 3. That was not in there before we have added. We have transitioned to duty rifles and it has not been in our S.O.P's until now. Um so we do have city issued rifles that we can hand out to the officers. Uh we also allow them personally owned rifles with written approval by the chief of police. That was the change on that one. Uh if you turn over to um "C" where it says ammunition and you go down to. where it says spare ammunition in number 2. Um "If wearing an outer vest carrier, magazines- may be carried in a secured magazine pouch on the outside of the vest." Um if you haven't seen some of our officers over the last several years we have outer carriers which helps with not killing our back over the years. Um and that was not in the S.O.P's where we can carry the magazines on that instead of on our duty belt. Any questions about where that is at? Then if you look on page four under "E" that one is completely new we transitioned over to some of them at the officer's expense. New sites that we can add on to the platform of our duty fire arms which helps, it is called a red dot site. Um which a lot of departments are transitioning to. We have the same thing on our rifles it just helps the officers shoot better and acquire their target better. Um I am still old school. I still use my iron sights but the younger kids I guess that is what they are, would like to transition to those and so we have actually added an S.O.P. to that so they can purchase it but it has to be a certain brand and approved by the training officer and chief of police. Any questions over what any of that means?

Brian Flynn: Yes. Actually, I have on the first item. The first page duty shot guns and duty rifles. Um is there a criteria like for the shot guns or rifles as far as caliber or

Sergeant Reel: We use a, a 12 gauge. A 870 Remington Rifle or Shot Gun, I am sorry. Um that is usually what we carry. I know a couple of our guys were asking for, we have a semi (inaudible) which was purchased before um long time ago. We used for some competitions and stuff like that. The only ones that I am allowing to use that for is our SWAT team. Um I would prefer that it be a pump action um shot gun what they are trained on at the academy. Um if they bring in something else as fire instructors. We have a couple of shot gun instructors, myself and another sergeant we look at it to see whether or not it would be useful and safe before we would allow them to carry that on duty.

Brian Flynn: And the same with the rifle?

Sergeant Reel: Yeah. The rifle we use a 223 caliber or 556. Uh we have a surplus of uh military rifles that we have garnered from the military from uh surplus. We have a lot of those. We could issue probably about two to every officer um but officers do sometimes like to use their own rifle because they are comfortable with it. It shoots better, they have it set up the way they want. Um and as long as it is in a 223 it can be a three round burst we don't give them full autos. They can't buy full autos. We do have some that was given to us from the military which our ERT guys or rifle instructors have but we don't use them. It is a waste of ammo.

Brian Flynn: And for their personal rifles and shotguns, do we supply the ammo?

Sergeant Reel: Yes we do. We supply the ammo for those, yes.

Brian Flynn: That is all I had.

Sergeant Reel: Okay.

Alex Huskey: The questions that I had uh just a few. Uh couple of them. Uh have it is an unusual question I know, but have we run this past the risk management insurance carrier for the city?

Sergeant Reel: For which one?

Alex Huskey: For the, the on the personal use, or the personal carry?

Sergeant Reel: That I don't remember. We have had personal carry for the rifles it has been okay but it has never really been in the S.O.P's because I um no we have not. I don't, I don't

Alex Huskey: So I know that a lot of agencies or departments are allowing that and it is completely (inaudible) I would just make sure that uh the risk management carrier for the city knows that and make sure that they approve of it because ultimately if there is a claim against the city they are the ones that will get involved and

Sergeant Reel: Okay. Any other questions on 301? Okay. 302 is our patrol rifle um which kind of deals personally owned rifles. We have added in that it has to be inspected and looked at by a training officer or a patrol rifle instructor before we allow them to carry it. We just added that verbiage in there um and we changed the inspecting officer role "make recommendation to the chief of police" instead of, with administration changes I may not my position may not be there anymore so we wanted to make that a little more vague. Um in case that transition does happen. That uh a rifle instructor or whoever the chief assigns to that can do that inspection.

Alex Huskey: And I, I will correct you on that one. That's not vague, that is actually better.

Sergeant Reel: Well okay

Alex Huskey: Because then they can't come back and say

Sergeant Reel: I was going to say not the right wording. Uh because we have a lieutenant of training, I am a sergeant so we wanted to kind of make it more I guess more broader not vague I guess. Any questions on that. If you go down to letter C Patrol Rifle qualifications slash ammunitions um we have added in our qualification what they need to do uh to qualify with their rifle. Officers can't carry them until the go through a basic rifle course which is usually two to three days. Um, we (inaudible) our targets that the academy uses um and if they change it we will come back and change it again. Um but then they must have up to 85% or higher um qualification score um and we have added that in there so we know where our officers need to be to carry that rifle. Any questions? Um we will go to Home Fleet Vehicle. Uh a lot of the, of the other changes are just minor little changes um and verbiage. Um under policy number 2 uh as we update in technology and vehicles um most vehicles in our fleet now don't need to be serviced every three thousand. It is usually three to five thousand and some vehicles even longer. What we have done is just added that five thousand in there just to cover. We don't need to spend the money every three thousand miles when we can stretch it out to five. It is a cost saving effort. Um if you go down page 5 on Home Fleet Vehicles, um number 17 um it we marked out officers who assigned home fleet vehicles are assigned home fleet vehicles are required to dispatch mileage on and off duty. Since we don't have our own dispatch anymore and it is run through central dispatch they don't keep track of that anymore. We do go on duty and off duty to let them know when we are in service but giving mileage and our vehicle number is not necessary anymore. So we have omitted that and removed it um from that S.O.P.

Alex Huskey: Is there are process of tracking mileage still?

Sergeant Reel: Yes, our deputy chief, I am sorry captains from each shift patrol CID they gather the mileage from uh their officers from their shift and the deputy collects the other admin like myself and our other officers and IT gets our mileage every month and we give that to him. So we do track that yes.

Alex Huskey: And just for those that don't understand. I only asked that question because it can get into an unusual income tax situation if you don't track your mileage if you don't track your mileage that you use in that vehicle.

Sergeant Reel: Um Vehicle Pursuits um go down to page 8 is the beginning of it um letter E again since we no longer have our own dispatch center um the S.O.P for dispatch communication center responsibilities is omitted. Grant County Dispatch has their own S.O.P. which I believe mirrors ours and Grant County's. So there really is no need to continue to have that in there. I don't foresee us getting our dispatch center back but again if that does happen in the future that is something we can always add back in. Almost done I promise. Um so go to Blocked Railroad Crossing 503. Um that entire S.O.P needs to be omitted. State statute was changed that a railroad can be blocked for an infinite time limit uh it used to be I believe ten minutes and then we could site the engineer or conductor uh state statute has changed. I apologize I thought I brought it but I did not bring the exact statute. But it has changed so we can no longer really enforce that so that is an S.O.P. that we no longer need. Um it is going to be omitted with your approval.

Unfortunately it happens, it disrupts everyone's lives when they block the railroad too long. Um parking enforcement 508 on page 1 um under policy letter D. Um our ordinance has changed actually quite a while ago from 96 hours to 72 hours so we had to change the time limit where our parking ordinance can be enforced from the four day to three day. So, I actually changed that verbiage from 96 to 72. Um, in letter D turn over to page two under abandoned vehicles it is the same. I highlighter 72 hours uh twice in there from the 96. Um, city council has passed that ordinance I think it was in 2016 so that should have been changed a while back, uh so we needed to make sure we changed that. That is what we have been enforcing is the seventy-two hour rule uh from the city council. Um any questions over that. Policy 513 on shoplifting. Um we have changed letter, procedure letter C, it used to say shall arrest um a lot of our businesses are filing stuff with the prosecutor themselves just to make sure they are going to follow through with that. If we get called to identify or we want to go out there we can make the arrest but we changed it from shall or we have to, to may. Um it is kind of uh keeping us from being as busy by going out to some of the local businesses for shoplifting incidences seven or eight times a day. Um, so we made that to be the officers discretion that they may arrest if they feel the need.

Alex Huskey: And lets just be real about that no pun intended sir but the fact of the matter is the businesses really needed to take some ownership in moving that stuff forward

Sergeant Reel: Absolutely.

Alex Huskey: A lot of times the arrest will happen and the businesses never follow up.

Sergeant Reel: Yep and that is taking up some of our valuable time.

Linda Wilk: Just one question on that.

Sergeant Reel: Yes, Ma'am.

Linda Wilk: On D it says "If exigent circumstances exist, the investigating officer shall seek permission from the staff" is it purposely vague, exigent circumstances.

Sergeant Reel: um I think that under that one it was shall arrest that was a way for us to say hey look they've got six kids with them we can file charges on them later, I think that might make exigent circumstances and we would need permission from our supervisor to do that when it was under shall. Um I mean um we could probably omit that but I did not put that in here. I think it could stay um

Linda Wilk: It seems like it leaves a lot of leeway to sympathetic stories and

Sergeant Reel: Yeah

Linda Wilk: That is why I wasn't sure it was

Sergeant Reel: I think when it was “we shall arrest” like we had a lot exigent circumstances and the previous administration put that in there (inaudible) we can make arrest for it. Things have changed over the years um I think that was a way if we needed permission from our supervisor that we don’t violate our S.O.P’s by this is why that would be the exigent circumstances.

Chief Angela Haley: Even with a good story the cases still go to prosecutor’s office for review. So even if if we don’t arrest on any incident criminal offenses go to the prosecutors for determination whether charges are filed or not.

Linda Wilk: Okay.

Chief Haley: It stays with them.

Sergeant Reel: Any other follow up questions? Um Vehicle Thefts number 516 letter C. Um “if the investigation officer determines a suspect’s vehicle is stolen a case report and a MPD auto theft card” that has been crossed out. We don’t use those anymore. It has been so long since we used them. Um I understand why we did it uh but it is just one of those things that is outdated. Um so we have removed all of that. Everything still gets reported and entered in as a stolen vehicle but it is just a little 3 by 5 card that helped I believe dispatch enter stuff. I mean you may be able to fill me in on that it was before my time or when I probably started that we used them.

Alex Huskey: I will tell you we probably haven’t used those since 2002.

Sergeant Reel: Yeah, it has been a long time. So that was removed from that. Again, just small changes. Um, Supervisors Presence Required uh number 604 um again laws have changed, terminology has changed. If you go down to procedure A 1 d, it used to say A & B felony’s which is what we use to have now it is level 1,2,3,4, level 5 and level 6. So we changed that from A and B to level 1 and 2. Our supervisors know what they need to come out on but we just needed to changed that verbiage in that. Um, I believe it is changed somewhere else. Um Crime Scene Procedures we did the same. Page 2

Brian Flynn: I do have a question on the 604. Um in paragraph A 1 toward the end it says that “Examples of incidents for which the supervisor of Criminal Investigation or designee should be called” because that makes it optional. They don’t have to call.

Sergeant Reel: Um yeah because sometimes we might have um somebody that is actually working that maybe respond usually on those cases um it may designed maybe a sergeant, any sergeant or really any supervisor can really go to those scenes however we would want to really have the experts come in um putting shall um some of those officer may already be working, does that make sense?

Brian Flynn: Yeah. It makes sense. I understand. And then the other comment I have is under number 2. You reference A and B felonies.

Sergeant Reel: I am sorry. I missed that, I will have to change it too.

Brian Flynn: thank you.

Sergeant Reel: Sorry, I am human.

Brain Flynn: No that is alright that is why we look at it.

Sergeant Reel: I will change that if that is okay with you guys. That needs to be uh changed as well. Thanks. Um going on with Crime Scene Procedures. We did the same thing in um go down to letter C under supervisor we changed all A & B felonies to level 1 and 2 felonies, offenses um where a supervisor would need to be called.

Brain Flynn: And I have the same comments. Um there is lots of references to should like C “supervisor, officer should notify the supervisor when it is a serious offense.

Sergeant Reel: Which one are you talking about?

Brian Flynn: This is under 702 C.

Sergeant Reel: Is that under supervisor? Okay.

Brian Flynn: Yeah, supervisor.

Sergeant Reel: Ask your question again. I just want to make sure I was reading it.

Brian Flynn: It references that officers should notify the supervisor whether the offense is a serious offense to have the determination made whether to call detectives to the scene” again is that an optional? I know this is semantics but it is if they were required to do it it should not say should.

Sergeant Reel: I am assuming you want shall? Is that what you are asking?

Brian Flynn: I am just saying it is a requirement should is not the appropriate verbiage. Because that gives the person the leeway. I should but I don't have to.

Chief Haley: I am fine with changing that to shall.

Sergeant Reel: Okay, um

Chief Haley: (inaudible another conversation is being held in the background)

Sergeant Reel: I think it is 604 as well, the supervisor's presence. I think that one should be changed too because that is the same question. Um where it said should be called. We understand that obviously you understand that and we will change it to shall. Um I am in agreement with you on that one. Um that, I think knowing it, doing it, that word doesn't really mean a whole lot to me because I do it.

Brian Flynn: Yeah, its. I am just looking to fill loop holes.

Sergeant Reel: Yep I agree. We will get that changed as well.

Brian Flynn: The same language. I mean there are several spots in this segment that that uh D, 1 b says “should be photographed progressively “All did was going through where it said should.

Sergeant Reel: Should be

Brian Flynn: (inaudible)

Chief Haley: We, I would like to leave should in there because sometimes, I mean quite honestly it depends on where we end up and how quick we end up as to how that happens. Usually what is going to happen is we are going to back out, rope it off, the detectives are going to come in and do their things and our crime scene investigators have procedures that they follow, um that is best practice for the state of Indiana. I would like to leave that alone.

Brian Flynn: Yeah, that is fine.

Sergeant Reel: You would think that all crime scenes are photographs but sometimes there is nothing to photograph.

Brian Flynn: Right. I think in the same 4 c where it talks about the container should.

Sergeant Reel: Well that one, sometimes we don't seal them because sometimes it has to dry out. If there is blood and stuff like that or moisture so if we put shall in there and they seal it up and it molds then we have lost evidence.

Brian Flynn: Okay. Thank you. I appreciate that.

Sergeant Reel: Yep, good question.

Brian Flynn: Okay, I think that is all I have. I appreciate

Sergeant Reel: Any other follow up questions? I will get those changes made and uh hand those out to officers with your approval. Thank you.

Brian Flynn: Thank you. We appreciate your work.

Linda Wilk: We need a motion though first.

Alex Huskey: We need a motion to approve them. And I um if there are no additional questions I would entertain a motion to approve all policies and provisions as submitted.

Motion to approve all of the policies with provisions and changes as submitted: Linda Wilk; seconded Brian Flynn. Motion carried.

Alex Huskey: And thank you for the work on that. I know policy review and revision is rough.

Linda Wilk: The highlighting was really, really helpful.

Sergeant Reel: Well I am sure there will be more as we go along. I am still working in the process so

Chief Haley: And as this gets updated once all of the corrections are made we will also be posting that on the city website where the S.O.P's are so that will be updated to the public.

Alex Huskey: Chief while you are here, I know and again I am only bringing this up for conversation. I know that the International Association of Chiefs of Police use to hold a policy conference every year. Do they still host that?

Chief Haley: Uh I gotta be honest with you I have not been to one myself so.

Alex Huskey: I would, I would even recommend that you and Sergeant Reel would attend one of those if you get a chance. They are about three days long but they really do talk through policy and help the departments understand why the policy so you can articulate those as well.

Sergeant Reel: I will look to see if I can find something.

Alex Huskey: Yes sir.

Chief Haley: I can tell you that the Law Enforcement Training Board which I am a member of for the state of Indiana is updating or they are creating policy. One of them that has been approved already is a vehicle pursuit policy which we are already in compliance uh with and so we are going to keep our policy as is because it's, their policy was set as a minimum requirement and ours meets all of that. There is a um deadly force policy that is being worked on currently. That is a policy that we and you should know this we can't um with the way that the state legislature wrote the law that is requiring this policy which will be a state wide policy for all law enforcement agencies we won't be able to um make it less than. We won't be able to change that policy at all. We will have to abide by that policy and so at some point I will be coming to you with that state policy um it's being worked on with a group and then it will be approved by the law enforcement training board and that is the policy that will be set and we do not have any we have no recourse we will follow that policy because the state says we will follow that policy. That should be sometime, hopefully sometime this year it is finished and brought before you.

Alex Huskey: Thank you.

Linda Wilk: Thanks.

Alex Huskey: Alright next item on the agenda is the building department speaking Jerry Foustnight.

Building Department- 3810 S. Landess St. update

Jerry Foustnight: Good morning. We uh or I went out this morning and I took some additional pictures this morning if you would like to have a copy of them to show the condition of the property. Um we have had some communications with the individual that owns the property. Um we have our facts sheet that shows when the communication was made and everything. As you can see the property still hasn't been repaired. Nothing has been started on the property. Again she has uh uh told us that she wasn't able to get a contractor to give an estimate or sign a contract or anything. This process the fire actually in March of 2020 and we started the process on 8-1 of 22 and so it has been an extended period of time that we kept you notifying her and all this. Uh Whitney is with me and Whitney has done all the paperwork on this and if you have any questions as far as uh when things were done or whatever uh you know I, I feel that uh uh on the

last when she was supposed to be here at the last meeting she called the day after and wanted to uh try to extend the time and would talk a little bit more about the project. You know I am sure that you guys are getting tired of me coming before you on this same property as uh nothing is being done. So, I believe in the last meeting we said we would come and if she had uh fulfilled her part then we would try to work with her however I don't think that she has fulfilled what she said she would do as far as having a contract in place and providing that and providing the cost of it. So, uh again I would ask that we would move forward on this and uh take action were we could get uh affirmative action on the demo plan please.

Alex Huskey: Thank you. Uh the idea was we would give her an opportunity to get some process done and come back. Now, they did some stuff on the inside but obviously it is not enough to move things forward. So as we look at this what we are really revisiting is what, was there sufficient time, did she get things accomplished? And as we prepare for a vote on this today of how we want to move forward my, I have two suggestions I will make. And these are suggestions. Uh so that we can, we make sure that we stay on task. The first suggestion is any time that we grant somebody some additional time like this really the best thing to do is to have any additional communications documented or actions that have been documented or actions that have been documented since the last meeting. Then the second thing would be I would recommend and again I am make some suggestions here I would recommend that all photographs be date and time stamped just so that we can be sure

Jerry Foustnight: I apologize that was I did that this morning (inaudible)

Alex Huskey: No, I am just making suggestions because I want to make sure that we stay on point.

Jerry Foustnight: And we do. If you go back and look at our previous pictures it will have a stamp date and time on it and everything. And also as far as communication we do have all of that information in here available.

Alex Huskey: No, I, I get that but just like in our previous discussion the difference between may and shall comes up and if this ever goes beyond this, this board what we have done you know one of the things that they use to say to me all of the time in my previous life if it is not documented it didn't happen. And so, I was just making suggestions but I would entertain a motion to move forward with the demolition order for this property at 3810 S. Landess Street.

Brian Flynn; I will say I have been driving by that pretty regularly and have never seen any activity. And I mean it is close to where I live so I drive by it frequently so you know I appreciate you making the effort to go out and get the photograph and see what is going on (inaudible).

Motion to move forward with the approval to demolish 3810 S. Landess (garage) - Brian Flynn; seconded Janice Adams. **Motion carried.**

Jerry Foustnight: Thank you. I appreciate your time on this. I know it has been an extended period of time. But I appreciate you taking the effort and working with us as we moved forward.

Alex Huskey: Thank you.

PUBLIC COMMENT

Council Woman Robin Fouce: Hello everyone (inaudible) I wanted to thank for (inaudible) me as I have been the liaison for a while. I have learned so much from you and appreciate uh your efforts so much. I(inaudible), I want to introduce to councilman Brian Cowgill who will be your

new liaison as I take on the presidency of the council. So many blessings. We are always here for one another.

Alex Huskey: Thank you and congratulations on your presidency. We are wishing you the best and Mr. Cowgill thank you for joining. Uh we will work with you on these matters as we
Councilman Brian Cowgill: Absolutely, looking forward to it.

PAYMENT OF THE BILLS- JANUARY 18, 2023

Motion to approve the payment of the bills voucher 128-135, 50291-50436 and 23535162 for \$2,807, 622.89- Janice Adams; seconded Brian Flynn.

Motion carried.

Alex Huskey: And before we adjourn we have the matter of election of officers I believe.

Linda Wilk: We are gonna, I need to leave Alex.

Alex Huskey: Okay.

Linda Wilk: We had talked about pushing that to the next time if possible.

Alex Huskey: Alright.

Motion to adjourn- Linda Wilk; seconded Brian Flynn

Meeting adjourned.

Alex Huskey- President
Board of Public Works & Safety

ATTEST:

Aisha Richard- Secretary
Board of Public Works & Safety