



Board of Public Works & Safety and Stormwater Board

Regular Meeting Agenda

2:00 p.m., March 7, 2022

Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

To access online streaming of the meeting, go to <https://goshenindiana.org/calendar>

Call to Order by Mayor Jeremy Stutsman

Approval of Minutes: Feb. 28, 2022

Approval of Agenda

- 1) Customer request:** Mary Phipps of the Swyft Group, LLC is seeking a \$428.27 sewer charge credit for a tenant (Lorena Rojas Moreno)
- 2) Genesis Products:** Request for wider entrance driveway on Eisenhower Drive South
- 3) Environmental Resilience Department:** Request to close Main Street, between Clinton and Lincoln streets, for the Arbor Day celebration on April 29, from 3-9 p.m.
- 4) Police Department:** Review and approval of the Goshen Police Department Policy Manual, which was prepared by Lexipol, LLC.
- 5) Redevelopment Department:** Request for approval of Brownfield Revolving Loan Fund Grant agreement with Goshen Interfaith Hospitality Network & Goshen Community Schools
- 6) Legal Department:** Agreement with Donohue & Associates, Inc. for a Lift Station Cellular Telemetry Project
- 7) Legal Department:** Agreement with Indiana Housing and Community Development Authority to implement its Low-Income Household Water Assistance Program to assist low-income customers of City of Goshen Utilities Department
- 8) Engineering Department:** Agreement for the completion of the construction project at 1931 Whispering Pines (JN: 2017-2035)



9) Engineering Department: Agreement for the completion of the construction project at 2093 Whispering Pines (JN: 2020-2017)

Privilege of the Floor

CITY OF GOSHEN STORMWATER BOARD

Regular Meeting Agenda

2:00 p.m., March 7, 2022

Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Members: Mayor Stutsman, Mike Landis and Mary Nichols

10) Stormwater Department: Post-construction plan approval for the Goshen Hospital bed tower, carriage house and parking lot (JN: 2018-2040) and the loading dock replacement (JN: 2018-2040)

Approval of Civil City and Utility Claims

Adjournment



BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD

MINUTES OF THE FEBRUARY 28, 2022 REGULAR MEETING

Convened at 2 p.m. at Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Present: Mayor Jeremy Stutsman and members Mary Nichols and DeWayne Riouse

Absent: Mike Landis and Barb Swartley

CALL TO ORDER: Mayor Stutsman called the meeting to order at 2 p.m.

REVIEW/APPROVE MINUTES: Minutes of the Feb. 21, 2022 meeting of the Board of Works & Safety & Stormwater Board were presented. Board member Mary Nichols moved to approve the minutes as presented and the motion was seconded by Board member DeWayne Riouse. Motion passed 3-0.

REVIEW/APPROVE AGENDA: Mayor Stutsman presented the agenda. Board member Nichols moved to approve the agenda as submitted. Board member Riouse seconded the motion. Motion passed 3-0.

1) Police Department: Retirement of Officer Gregory Stuart Smith

Goshen Police Chief José Miller asked the Board to approve the retirement of Officer Gregory Stuart Smith effective March 3, 2022. Chief Miller said Officer Smith, who submitted his resignation on Jan. 6, 2022, began his career at the Goshen Police Department 37 years ago as a reserve officer; he was hired full time on Jan. 2, 1987. Chief Miller thanked Officer Smith for his service and commitment to the department and the community and wished him the best in his retirement and any future endeavors. In his letter of resignation, Officer Smith wrote, in part: "The years have flown by and there have been many triumphs and tragedies, happiness and pain. Every day brought new and different challenges and experiences. It has been an honor to work with, and for some of the best people and officers the profession has to offer ... It has been my honor and privilege to serve the people of the City of Goshen. I wish everyone my best." **Mayor Stutsman** affirmed the Chief's sentiments and thanked Officer Smith for his service. **Nichols/Riouse moved to approve the retirement of Officer Gregory Stuart Smith, effective March 3, 2022. Motion passed 3-0.**

2) Police Department: Resignation of Probationary Officer Catherine Jo Shrock

Goshen Police Chief José Miller asked the Board to approve the resignation of Probationary Officer Catherine Jo Shrock effective today, Feb. 28, 2022. Chief Miller said Officer Shrock submitted her letter of intent to resign from Goshen Police Department on Feb. 13. Chief Miller said Officer Shrock has demonstrated she is a compassionate and empathetic person who wants to serve. He thanked Officer Shrock for her service and wish her the best in her plans to continue in this profession. In her letter of resignation, Officer Shrock wrote, in part: "I am so thankful for the opportunity you gave me to pursue my dream of being a law enforcement officer. I have learned so much about myself during this time and about the role of what being a true police officer is. I will always have a huge respect for you and a respect for the Goshen Police Department. There will always be a special place in my heart for the Goshen Police Department." **The Mayor** affirmed the Chief's statements about Officer Shrock.



Nichols/Riouse moved to approve the resignation of Probationary Officer Catherine Jo Shrock effective today, Feb. 28, 2022. Motion passed 3-0.

3) Legal Department: Agreement with Abonmarche Consultants, Inc. for GIS and IT on-call services

Carla Newcomer, a paralegal with the City Legal Department, asked the Board approve, and authorize Mayor Stutsman to execute, an agreement with Abonmarche Consultants, Inc. of Goshen for on-call digital engineering and information technology services that budgets for approximately 200 hours of these services for the remainder of the 2022 calendar year with a cost not to exceed \$40,000. The Scope of Services list in the agreement included: GIS/IT Assessment; GIS/IT Recommendations Technical Memo; CCTV Integration with GIS and IT; Evaluation and recommendation of GIS workflow scenarios and QC processes; Evaluation and recommendation of GIS Database maintenance tasks; and other tasks as directed by the City. The budget includes approximately 200 hours for these on-call services with a cost not to exceed \$40,000. According to its proposal for professional services, Abonmarche will develop a Lead and Copper Service Line data inventory, a GIS-based asset management and construction management GIS-based program to aid in the replacement of lead service lines with the Goshen community, and an assessment of the current GIS, Database, and IT infrastructure and architecture and a detailed report identifying recommendations to help Goshen meet their GIS and IT needs.

Nichols/Riouse moved to approve, and authorize Mayor Stutsman to execute, an agreement with Abonmarche Consultants, Inc. for on-call digital engineering and information technology services that budgets for approximately 200 hours of these services for the remainder of the 2022 calendar year with a cost not to exceed \$40,000. Motion passed 3-0.

4) Legal Department: Award quote for ambulance & agreement with Medix Specialty Vehicles

Carla Newcomer, a paralegal with the City Legal Department, asked the Board award the quote for the purchase of an ambulance with 4x2 Chassis to Medix Specialty Vehicles, LLC, of Elkhart as the lowest responsible and responsive quoter and to approve and execute the agreement with Medix for the purchase of the ambulance. The City solicited sealed quotes for the purchase of an ambulance with a 4x2 Chassis in accordance with Indiana Code § 5-22-8-3.

Below is a summary of the quotes for the ambulance that were submitted by three companies:

1. Medix Specialty Vehicles, LLC	\$251,146.00
(Change wood interior cabinets to all-aluminum interior	\$ 27,250.00)
	REVISED TOTAL
	\$278,396.00
2. Horton Emergency Vehicles	\$297,516.00
3. Cross Roads Ambulance Sales and Service, LLC	\$302,063.00

The ambulance will be delivered to the City of Goshen by Jan. 31, 2024, according to the agreement.

Mayor Stutsman asked if aluminum cabinets were more durable than wood. City Fleet Manager Carl Gaines said aluminum is more durable. Gaines also said a future chassis re-mount would be easier with aluminum cabinets.

Nichols/Riouse moved to award the quote for the purchase of an ambulance with 4x2 Chassis to Medix Specialty Vehicles, LLC, as the lowest responsible and responsive quoter and also to approve and execute the agreement with Medix for the purchase of an ambulance with 4x2 Chassis. Motion passed 3-0.



5) Legal Department: Agreement with American Structurepoint for a City housing study

Carla Newcomer, a paralegal with the City Legal Department, asked the Board to approve and execute an agreement with American Structurepoint of Indianapolis for the City of Goshen Housing Study, for \$30,223.00. Under the agreement, the objectives of this project are to evaluate market feasibility for one or more types of development types and outline possible development scenarios for a ~200-acre property near the City of Goshen's southern boundary. The study will examine the carrying capacity of this property and the potential amount of property tax revenue generated to assist with funding public infrastructure over a sufficiently long (i.e., 10-year) period. Because market data fluctuates, the project will focus on capture rates, or the ratio of (proposed) new units to the existing surplus (unmet) demand. Generally, a cutoff of 20 percent or less will be used for a reasonable capture rate. The study will also examine historic and existing annual absorption rates for the new units based on existing local data and nearby comparable communities.

American Structurepoint's specific duties under this agreement include:

- (A) Background and Market Research
 - 1. Project Requirements.
 - 2. Market Analysis
 - a. Demand
 - b. Supply
 - c. Gap Analysis
 - 3. Past Plans
 - 4. Site and Situation
- (B) Site Plan Creation
 - 1. Development Objectives
 - 2. Alternatives Development
 - 3. Final Alternative
- (C) Development Narrative
 - 1. Development Goals Statement
 - 2. Status Update with Governing Bodies

Mayor Stutsman said the proposed study was among efforts by the City to better understand the housing situation in Goshen and to help find ways to develop more housing.

Nichols/Riouse moved to approve and execute an agreement with American Structurepoint for the City of Goshen Housing Study. Motion passed 3-0.

6) Building Department: Mechanical License request for Chris Charlwood

City of Goshen Residential Building Inspector Jim Ramer asked the Board to approve a City of Goshen Mechanical License for Chris Charlwood of Hershberger Heating of Goshen. Grise said Charlwood holds a valid mechanical license with the City of Elkhart, and meets the requirements for a reciprocal mechanical license with the City of Goshen.

Nichols/Riouse moved to approve a City of Goshen Mechanical License for Chris Charlwood of Hershberger Heating of Goshen. Motion passed 3-0.



7) Engineering Department: Agreement for completion of construction project: 639 River Race Drive
Goshen Director of Public Works & Utilities Dustin Sailor asked the Board to approve and authorize the Mayor to execute the agreement with Richard Allen and Catherine Shoupe, and Hope Builders Group, for the Completion of the construction project at 639 River Race Drive. Sailor said the home has passed its final building inspection and the project is substantially complete, except for pavement replacement to bring the driveway into ADA compliance and seeding and stabilization requirements, which cannot be completed at this time due to weather conditions. Sailor said the Stormwater Department has submitted an Agreement for the Completion of the Construction Project for approval and authorization for the Mayor to execute. The property owners, Richard Allen and Catherine Shoupe, and the builder, Hope Builders Group, agree to complete all concrete work and stabilize the lawn with seed and a temporary stabilization measure by Sept. 30, 2022. The expected cost of work is \$1,050 and involves concrete work. A surety check for that amount has been remitted to the Clerk Treasurer's office. The extended completion date is due to the expected development of a neighboring lot with impacts to the ability to stabilize this spring. **Nichols/Riouse moved to approve and authorize the Mayor to execute the agreement with Richard Allen and Catherine Shoupe, and Hope Builders Group for the Completion of the Construction Project at 639 River Race. Motion passed 3-0.**

8) Engineering Department; Revised Change Order No. 4 for WWTP (JN: 2019-0025A)

Administrative City Engineer Bryce Gast asked the Board to approve Revised Change Order No. 4 in the amount of \$17,589.00 with no change in the project schedule at this time for the Waste Water Treatment Plant Improvements Project (JN: 2019-0025A).

Gast said that due to ongoing negotiations with Kokosing Industrial, the WWTP Improvements Project general contractor, the Engineering Department is presenting a revised Change Order No. 4 for the project. He said the change order is an update to a change order originally approved by the Board on Nov. 11, 2021. The revisions include the temporary removal of a credit for decommissioning of the plant's lagoon and the addition of two new costs and one new credit that have been incurred since the original change order as noted in the following list:

• Per the original change order:

- o Addition of a sidewalk to the vector truck receiving facility to improve access for an additional cost of \$9,917.00.
- o Modification of the new digester gas piping to improve moisture control in the process for an additional cost of \$3,172.00.
- o Addition of a pipe fitting to the aeration process piping after the original was deemed to be unsuitable for reuse for an additional cost of \$930.00.
- o Replacement of diffuser a-rings in the aeration tanks for an additional cost of \$2,382.00
- o Modification of the diffuser grid in the existing aeration tanks to better match the diffuser grit in the new aeration tank for an additional cost of \$3,086.00
- o Removal of a substantial portion of painting scope from the secondary clarifiers and upflow clarifiers for a cost reduction of \$13,517.00

• New items include:

- o Relocation of a backflow preventer in the digester building to improve staff access for an additional cost of \$5,847.00
- o Addition of structural steel members to the secondary clarifier bridges to facilitate installation and support of new handrail for an additional cost of \$8,490.00



o Elimination of roof penetration in the digester building due to relocation of a new boiler for a cost reduction of \$2,718.00

Gast said the revised change order is for a cost increase of \$17,589.00, which increases the total project cost to \$19,160,401.00. This change order is an increase of 0.09% and increases the total changes to date to 0.9%. The change order adds no time to the project schedule, though Kokosing has reserved the right to request additional time at a later date.

Nichols/Riouse moved to approve Revised Change Order No. 4 in the amount of \$17,589.00 with no change in the project schedule at this time for the Waste Water Treatment Plant Improvements Project (JN: 2019-0025A). Motion passed 3-0.

Privilege of the Floor:

Mayor Stutsman opened Privilege of the Floor at 2:12p.m.

Goshen Director of Public Works & Utilities Dustin Sailor said the Engineering Department was informed late Friday (Feb. 25, 2022) that NIPSCO plans to work on infrastructure (restringing power lines) on East Lincoln Avenue, from Rock Creek to the radio station, from March 1 to March 18. The work will involve work during three nights and NIPSCO plans to impose lane restrictions. Sailor said NIPSCO contacted the Engineering Department so the City could be informed of the work and the partial street closure.

There were no further public comments, so Mayor Stutsman closed the public comment period at 2:13 p.m.

As all matters before the Board of Public Works & Safety and Stormwater Board were concluded, Mayor Stutsman/Nichols moved to approve Civil City and Utility claims and adjourn the meeting. Motion passed 3-0. And the Mayor adjourned the meeting at 2:13 p.m.

APPROVED

Jeremy Stutsman, Chair

Michael Landis, Member



Mary Nichols, Member

Barb Swartley, Member

DeWayne Riouse, Member

ATTEST

Richard R. Aguirre, Clerk-Treasurer

03/02/2022



501 Argonne Rd.
Warsaw, IN 46580
574-999-4688
info@swyftgroup.com

To the Board of Works & Safety,

I am requesting a credit on behalf of a Goshen resident living in our apartments whose water bill was much higher than usual for the month of August 2021.

Lorena Rojas Moreno | lrxnaxx@gmail.com | (574)370-1093
304 Stone Dr.
Goshen, IN 46528
Apt. A

I am requesting a \$428.27 credit for Goshen Water/Sewer provided to Stone Brook Apartments. Stone Brook Apartments pays the water/sewer bill monthly to the city of Goshen and bills the amount due based on usage to each tenant. The tenants pay back the amount directly to Stone Brook Apartments. The following are the amounts billed from Goshen Water/Sewer for this resident over the first 3 months of her stay in the apartment:

- 7/1/2021-8/1/2021 \$79.09
- 8/1/2021-9/1/2021 \$511.08
- 9/1/2021-10/1/2021 \$86.56

This proposed credit would bring the bill from 8/1/2021-9/1/2021 down to 82.81, which is the average of the two other costs from this resident's water usage.

Summary of the Circumstance:

- Lorena Moreno moved into the above address on 7/1/2021
- On 8/5/2021 she submitted a maintenance request through the online portal about her toilet not flushing
- on 8/14/2021 she submitted another maintenance request for the toilet

We resolved each of the above maintenance requests in a timely manner, we have paid our taxes and we have been upgrading the property and provide better quality housing for our residents. Each tenant is responsible for their own water bills according to their lease, and we'd like to request this credit on behalf of our resident, who did what she could to let us know right away about the potential extra water use, which we resolved quickly for her. This cost is too high for a resident of Goshen to pay unexpectedly. Thank you for your consideration, I sincerely appreciate your time.

Kind Regards,

A handwritten signature in black ink that reads "Mary Phipps".

Mary Phipps, Property Manager
Swyft Group, LLC (Managing Stone Brook Apartments)





Kelly Saenz, Manager
WATER & SEWER UTILITIES BUSINESS OFFICE
CITY OF GOSHEN
203 South Fifth Street • Goshen, IN 46528-3713
Phone (574) 533-9399 • Fax (574) 533-6961
watersewer@goshencity.com • www.goshenindiana.org

March 4, 2022

To: Board of Public Works, Safety & Storm Water Board

From: Kelly Saenz

Re: Request for Sewer Relief at 304 Stone Dr Apt A

On August 10, 2021 a leak was detected at 304 Stone Dr Apt A. Upon making contact with the account holder, Stonebrook Apartments, the incident was noted as a toilet leak.

It appears the leak occurred from August 3-August 17.

Because the water had entered the sanitary sewer line no further investigation was taken by the Water & Sewer Department on the incident.

If the Board chooses to grant this request the total amount of credit would be:

Customer Billed: \$511.08
Sewer Amount Billed: \$347.25
Total Credit: \$318.09

The Water & Sewer Department cannot support a sewer relief credit on this account.



Marvin Shepherd, Manager

Water Quality

CITY OF GOSHEN

308 North 5th Street • Goshen, IN 46528-2802

Email marvshepherd@goshencity.com

Phone (574) 534-5306 • Cell (574) 349-0485 • TDD (574) 534-3185

March 4, 2022

To: Board of Public Works, Safety & Storm Water Board

From: Marvin Shepherd

Re: Request for Sewer Relief at 304 Stone Dr Apt A

On August 10, 2021 a leak was detected at 304 Stone Dr Apt A. Upon making contact with the account holder, Stonebrook Apartments, the incident was noted as a toilet leak.

The Water went down the sanitary sewer line because the toilet was leaking so water and sewer cannot support a credit and supports the billing office.

The Water & Sewer Department cannot support a sewer relief credit on this account.



Account Number
 Zone **** Notes ****

Address
 Name

General | Metered | Non-Metered | Financial | Information | Comments | History | Consumption History | Service Orders | Devices

Code Text
 Description

Code	Description	Data	Addr/Occup
CALL	CALLED CUSTOMER	SPK LEAK 8-10-2021	
OWN	OWNER	STONEBROOK APARTMENTS	

Edit This Record

Clear

View | kellysaenz



Account Number: 291-0400-01
 Zone: 02

Address: 304 STONE DR A
 Name: STONEBROOK APARTMENTS

General | Metered | Non-Metered | Financial | Information | Comments | History | Consumption History | Service Orders | Devices

Services: 100 102 W-USAGE 3/4" METER - 82845050I Period: Thru: 99/9999

Grid Graph

Year: 2022									
Month	Date	Read		Total Consumption	Demand		Reading		Occupant
		Previous	Current		Read	Consumption	Flag	Source	
- Year : 2022 Total 2									
Feb	02/01/2022	21460	22027	567			Regular	Hand Held	01
Jan	01/01/2022	20904	21460	556			Regular	Hand Held	01
- Year : 2021 Total 12									
Dec	12/01/2021	20341	20904	563			Regular	Hand Held	01
Nov	11/01/2021	19820	20341	521			Regular	Hand Held	01
Oct	10/01/2021	19241	19820	579			Regular	Hand Held	01
Sep	09/01/2021	14179	19241	5062			Regular	Hand Held	01
Aug	08/01/2021	13677	14179	502			Regular	Hand Held	01
Jul	07/01/2021	13405	13677	272			Regular	Hand Held	01
Jun	06/01/2021	12791	13405	614			Regular	Hand Held	01
May	05/01/2021	12782	12791	9			Regular	Hand Held	01
				Avg 733					

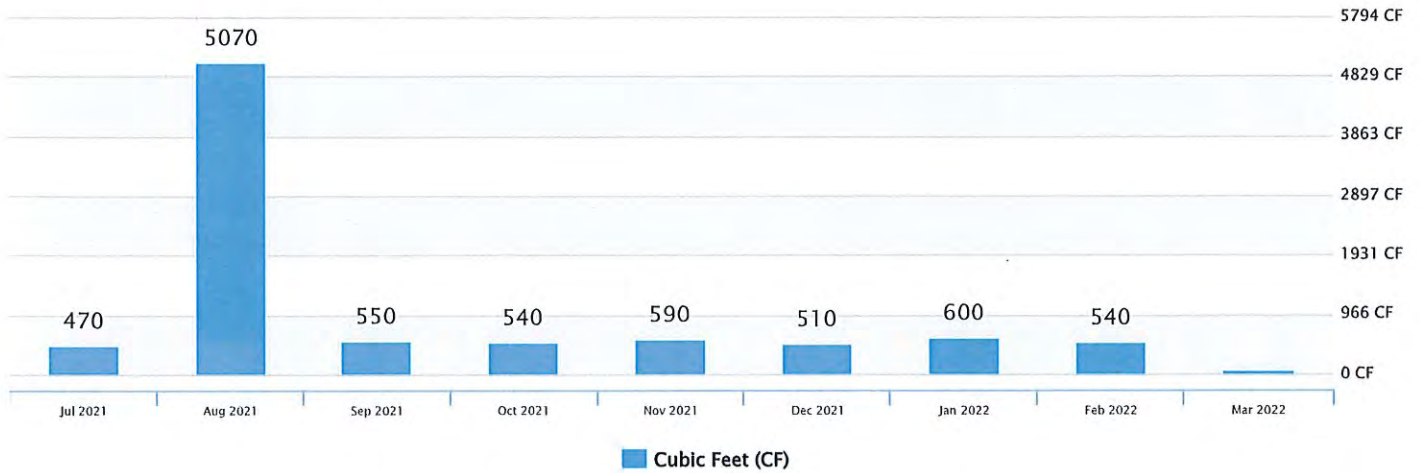
Edit This Record

View | kellysaenz

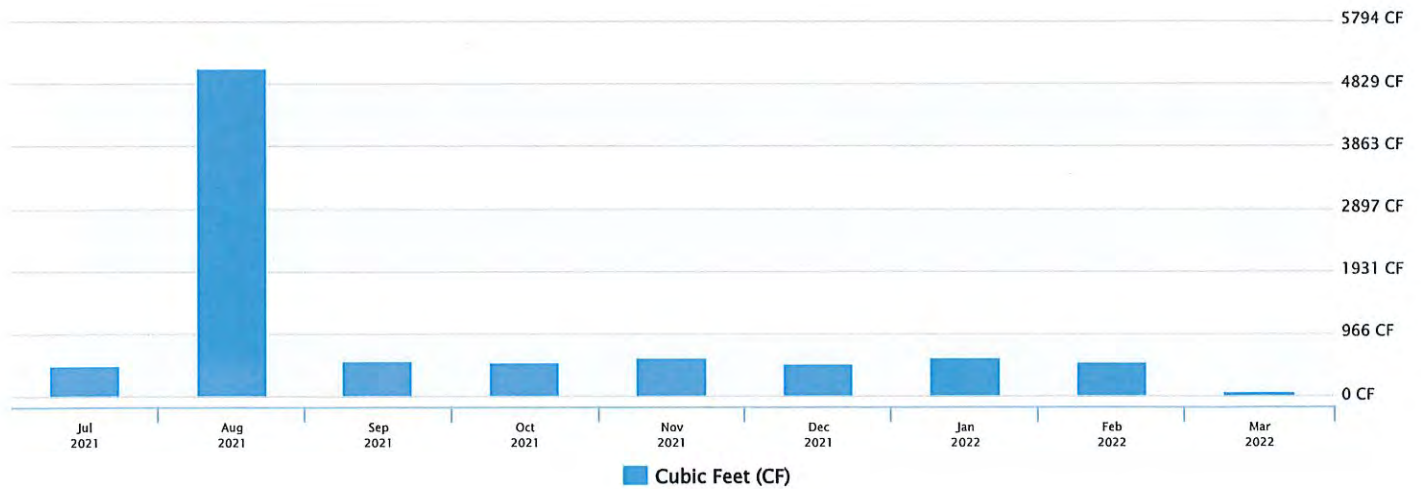
07/01/2021 - 03/01/2022

Device Number: 82845050IP
Account Number: 291-0400-01
Radio Number: 16072341
Customer Name: STONEBROOK APARTMENTS
Processed Date/Time: Mar 1, 2022 2:20:52 AM
Uploaded Date/Time: Feb 28, 2022 9:02:13 PM
Location: 304 Stone Dr A Goshen City IN 46528

Consumption Overview - Volume (CF)



Volume (CF)

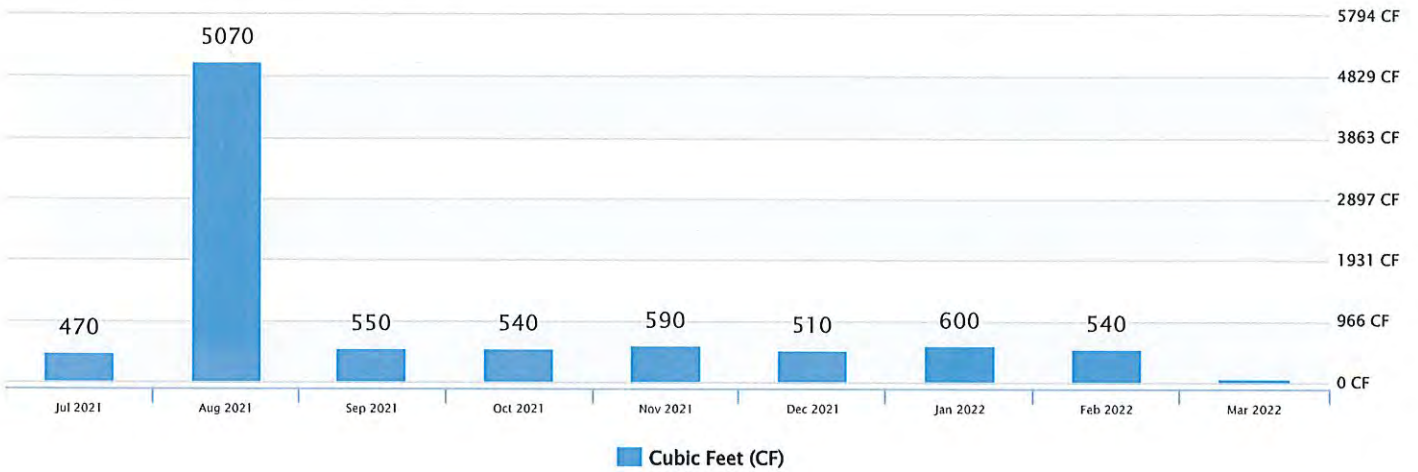


Volume (Gal)

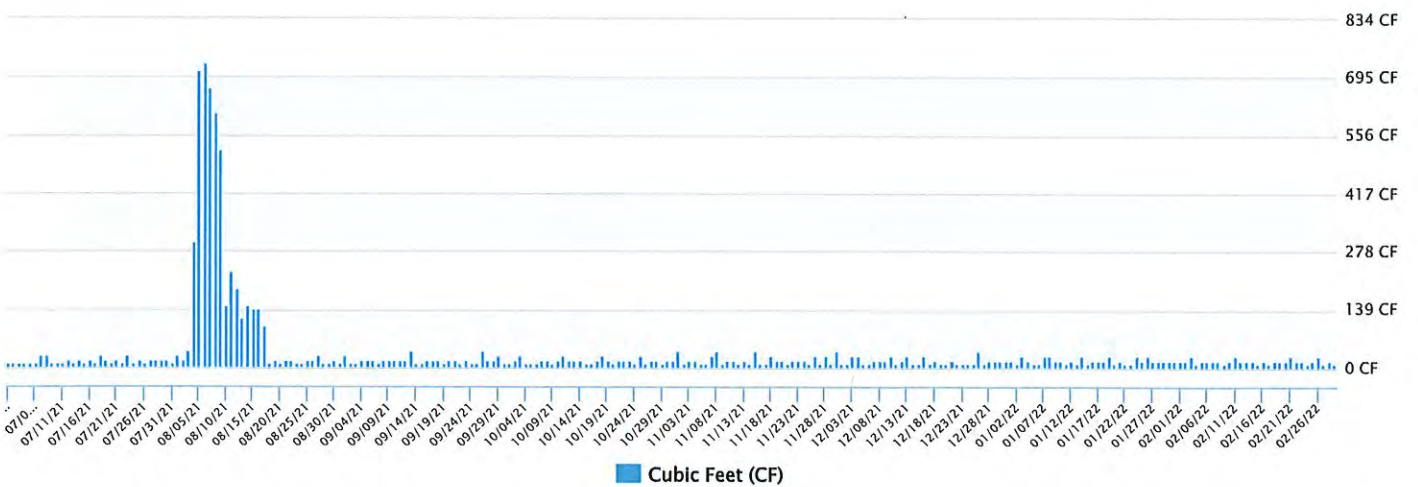
07/01/2021 - 03/01/2022

Device Number: 82845050IP
Account Number: 291-0400-01
Radio Number: 16072341
Customer Name: STONEBROOK APARTMENTS
Processed Date/Time: Mar 1, 2022 2:20:52 AM
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Location: 304 Stone Dr A Goshen City IN 46528

Consumption Overview - Volume (CF)



Volume (CF)

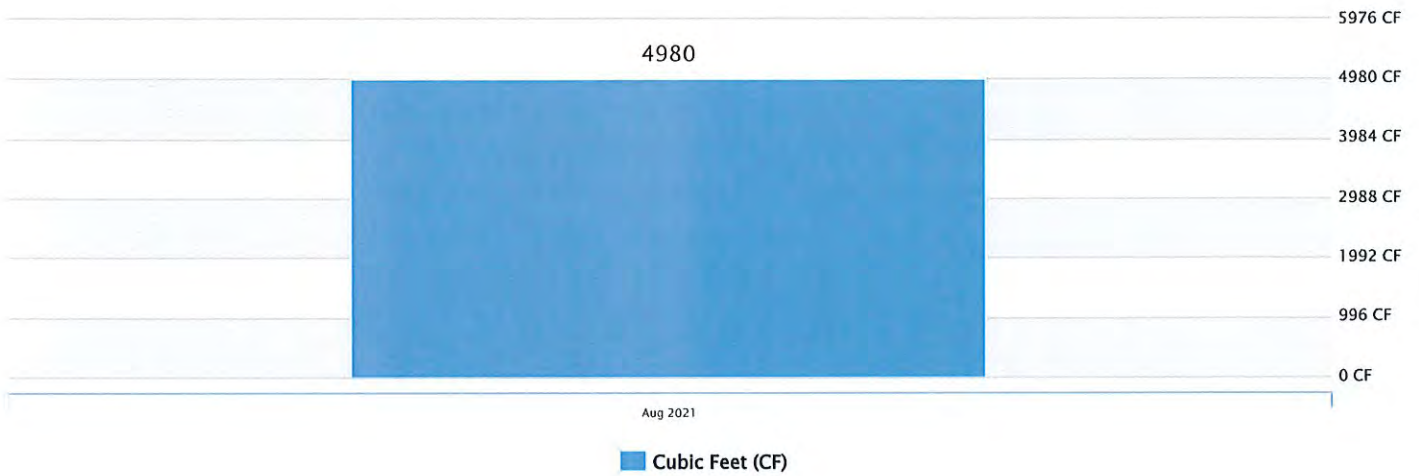


Volume (Gal)

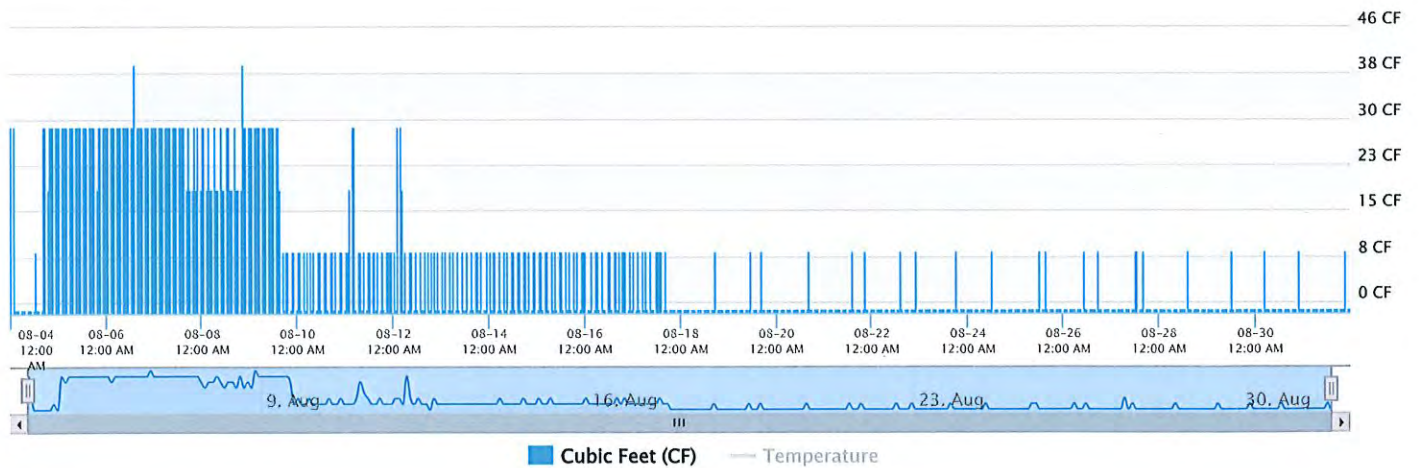
08/04/2021 - 08/31/2021

Device Number: 82845050IP
Account Number: 291-0400-01
Radio Number: 16072341
Customer Name: STONEBROOK APARTMENTS
Processed Date/Time: Mar 1, 2022 2:20:52 AM
Uploaded Date/Time: Feb 28, 2022 9:02:13 PM
Location: 304 Stone Dr A Goshen City IN 46528

Consumption Overview - Volume (CF)



Volume (CF)



Volume (Gal)

Aguirre, Richard

From: Aguirre, Richard
Sent: Wednesday, March 2, 2022 4:22 PM
To: 'Mary Phipps'
Subject: RE: Sewer Relief

Mary Phipps:

Thanks very much for your letter. Your request will be heard this coming Monday, March 7, 2022 by the Board of Works & Safety.

Again, the Board of Works & Safety meets at 2 p.m. in the Police & Courts Building, 111 East Jefferson Street, in downtown Goshen. You or the resident would need to be present to make the request and answer any questions from the Board.

All the best.

Richard. R. Aguirre
Clerk-Treasurer

(574) 533-8623
RichardAguirre@goshencity.com

City of Goshen
202 South Fifth Street, Suite 2
Goshen, IN 46528-3714



From: Mary Phipps <mary@swyftgroup.com>
Sent: Wednesday, March 2, 2022 9:02 AM
To: Aguirre, Richard <richardaguirre@goshencity.com>
Subject: Re: Sewer Relief

Thank you, Richard. I appreciate your quick reply and further guidance. Attached is my formal request for the sewer bill reduction or credit from the Board. If there is any additional information you would find helpful, please let me know. Thank you for your time and consideration for this matter on behalf of my resident.

Thank you,

Mary Phipps
Swyft Group Properties
(574) 306-4556 - Warsaw
(574) 999-4688 - Goshen

From: Aguirre, Richard <richardaguirre@goshencity.com>
Sent: Tuesday, March 1, 2022 5:01 PM
To: Mary Phipps <mary@swyftgroup.com>
Cc: mayor <mayor@goshencity.com>; Saenz, Kelly <kellysaenz@goshencity.com>
Subject: RE: Sewer Relief

Mary Phipps:

Good afternoon. My name is Richard R. Aguirre and I'm the Clerk-Treasurer for the City of Goshen. Among my duties is managing the agenda for the City Board of Works & Safety & Stormwater Board. My understanding is that you would like to request a sewer bill reduction or credit from the Board.

To do so, please send an email – formatted as a letter and addressed to the Board of Works & Safety – describing your request and providing any necessary background and rationale for your request for a credit or bill reduction. Your request will need to include the name and contact information for your resident – the person seeking relief. I will then prepare a memo to the Board with your request and a response from the Utilities Department. I'll also include your previous emails about this issue.

To be placed on the agenda for the coming meeting, I need your emailed letter no later than 10 a.m. this Friday. The Board of Works & Safety meets at 2 p.m. Monday in the Police & Courts Building, 111 East Jefferson Street, in downtown Goshen. You or the resident would need to be present to make the request and answer any questions from the Board.

Please let me know if you would like this request placed on the Board's agenda for March 7 or March 14.

Richard. R. Aguirre
Clerk-Treasurer

(574) 533-8623
RichardAguirre@goshencity.com

City of Goshen
202 South Fifth Street, Suite 2
Goshen, IN 46528-3714



From: Mary Phipps <mary@swyftgroup.com>
Sent: Tuesday, March 1, 2022 4:03 PM
To: mayor <mayor@goshencity.com>
Cc: Saenz, Kelly <kellysaenz@goshencity.com>; Aguirre, Richard <richardaguirre@goshencity.com>
Subject: Re: Sewer Relief

Good afternoon,

Yes, I would like to proceed with speaking with the board of works if possible, for this matter. I appreciate your assistance. I'm happy to provide more information if needed.

Best,

Mary Phipps
Swyft Group Properties
(574) 306-4556 - Warsaw
(574) 999-4688 - Goshen

From: mayor <mayor@goshencity.com>
Sent: Tuesday, March 1, 2022 3:41 PM
To: Mary Phipps <mary@swyftgroup.com>
Cc: Saenz, Kelly <kellysaenz@goshencity.com>; Aguirre, Richard <richardaguirre@goshencity.com>
Subject: RE: Sewer Relief

Ms. Phipps,

Can you please let me know if this is the direction you would like to go? Clerk-Treasurer Richard Aguirre prepares the agenda for the Board of Works and may need additional information from you if you wish to proceed.

Thank you!

Denise Blenner
Administrative Assistant
to Mayor Jeremy Stutsman
202 South Fifth Street
Goshen, IN 46528
(574) 533-9322



From: Saenz, Kelly
Sent: Tuesday, March 1, 2022 11:06 AM
To: Mary Phipps <Mary@fiberjunction.com>
Cc: mayor <mayor@goshencity.com>
Subject: RE: Sewer Relief

Mary,

Unfortunately, under our current standards- there is no relief the Utility office would be able to offer for the leak as described. I can provide you or your tenant a few local helping organizations that offer assistance with Utility bills. I have attached a list of those agencies.

The Board of Public Works and Safety and Stormwater Board is the chief administrative body for the City of Goshen. It oversees the day-to-day business of the City, including bids and quotes, contracts, street closures, and personnel issues. If your organization would like to petition the Board of Works for relief you will need to file your request with the City Mayor's Office along with any supporting documentation. However, the Utility could not support that request due to the details of how the leak occurred.

<https://goshenindiana.org/board-of-works>

Regards,

Kelly Saenz, Manager
City of Goshen
Water & Sewer Utilities Business Office
203 South Fifth Street
Goshen IN 46528
574-534-1706
574-533-6961 (fax)
kellysaenz@goshencity.com

From: Mary Phipps <Mary@fiberjunction.com>
Sent: Tuesday, March 1, 2022 9:07 AM
To: Saenz, Kelly <kellysaenz@goshencity.com>
Subject: Re: Sewer Relief

Good morning Kelly,

I appreciate your quick response. Since our tenants cover their own sewer and water bill, I wanted to petition on her behalf since it is a very high cost, and she did everything in a timely manner. It is very difficult for someone living in apartments to come up with more than \$400 that was not budgeted, and the equipment malfunction was not due to misuse and was resolved quickly. It seems like a really big jump in cost. Is there anyone I can speak with further on behalf of my resident to help save them some money?

Thank you,

Mary Phipps
Swyft Group Properties
(574) 306-4556 - Warsaw
(574) 999-4688 - Goshen

From: Saenz, Kelly <>
Sent: Tuesday, March 1, 2022 8:57 AM
To: Mary Phipps <Mary@fiberjunction.com>
Subject: Sewer Relief

Good morning,

I was forwarded your e-mail below.

Based on your Maintenance Requests (attached) this account would not qualify for Sewer Relief as the toilet is directly tied to the sewer system.

Please let me know if you have any further questions.

Regards,

Kelly Saenz, Manager
City of Goshen
Water & Sewer Utilities Business Office
203 South Fifth Street
Goshen IN 46528
574-534-1706
574-533-6961 (fax)
kellysaenz@goshencity.com

Good morning,

I manage Stone Brook Apartments in Goshen, and I'd like to request a credit on behalf of one of my residents whose water bill was much higher than usual for the month of August 2021. I appreciate any assistance you can provide to direct me to the right person to speak to about this matter.

Summary of Request:

Address:

304 Stone Dr.
Goshen, IN 46528
Apt. A

I am requesting a \$428.27 credit for Goshen Water/Sewer

The following are the amounts billed from Goshen Water/Sewer for this resident over the 3 months of her stay in the apartment:

- 7/1/2021-8/1/2021 \$79.09
- 8/1/2021-9/1/2021 \$511.08
- 9/1/2021-10/1/2021 \$86.56

This proposed credit would bring the bill from 8/1/2021-9/1/2021 down to 82.81, which is the average of the two other costs from this resident's water usage.

Summary of the Circumstance:

- Our resident moved in on 7/1/2021
- On 8/5/2021 she submitted a maintenance request through the online portal about her toilet not flushing
- on 8/14/2021 she submitted another maintenance request saying the toilet was making strange sounds and needed to be checked again.

We resolved each of the above maintenance requests in a timely manner, we have paid our taxes recently, and we have been working hard to renovate the property and provide better quality housing for our residents. Each tenant is responsible for their own water bills according to their lease, and we'd like to request this credit on behalf of our resident, who did what she could to let us know right away about the potential extra water use.

Thank you for your consideration, I sincerely appreciate your time.

Best,

Mary Phipps
Swyft Group Properties
(574) 306-4556 - Warsaw
(574) 999-4688 - Goshen

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content i

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



**Engineering Department
CITY OF GOSHEN**

204 East Jefferson Street, Suite I • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626 • TDD (574) 534-3185
engineering@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Goshen Board of Public Works & Safety

FROM: Goshen Engineering

RE: **GENESIS PRODUCTS – PLANT 10
WIDER DRIVE REQUEST AT 1853 EISENHOWER DR. SOUTH**

DATE: March 3, 2022

City staff have recently performed a technical review of plans for a proposed development by Genesis Products at 1853 Eisenhower Drive South. The proposed development includes two new access points from Eisenhower Drive South. During technical review with Genesis and their consultant, Abonmarche, it was explained that the western drive does not meet the requirements for a new access along this corridor, and therefore, would require review by the Board of Works. The following items highlight the concerns with the drive:

1. Drive Width – The proposed western drive measures approximately 49 feet wide at the right-of-way, which exceeds the maximum 36 feet width permitted by City policy for new commercial drives.

The Engineering Department does not oppose the proposed wider entrance as it will help to alleviate traffic congestion and reduce the likelihood of vehicular collisions that would result from semi-trailers using the entire width of Eisenhower Drive South to enter a narrower drive. However, because the proposed width of western drive for this parcel exceeds the permitted width, Engineering cannot permit the new access without review and approval of the Board of Works.

February 23, 2022

City of Goshen Board of Works
202 South 5th Street
Goshen, IN 46528

RE: **GENESIS PRODUCTS – PLANT 10**
1853 Eisenhower Drive South

Request Development Waiver for Wider Entrance Drive

Dear Board of Works:

On behalf of Genesis Products, we are requesting the following development waiver for the proposed west entrance drive due to the existing conditions of Eisenhower Drive South and the nature of the property's use which involves tractor trailers entering and exiting which creates challenges to meet the City's design standards.

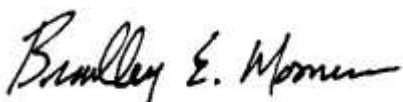
1. To allow the proposed west entrance drive on Eisenhower Drive South to exceed the City's maximum drive width opening of 36 feet to 49 feet at the right-of-way.

Genesis Products currently has existing entrances on the north side of the street that have rutting issues due to truck turning. The wider entrance should help with rutting, help minimize the use of the entire pavement of Eisenhower Drive South when maneuvering into and leaving the site, and help with possible traffic backup or vehicle collisions. Please refer to the attached Site Development Plan for additional information on this request.

The proposed site plans have been through the City's technical review process and the Engineering Department seemed positive regarding this request.

Thank you for your time and consideration.

ABONMARCHE CONSULTANTS, INC.



Bradley E. Mosness, PE
Vice President / Goshen Office Director

LANDSCAPE DEVELOPMENT STANDARDS

Streetside:
 Required: 1 large tree / 60', 1 medium tree / 40', or 1 small tree / 30'
 Eisenhower Drive: 425' - 24' Drive Allowance = 401'

Southside Park Court: 466' - 24' Drive = 442'
 $401' + 466' = 867 / 60 = (14.45) 15 \text{ trees}$

Parking Areas - Interior:
 Required: 1 parking island with tree / 20 parking spaces
 245 spaces / 20 = (12.25) 13 Trees

PLANT SCHEDULE

LARGE CANOPY TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	REMARKS
PM	7	Platanus x acerifolia 'Morton Circle' TM	Exclamation! London Plane Tree	2" CAL	B&B	Mature Height: 50'-60'
QB	6	Quercus bicolor	Swamp White Oak	2" CAL	B&B	Mature Height: 50'-60'
QR	5	Quercus rubra	Red Oak	2" CAL	B&B	Mature Height: 50'-70'
TD	4	Taxodium distichum	Bald Cypress	2" CAL	B&B	Mature Height: 50'-70'
UA	6	Ulmus x 'Morton' TM	Accolade Elm	2" CAL	B&B	Mature Height: 50'-60'

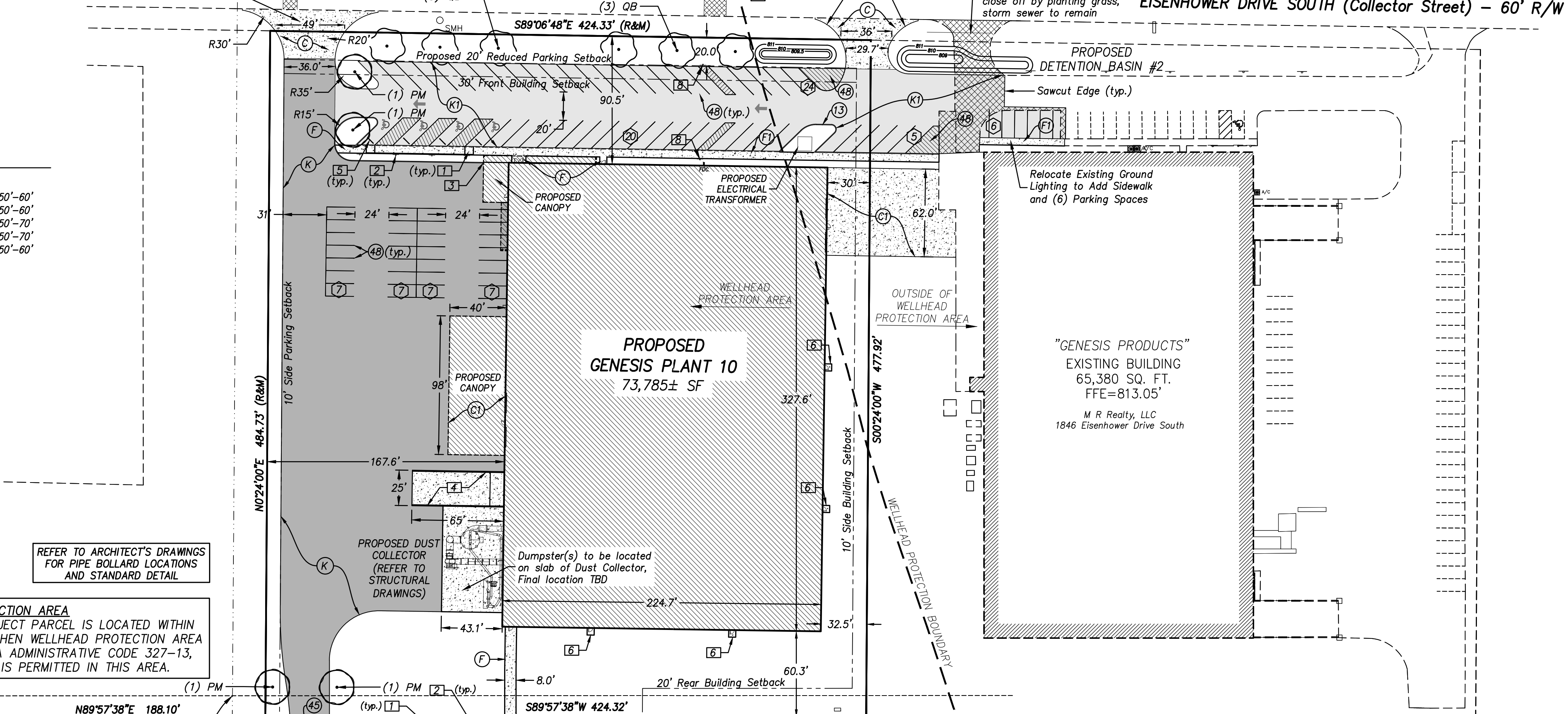
Curve Table

Curve #	Length	Radius	Delta	Tangent	Chord Bearing	Chord Length
C1	73.14'	56.00'	74°50'14"	42.84'	N68°04'46"W	68.05'
C2	72.20'	56.00'	73°52'09"	42.10'	S37°34'03"W	67.30'
C3	20.80'	24.00'	49°39'04"	11.10'	S25°27'30"W	20.15'
C4	236.10'	275.00'	49°11'29"	125.88'	S25°41'18"W	228.92'
C5	63.69'	40.65'	89°45'56"	40.48'	S45°58'31"W	57.37'

Line Table

Line #	Bearing	Length
L1	N0°25'47"E	25.00'
L2	N0°25'47"E	15.02'
L3	S35°55'37"W	38.96'
L4	S53°54'19"E	27.80'

A drive width variance shall be requested from the Board of Public Works



Lippert Components Manufacturing, Inc.
 1724 Eisenhower Drive South

REFER TO ARCHITECT'S DRAWINGS FOR PIPE BOLLARD LOCATIONS AND STANDARD DETAIL

WELLHEAD PROTECTION AREA
 ALL OF THE SUBJECT PARCEL IS LOCATED WITHIN THE CITY OF GOSHEN WELLHEAD PROTECTION AREA AND PER INDIANA ADMINISTRATIVE CODE 327-13, NO INFILTRATION IS PERMITTED IN THIS AREA.

N89°09'25"W 329.69'(m)
 329.83' (MCREA SURVEY 3/28/19)

EXISTING RETENTION BASIN TO REMAIN
 Beadle Huffman, LLC
 2514 Messick Drive
 N89°09'25"W 270.00'

10' Side Building Setback

EXISTING AEP Transmission Tower

PROPOSED DETENTION BASIN #1 (With Sloped Bottom)

PROPOSED DRAINAGE EASEMENT TO CITY OF GOSHEN (Cross-Hatched Area)

PROPOSED TEMPORARY CONSTRUCTION EASEMENT TO CITY OF GOSHEN (Cross-Hatched Area)

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PROPOSED TEMPORARY CONSTRUCTION EASEMENT TO CITY OF GOSHEN (Cross-Hatched Area)

GENERAL NOTES

- Current Zoning: "M-1" Industrial (Light Industrial)
- Existing Land Use: Vacant Land
Proposed Land Use: Manufacturing / Distribution
- The project shall be serviced by City of Goshen sanitary sewer and water.
- Setbacks shall conform to the City of Goshen Zoning Ordinance unless the proper variances have been approved. The Board of Zoning Appeals (BZA) approved a 20' front parking and driving aisle setback along Eisenhower Drive South where 30' is required on January 25, 2022, BZA Petition 22-02DV.
- Site/Building drainage shall be managed onsite via a common detention basin with a release to the City's Kercher Road municipal storm sewer.
- Proposed parking areas shall be paved and privately owned.
- All radii dimensions are to edge of pavement unless otherwise noted.
- All landscape, site lighting, and ground/building signage shall be in accordance with the City of Goshen Zoning Ordinance unless the proper variances have been obtained.

KEYNOTE LEGEND

- (#) Number of Parking Spaces
- ♿ ADA International Symbol of Accessibility
- [1] Sidewalk Ramp (Per City Standards)
- [2] ADA Parking Sign and Post
- [3] Curb End Transition
- [4] Recessed Concrete Loading Dock (Design By Others)
- [5] Precast Parking Bumper
- [6] Concrete Stoop (Per Code)
- [7] Sawcut, Remove, and Replace Existing Pavement as Necessary
- [8] "NO PARKING - FIRE LANE" Sign
- [F] Concrete Sidewalk, 4" thick, 5 feet wide, Unless Otherwise Noted
- [FI] Integral Concrete Sidewalk and Curb, 5' Wide
- [C] Drive Approach (Per City Standards)
- [K] Heavy-Duty Pavement
- [KI] Standard-Duty Pavement
- [CI] Rigid (Concrete) Pavement
- [13] 6" Standard Curb
- [45] 24" Solid White Paint Line, Transverse (See C4.0 for Striping Details)
- [48] 4" Solid Paint Line (Color TBD By Contractor/Owner) (See C4.0 for Striping Details)

PAVEMENT RECOMMENDATIONS

CONTRACTOR SHALL FOLLOW THE LATEST INDOT SPECIFICATION FOR PAVEMENT MATERIALS AND INSTALLATION PROCEDURE.

- (K) **HEAVY-DUTY PAVEMENT (DRIVES / LOADING AREAS)**
 - 1 1/2" HMA Surface (165 lbs/syd)
 - 3 1/2" HMA Base (385 lbs/syd)
 - 6" Compacted INDOT #53 Aggregate or Crushed Concrete
- (KI) **STANDARD-DUTY PAVEMENT (PARKING AREAS)**
 - 1 1/2" HMA Surface (165 lbs/syd)
 - 2 1/2" HMA Base (275 lbs/syd)
 - 6" Compacted INDOT #53 Aggregate or Crushed Concrete
- (CI) **RIGID (CONCRETE) PAVEMENT**
 - 6" Class "A" Concrete with Fiber Reinforcement or 6"x6" W.W.M.
 - 6" Compacted INDOT #53 Aggregate or Crushed Concrete
 - Curing compound, Light broom finish perpendicular to traffic direction
 - All joints in accordance with ACI 330, not exceed 15' x 15'
 - Sawcut joints, 2" deep, install silicon joint sealant
 - If multiple pours, construction joints in accordance with ACI 330
 - Install 1/2" expansion joint with elastomeric filler adjacent to building
- (C) **DRIVE APPROACH (PER CITY STANDARDS)**
 - 8" Class "A" Concrete
 - 6" Compacted INDOT #53 Aggregate Base
 - Sawcut, Remove, and Replace Concrete Curb with Depressed Curb
 - Pour Approach Separate of Depressed Curb (See Detail on C4.1)
- [7] **PAVEMENT CUT/PATCH (EISENHOWER DRIVE NORTH - PER CITY OF GOSHEN)**
 - 1 1/2" HMA Surface (165 lbs/syd)
 - 2 1/2" HMA Binder (275 lbs/syd)
 - 4" HMA Base (440 lbs/syd)
 - 6" Compacted INDOT #53 Aggregate

TABULATED SITE DATA

PROJECT SITE = 10.77± Acres

Proposed Land Coverage	Area (Acres)	Percentage
Proposed Building	1.67±	17%
Parking, Drives, Sidewalk	3.37±	31%
Open Space	5.53±	52%
	10.77±	100%

PARKING CALCULATIONS

Anticipated Number of Employees = 80 1st Shift
 = 40 2nd Shift

Required Parking: 1.5 Spaces per 2 Employees
 (80 Employees / 2) x 1.5 Spaces = 60 Spaces

Provided Parking: 245 Spaces (Includes 7 ADA Spaces)

NO.	REVISION DESCRIPTION	BY	DATE
1	REVISED PER CITY TECH REVIEW	BEM	02-11-2022



Office Location: 410 W Plymouth Ave • Goshen • IN 46526
Phone: 574-534-0076 • **E-Mail:** enviromental@goshencity.com
Staff: Brandi Devoe • Theresa Sailor

To: Board of Public Works and Safety

From: Aaron Sawatsky-Kingsley

Date: March 3, 2022

Re: Closure of Main St. between Clinton and Lincoln Ave for Arbor Day Celebration, April 29, 2022

Memorandum

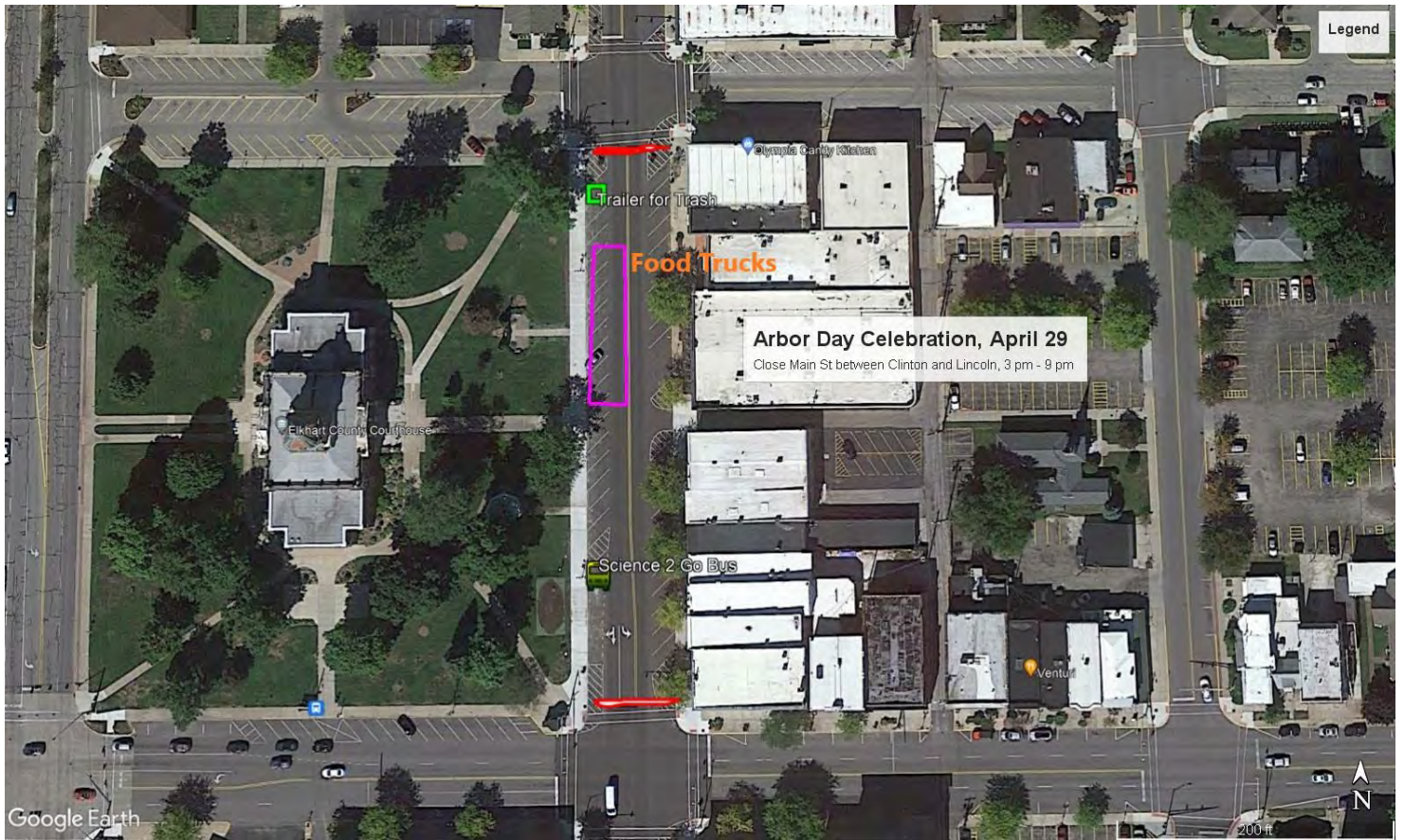
Request closure of Main St. between Clinton St. and Lincoln Ave. for Goshen's Arbor Day celebration, on April 29, from 3 pm to 9 pm. The Celebration will be held at the County Courthouse – permission has been granted by the County. Closure of Main St will allow easier access for food trucks and the Science 2 Go Bus, as well as extra public space for the event. The event will feature school choirs, interactive displays for children, tree climbing event, live music, food, and other entertainment for the public. Placement of a Street Department dump trailer at the northwest end of Main Street will allow volunteers to collect trash during the event.

Suggested Motion: Move to approve closure of Main Street between Clinton and Lincoln Ave on April 29, from 3 pm to 9 pm.

Jeremy Stutsman
Mayor of Goshen



Office Location: 410 W Plymouth Ave • Goshen • IN 46526
Phone: 574-534-0076 • **E-Mail:** enviromental@goshencity.com
Staff: Brandi Devoe • Theresa Sailor



Jeremy Stutsman
Mayor of Goshen



Jose' D. Miller

Chief of Police

111 E Jefferson St
Goshen, Indiana 46528

TO: Goshen Board of Public Works & Safety
Mayor Jeremy Stutsman
Member Mike Landis
Member Mary Nichols
Member Barb Swartley
Member DeWayne Riouse

Date: March 7th, 2022

From: Chief Jose' Miller

Reference: Request for Approval of Goshen Police Department Policies through Lexipol

I am requesting for the Board of Public Works and Safety to approve the Goshen Police Department Policy Manual that was prepared by Lexipol LLC.

On December 7th, 2020 Goshen Police Department requested for the Board of Works and Safety to approve the agreement between the Goshen Police Department and Lexipol. This agreement was approved and signed by Mayor Stutsman on December 7th, 2020.

Lexipol provides fully developed, state-specific policies researched and written by subject matter experts and vetted by attorneys. These policies are based on nationwide standards and best practices while also incorporating state and federal laws and regulations where appropriate. In addition to this Lexipol will keep our policies updated as new subject matter develops.

Since December 7th, 2020 the police department administration along with our representatives from Lexipol, have been working to complete the updated police department policy manual. If approved these policies will be replacing all current police policies and will be effective starting Monday April 4th, 2022. This will allow time for officers and staff to review and acknowledge the policies prior to them being effective.

Respectfully,

A handwritten signature in black ink, appearing to be "Jose' Miller".

Jose' Miller #116

Chief of Police

Goshen City Police Department
111 E. Jefferson Street
Goshen, IN. 46528

Telephone: (574) 533-8661

Hearing Impaired: (574) 533-1826

FAX: (574) 533-1826

RESOLUTION 2022-10

Approving Certain City of Goshen Police Department Policies and Repealing Certain Policies

WHEREAS, on December 7th, 2020, the Board of Works and Safety approved an agreement with Lexipol LLC to review the City of Goshen Police Department's policies and propose new or revised policies for the Police Department;

WHEREAS, Police Department staff has worked with Lexipol to review existing policies and develop new, state-specific policies, researched and written by Lexipol subject matter experts and vetted by Lexipol attorneys, that are consistent with Police Department practices and culture;

WHEREAS, the newly developed policies are based on nationwide standards and best practices while also incorporating state and federal laws and regulations where appropriate, and, if adopted, Lexipol will keep the policies updated as new subject matter develops or standards change; and

WHEREAS, due to the volume of the proposed policies for Police Department personnel to process and understand, it would be appropriate to delay the effective date of the policies, if adopted, to April 4, 2022; and

WHEREAS, the Goshen Board of Public Works and Safety finds that it is appropriate to approve the Policies identified below, for the reasons stated, and to repeal Policies in effect prior to the approval of such Policies, also identified below.

NOW, THEREFORE, BE IT RESOLVED by the Goshen Board of Public Works and Safety that the following City of Goshen Policies, copies of which are attached hereto and made a part hereof, are hereby approved, effective April 4, 2022:

- 100 - Law Enforcement Authority
- 101 - Chief Executive Officer
- 102 - Oath of Office
- 103 - Policy Manual, Directive Manual, and Standing Orders
- 200 - Organizational Structure and Responsibility
- 201 - Emergency Operations Plan
- 202 - Training
- 203 - Electronic Mail
- 204 - Administrative Communications
- 205 - Staffing Levels
- 206 - Retired Officer Identification Card
- 207 - License to Carry a Handgun
- 300 - Response to Resistance
- 301 - Response to Resistance Review Boards
- 302 - Handcuffing and Restraints
- 303 - Control Devices

- 304 - Electronic Control Device
- 305 - Officer-Involved Deadly Force Incidents
- 306 - Firearms
- 307 - Vehicle Pursuits
- 308 - Foot Pursuits
- 309 - Officer Response to Calls
- 310 - Canines
- 311 - Domestic or Family Violence
- 312 - Search and Seizure
- 313 - Child Abuse
- 314 - Adult Abuse
- 315 - Discriminatory Harassment
- 316 - Missing Persons
- 317 - Public Alerts
- 319 - Standards of Conduct
- 320 - Information Technology Use
- 321 - Department Use of Social Media
- 322 - Report Preparation
- 323 - Media Relations
- 324 - Subpoenas and Court Appearances
- 325 - Reserve Officers
- 326 - Outside Agency Assistance
- 327 - Major Incident Notification
- 328 - Death Investigation
- 329 - Citizen's Arrest
- 330 - Communications with Persons with Disabilities
- 331 - Chaplains
- 332 - Child and Dependent Adult Safety
- 333 - Off-Duty Law Enforcement Actions
- 334 - Community Relations
- 335 - Identity Theft
- 400 - Patrol
- 401 - Bias-Based Policing
- 402 - Roll Call Briefing
- 403 - Crime and Disaster Scene Integrity
- 404 - Elkhart County Regional SWAT Team
- 405 - Ride-Alongs
- 406 - Hazardous Material Response
- 407 - Hostage and Barricade Incidents
- 408 - Response to Bomb Calls
- 409 - Crisis Intervention Incidents
- 410 - Involuntary Detentions
- 411 - Summons and Release
- 412 - Foreign Diplomatic and Consular Representatives

- 413 - Rapid Response and Deployment
- 414 - Immigration Violations
- 415 - Utility Service Emergencies
- 416 - Aircraft Accidents
- 417 - Field Training
- 418 - Air Support
- 419 - Contacts and Temporary Detentions
- 420 - Criminal Organizations
- 421 - Shift Captains
- 422 - Mobile Audio/Video
- 423 - Mobile Data Terminal Use
- 424 - Portable Audio/Video Recorders
- 425 - Public Recording of Law Enforcement Activity
- 426 - Homeless Persons
- 427 - Medical Aid and Response
- 428 - First Amendment Assemblies
- 429 - Suspicious Activity Reporting
- 430 - Civil Disputes
- 431 - School Resource Officers
- 500 - Traffic
- 501 - Traffic Accidents
- 502 - Vehicle Towing
- 503 - Traffic Information and Summons and Parking Citations
- 504 - Operating While Intoxicated
- 505 - Disabled Vehicles
- 600 - Investigation and Prosecution
- 601 - Sexual Assault Investigations
- 602 - Asset Forfeiture
- 603 - Confidential Sources (CS)
- 604 - Brady Information
- 605 - Unmanned Aerial System
- 606 - Warrant Service
- 607 - Operations Planning and Deconfliction
- 700 - Department-Owned and Personal Property
- 701 - Personal Communication Devices
- 702 - Vehicle Maintenance
- 703 - Vehicle Use
- 704 - Cash Handling, Security and Management
- 800 - Evidence Room
- 801 - Records Section
- 802 - Records Maintenance and Release
- 803 - Protected Information
- 804 - Animal Control
- 900 - Temporary Custody of Adults

- 901 - Temporary Custody of Juveniles
- 902 - Custodial Searches
- 1000 - Recruitment and Selection
- 1001 - Performance Evaluations
- 1002 - Special Assignments and Promotions
- 1003 - Grievances
- 1004 - Reporting of Arrests, Convictions and Court Orders
- 1005 - Drug- and Alcohol-Free Workplace
- 1006 - Sick Leave
- 1007 - Smoking and Tobacco Use
- 1008 - Personnel Complaints
- 1009 - Body Armor
- 1010 - Personnel Records
- 1011 - Commendations and Awards
- 1012 - Fitness for Duty
- 1013 - Meal Periods and Breaks
- 1014 - Payroll Records
- 1015 - Overtime Compensation
- 1016 - Outside Employment and Outside Overtime
- 1017 - Work-Related Illness and Injury Reporting
- 1018 - Personal Appearance Standards
- 1019 - Uniforms and Civilian Attire
- 1020 - Conflict of Interest
- 1021 - Badges, Patches and Identification
- 1022 - Temporary Modified-Duty Assignments
- 1023 - Speech, Expression and Social Networking
- 1024 - Line-of-Duty Deaths

BE IT FURTHER RESOLVED by the Goshen Board of Public Works and Safety that, upon the approval of the above-described Policies, the following current City of Goshen Police Department policies are hereby repealed, effective April 4, 2022:

- Goshen Police Department Structure - POLICY 01 (2019)
- Standard Operating Procedures, Chief's Directives
and Administrative Directives - POLICY 02 (2019)
- Authority and Orders - POLICY 03 (2019)
- Code of Conduct - POLICY 04 (2020)
- Complaints Against Department Personnel - POLICY 05 (2019)
- Investigation of an Incident of Deadly Force - POLICY 06 (2020)
- Police Vehicle Operating Guidelines - POLICY 07 (2019)
- Firearms and Firearms Training - POLICY 08 (2019)
- Response to Resistance - POLICY 09 (2020A)
- Body Armor - POLICY 10 (2019)
- Vehicle Impounds - POLICY 11 (2019)

- Utilization of K-9 Units - POLICY 12 (2019)
- Electronic Recording Device and Data - POLICY 13 (2020)
- Evidence Handling - POLICY 14 (2019)
- Disposition of Unclaimed Recovered Items and Evidence - POLICY 15 (2019)
- Disciplinary Procedures - POLICY 16 (2019)
- Involuntary Demotion - POLICY 17 (2019)
- Performance Evaluation - POLICY 18 (2019)
- Promotion - POLICY 19 (2020)
- Violations of Protective and Restraining Orders - POLICY 20 (2019)
- Locked Vehicles - POLICY 21 (2019)
- Storage of (LESO) M16 Rifles - POLICY 22 (2019)
- Tardiness and A.W.O.L. Violations - POLICY 23 (2019)
- Social Networking and Media Posting Online - POLICY 24 (2019)
- Ride-Along Program - POLICY 25 (2019)
- Lead Safety Program - POLICY 26 (2020)

PASSED and ADOPTED by the Goshen Board of Public Works and Safety on March _____, 2022.

Jeremy P. Stutsman, Mayor

Mary Nichols, Member

DeWayne Riouse, Member

Michael A. Landis, Member

Barb Swartley, Member

Goshen Police Department

Policy Manual

CHIEF'S PREFACE

The law enforcement profession is unique to all others. This noble profession requires officers to consistently demonstrate honor and integrity. From the beginning, Officers have passed these values on to new officers since the Goshen Police Department was established in 1868. We as police officers must always abide by the Law Enforcement Code of Ethics, and live by those ethics, whether on or off duty. We must hold ourselves to the highest of standards and exemplify our resolve to the community we serve.

Residents have entrusted each officer at the Goshen Police Department with a great responsibility. Each officer must continuously evolve, striving to set the best example for those they serve.

This manual will always adapt to provide guidance to our officers during the challenging decisions our officers make on a daily basis. These policies and directives are created from past and present experiences, laws, standards, and best practices to provide guidance for many situations officers will encounter. It will be the responsibility for all officers to familiarize themselves with these practices, and to use this framework in providing the best service we can to our community and residents.

It is the expectation for all officers, no matter the years of service, or level of experience, to follow these guidelines. This will require regular training and review to ensure we provide the service that is expected by our residents.

I am proud to work alongside each and every officer here.

Jose' Miller #116

Chief of Police

Goshen City Police Department

111 E. Jefferson Street

Goshen, IN. 46528

Goshen Police Department

Policy Manual

LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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GOSHEN POLICE DEPARTMENT MISSION STATEMENT

The primary mission of the Goshen Police Department is to improve the quality of life in the City of Goshen. This goal will only be accomplished through the cooperation of the Police Department and the community it serves. By working together, we can maintain the peace, provide safety and security for our citizens, reduce the fear of crimes and solve problems. To be successful in our mission requires the commitment of the Administration, every employee of this Department and the citizens of our City, all working together to maintain the Goshen Police tradition as a trusted source of help.

To accomplish this mission, the following values must be the basis for all of our actions:

RESPECT

The Goshen Police Department recognizes that its members are its greatest asset, and our actions shall reflect this belief. The members will respect the citizens and recognize their ethnicity and diversity. We will respect each other as professionals and fellow human beings.

INTEGRITY

We believe in the principles stated in the Constitution. We recognize the authority of federal, state and local ordinances. Honesty and truth must be standards in all our interactions with the community and with our members.

EXCELLENCE

We will strive for personal and professional excellence, dedication to duty and delivery of quality service to the public. We are part of a team dedicated to the safety and protection of our community. Our actions will reflect intelligence, sincere, efficient and courteous service.

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Goshen Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Goshen Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.3 LAW ENFORCEMENT OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law.

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE GOSHEN POLICE DEPARTMENT

The arrest authority of officers within the jurisdiction of the Goshen Police Department includes (I.C. § 35-33-1-1):

- (a) In compliance with an arrest warrant.
 1. The arresting officer shall take steps to have the arrestee delivered to the sheriff of the applicable county (I.C. § 35-33-2-3).
- (b) When there is probable cause to believe a misdemeanor is being committed or attempted in the officer's presence.
- (c) When there is probable cause to believe that the offender has committed or is attempting to commit a felony
- (d) When there is probable cause to believe that the offender has committed:
 1. A violation of the duties of a motorist involved in a motor vehicle accident.
 2. A violation involving operating a vehicle while intoxicated.
 3. A battery resulting in bodily injury.
 4. Domestic battery.
 5. An invasion of privacy.
 6. A violation of a no-contact order with a child or member of a foster family home.
 7. A violation relating to carrying a firearm without a license or a violation relating to a counterfeit handgun license.
 8. A violation of the terms of his/her probation.

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9. A violation pertaining to the undisclosed transport of a dangerous device.
10. An offense where the individual interfered with the reporting of any crime (including domestic or family violence), calling 9-1-1, or obtaining medical assistance.
11. A theft.
12. And been indicted or convicted of one or more of the aggravated felonies in 8 USC 1101(a)(43).

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE GOSHEN POLICE DEPARTMENT

Officers outside the jurisdiction of the Goshen Police Department have the same arrest authority as if inside the jurisdiction of the Goshen Police Department (I.C. § 35-33-1-1).

100.4 ARREST AUTHORITY FOR MOTOR VEHICLE VIOLATIONS

Officers may arrest or issue a traffic information and summons to a person when (I.C. § 9-30-2-2):

- (a) The officer is in uniform with a badge displayed or operating a clearly marked police vehicle.
- (b) The officer is in an unmarked vehicle, and:
 1. There is a uniformed officer present, or
 2. The arrest or citation is for violation of:
 - (a) Reckless endangerment under I.C. § 9-21-8-52(a)(1)(A).
 - (b) Recklessly passing a school bus causing injury or death under I.C. § 9-21-8-52(b).
 - (c) Operating a motor vehicle while intoxicated in a manner endangering a person under I.C. § 9-30-5-2(b).

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding, or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters Michigan or Ohio in fresh pursuit of a felony suspect (MCL 780.101 (Michigan)); ORC § 2935.30 (Ohio)); or enters Illinois in fresh pursuit of a suspect who has committed a felony or misdemeanor offense (725 ILCS 5/107-4 (Illinois)).

Whenever an officer makes an arrest in another state, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (MCL 780.102; ORC § 2935.31; 725 ILCS 5/107-4).

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Law Enforcement Authority

100.6 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Indiana constitutions.

Chief Executive Officer

101.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Indiana are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Goshen Police Department, who is required to exercise the powers and duties of the office as prescribed by state law.

101.2 POLICY

It is the policy of the Goshen Police Department that the Chief of Police meets the minimum standards for exercising his/her authority granted by law.

101.3 CHIEF OF POLICE REQUIREMENTS

The Chief of Police of this department, as a condition of continued employment, shall:

- (a) Be certified by the Indiana Law Enforcement Training Board (I.C. § 5-2-1-1, et. seq.).
- (b) Apply for admission to the executive training program within two months of initially taking office (I.C. § 5-2-1-9).
- (c) Meet the requirements of I.C. § 5-2-1-9 within six months of assuming office unless an extension is granted by the Indiana Law Enforcement Training Board (250 I.A.C. 2-5-1).

Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

102.2 POLICY

It is the policy of the Goshen Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their position (I.C. § 5-4-1-1; Ind. Const. Art. 15 § 4).

102.3.1 PROCEDURES

The Chief of Police or the authorized designee is responsible for establishing a process for completing and documenting the administration of the oath to new hires.

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (I.C. § 5-4-1-4; I.C. § 5-4-1-5.1).

Policy Manual, Directive Manual, and Standing Orders

103.1 PURPOSE AND SCOPE

The manuals of the Goshen Police Department are hereby established and shall be referred to as the Policy Manual or the Directive Manual. The policy manual is a statement of the current policies of this department. The directive manual is a statement of the current directives of this department. Standing Orders are a temporary deviation from a policy or directive that must be followed until the modification can become implemented in either the policy or directive manuals. All members are to conform to the provisions of the policy manual, directive manual, and standing orders.

All prior and existing manuals, orders and regulations that are in conflict with these manuals are rescinded, except to the extent that portions of existing manuals, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

103.2 POLICY MANUAL

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident. Any known deviation from Policy will be reviewed by Administrative Staff to ensure it was in the best interest of the community and department all while abiding by the law.

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Goshen Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training or discipline. The Goshen Police Department reserves the right to revise any policy content, in whole or in part.

103.2.2 DIRECTIVE MANUAL

Procedures and instruction as approved by a member of the police administration that are intended for special subjects, technical matters, and daily operations which are subject to more frequent modification and deletions than the policies. Each topic of the Directive is noted as such in the title section. The Directive does not require the approval of the Goshen Board of Public Works and Safety.

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Policy Manual, Directive Manual, and Standing Orders

103.2.3 STANDING ORDERS

Any order issued and communicated to the members of the police department by the police administration providing information or instruction related to a specific topic. This order would be in effect as stated until it can be included as a formal policy or directive unless the order is considered temporary and rescinded. The Chief of Police and members of the police administration are authorized to issue standing orders.

103.3 AUTHORITY

The Board of Public Works and Safety shall be considered the ultimate authority for the content and adoption of the provisions of the policy manual. The Chief of Police shall ensure compliance with these manuals, standing orders, and all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Standing Orders, which shall modify those provisions of the policy manual or directive manual to which they pertain. Standing Orders shall remain in effect until such time as they may be permanently incorporated into the manuals.

103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Administrative Staff - Includes the Chief of Police, Assistant Chief of Police, Patrol Division Chief, and the Investigations Division Chief.

Administrative Division – Comprised of the Chief of Police, Assistant Chief of Police, Patrol Division Chief, and the Investigations Division Chief.

Adult - Any person 18 years of age or older.

City - The City of Goshen.

Civilian - Employees and volunteers who are not certified law enforcement officers.

Department/GPD - The Goshen Police Department.

Directive Manual - The Goshen Police Department Directive Manual.

Employee - Any person employed by the Department.

General Staff - Includes the Administrative Staff, Patrol captains, Patrol Lieutenants, Patrol Sergeants, Drug Unit captain, Training Officer.

ILEA - Indiana Law Enforcement Academy.

Investigations Division - Comprised of the department investigators and the evidence management personnel.

Policy Manual - The Goshen Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Goshen Police Department, including:

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- Full-time and part-time employees
- Certified law enforcement officers
- Reserve, auxiliary officers
- Special Police Officers
- Civilian employees
- Chaplains/Volunteers.

Minor - Any individual under the age of 18 years (I.C. § 35-49-1-4).

Officer - Those employees, regardless of rank, who are certified law enforcement officers of the Goshen Police Department (I.C. § 5-2-1-2).

Patrol Division – Consists of patrol officers, school resource officers, and K-9 units.

Special Police Officer – Civilian who has full police authority that is authorized specifically through the Board of Public Works and Safety. Special Police Officers may or may not be certified. They must successfully complete ILEA prior to their appointment as a Special Police Officer. They may not be recognized as certified by the State of Indiana. (I.C. 36-8-3-7)

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Rank - The title of the classification held by an officer.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job, title, rank or compensation.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee. Every change made to the policy manual must

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Policy Manual, Directive Manual, and Standing Orders

have the approval of the Goshen Board of Public Works and Safety. Standing Orders may be issued to temporarily change a policy pending its review at the Board of Public Works and Safety.

Each member shall acknowledge that he/she has been provided access to and has had the opportunity to review the Policy Manual. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.5.1 ISSUING THE DIRECTIVE MANUAL

An electronic version of the Directive Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee. Changes can be made to the Directive Manual by members of the police administration with authorization from the Chief of Police. Standing Orders may be issued to temporarily change a directive. The standing order can be rescinded at a later time or can be implemented into the appropriate directive.

Each member shall acknowledge that he/she has been provided access to and has had the opportunity to review the Directive Manual. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL AND DIRECTIVE MANUAL

The Chief of Police will ensure that the Policy Manual and Directive Manual are periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES AND DIRECTIVES

All revisions to the Policy Manual and Directive Manual will be provided to each member on or before the date the policy or directive becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual and Directive Manual revisions.

Each Division Chief will ensure that members under his/her command are aware of any Policy Manual or Directive Manual revision.

All department members suggesting revision of the contents of the Policy Manual or Directive Manual shall forward their written suggestions to their Division Chiefs, who will consider the recommendations and forward them to the administrative staff as appropriate.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Department and defines general responsibilities of department members.

200.2 POLICY

The Goshen Police Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control and guidance of the Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.3 DEPARTMENT STRUCTURE

The Chief of Police is responsible for administering and managing the Goshen Police Department. The Police Administration consists of the Chief of Police, Assistant Chief of Police, Patrol Division Chief, and Investigations Division Chief. These upper level policy making positions are appointed by the Mayor of Goshen.

There are three divisions in the department:

- Administration Division
- Patrol
- Investigation Division

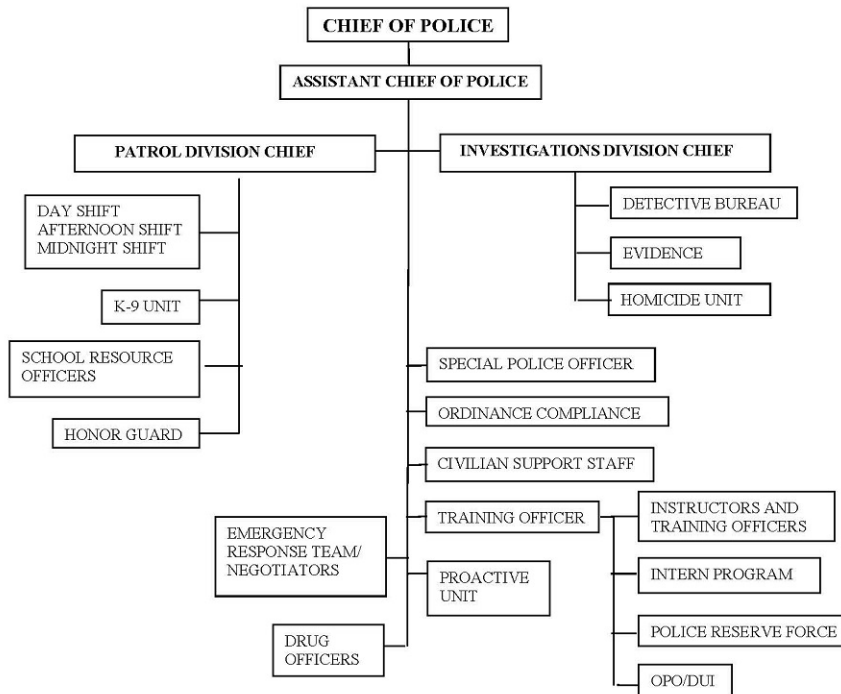
200.3.1 ORGANIZATIONAL CHART

The Chief of Police or the authorized designee is responsible for developing and updating a chart showing the organizational components and functions. The chart should be reviewed at least annually. The chart may be attached to this Policy Manual for distribution or may be posted in appropriate locations throughout the Department.

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Organizational Structure and Responsibility



200.3.2 ADMINISTRATION DIVISION

The Administration Division is commanded directly by the Chief of Police, whose primary responsibility is to provide general management, direction and control for the Administration Division. The Administration Division consists of the Assistant Chief, Patrol Division Chief, and the Investigations Division Chief.

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Organizational Structure and Responsibility

200.3.3 PATROL

The Patrol is commanded directly by the Patrol Division Chief, whose primary responsibility is to provide general management, direction and control for the personnel assigned to Patrol. The Patrol consists of uniformed patrol, K-(Unit, Honor Guard, and School Resource Officers.

200.3.4 INVESTIGATION DIVISION

The Investigation Division is commanded directly by the Investigations Division Chief, whose primary responsibility is to provide general management, direction and control for the Investigation Division. The Investigation Division consists of Detectives, Evidence Room Personnel, crime analysis and forensic services.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all members of the Goshen Police Department. The chain of command from the Chief down through the ranks, and the line of authority from Patrol Officer up through the ranks, shall be preserved in order to maintain principles of sound administration. The chain of command shall be adhered to except under emergency or unusual situations.

Detectives and other specialists are considered as Patrol Officers in the chain of command. However, in follow-up investigations to which one of these specialists is assigned, such specialist shall bear full responsibility for the case, accordingly, and shall have the functional authority and control over the investigation.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

- (a) Assistant Chief of Police
- (b) Patrol Division Chief
- (c) Investigations Division Chief
- (d) On-duty Shift Ranking Officer
- (e) When a question of seniority may arise regarding who shall be in command, such seniority shall be determined:
 1. First by rank
 2. Second, if officers are of equal rank, by one officer having been designated as in command:
 - (a) by higher authority or
 - (b) by nature of assignment
 3. Third, by continuous time in grade. Where two or more officers are working on the same assignment or detail and are of equal rank, seniority shall be exercised only when an emergency necessitates.

Organizational Structure and Responsibility

200.4.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each member shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, Bicycle Patrol), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.4.3 GOALS AND OBJECTIVES

The Chief of Police or the authorized designee is responsible for establishing goals and objectives for the Goshen Police Department using a strategic planning process, and shall ensure the goals and objectives are reviewed and updated annually. Division Chiefs are responsible for developing, reviewing and updating the elements of the plan that affect their Division. The strategic plan should specify a time period and should include, but is not limited to:

- Long-range goals and objectives.
- Anticipated workload and staffing needs.
- Capital improvement, equipment and supply needs.
- Provisions for implementation, measuring achievement and revision as needed.
- Annual evaluation of progress.
- Annual update of all goals and objectives.

200.5 AUTHORITY AND RESPONSIBILITIES

Each member will be assigned duties and responsibilities. Each member is delegated the authority necessary to effectively execute those responsibilities. Each member will also be held accountable for the appropriate application of that delegated authority.

Emergency Operations Plan

201.1 PURPOSE AND SCOPE

This policy clarifies the role of the Goshen Police Department and responsibilities of its members pertaining to large-scale emergencies and the Elkhart County Emergency Operations Plan.

201.2 POLICY

The Goshen Police Department will prepare for large-scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies (I.C. § 10-14-3-9; I.C. § 10-14-3-10.8).

The City Emergency Operations Plan complies with the State of Indiana's Emergency Operation Plan. This plan provides guidance for City emergency operations within and outside its borders as may be required.

201.2.1 GOSHEN CODES/ORDINANCES

An emergency management organization has been established by the City of Goshen. This ordinance has been approved by the City Council (I.C. § 10-14-3-17).

201.3 DEPARTMENT RESPONSIBILITIES

The Department shall enforce the orders, rules and regulations issued pursuant to the Emergency Operations Plan (I.C. § 10-14-3-24).

201.4 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Goshen Police Department, the Chief of Police or the highest ranking on-duty supervisor may activate the Emergency Operations Plan in response to a major emergency.

Upon activation of the plan, the Chief of Police or the authorized designee should contact the Elkhart County Emergency Management Team to assist with mutual aid response from local, state and federal law enforcement agencies.

201.4.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Goshen Police Department are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the highest ranking on-duty supervisor.

Failure to promptly respond to an order to report for duty may result in discipline.

201.5 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the Emergency Operations Plan are available in Administration, the Shift Captain's office and Elkhart County 911 Center. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles members will play when the plan is implemented. Through the

Emergency Operations Plan

training, department members should be familiar with the different roles they may play when the plan is implemented.

201.6 AFTER-ACTION REPORTS

After-action reports should be prepared for any natural or manmade disasters or unusual incidents, as determined by the Chief of Police in conjunction with the Goshen Fire Department. The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, which should include:

- (a) The date, time and description of the event.
- (b) The actions taken and outcomes (e.g., injuries, property damage, arrests, costs).
- (c) Any identified problems.
- (d) Significant events.
- (e) Recommendations for improvement. Opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

201.7 EMERGENCY OPERATIONS PLAN REVIEW

The City of Goshen will review the Emergency Operations Plan with the assistance of the Chief of Police or his/her designee at least once every two years and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The Chief of Police or the authorized designee should appropriately address any needed revisions.

201.8 TRAINING

The Department should provide annual training on the Emergency Operations Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Operations Plan and personnel responsibilities when the plan is implemented. Training should incorporate a full or partial exercise, tabletop or command discussion.

Training

202.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

202.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local and the Indiana Law Enforcement Training Board training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

202.3 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of department members.
- (c) Provide for continued professional development of department members.
- (d) Ensure compliance with Indiana Law Enforcement Training Board rules and regulations concerning law enforcement training.

202.4 TRAINING PLAN

It is the responsibility of the Training Lieutenant to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and department-required training is completed by all members as needed or required. The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording and logging of all training for all members into the state approved database (e.g., Acadis®).

While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Lieutenant shall review the entire training plan on an annual basis.

The plan will include information on curriculum, training material, training facilities and scheduling. The plan will address federal, state and department-required, minimum-mandated training of officers and other members.

The training requirements established by the Indiana Law Enforcement Training Board are only the minimum qualification standards and training requirements for officers. Additional training should be completed as necessary and appropriate (I.C. § 5-2-1-1).

Training

202.4.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations.

(a) Federally mandated training:

1. National Incident Management System (NIMS) training

(b) State-mandated training:

1. Officers shall receive all required training prior to a law enforcement assignment (I.C. § 5-2-1-9; 250 I.A.C. 2-6-1; 250 I.A.C. 2-2-1).
2. Officers shall complete all required in-service training (I.C. § 5-2-1-9; I.C. § 5-2-8-1; I.C. § 5-2-8-2; I.C. § 5-2-8-5; I.C. § 36-8-3-20; 250 I.A.C. 2-7-1).
3. Part-time and reserve officers shall complete all required pre-basic and in-service training as required by state law (I.C. § 36-8-3-20; 250 I.A.C. 2-9-1; 250 I.A.C. 2-7-1; 250 I.A.C. 2-8-1).

202.4.2 FAILURE TO COMPLETE IN-SERVICE TRAINING

If an officer or reserve officer fails to complete the required hours of in-service training in a calendar year as set forth in 250 I.A.C. 2-7-1, he/she should advise the Training Lieutenant. The member in noncompliance shall be immediately suspended from exercising his/her police powers until the member has completed the necessary in-service training hours and met the additional requirements in 250 I.A.C. 2-7-4. The suspension of a member's police powers shall be documented in the member's training record (250 I.A.C. 2-7-4).

202.5 TRAINING COMMITTEE

The Training Lieutenant may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

The Training Committee should be comprised of at least three members, with the Training Lieutenant acting as the chairperson. Committee members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Lieutenant may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to law enforcement.

The committee shall determine by consensus whether specific department training needs exist, and then submit written recommendations of its findings to the Training Lieutenant. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Lieutenant will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and the

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available resources. Training recommendations as determined by the Training Lieutenant shall be submitted to the command staff for review prior to the release of the next year's training schedule.

202.6 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor, Police Administration, and the training Lieutenant. Excused absences should be limited to:
 - 1. Court appearances.
 - 2. Previously approved vacation or time off.
 - 3. Illness or medical leave.
 - 4. Physical limitations preventing the member's participation.
 - 5. Emergency situations or department necessity.
- (b) Any member who is unable to attend training as scheduled shall make the proper notification as soon as practicable but no later than one hour prior to the start of training and shall:
 - 1. Document his/her absence in a memorandum to his/her supervisor.
 - 2. Make arrangements through his/her supervisor or the Training Lieutenant to attend the required training on an alternate date.

202.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a Web-accessed system that provides training on the Goshen Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Lieutenant.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Training Lieutenant. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. All uncompleted DTBs shall be completed prior to the end of the pay period unless approved by the police administration. Although the DTB system can be accessed from any Internet-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

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202.8 TRAINING RECORDS

Officers shall provide a report each year to the Chief of Police regarding their annual in-service training status (I.C. § 5-2-1-1; 250 I.A.C. 2-8-1).

The Chief of Police shall submit a written report to the Executive Director of the Indiana Law Enforcement Training Board detailing the basic and in-service training status of each officer by March 31 each year (I.C. § 5-2-1-1).

The Training Lieutenant is responsible for the creation, filing and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

202.8.1 RESERVE OFFICER TRAINING RECORDS

The Chief of Police shall verify that each reserve officer has completed the required annual in-service training at the end of each calendar year (250 I.A.C. 2-8-1).

Electronic Mail

203.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Department.

203.2 POLICY

Goshen Police Department members shall use email in a professional manner in accordance with this policy and current law (e.g., Indiana Access to Public Records Act).

203.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

203.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration or practices of the Department.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users. In the event that a member has questions about sending a particular email communication, the member should seek prior approval from a supervisor in his/her chain of command.

It is a violation of this policy to transmit a message under another member's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Members are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of a member's email, name or password. Any member who believes his/her password has become known to another person shall change their password immediately.

203.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the Indiana Access to Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

Administrative Communications

204.1 PURPOSE AND SCOPE

This policy sets forth the manner in which the Department communicates significant changes to its membership, such as promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status. This policy also provides guidelines for the professional handling of electronic and non-electronic administrative communications from the Department.

204.2 POLICY

The Goshen Police Department will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature and disclaimer guidelines, as applicable.

204.3 DEPARTMENT EMAIL

Department Emails may be issued periodically by the Chief of Police or the authorized designee to announce and document all promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status.

204.4 CORRESPONDENCE

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on department letterhead. All department letterhead shall bear the signature element of the Chief of Police. Official correspondence and use of letterhead requires approval of a supervisor. Department letterhead may not be used for personal purposes.

Official internal correspondence shall be on the appropriate department electronic or non-electronic memorandum forms.

Electronic correspondence shall contain the sender's department-approved signature and electronic communications disclaimer language.

204.5 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or the authorized designee.

204.6 OTHER COMMUNICATIONS

Standing Orders and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or the authorized designee (see the Standing Orders Policy).

Staffing Levels

205.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that proper supervision is available to meet the needs of the Department and members throughout all Divisions.

205.2 POLICY

The Goshen Police Department will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Department. The needs of its members should be balanced with the needs of the Department for flexibility and discretion in assigning members to meet supervisory needs. While balance is desirable, the paramount concern is to meet the needs of the Department.

205.3 MINIMUM SUPERVISION STAFFING LEVELS

There should regularly be a command officer (Sergeant or above) in charge of each patrol watch every work day.

All three (3) command officers shall not be permitted to share a common regular day off.

- (a) Two (2) command officers may be permitted to share a common regular day off.
- (b) If two (2) command officers are on a commonly shared day off and the third command officer wants to take any form of leave for that day, the third command officer may take leave so long as a Patrol Officer who has been approved by the Chief of Police or his/her designees will be in charge; or if at minimum manpower, the third command officer may take leave provided the command officer has arranged trade time with another command officer or a Patrol Officer who has been approved by the Chief of Police or his/her designee. A Patrol Officer with a score of less than 32 on his/her last performance evaluation is ineligible to be an officer in charge.
- (c) At no time shall all three (3) command officers on any patrol watch schedule any form of leave for the same period.

For the purposes of this policy, the clause “any form of leave” shall be construed to include only vacation leave, compensatory time leave, and personal leave.

205.3.1 TEMPORARY SUPERVISORS

In order to accommodate training and other unforeseen circumstances, a qualified lower-ranking member may be used as a temporary supervisor in place of a regularly assigned supervisor.

205.4 SHIFT STAFFING

It is agreed that a minimum number of sworn officers shall be on duty for each shift, said minimum to be set semi-annually by the department administrators. When, in the event of sickness, vacation leave, schooling, or any reason whatsoever, the workforce is reduced below the minimum shift strength, the watch supervisor shall secure off duty police officers to maintain the required strength.

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A Special Police Officer may be assigned duties to function as a Patrol Officer on the road by a watch supervisor with the consent of the Special Police Officer's supervisor; provided that such an assignment shall not count towards minimum shift strength unless the watch supervisor has made a reasonable effort to secure a sufficient number of off duty police officers for the shift but as been unable to do so.

Situations will arise when a shift is minimally staffed, and an officer from the on-duty shift has been reassigned to a specific uniformed duty or task, the shift captain, or designee, shall consult with, and seek approval from the administration prior to providing additional manpower to the shift due to the officer's reassignment.

When a shift is at minimum, and a non-emergency situation occurs requiring additional manpower, the shift OIC shall seek approval from the administration to provide the shift with supplemental manpower.

During an emergency, the shift captain or designee reserves the right to call-in additional manpower without first seeking approval from the administration. In an emergency situation the shift captain or designee shall notify the administration at their earliest convenience.

Retired Officer Identification Card

206.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of retired officer identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and Indiana law (18 USC § 926C; I.C. § 35-47-15-1 et seq.).

206.2 POLICY

The Goshen Police Department will provide identification cards to qualified former or retired officers as provided in this policy.

206.3 LEOSA

The Chief of Police may issue a retired officer identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

206.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Goshen Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

206.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

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agency to meet agency-established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active-duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
 - (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 - (c) Not prohibited by federal law from receiving a firearm.
 - (d) Not in a location prohibited by Indiana law or by a private person or entity on his/her property if such prohibition is permitted by Indiana law.

206.4 RETIRED OFFICER IDENTIFICATION CARD

The Chief of Police shall issue a retired officer identification card:

- (a) To an officer who has retired from that agency after 20 years as law enforcement officer, or separated from service in good standing with 10 years as a law enforcement officer (I.C. § 35-47-15-4).
- (b) With an endorsement to carry a concealed firearm to a person who has met the requirements of I.C. § 35-47-15-5.

If the department qualifies the retiree, the card may include the date that the person was qualified by the Department to carry a firearm in compliance with 18 USC § 926C(d)(1).

206.4.1 AUTHORIZATION

Qualified former officers with a retired officer identification card issued by the Department under state law may carry concealed, within this state, any firearm inspected and approved by the Department. The card does not itself authorize a retiree to carry a concealed firearm outside this state. The former officer must also meet state and LEOSA requirements.

206.5 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Chief of Police of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Arrests, Convictions and Court Orders Policy.

206.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

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- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

See attachment: [LEOSA Waiver](#)

206.5.2 RESPONSIBILITIES UNDER INDIANA LAW

In order to maintain a retired officer identification card, the retired officer shall (I.C. § 35-47-15-5):

- (a) Qualify annually with the authorized firearm at a course approved by this department or by the state for active law enforcement officers in the state at the officer's expense.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Not engage in conduct that compromises public safety.

206.6 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

206.7 FIREARM QUALIFICATIONS

The Training Lieutenant may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Training Lieutenant will maintain a record of the qualifications and weapons used.

License to Carry a Handgun

207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a written process for the application, issuance, denial, appeal and revocation of a license to carry a handgun pursuant to Indiana law (I.C. § 35-47-2-3; I.C. § 35-47-2-5).

207.2 POLICY

It is the policy of the Goshen Police Department to fairly and impartially consider all applications for a license to carry a handgun in accordance with applicable law and this policy.

207.3 APPLICANT QUALIFICATIONS

An applicant for a license to carry a handgun must meet the following requirements (I.C. § 35-47-2-3):

- (a) Submit a completed application form.
- (b) Be a resident of the City of Goshen or be a resident of another state and have a regular place of business in City of Goshen.
- (c) Be at least 18 years of age.
- (d) Be free from criminal convictions that would disqualify the applicant from carrying a handgun.
- (e) Have a proper reason for carrying the firearm.
- (f) Be of good moral character and reputation.
- (g) Be a citizen of the United States or, if not a citizen of the United States, be authorized to carry a firearm under federal law.
- (h) Not be prohibited from possessing or receiving firearms under 18 USC 922(g).

207.4 APPLICATION PROCESS

The following elements are required to process an application (I.C. § 35-47-2-3):

- (a) The applicant will submit an online electronic application to the Indiana State Police IN.GOV website.
- (b) The applicant will pay the statutory application fee.
 - 1. The Chief of Police or authorized designee should deposit the fees into an appropriate fund for proper accounting and expenditure.
- (c) The Chief of Police or authorized designee will ascertain the applicant's personal information, including but not limited to any prior licenses to carry a handgun, and complete an investigation as set forth in I.C. § 35-47-2-3.

License to Carry a Handgun

The Chief of Police who receives the application shall forward the completed application to the superintendent of the Indiana State Police (ISP) along with his/her recommendation for approval or disapproval of the application.

207.5 APPLICATION NOTIFICATION

207.5.1 APPROVAL AND ISSUANCE

The superintendent of the ISP determines whether to approve, issue and deliver a license to carry a handgun (I.C. § 35-47-2-3).

207.5.2 RECOMMENDATION FOR DISAPPROVAL

In the event this department recommends disapproval of a license to carry a handgun, the Chief of Police shall provide complete and specific reasons for the recommendation to the ISP and the applicant (I.C. § 35-47-2-3).

207.6 REPORTING AND RECORDS

The Department shall keep a record of all applications for a license to carry a handgun in accordance with the established records retention schedule.

207.6.1 CONFIDENTIAL RECORDS

All information collected from an applicant is confidential unless disclosure is otherwise allowed by law (I.C. § 35-47-2-3).

Chapter 3 - General Operations

Response to Resistance

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Goshen Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

Response to Resistance

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

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300.3.2 USE OF FORCE TO EFFECT AN ARREST

An officer may use reasonable force to (I.C. § 35-41-3-3):

- (a) Effect a lawful arrest.
- (b) Prevent escape.

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit.

These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have

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successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.5 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.3.6 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold.

300.3.7 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be

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restricted. Officers are encouraged to use techniques and methods taught by the Goshen Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so (I.C. § 35-41-3-3).

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in the Response to Resistance report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

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To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

[Response to Resistance Form \(2022\)](#)

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the electronic control device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would

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be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (d) Identify any witnesses not already included in related reports.
- (e) Review and approve all related reports.
- (f) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (g) The Review Board evaluates the circumstances surrounding the incident and can initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

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300.7.1 SHIFT SUPERVISOR'S RESPONSIBILITY

The Shift Supervisor shall review each use of force by any personnel within his/her command prior to the end of his/her tour of duty to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

300.9 USE OF FORCE ANALYSIS

At least annually, the Patrol Division Chief should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Response to Resistance Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Goshen Police Department to review the response to resistance by its members.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or the evaluation of the response to resistance.

301.2 POLICY

The Goshen Police Department will objectively evaluate the response to resistance by its members to ensure that their authority is used appropriately and is consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever a member's actions or response to resistance in an official capacity, or while using department equipment, results in death or very serious injury to another, that member will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place a member in an administrative assignment.

301.4 REVIEW BOARD

The Response to Resistance Review Board will be convened as soon as possible when the response to resistance by a member results in very serious injury or death to another.

The Response to Resistance Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the member was on- or off-duty, excluding training or recreational use.

The Chief of Police may request the Response to Resistance Review Board to investigate the circumstances surrounding any response to resistance incident.

The appropriate Division Chief will convene the Response to Resistance Review Board as necessary. It will be the responsibility of the Division Chief or supervisor of the involved member to notify the Administration of any incidents requiring board review. The involved member's Division Chief or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Administration should staff the Response to Resistance Review Board with a minimum of three individuals from the following, as appropriate:

- Command staff representative from the involved member's chain of command
- Training Lieutenant
- A law enforcement officer from an outside law enforcement agency, as appropriate

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- Department instructor for the type of weapon, device or technique used

The appropriate Division Chief or Assistant Chief will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Response to Resistance Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved member to appear if it does not extend to the level of a criminal or internal investigation. The involved member will be notified of the meeting of the board.

If the incident involves potential criminal charges against the officer/officers involved, the Chief of Police will delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the involved member at the time shall neither justify nor call into question a member's decision regarding the response to resistance.

Any questioning of the involved member conducted by the board will be in accordance with Goshen Police Department disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The member's actions were within department policy and procedure.
- (b) The member's actions require additional remedial training
- (c) The member's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The appropriate Division Chief shall review the recommendation, make a final determination as to whether the member's actions were within policy and procedure, and shall communicate those findings to the Chief of Police to determine whether any additional actions, investigations or reviews are appropriate. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

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At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

302.2 POLICY

The Goshen Police Department authorizes the use of restraint devices in accordance with this policy, the Response to Resistance Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed Goshen Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should rely on the training provided to them by department instructors and/or Indiana Law Enforcement Academy staff, recognizing there may be situations that require alternative restraint methods.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

302.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should generally not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer, or damage property.

302.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should

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include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

302.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term

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restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

- (a) A supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, when practical, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

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302.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints in the officer's incident report.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related incident report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

302.9 TRAINING

Subject to available resources, the Training Lieutenant should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Control Devices

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

303.2 POLICY

In order to control individuals who are violent or who demonstrate the intent to be violent, the Goshen Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Response to Resistance Policy. The Chief of Police may also authorize other positions or individual department members to use specific control devices.

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only those members who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a person who is violent or who demonstrates the intent to be violent and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

303.4 RESPONSIBILITIES

303.4.1 TRAINING LIEUTENANT RESPONSIBILITIES

The Training Lieutenant or designee shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Training Lieutenant or the designated instructor for a particular control device. The inspection shall be documented.

303.4.2 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Training Lieutenant or designee for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

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303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to him/herself or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignments or at the direction of their supervisors.

303.6 GAS GUIDELINES

Gas may be used for crowd control, crowd dispersal or against suspects based on the circumstances. Only the Incident Commander or Elkhart County Regional SWAT Team Commander may authorize the delivery and use of gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire and emergency medical services personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation, if needed.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, OC spray and pepper projectiles may be considered for use to bring under control an individual or group of individuals who are engaging in, or are about to engage in, violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of department members or the public.

303.7.1 OC SPRAY

Uniformed members carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field members may carry OC spray as authorized, in accordance with the needs of their assignments or at the direction of their supervisors.

303.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where an individual has been hit or exposed to the chemical agent. The supervisor shall

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ensure that all notifications and reports are completed as required by the Response to Resistance Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward an individual, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training or a product demonstration, is exempt from the reporting requirement.

303.7.3 TREATMENT FOR OC EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those who complain of further severe effects shall be examined by appropriate medical personnel.

303.8 POST-APPLICATION NOTICE

Whenever gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, the owners or available occupants should be provided with notice of the possible presence of residue which could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding how and when the notice was delivered and the individuals notified should be included in related reports.

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

303.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of individuals engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at officers, other department members and/or other people.

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- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the suspect must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

303.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect shotguns and projectiles at the beginning of each shift to ensure that the shotguns are in proper working order and the projectiles are of the approved type and appear to be free from defects.

When they are not deployed, shotguns will be unloaded and properly and securely stored in police department vehicles. When deploying a kinetic energy projectile shotgun, officers shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a

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safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

303.10 TRAINING FOR CONTROL DEVICES

The Training Lieutenant or designee shall ensure that those members who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary. Before being authorized to carry any control device, members will be given access to and receive training on this policy.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the member's training file.
- (c) Members who fail to demonstrate proficiency with the control device or knowledge of the Response to Resistance Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Response to Resistance Policy after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.
- (d) Retraining or recertification should occur at least annually.

303.11 REPORTING USE OF CONTROL DEVICES

Any application of a control device shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Electronic Control Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the electronic control device.

304.2 POLICY

The electronic control device is used to control a violent or potentially violent individual. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING ELECTRONIC CONTROL DEVICES

Only members who have successfully completed department-approved training may be issued and may carry the electronic control device.

electronic control devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the electronic control device and cartridges that have been issued by the Department. Uniformed officers who have been issued the electronic control device shall wear the device in an approved holster.

Members carrying the electronic control device should perform a spark test prior to every shift.

When carried while in uniform, officers shall carry the electronic control device in a weak-side holster on the side opposite the duty weapon.

- (a) Whenever practicable, officers should carry additional cartridges on their person when carrying the electronic control device.
- (b) Officers shall be responsible for ensuring that the issued electronic control device is properly maintained and in good working order.
- (c) Officers should not hold a firearm and the electronic control device at the same time.

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the electronic control device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the electronic control device may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required, to display the electrical arc (provided that a cartridge has not been loaded into the device) or the laser in a further attempt to gain compliance prior to the application of the electronic control device. The aiming laser should not be intentionally directed into anyone's eyes.

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The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the electronic control device in the related report.

304.5 USE OF THE ELECTRONIC CONTROL DEVICE

The electronic control device has limitations and restrictions requiring consideration before its use. The electronic control device should only be used when its operator can safely approach the subject within the operational range of the device. Although the electronic control device is effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

304.5.1 APPLICATION OF THE ELECTRONIC CONTROL DEVICE

The electronic control device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the electronic control device to apprehend an individual.

The electronic control device shall not be used to psychologically torment, to elicit statements or to punish any individual.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the electronic control device on certain individuals should be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the electronic control device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode should be

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limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions, or when the totality of the circumstances justify the use of the drive-stun.

304.5.3 TARGETING CONSIDERATIONS

The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest and groin should be avoided when reasonably practicable. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the electronic control device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE ELECTRONIC CONTROL DEVICE

Officers should apply the electronic control device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Officers should not intentionally apply more than one electronic control device at a time against a single individual.

If the first application of the electronic control device appears to be ineffective in gaining control of an individual, the officer should evaluate the situation and consider certain factors before additional applications of the electronic control device, including:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands, other options or tactics may be more effective.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the electronic control device. As soon as practicable, officers shall notify the police dispatcher any time the electronic control device has been discharged. Expended cartridges should be collected and the expended cartridge, along with both probes and wire, should be disposed according to training in the biohazard bin located in the evidence processing area.

304.5.6 DANGEROUS ANIMALS

The electronic control device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

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304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department electronic control devices while off-duty unless working in a police capacity.

Officers shall ensure that electronic control devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

304.6 DOCUMENTATION

Officers shall document all electronic control device discharges in the related arrest/crime reports and the Response to Resistance forms. Notification shall also be made to a supervisor in compliance with the Response to Resistance Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device, other than for testing purposes, will also be documented on the report form. Officers should photograph the site of drive-stun applications and the location of probes prior to and after removal.

304.6.1 ELECTRONIC CONTROL DEVICE REPORT FORM

Items that shall be included in the Response to Resistance form are:

- (a) The type, brand, and serial number of electronic control device.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of electronic control device activations.
- (e) The range at which the electronic control device was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Training Lieutenant or designee should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Lieutenant or designee should also conduct audits of data downloads and reconcile electronic control device report forms with recorded activations. Electronic control device information and statistics, with identifying information removed, should periodically be made available to the public.

304.6.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing electronic control devices
- (b) Identification of all witnesses

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- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers in accordance with training, should remove electronic control device probes from a person's body. Used electronic control device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by electronic control device probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol and has become a danger to themselves or others.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The electronic control device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be examined or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the electronic control device (see the Medical Aid and Response Policy).

304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the electronic control device may be used. A supervisor should respond to all incidents where the electronic control device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the electronic control device. The device's onboard memory should be downloaded through the data

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port by a certified CEW instructor, saved in a data file, and retained by the Training Lieutenant or designee.

304.9 TRAINING

Personnel who are authorized to carry the electronic control device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel carrying the CEW must be initially certified with the device and attend annual training prior to carrying or using the device.

Proficiency training for personnel who have been issued electronic control devices should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time if deemed appropriate by the Training Lieutenant or designee. All training and proficiency for electronic control devices will be documented in the officer's training files.

Command staff, supervisors and investigators should receive electronic control device training as appropriate for the investigations they conduct and review.

Officers who do not carry electronic control devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Lieutenant or designee is responsible for ensuring that all members who carry electronic control devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of electronic control devices during training could result in injuries or exposures should not be mandatory for certification.

The Training Lieutenant or designee should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Response to Resistance Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the electronic control device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the electronic control device.

Officer-Involved Deadly Force Incidents

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved deadly force incident.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

305.2 POLICY

The policy of the Goshen Police Department is to ensure that officer-involved deadly force incidents are investigated in a thorough, fair and impartial manner.

305.3 TYPES OF INVESTIGATIONS

Officer-involved deadly force incidents involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from the Elkhart County Homicide Unit may be assigned to work on the criminal investigation of officer-involved deadly force incidents. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the incident involving officer involved in deadly force and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved deadly force incidents.

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, Goshen Police Department would control the investigation if the suspect's crime occurred in Goshen.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

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305.4.2 CRIMINAL INVESTIGATIONS OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate an incident of officer-involved deadly force involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved deadly force incident.

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved deadly force incident, the first uninvolved GPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved GPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any GPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident

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- scene, identity of known or potential witnesses and any other pertinent information.
2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Shift Supervisor and Elkhart County 911 Center. If feasible, sensitive information should be communicated over secure networks.
 - (d) Take command of and secure the incident scene with additional GPD members until properly relieved by another supervisor or other assigned personnel or investigator.
 - (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved GPD officer should be given an administrative order not to discuss the incident with other involved officers or GPD members pending further direction from a supervisor.
 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.5.3 SHIFT SUPERVISOR RESPONSIBILITIES

Upon learning of an officer-involved deadly force incident, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or designee.

All outside inquiries about the incident shall be directed to the Shift Captain.

305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Police Administration
- Outside agency investigators (if appropriate)
- Psychological/peer support personnel or Chaplain
- Elkhart County Homicide Unit (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal representation will be accommodated.
 1. Involved GPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

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2. Requests from involved non-GPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications (I.C. § 34-46-3-1).
- (c) Discussions with agency representatives will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved GPD officer. A licensed psychotherapist may also be provided to any other affected GPD members, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged (I.C. § 34-46-3-1).
 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications with critical incident stress management services providers are generally confidential and may not be disclosed to a third party or in a criminal, civil, or administrative proceeding without a court order or as authorized by I.C. § 36-8-2.5-3.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved GPD officer shall be given reasonable paid administrative leave following an officer-involved deadly force incident. It shall be the responsibility of the Shift Captain to make schedule adjustments to accommodate such leave.

305.6 CRIMINAL INVESTIGATION

The Elkhart County Homicide Unit or Indiana State Police is responsible for the criminal investigation into the circumstances of any officer-involved deadly force incident.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the Prosecuting Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) GPD supervisors and Administrative Staff personnel should not participate directly in any voluntary interview of GPD officers. This will not prohibit such personnel from monitoring interviews or indirectly providing topics for inquiry.

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- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's individual statement, involved officers shall not consult or meet with a representative or attorney collectively or in a group prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including an administrative investigation. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED GPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved GPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved GPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved GPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved deadly force incident.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved deadly force incident may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

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2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved deadly force incident, it shall be the responsibility of the designated Investigation Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigation Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Administrator.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved deadly force incident, this department will conduct an internal administrative investigation of involved GPD officers to determine conformance with department policy at the conclusion of the criminal investigation. This investigation will be conducted under the supervision of the Administrative Staff.

Interviews and interrogations of members shall be subject to department policies and applicable laws.

- (a) Any officer involved in a deadly force incident may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The

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involved officer should be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 5. The Administrative Staff shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Response to Resistance Review Board, which will restrict its findings as to whether there was compliance with the Response to Resistance Policy.
 7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

305.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a deadly force incident at the request of the Elkhart County Prosecutor's Office will not be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

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Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn video, and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

305.10 DEBRIEFING

Following an officer-involved deadly force incident, the Goshen Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Chief of Police or designee is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., communications operator, civilian). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Administrative Staff personnel.

305.10.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police or designee should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to the criminal and/or administrative investigators.

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and the department representative responsible for each phase of the investigation.

No involved GPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or designee.

Department members receiving inquiries regarding officer-involved deadly force incidents occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

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305.12 REPORTING

If the death of an individual occurs in the Goshen Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Administration will ensure that the Administrative Assistant is provided with enough information to meet the reporting requirements (210 I.A.C. 3-1-2).

Firearms

306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Response to Resistance or Officer-Involved Deadly Force incidents policies.

This policy only applies to those members who are authorized to carry firearms.

306.2 POLICY

The Goshen Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Training Lieutenant or designee. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express authorization of the Chief of Police or designee. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

306.3.1 HANDGUNS

The authorized department-issued handgun is the Sig Sauer P320 9mm.

306.3.2 PATROL RIFLES

The authorized department-issued patrol rifle is the M-16/AR15 platform rifle in 5.56 NATO.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

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- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a weapons rack or case in the department vehicle.

306.3.3 PERSONALLY OWNED DUTY RIFLES

Members desiring to carry an authorized but personally owned duty rifle must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The rifle shall be in good working order and on the department list of approved firearms.
- (b) The rifle shall be inspected by the Training Lieutenant or designee prior to being carried and thereafter shall be subject to inspection at anytime by a ranking supervisor or firearms instructor whenever it is deemed necessary.
- (c) Prior to carrying the rifle, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the rifle functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the rifle to the Training Lieutenant, who will maintain a list of the information.

306.3.4 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the department list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Training Lieutenant or designee prior to being carried and thereafter shall be subject to inspection at anytime by a ranking supervisor or firearms instructor whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.

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- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Training Lieutenant, who will maintain a list of the information.

306.3.5 AMMUNITION

Members shall carry only department-authorized ammunition. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Training Lieutenant or designee when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

306.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

306.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Training Lieutenant.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Training Lieutenant.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Training Lieutenant.

306.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

306.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on an approved firearm carried on- or off-duty after they have been examined and approved by the Training Lieutenant. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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306.4.4 OPTICS

Optics may only be installed on an approved firearm carried on- or off-duty after they have been examined and approved by the Training Lieutenant. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

306.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Training Lieutenant or designee. Members shall not dry fire or practice quick draws except as instructed by the Training Lieutenant or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where authorized.
- (d) Rifles removed from vehicles or the equipment storage room shall be loaded and unloaded outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section of the Elkhart County Correctional Facility or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Training Lieutenant or designee approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Training Lieutenant or designee will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition.

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306.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are kept in a secured area while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability.

306.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or taken any combination thereof that would tend to adversely affect the member's senses or judgment.

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training with their duty firearms. In addition to training, all members will qualify at least once per year with their duty firearms. Members will qualify with off-duty and secondary firearms at least once a year. Training and qualifications must be on an approved range course (I.C. § 5-2-1-9).

All members who carry a firearm while on-duty are required to successfully complete Indiana Law Enforcement Academy (I.L.E.A.) approved in-service training which shall include (250 I.A.C. 2-7-1):

- (a) A minimum of two hours of firearms training.
- (b) A minimum of two hours of use of force/physical tactics training.
- (c) A minimum of two hours of police vehicle operations.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a written report to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No qualification range credit will be given for the following:
 - 1. Unauthorized range make-up

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2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action and/or termination.

306.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall immediately notify the supervisor. The supervisor will immediately notify the Police Administration. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Deadly Force Incidents Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Response to Resistance Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her supervisor and the Police Administration or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, the member shall submit a written report or a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor or Police Administration.

306.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, electronic control device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

306.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

306.7.3 SHOTS FOR SUMMONING AID

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

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306.7.4 WARNING SHOTS

Warning shots are strictly prohibited.

306.8 TRAINING LIEUTENANT OR DESIGNEE'S DUTIES

The range will be under the exclusive control of the Training Lieutenant. All members attending will follow the directions of the Training Lieutenant or designee. The Training Lieutenant will maintain a roster of all members attending the range. Failure of any member to sign in and out with the Training Lieutenant may result in non-participation or non-qualification.

The Training Lieutenant has the responsibility of making periodic inspection of all duty firearms carried by members of this department to verify proper operation. The Training Lieutenant or designee has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Training Lieutenant or designee.

The Training Lieutenant has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Training Lieutenant or designee shall complete documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Training Lieutenant should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records.

306.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Goshen Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
- (c) The Goshen Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Goshen Police Department an NLETS message

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containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

306.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her Goshen Police Department identification card whenever carrying such firearm.
- (b) The officer may not be the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

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Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

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307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects.

307.1.1 DEFINITIONS

Definitions related to this policy include:

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Ramming - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

307.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

307.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with emergency lighting and sirens as required by law (I.C. § 9-13-2-6(1)(B)).

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Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (I.C. § 9-21-1-8):

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.
- (c) Disregard regulations governing direction of movement or turning in specified directions.
- (d) Park or stand in the roadway.

307.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle (I.C. § 35-44.1-3-1).

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and communications operator/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights,

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concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.

- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as air support assistance.
- (l) The pursuing vehicle is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape (I.C. § 9-21-1-8(d)).

When a supervisor or dispatcher directs the pursuit to be terminated, officers will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable (I.C. § 9-21-1-8(c)).
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) When the identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

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- (h) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

307.4 PURSUIT VEHICLES

When involved in a pursuit, unmarked non-patrol police department emergency vehicles should be replaced by marked emergency vehicles, or unmarked patrol police vehicles equipped with patrol lighting packages whenever practicable.

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit vehicles and the supervisor vehicle or k-9 unit). However, the number of vehicles involved will vary with the circumstances.

An officer or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

307.4.1 MOTORCYCLES

When involved in a pursuit, police department motorcycles should be replaced by marked emergency vehicles or unmarked patrol police vehicles equipped with patrol lighting packages as soon as practicable.

307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit (I.C. § 9-19-5-3; I.C. § 9-19-14-5).

Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles or any air support.

307.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others.

The primary pursuing officer should notify the communications operator, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

- (a) The location, direction of travel and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.
- (c) The reason for the pursuit.

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- (d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.
- (e) The number of occupants and identity or description.
- (f) The weather, road and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Unless relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

307.4.4 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

- (a) Immediately notifying the communications operator of his/her entry into the pursuit.
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing officer is unable to provide.
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.
- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

307.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.

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2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
1. Request assistance from available air support.
 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
 3. Request other officers to observe exits available to the suspect.
- (d) Notify the Indiana State Police or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

307.5.1 PURSUIT TRAILING

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

307.5.2 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a non-emergency manner, observing the rules of the road.

The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

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The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for:

- (a) Immediately notifying involved officers and the communications operator of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Officer in charge is notified of the pursuit, as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing Goshen Police Department officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

307.6.1 OFFICER IN CHARGE RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Officer in Charge should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Officer in Charge has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Officer in Charge shall review all pertinent reports for content and forward them to the Division Chief.

307.7 ELKHART COUNTY 911 CENTER

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications operator.

307.7.1 RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the communications operator is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.

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- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Officer in Charge as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

307.8 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

307.9 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary or secondary pursuing officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

307.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Goshen Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this department shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

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307.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Goshen Police Department, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practicable, the Officer in Charge should review a request for assistance from another agency. The supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing agency by officers of this department will conclude at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that the termination point of a pursuit from another agency is within this jurisdiction, officers shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

307.10 PURSUIT INTERVENTION

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, ramming or roadblock procedures (I.C. § 9-21-1-0.5).

307.10.1 WHEN USE IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

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307.10.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

307.10.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed (I.C. § 35-41-3-3(b)).

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:
 - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others.
 - 2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
 - 3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of safety to those involved or the public.
 - 4. The suspect vehicle is stopped or traveling at a low speed.
 - 5. Only law enforcement vehicles should be used in this tactic.
- (b) The use of any lawful intervention technique is limited to use by properly trained officers with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle (I.C. § 9-21-1-8).
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the

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use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.
- (d) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (e) Tire deflation devices should be deployed only after notification of pursuing officers and the supervisor of the intent and location of the intended deployment, and in a manner that:
1. Should reasonably only affect the pursued vehicle.
 2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
 3. Takes into account the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.
 4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public.

307.11 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

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Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

307.12 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

- (a) The pursuing officers or any officer having involvement in the pursuit shall complete appropriate crime/arrest/supplemental reports.
- (b) After receiving copies of reports, logs and other pertinent information, the Patrol Division Chief or the authorized designee shall conduct or assign the completion of a post-pursuit review to the Review Board, as appropriate.
- (c) Annually, the Chief of Police should direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

307.13 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

Foot Pursuits

308.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

308.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

308.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.

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- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

308.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspects should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the communications operator or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.

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- (l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

308.5 RESPONSIBILITIES IN FOOT PURSUITS

308.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the communications operator of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of

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suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

308.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all officers involved in the pursuit will remain on the primary channel. All other officers will be directed to utilize OPS 1 channel. At the conclusion of the pursuit, officers will be directed back to the primary channel.

308.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

308.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports in addition to the Response to Resistance Report documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.
- (k) A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

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Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Officer Response to Calls

309.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

309.2 POLICY

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

309.3 RESPONSE TO CALLS

Officers responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

309.3.1 EMERGENCY CALLS

Officers responding to an emergency call shall proceed immediately and shall continuously operate the emergency vehicle lighting or siren as required by law (I.C. § 9-21-1-8).

Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to (I.C. § 9-19-14-3):

- (a) When in pursuit or apprehending a violator or suspected violator.
- (b) When responding to a reported emergency involving possible personal injury, death or significant property damage.
- (c) When immediate assistance is requested by an officer or other law enforcement agency.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights or siren.

309.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved department member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign
- Location of the emergency situation
- Suspect information, including weapons

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- Reason for the request and type of emergency
- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the communications operator.

309.5 SAFETY CONSIDERATIONS

Officers responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting or siren as required by law (I.C. § 9-13-2-6(1) (B)).

Responding with emergency lights or siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However the officer may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property (I.C. § 9-21-1-8):

- Proceed past a red or stop signal or stop sign, but only after slowing down with due regard as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing direction of movement or turning in specified directions.
- Park or stand in the roadway.
- Execute lawful intervention techniques.

309.5.1 NUMBER OF OFFICERS ASSIGNED

Only the number of officers that are reasonably necessary should be assigned to respond to an emergency call or request for assistance.

An emergency response involving more than one police vehicle should be coordinated by Elkhart County 911 Center to avoid any unanticipated intersecting of response routes.

309.5.2 MOTORCYCLES AND UTV'S

An officer operating a police motorcycle or UTV should not be assigned to an emergency response. However, an officer operating a police motorcycle in an emergency response should be replaced by an authorized emergency vehicle equipped with emergency lights or siren as soon as practicable.

309.6 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights or siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate

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their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles (I.C. § 9-19-5-3).

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify the field supervisor or the communications operator of the equipment failure so that another officer may be assigned to the emergency response.

309.7 OFFICER RESPONSIBILITIES

The decision to initiate or continue an emergency response is at the discretion of the officer. If, in the officer's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights or siren at the legal speed limit. In such an event, the officer should immediately notify the communications operator. An Officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, an officer shall immediately give the location from which he/she is responding.

The first officer arriving at the emergency call should determine whether to increase or reduce the level of the response of additional officers and shall notify the communications operator of his/her determination. Any subsequent change in the appropriate response level should be communicated to the communications operator by the officer in charge of the scene unless a supervisor assumes this responsibility.

309.8 ELKHART COUNTY 911 CENTER

When information reasonably indicates that the public is threatened with serious injury or death, or an officer requests emergency assistance and immediate law enforcement response is needed, the communications operator shall assign an emergency response and ensure acknowledgement and response of handling and assisting officers.

309.9 SUPERVISOR RESPONSIBILITIES

Upon being notified that an emergency response has been initiated or requested, the shift supervisor shall verify that:

- (a) The proper response has been initiated.
- (b) No more than those officers reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing officers into or out of the response, if necessary. If, in the supervisor's judgment, the circumstances require additional officers to be assigned an emergency response, the supervisor may do so.

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It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the shift supervisor should consider the following:

- The type of call or crime involved
- The type and circumstances of the request
- The necessity of a timely response
- Weather, traffic and road conditions
- The location of the responding officers and the location of the incident

Canines

310.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

310.2 POLICY

It is the policy of the Goshen Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

310.3 ASSIGNMENT

Canine teams should be assigned to the Patrol Division to function primarily in assist or cover assignments. However, they may be assigned by the Shift Captain or designee to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Shift Captain or Officer in Charge.

310.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol Division Chief or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

- (a) Reviewing all canine Response to Resistance reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with command staff and functional supervisors.
- (c) Maintaining a liaison with other agency canine coordinators.
- (d) Maintaining accurate records to document canine activities.
- (e) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (f) Scheduling all canine-related activities.
- (g) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

310.5 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Division shall be reviewed by the Officer in Charge.

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310.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Officer in Charge and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

310.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the Patrol Division Chief and the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

310.6 APPREHENSION GUIDELINES

A canine with specific training for apprehension may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Officer in Charge. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should

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be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

310.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

310.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should

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be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

310.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

310.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that present an imminent threat to officers, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

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- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

310.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

310.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

310.7.3 CROWD CONTROL AND CIVIL DISTURBANCES

- (a) In the case of civil disturbances, labor disputes or other types of non-routine crowd control, the K-9 Unit will not be deployed unless specifically authorized by the Chief of Police or his/her designee.
- (b) Routine crowd control situations such as large fights and similar situations shall be individually assessed by the handler as to the appropriateness of using the K-9 Unit.
- (c) When practical, when deploying the K-9 Unit in a large crowd control situation, the handler along with the canine shall wear appropriate tactical/safety equipment including, but not limited to tactical vest, along with helmet and gloves for the handler.

310.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).
- (c) A garage that can be secured and can accommodate a canine vehicle.
- (d) Living within 30 minutes travel time from the Goshen City limits.
- (e) Agreeing to be assigned to the position for a minimum of three years.

Canines

310.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles, to verify that conditions and equipment conform to this policy.
- (e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (f) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (h) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Patrol Division Chief.
- (i) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Patrol Division Chief.
- (j) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

310.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

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310.10 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement between the handler and the City (29 USC § 207).

310.11 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Patrol Division Chief as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

310.12 TRAINING

Before assignment in the field, each canine team shall be trained and North American Police Working Dog Association (NAPWDA) certified to meet current nationally recognized standards or other recognized and approved certification standards.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Patrol Division Chief.

310.12.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (b) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

310.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably

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practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

310.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

310.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances for canine training purposes must comply with federal and state requirements. Alternatively, the Goshen Police Department may work with outside trainers with the applicable licenses or permits.

310.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (21 USC § 823(f)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Goshen Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

310.12.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

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- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Evidence Room or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

Domestic or Family Violence

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic or family violence through vigorous enforcement and to address domestic or family violence as a serious crime against society. The policy specifically addresses the commitment of the Goshen Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic or family violence.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic or family violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic or family violence - When a family or household member commits, attempts to commit or conspires to commit any of the offenses specified in I.C. § 35-31.5-2-76 against another family or household member.

311.2 POLICY

The Goshen Police Department's response to incidents of domestic or family violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic or family violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

311.3 OFFICER SAFETY

The investigation of domestic or family violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

311.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic or family violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic or family violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

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- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up. In affidavits, juveniles should be listed as a juvenile victim or witness with an assigned number. Juveniles shall not be identified by name, initials, date of birth, or age.
- (d) Ensure to make the required notification to the Department of Child Services (DCS) when children are present in domestic or family violence situations.
- (e) When practicable and legally permitted, video or audio record all significant statements and observations.
- (f) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigation Division in the event that the injuries later become visible.
- (g) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (h) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (i) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence (I.C. § 35-33-1-1.5).
- (j) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (k) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the violence occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.

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10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

311.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to include phone numbers to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

311.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 1. Voluntary separation of the parties.
 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness assistance).
- (b) Document the resolution in a report.

311.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.

- (a) Victims shall be provided with the department's domestic violence information and the victims' rights information handouts, even if the incident may not rise to the level of a crime (I.C. § 35-33-1-1.5).
- (b) Victims should also be alerted to any available victim advocates, shelters and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers shall stand by for a reasonable amount of time (I.C. § 35-33-1-1.5).
- (d) If the victim has sustained injury or complains of pain, officers should seek medical assistance for the victim as soon as practicable.
- (e) Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter or other designated place of safety if

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the victim either expresses a concern for his/her safety or if the officer determines that a need exists (I.C. § 35-33-1-1.5).

- (f) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, officers should seek or assist the victim in obtaining an emergency order.
- (h) All reasonable steps to prevent further violence should be taken whether or not listed above (I.C. § 35-33-1-1.5).

311.6 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic or family violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265; I.C. § 34-26-5-17). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state, except for certain mutual protection orders.

A certified copy of an order for protection is not required for enforcement nor is a paper copy if the order is retrievable from a database in a perceivable form. If a foreign court order is not presented, an investigating officer may consider other information to determine under a totality of the circumstances whether there is probable cause to believe that a valid foreign court order exists (I.C. § 34-26-5-17).

If an investigating officer determines that an otherwise valid foreign court order cannot be enforced because the subject of the order has not been notified or served with the order, the officer shall (I.C. § 34-26-5-17):

- (a) Inform the subject of the order.
- (b) Serve the order on the subject of the order.
- (c) Ensure that the order and service of the order are entered into the state depository.
- (d) Allow the subject of the order a reasonable opportunity to comply with the order before enforcing the order.
- (e) Ensure the safety of the protected person while giving the subject of the order the opportunity to comply with the order.

311.7 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a

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violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order. (INCITE)
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

311.8 STANDARDS FOR ARRESTS

Officers investigating a domestic or family violence report should consider the following:

- (a) An officer investigating a crime involving domestic or family violence should make an arrest of a suspect when lawful to do so (unless a supervisor grants an exception) (I.C. § 35-33-1-1.5).
- (b) A person arrested for an offense or attempted offense involving the use of force or threatened use of a deadly weapon committed against a current or former spouse, parent, guardian, person with whom the person shared a child in common or cohabitant shall be kept in custody for at least eight hours from the time of the arrest even if the person provides bail pursuant to I.C. § 35-33-1-1.7 (I.C. § 35-31.5-2-78).
- (c) An officer may arrest a person for the following offenses upon probable cause even if the offense did not rise to the level of a felony or was not committed in the officer's presence (I.C. § 35-33-1-1):
 1. Domestic battery
 2. Interference with reporting of a crime
 3. Preventing the reporting of a crime involving domestic or family violence

311.9 ORDERS REQUIRED TO BE ENTERED INTO IDACS

The Administrative Assistant or other person designated by the Chief of Police shall serve as the Indiana Data and Communications System (IDACS) coordinator for the Department. The Administrative Assistant shall ensure a depository of protective orders is appropriately administered pursuant to I.C. § 5-2-9-5 et seq. and that court orders are entered into IDACS pursuant to I.C. § 34-26-5-18 (I.C. § 5-2-9-1.2).

Search and Seizure

312.1 PURPOSE AND SCOPE

Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Goshen Police Department personnel to consider when dealing with search and seizure issues.

312.2 POLICY

It is the policy of the Goshen Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

312.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions to the rule that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

Search and Seizure

312.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.
- (f) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

312.5 DOCUMENTATION

Officers are responsible for documenting any search and for ensuring that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

Child Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Goshen Police Department members are required to notify the Department of Child Services (DCS) of suspected child abuse.

313.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement.

313.2 POLICY

The Goshen Police Department will investigate all reported incidents of alleged criminal child abuse and ensure DCS is notified as required by law.

313.3 MANDATORY NOTIFICATION

Members of the Goshen Police Department shall notify DCS when there is reason to believe a child may be the victim of abuse or neglect, whether or not there exists an imminent danger to the child's health or welfare (I.C. § 31-33-5-1; I.C. § 31-33-7-7).

For purposes of notification, child abuse or neglect means a child described in I.C. § 31-34-1-1 through I.C. § 31-34-1-5, regardless of whether the child needs care, treatment, rehabilitation, or the coercive intervention of a court (I.C. § 31-9-2-14).

Members of the Goshen Police Department shall also notify DCS anytime a suspected child victim of an offense under I.C. § 35-42-3.5-1 through I.C. § 35-42-3.5-1.4 (e.g., human trafficking, sexual trafficking/conduct, forced labor, forced marriage, prostitution), or I.C. § 35-45-4-1 et seq. (e.g., indecent acts, prostitution) is detained and may be a victim of child abuse or neglect (I.C. § 35-42-3.5-4; I.C. § 35-45-4-7).

313.3.1 NOTIFICATION PROCEDURE

Notification should occur as soon as practicable as follows (I.C. § 31-33-5-4):

- (a) Members should immediately call the DCS child abuse and neglect hotline 1(800)-800-5556, code 3274357. Members may also fax or email reports of abuse or neglect to the appropriate child protective services agency. The email is dcshotlinereports@dcs.in.gov.
- (b) If an interview is needed for the child you can contact CAPS at (574) 295-2277.

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- (c) If the child has died, the investigative member shall also give telephone notice to the appropriate Prosecuting Attorney (I.C. § 31-33-8-4).

313.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child-appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the Prosecuting Attorney for review (I.C. § 31-33-8-10).
- (d) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

313.5 INVESTIGATIONS AND REPORTING

Officers shall conduct an immediate on-site assessment with DCS or the applicable child protective services agency whenever there is reason to believe that an offense has been committed, regardless of whether the officers believe there is an imminent danger to the child's health (I.C. § 31-33-7-7; I.C. § 31-33-8-2).

In all reported or suspected criminal cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated (I.C. § 31-33-8-8).

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officers in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This shall include photographs of such injuries, if practicable.
 - 1. Color photographs should be taken when possible (I.C. § 31-33-8-3).
- (f) Whether the child victim was transported for medical treatment or a medical examination.

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- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

313.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DCS. Generally, removal of a child from his/her family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation (I.C. § 31-33-8-8).

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. The officer shall ensure that the child is delivered to DCS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian:

- (a) Upon a court order or warrant (I.C. § 31-33-8-8; I.C. § 31-21-6-14; I.C. § 31-34-2-1).
- (b) When the member has probable cause to believe the child is in need of services and (I.C. § 31-34-2-3):
 1. It appears that the child's physical or mental condition will be seriously impaired or seriously endangered if the child is not immediately taken into custody.
 2. There is no reasonable opportunity to obtain an order of the court.
 3. Consideration for the safety of the child precludes the immediate use of family services to prevent removal of the child.

Appropriate documentation should be completed and forwarded to DCS as soon as practicable whenever an officer takes a child into custody (I.C. § 31-34-2-6).

313.6.1 SAFE HAVEN LAW

Officers shall take custody of a child who appears to be not more than 30 days old who is voluntarily left with the officer by a parent without an expressed intent to return for the child. Whenever practicable and necessary, an officer who takes custody of a child under such circumstances

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should take appropriate steps to protect the child's physical health or safety. Any person voluntarily leaving the child is not obligated to disclose the parent's or his/her own name (I.C. § 31-34-2.5-1).

The officer taking custody of the child shall immediately notify DCS to assume the care, control, and custody of the child (I.C. § 31-34-2.5-2).

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

313.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

313.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian, or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility. It is preferred if a child is to be examined it be conducted by a certified pediatric SANE nurse.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

Officers should request and obtain a copy of all photographs and a summary of X-rays and other medical care provided if available (I.C. § 31-33-10-3).

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313.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking, or use of narcotics (I.C. § 31-34-1-2).

313.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Division supervisor should:

- (a) Work with professionals from the appropriate agencies, including DCS, other law enforcement agencies, medical service providers, and local prosecutors to develop community-specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigation Division supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives at the scene.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the child.

313.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigation Division supervisor so an interagency response can begin.

313.10 STATE MANDATES AND OTHER RELEVANT LAWS

This department shall investigate alleged child abuse or neglect in the same manner that the Department conducts any other criminal investigation (I.C. § 31-33-8-2).

313.10.1 PROCESSING REPORTS AND RECORDS

The department shall release or forward any information, including copies of reports, to DCS and the appropriate juvenile court (I.C. § 31-33-7-7; I.C. § 31-33-8-11).

313.10.2 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse, or the death of a child, shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (I.C. § 31-33-18-1; I.C. § 31-33-18-2).

Child Abuse

313.10.3 CHILD FATALITY REVIEW TEAMS

This department will cooperate with, and provide documents upon request to, a local or state child death review team (I.C. § 16-49-2-1; I.C. § 16-49-2-4; I.C. § 16-49-3-5; I.C. § 16-49-6-4; I.C. § 16-49-5-2).

313.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include (I.C. § 5-2-8-2):

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.
- (g) Recognizing abuse that requires mandatory notification to another agency.

Adult Abuse

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Goshen Police Department members as required by law.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

314.2 POLICY

The Goshen Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

314.3 MANDATORY NOTIFICATION

A member of the Goshen Police Department shall notify Adult Protective Services (APS) when the member reasonably believes a person has been the victim of adult abuse (I.C. § 35-46-1-13(c); I.C. § 12-10-3-9; I.C. § 12-10-3-10(b)).

For purposes of notification, adult abuse includes the battery, neglect, exploitation, or threat thereof, of a person who is 18 years or older and is incapable by reason of mental illness, developmental or intellectual disability, or dementia, or otherwise lacks the capacity to manage his/her property or to provide or direct the provision of self-care (I.C. § 12-10-3-2).

314.3.1 NOTIFICATION PROCEDURE

Notification shall be immediately made to the APS hotline or local APS unit at 1 (800) 992-6978, and should include as much of the following as is known (I.C. § 12-10-3-10):

- (a) The name, age and address of the victim
- (b) The names and addresses of family members or other persons financially responsible for the victim's care or other individuals who may be able to provide relevant information
- (c) The apparent nature and extent of the alleged neglect, battery or exploitation and the victim's physical and mental condition
- (d) The name, address and telephone number of any person who reported the alleged abuse to the Department and the basis of the reporter's knowledge
- (e) The name and address of the alleged offender
- (f) Any other relevant information regarding the circumstances of the endangered adult

Adult Abuse

314.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

314.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

Adult Abuse

314.6 PROTECTIVE CUSTODY

Removal of an adult abuse victim from his/her family, guardian or other responsible adult is the responsibility of APS (I.C. § 12-10-3-23; I.C. § 12-10-3-28).

When it appears necessary to protect adult abuse victims by taking the victim into protective custody, members should contact APS and request APS to obtain an emergency protective order.

314.7 INTERVIEWS

314.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

314.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

314.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

Adult Abuse

314.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

314.9.1 SUPERVISOR RESPONSIBILITIES

The Investigation Division supervisor should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigation Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives at the scene.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

314.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives at the scene should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigation Division supervisor so an interagency response can begin.

314.10 STATE MANDATES AND OTHER RELEVANT LAWS

Indiana requires or permits the following:

314.10.1 RECORDS BUREAU RESPONSIBILITIES

The Records Section is responsible for:

- (a) Providing a copy of the adult abuse report to APS.
- (b) Retaining the original adult abuse report with the initial case file.

314.10.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (I.C. § 12-10-3-15).

Adult Abuse

314.11 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include (I.C. § 5-2-8-2):

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

Discriminatory Harassment

315.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

315.2 POLICY

The Goshen Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

315.3 DEFINITIONS

Definitions related to this policy include:

315.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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315.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

315.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

315.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the Indiana Civil Rights Commission guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with city or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

315.4 RESPONSIBILITIES

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police or the Human Resources Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

315.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police or the Human Resources Manager for further information, direction, or clarification.

315.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Human Resources Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

315.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

315.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate

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any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

315.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

315.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police or the Human Resources Manager.

315.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

315.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approved by the Chief of Police or the Human Resources Manager, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

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315.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

315.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations (I.C. § 5-2-17-1 et seq.).

316.1.1 DEFINITIONS

Definitions related to this policy include:

High risk - A person whose whereabouts are not known and who may be at risk of injury or death. High risk includes, but is not limited to, a missing person (I.C. § 5-2-17-1):

- (a) Who is missing as a result of abduction by a stranger.
- (b) Whose disappearance may be the result of the commission of a crime.
- (c) Whose disappearance occurred under circumstances that are inherently dangerous.
- (d) At risk due to abduction by a noncustodial parent.
- (e) Who is mentally impaired.
- (f) Under the age of 21.
- (g) Who has previously been the victim of a threat or act of violence.
- (h) Who has been determined by a law enforcement agency to be at risk for injury or death.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Indiana Data and Communication System (IDACS) and the Indiana Clearinghouse for Missing Children and Missing Endangered Adults (I.C. § 10-13-3-35).

316.2 POLICY

The Goshen Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation Division supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation

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- Missing person school notification from School Resource Officer if applicable
- Medical records release form
- Biological sample collection kits

316.4 ACCEPTANCE OF REPORTS

Any member encountering an individual who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone, electronically or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report (I.C. § 5-2-17-4; I.C. § 5-2-17-5; I.C. § 12-10-18-1; I.C. § 31-36-1-1).

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

If jurisdiction is in question, the officer shall advise the individual to also make a report to the law enforcement agency having jurisdiction where the missing person was last seen or, if that place is unknown, where the missing person resides (I.C. § 5-2-17-4).

316.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable and begin the investigation (I.C. § 31-36-2-1; I.C. § 12-10-18-4).
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be high risk (I.C. § 5-2-17-6(b)).
 1. If the missing person is under 18 years of age, provide the reporting party with the information pamphlet from the Indiana State Police (ISP) about the National Center for Missing and Exploited Children and the National Runaway Safeline (I.C. § 5-2-17-7; I.C. § 10-11-2-34).
- (c) Notify a supervisor immediately if there is evidence that a missing person is either high risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast an alert if the person is high risk. This shall be immediately broadcast as required by I.C. § 5-2-17-10(d).
- (e) Ensure that entries are made into the appropriate missing person networks:
 1. Immediately, when the missing person is high risk (I.C. § 5-2-17-10(d)).
 2. In all other cases, as soon as practicable, recommended within two hours, but not later than five hours, from the time of the initial report (I.C. § 31-36-1-2; I.C. § 5-2-17-10(c)).
- (f) Complete the appropriate report forms accurately and completely as required (I.C. § 5-2-17-6; I.C. § 12-10-18-1; I.C. § 12-10-18-2; I.C. § 31-36-1-1; I.C. § 31-36-1-2).

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- (g) Initiate a search as applicable under the facts.
- (h) Collect and/or review:
 - 1. A photograph and fingerprint card of the missing person, if available.
 - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (i) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (j) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to a high-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (k) If the missing person qualifies for an AMBER Alert™ or a Silver Alert through the Clearinghouse at 1 (800) 831-8953, make the appropriate report through the web portal at <https://www.in.gov/isp/3412.htm>, (I.C. § 12-10-18-3).
- (l) As necessary, obtain the assistance of other law enforcement agencies including the ISP (I.C. § 5-2-17-10(a)).
- (m) As appropriate, the officer shall inform other law enforcement agencies of a high-risk missing person (I.C. § 5-2-17-10(b)).
- (n) If requested, inform the individual making the report, a family member of the missing person and any other individual who may be helpful in locating the missing person of the following (I.C. § 5-2-17-7):
 - 1. The general procedure for handling missing person cases.
 - 2. The approach of the case, unless disclosure would adversely affect the investigation.
 - 3. That additional information may be required if the missing person is not promptly located or if additional information is discovered in the course of the investigation.
 - 4. Provide contact information for the NCMEC or the Americas Missing Adults, or other similar organizations and advise that those organizations may provide additional resources.

316.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

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[Indiana Missing Report Form](#)

[Clearinghouse Alert Flow Chart](#)

316.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 - (a) The reports should be submitted promptly.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing person networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.
- (g) Assessing new information that may make the person high risk (I.C. § 5-2-17-6(b)).
- (h) Making a determination to stop the investigation if the person is not missing or is voluntarily missing (I.C. § 5-2-17-6(c)).
 - 1. If the investigation is cancelled, ensure the investigative steps and results of the investigation are properly documented (I.C. § 5-2-17-6(d)).
 - 2. Ensure that the location of the missing person is not disclosed to others if the missing person requests confidentiality (I.C. § 5-2-17-6(e)).
- (i) Determining if a photograph of the missing person should be released to the public (I.C. § 5-2-17-9).
- (j) Making a determination regarding the release of information to other agencies, the media and the public (I.C. § 12-10-18-3).

316.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section receiving member shall include, but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Investigation Division.

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- (e) Forwarding copies of a missing child report to all agencies as required by I.C. § 31-36-1-3.
- (f) Coordinating with the NCIC Terminal Contractor for Indiana to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

316.7 INVESTIGATION DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school, child care center or child home care is notified no later than 15 days after completion of the report if the missing person is a child less than 13 years of age (I.C. § 31-36-1-4).
 - 1. The notice shall be in writing and should also include a photograph.
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school (I.C. § 31-36-1-5).
- (b) Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update IDACS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Elkhart County Homicide Unit.
- (h) Should obtain and forward medical records, dental records, photos, X-rays and biological samples, as applicable (I.C. § 5-2-17-8; I.C. § 31-36-2-3).
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph as appropriate and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) Shall update the NCIC's Missing Person File if an arrest warrant is issued for a person who abducted or unlawfully retained a missing child (I.C. § 31-36-2-5).

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- (l) Shall search the NCIC's Wanted Person File for reports of arrest warrants issued for persons who allegedly abducted or unlawfully retained children and compare these reports to the missing child's NCIC Missing Person File (I.C. § 31-36-2-2).
- (m) Shall update the investigation upon the discovery of new information and forward the information to the appropriate agencies and organizations (I.C. § 31-36-2-2).
- (n) Shall report as soon as possible relevant information to the FBI's Violent Criminal Apprehension Program (ViCAP) (I.C. § 5-2-17-9).
- (o) In the case of a high-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

316.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted. When a missing child is found, notification shall be promptly made to all involved agencies, and persons as provided in I.C. § 31-36-2-6.

The Administrative Assistant shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) The missing child's school, child care center or child care home is promptly notified (I.C. § 31-36-2-6).
- (b) Entries are made in the applicable missing person networks.
- (c) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

316.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

316.9 CASE CLOSURE

The Investigation Division supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

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- (b) If the missing person is a resident of Goshen or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

316.10 TRAINING

Subject to available resources, the Training Lieutenant or designee should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio/Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

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- (o) Understanding and correctly entering medical or dental information into a database (I.C. § 5-2-17-10(c)).

Public Alerts

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

[Clearinghouse Alert Flow Chart](#)

317.3 RESPONSIBILITIES

317.3.1 MEMBER RESPONSIBILITIES

Members of the Goshen Police Department should notify their supervisors, Shift Captain or Investigation Division supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible for making the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the police administration and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for:

- (a) Updating alerts.
- (b) Canceling alerts.
- (c) Ensuring all appropriate reports are completed.
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Chief

317.4 AMBER™ ALERTS

AMBER™ Alerts are used to provide a statewide system for the rapid dissemination of information regarding abducted children (I.C. § 10-13-5-1).

317.4.1 CRITERIA

The following criteria are utilized to determine if an AMBER™ Alert should be requested (I.C. § 10-13-5-4):

- (a) An officer has a reasonable belief that an abduction has occurred.

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- (b) An officer believes that a child is in imminent danger of serious bodily injury or death.
- (c) The officer makes contact with the on-call detective for assistance.
- (d) Enough descriptive information exists about the victim and the abductor for this department to request an AMBER™ Alert.
- (e) The victim of the abduction is a child less than 18 years of age.
- (f) The victim is a temporary or permanent resident of the state of Indiana.

317.4.2 PROCEDURE

The following procedures for initiating an AMBER™ Alert are used when a member of the Goshen Police Department receives a report from a parent or guardian that a child is missing:

- (a) The member receiving the information shall notify all on-duty officers of the existence of a missing child report.
- (b) The member receiving the information shall communicate the report to all adjoining and regional law enforcement agencies.
- (c) The member receiving the report shall transmit the information through the [IN.GOV Portal](#).

317.5 BLUE ALERTS

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding specific incidents relating to law enforcement officers (I.C. § 10-13-8-1).

317.5.1 CRITERIA

The following criteria are circumstances warranting a Blue Alert (I.C. § 10-13-8-8):

- (a) A law enforcement officer has been killed or seriously injured while in the line of duty.
- (b) The suspect has not been apprehended and may be a serious threat to the public or other law enforcement personnel.
- (c) Sufficient information is available to disseminate to the public that could assist in locating the suspect.
- (d) If a law enforcement officer is missing while in the line of duty, sufficient information is available to disseminate to the public that could assist in locating the law enforcement officer.

317.5.2 PROCEDURE

The following is the procedure for initiating a Blue Alert:

- (a) Before requesting activation of the Blue Alert system this department shall verify the criteria for activating the Blue Alert System has been met (I.C. § 10-13-8-8).

The member requesting the alert will do so through the [IN.GOV Portal](#)

- (a) An officer will notify the superintendent of the Indiana State Police (ISP) and request activation of the Blue Alert System (I.C. § 10-13-8-10).

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- (b) The superintendent of the ISP will notify the appropriate participants in the Blue Alert System if there is sufficient information available to disseminate to the public that could assist in locating the missing law enforcement officer or a suspect (I.C. § 10-13-8-10).
- (c) The superintendent of the ISP shall determine the appropriate geographic boundaries of the alert based on the nature of the suspect and the circumstances surrounding the crime or the last known location of the missing law enforcement officer (I.C. § 10-13-8-8).
- (d) The area of the alert may be less than state-wide if the superintendent of the ISP determines that the nature of the event makes it probable that the suspect or the missing law enforcement officer is within a certain geographic location.
- (e) An officer shall, as soon as practicable, notify the superintendent of the ISP upon locating the suspect or the missing law enforcement officer (I.C. § 10-13-8-13).
- (f) The superintendent of the ISP shall terminate any activation of the Blue Alert System if the suspect or the law enforcement officer is located or if the superintendent of the ISP determines that the Blue Alert System is no longer an effective tool for locating the suspect or law enforcement officer (I.C. § 10-13-8-14).

317.6 SILVER ALERTS

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing endangered adult, missing endangered child, or high-risk missing person (I.C. § 10-13-5-4.6).

317.6.1 CRITERIA

A Silver Alert should be activated when:

- (a) An officer believes that a missing person meets the criteria for being a missing endangered adult, a missing endangered child, or a high-risk missing person (I.C. § 12-7-2-131.3; I.C. § 12-10-18-0.5; I.C. § 10-13-5-4.4; I.C. § 5-2-17-1).

317.6.2 PROCEDURE

The following is the procedure for initiating a Silver Alert when members of the Goshen Police Department receive information that a person is missing who is an endangered missing adult, a missing endangered child, or a high-risk missing person. The investigating officer (I.C. § 5-2-17-10; I.C. § 12-10-18-3):

- (a) Shall verify that the criteria for requesting a Silver Alert has been satisfied.
- (b) Shall instruct the officers of the Goshen Police Department to be alert for the disabled adult or high-risk missing person.
- (c) May notify the ISP and request assistance.
- (d) Shall make an entry into the National Crime Information Center (NCIC) within two hours of receiving the report.
- (e) Shall make an entry into any other appropriate database within 24 hours of receiving the report.

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- (f) May forward the missing person report to:
 - (a) Any appropriate law enforcement agency
 - (b) The Indiana Data and Communications System (IDACS)
 - (c) Indiana Clearinghouse for Information on Children and Missing Endangered Adults [IN.GOV Portal](#)
 - (d) A broadcaster or newspaper

Bias Crimes

318.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

318.1.1 DEFINITIONS

Definitions related to this policy include:

Bias crime - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim. This includes an offense based on actual or perceived creed or because the person or owner or occupant of an affected property was associated with any other recognizable group or affiliation (I.C. § 10-13-3-1).

318.2 POLICY

The Goshen Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

318.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely bias crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of bias crimes, and forming networks that address prevention and response.
- (b) Providing victim assistance through the Elkhart County Prosecutor's Office and community follow-up or identifying available resources.
- (c) Educating community and civic groups about bias crime laws.

318.4 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected bias crime or other activity that reasonably appears to involve a potential bias crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible bias crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

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- (e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.
- (f) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a bias crime.
- (g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy through the Elkhart County Prosecutor's Office.
- (h) The assigned officers should include all available evidence indicating the likelihood of a bias crime in the relevant reports. All related reports should be clearly marked "bias Crime" to enable identification for federal hate crime reporting.
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., a Petition for a Temporary Protective Order) through the courts or City Attorney.

318.4.1 INVESTIGATION DIVISION RESPONSIBILITIES

If a bias crime case is assigned to the Investigation Division, the assigned investigator will be responsible for:

- (a) Coordinating further investigation with other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected bias crimes through NIBRS, as indicated or required by state law.

318.5 TRAINING

All members of this department should receive training on bias crime recognition and investigation.

Standards of Conduct

319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Goshen Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

319.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

319.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

319.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

319.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

319.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Indiana constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

319.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

319.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions, contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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319.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Goshen Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

319.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

319.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of, such criminal activities, except as specifically directed and authorized by this department.

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319.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

319.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

319.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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319.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this department, except as expressly authorized by City policy, the collective bargaining agreement or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.

319.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law

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enforcement agency or that may result in criminal prosecution or discipline under this policy.

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement including fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

319.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling. including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

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- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

319.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Information Technology Use

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Goshen Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

320.2 POLICY

It is the policy of the Goshen Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

320.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all key strokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

Information Technology Use

320.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Captains.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

320.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software on any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as a part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

320.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

320.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms, and similar or related Internet sites. Certain

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exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the Internet shall be limited to messages, mail and data files.

320.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

320.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

320.6 INSPECTION AND REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

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Department Use of Social Media

321.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

321.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

321.2 POLICY

The Goshen Police Department will use social media as a method of effectively informing the public about department services, issues, investigations, recruitment and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

321.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

321.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Department Use of Social Media

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

321.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

321.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Goshen Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this Department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

321.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

Department Use of Social Media

The Department may provide a method for members of the public to contact department members directly.

321.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

321.7 RETENTION OF RECORDS

The Assistant Chief should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

321.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Report Preparation

322.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to those members of the Department who complete investigations and reports as a part of their duties.

322.2 POLICY

It is the policy of the Goshen Police Department that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

322.3 EXPEDITIOUS REPORTING

An incomplete report, unorganized reports or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority made necessary under exceptional circumstances.

322.4 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. It is the responsibility of the member to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved; all pertinent information seen, heard or assimilated by any other sense; and any actions taken. Members shall not suppress, conceal or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.

322.4.1 HANDWRITTEN OR TYPED REPORTS

County, state and federal agency forms may be block printed unless the requirement for typing is apparent. Supervisors may require block printing or typing of reports of any nature for department consistency.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting member will be required by the reviewing supervisor to promptly make corrections and resubmit the report.

In general, the narrative portion of reports where an arrest is made or when there is a long narrative should be typed or dictated. Members who dictate reports shall use appropriate grammar, as the content is not the responsibility of the typist.

Members who generate reports on computers are subject to all requirements of this policy.

Report Preparation

322.4.2 ELECTRONIC SIGNATURES

The Goshen Police Department has established an electronic signature procedure for use by all members of the Goshen Police Department. The Patrol Division Chief or designee shall be responsible for maintaining the electronic signature system, ensuring that each member creates a unique signature and that the use of electronic signatures otherwise complies with the law (I.C. § 26-2-8-101, et. seq.).

- (a) Members may only use their electronic signatures for official reports or other official communications.
- (b) Each member shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

322.5 REQUIRED REPORTING

In all of the following situations, members shall complete reports using the appropriate department-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if he/she deems it necessary or as directed by a supervisor.

322.5.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Incidents involving criminal threats, terrorist threats, and stalking.
- (d) Situations covered by separate policy. These include:
 - (a) Use of Force Policy
 - (b) Domestic or Family Violence Policy
 - (c) Child Abuse Policy
 - (d) Adult Abuse Policy
 - (e) Bias Crimes Policy
 - (f) Suspicious Activity Reporting through Officers Reports, CAD reports, and T Drive on briefing sheet
- (e) All misdemeanor crimes where the victim desires a report.

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322.5.2 NON-CRIMINAL ACTIVITY

Non-criminal activity to be documented includes:

- (a) Any found property or found evidence.
- (b) All protective custody and welfare detentions.
- (c) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy).
- (d) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (e) Suspicious incidents that may place the public or others at risk.
- (f) Any use of force by members of this department against any person (see the Response to Resistance Policy).
- (g) Any firearm discharge (see the Firearms Policy).
- (h) Any time a member points a firearm at any person.
- (i) Any traffic accidents above the minimum reporting level (see the Traffic Accidents Policy).
- (j) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

322.5.3 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) There is an attempted suicide.
- (c) The injury is major or serious, and potentially fatal.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to document the event.

322.5.4 DEATHS

Death investigations require specific investigation methods, depending on the circumstances. They should be handled in accordance with the Death Investigation Policy. The handling member should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The supervisor will contact the on-call detective for further assistance and direction. The following incidents shall be appropriately investigated and documented:

- (a) Unattended deaths (no physician or qualified hospice care during the period preceding death)
- (b) Sudden, accidental or suspicious deaths
- (c) Suicides
- (d) Homicide or suspected homicide

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- (e) Found dead bodies or body parts

322.5.5 CITY PERSONNEL OR PROPERTY

Incidents involving City personnel or property shall require a report when:

- (a) An injury occurs as the result of an act of a City employee or on City property.
- (b) There is damage to City property or equipment.

322.6 REVIEW AND CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should instruct the officer to properly correct the report.

It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

322.6.1 CHANGES AND ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report.

Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

Media Relations

323.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

323.2 POLICY

It is the policy of the Goshen Police Department to protect the privacy rights of individuals when releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

323.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Chiefs, Shift Captains and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

323.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

323.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, a member of the administration. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

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- (c) Under no circumstance should any member of this department make any comment to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.
- (d) All requests for interviews or information from the media shall be routed to the department's general delivery email address, police@goshencity.com.
- (e) If the requested information is public record and may be universally helpful to readers, responses posted as a reply on social media forum is appropriate but must be submitted through the Executive Staff for prior approval.
- (f) If the requested information is determined to be answered privately or is restricted information, a private message may be sent to the requester or a request that the requester to contact our department in another format such as telephone or in person.
- (g) Under no circumstances will any department personnel be engaged via the department social media in a debate or "bantering" of a topic or event.

323.6 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid media credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.
 - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express written consent of the person in custody.
- (d) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

323.6.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize

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a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through administration or their designee and the PIO.

323.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

323.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and the Indiana Public Records Act (I.C. § 5-14-3-1 et seq.).

323.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

323.8.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the PIO or designee.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles).

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- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

323.9 TRAINING

Prior to releasing information to the public, any member designated to serve as the PIO should receive training relevant to the position.

Subpoenas and Court Appearances

324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Goshen Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

324.2 POLICY

Goshen Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

324.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Goshen Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Goshen Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

324.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement.

Subpoenas and Court Appearances

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

324.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

324.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

324.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

324.6 COURTROOM PROTOCOL

Members must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

Members shall dress in the department uniform or business attire.

Members shall observe all rules of the court in which they are appearing and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

324.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

324.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current collective bargaining agreement.

Reserve Officers

325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Goshen Police Department reserve officers to supplement and assist regular full-time police officers in their duties. These officers provide volunteer professional and special functions that augment regular staffing levels.

325.1.1 DEFINITIONS

Definitions related to this policy include:

Reserve officer - A person who is a member of the Goshen Police Department's reserve unit and who is authorized to exercise police powers (250 I.A.C. 2-1-13).

325.2 POLICY

The Goshen Police Department shall ensure that reserve officers are properly appointed, trained and supervised and that they maintain the appropriate certifications and readiness to carry out their assigned duties.

325.3 RECRUITMENT AND SELECTION

The Goshen Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass pre-employment procedures as established by the Goshen Police Department before appointment.

325.3.1 APPOINTMENT

Applicants who are selected for appointment as reserve officers shall, on the recommendation of the Chief of Police, be sworn in and take the Oath of Office in accordance with the Oath of Office Policy and as required for the position.

Reserve officers are considered at-will employees and may be dismissed at the discretion of the Chief of Police, with or without cause. Reserve officers shall have no property interest in continued appointment.

If a reserve officer is removed for alleged misconduct, the reserve officer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

325.4 IDENTIFICATION AND UNIFORMS

Reserve officers will be issued Goshen Police Department uniforms, badges and identification cards. The uniforms and badges shall be the same as those worn by regular full-time police officers. The identification cards will be the standard Goshen Police Department identification cards, with the exception that "Reserve" will be indicated on the cards.

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325.5 AUTHORITY

Reserve officers shall perform law enforcement officer duties within the scope of their approved training and department policy (I.C. § 36-8-3-20; I.C. § 5-2-1-9) Reserve officers:

- (a) Perform law enforcement functions and have the authority to arrest on behalf of this department (I.C. § 35-33-1-1).
- (b) Shall not exercise law enforcement duties when off-duty.

325.6 COMPENSATION

Compensation for reserve officers is provided as follows (I.C. § 36-8-3-20):

- (a) All property issued to reserve officers shall be returned to this department upon termination or resignation.
- (b) Reserve officers should be compensated for time lost from other employment because of court appearances.
- (c) Reserve officers shall be compensated for work-related illness or injury as appropriate (I.C. § 36-8-3-22; I.C. § 36-8-3-23).
- (d) Reserve officers are not eligible to participate in any pension program provided for regular officers.

325.7 PERSONNEL WORKING AS RESERVE OFFICERS

Qualified regular department personnel, when authorized, may also serve as reserve officers. However, this department shall not utilize the services of reserve officers in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). (29 CFR 553.30).

325.8 COMPLIANCE

Reserve officers shall be required to adhere to all department policies and directives. A copy of the policies and directives will be made available to each reserve officer upon appointment. The reserve officer shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this Policy Manual refers to a regular full-time police officer, it shall also apply to a reserve officer, unless by its nature it is inapplicable.

Reserve officers are required by this department to meet department-approved training requirements.

All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the reserve coordinator.

325.9 FIREARMS

Reserve officers shall successfully complete department-authorized training in the use of firearms. Their appointments must be approved by the City prior to being issued firearms by this department or otherwise acting as reserve officers on behalf of the Goshen Police Department.

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Reserve officers will be issued duty firearms as specified in the Firearms Policy. Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Firearms Policy.

Reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all training and qualification requirements set forth in the Firearms Policy.

325.9.1 FIREARMS

A reserve officer shall not carry a concealed firearm while in an off-duty capacity, other than to and from work, unless he/she possesses a valid license to carry a handgun.

An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment, if approved through the firearms training division.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to department standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by the department Training Lieutenant.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall demonstrate his/her proficiency with the weapon.

325.10 RESERVE COORDINATOR

The Chief of Police shall delegate certain responsibilities to a reserve coordinator. The reserve coordinator shall be appointed by and directly responsible to the Patrol Chief or the authorized designee.

The reserve coordinator may appoint a senior reserve officer or other designee to assist in the coordination of reserve officers and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Assigning reserve officers.
- (b) Conducting reserve officer meetings.
- (c) Establishing and maintaining a reserve officer callout roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring the field training progress of reserve officers.
- (f) Monitoring individual reserve officer performance.
- (g) Monitoring overall reserve officer activities.
- (h) Maintaining a liaison with other agency reserve coordinators.

Reserve Officers

325.11 FIELD TRAINING

All reserve officers shall complete the same department-specified field training as regular full-time police officers as described in the Field Training Policy.

325.12 ADDITIONAL TRAINING REQUIREMENTS

Prior to carrying a weapon or making an arrest in any capacity, in addition to completing all department required entry-level training for officers, newly hired reserve officers should complete the required training through ILEA.

Reserve officers should complete the same State required hours of in-service training as regular full-time officers.

325.13 SUPERVISION

Reserve officers may perform the same duties as regular full-time officers of this department provided they are under the direct or indirect supervision of a supervisor or officer in charge. Reserve officers shall never supervise a regular full-time officer.

325.13.1 EVALUATIONS

While in training, reserve officers should be continuously evaluated using standardized daily and weekly observation reports. The reserve officer will be considered a trainee until he/she has satisfactorily completed training. Reserve officers who have completed their field training should be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve officer.

325.13.2 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a personnel complaint made against him/her or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

Outside Agency Assistance

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

326.2 POLICY

It is the policy of the Goshen Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

326.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Officer in Charge for Shift Captain's office for approval. In some instances, (i.e. SWAT) a Memorandum Of Understanding collective bargaining agreement or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Officer in Charge Shift Captain may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance; however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked by at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

326.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Goshen Police Department shall notify his/her supervisor or the Officer in charge and Elkhart County 911 Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

326.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

Mutual aid assistance may be either interlocal or intrastate.

326.4.1 INTERLOCAL MUTUAL AID

The Goshen Police Department may enter an interlocal mutual aid agreement with another law enforcement agency for the purpose of providing and receiving aid and assistance (I.C. § 36-1-7-3).

Officers responding to a request for interlocal assistance shall have the same powers and duties as the requesting agency's law enforcement officers during the duration of the request for assistance (I.C. § 36-1-7-7).

Officers responding to a request for assistance remain subject to the rules and regulations of the Goshen Police Department (I.C. § 36-1-7-7).

326.4.2 REQUESTING INTRASTATE MUTUAL AID

Requests for intrastate mutual aid assistance (I.C. § 10-14-3-10.8):

- (a) May be written or oral.
 - 1. An oral request shall be confirmed in writing not later than 72 hours after the oral request is made.
- (b) Must include:
 - 1. A description of the incident, disaster, exercise, training activity or planned event; the assistance or aid needed; and an estimate of the length of time that they will be needed.
 - 2. The location and time of staging and the name of the point of contact at the staging location.
 - 3. A statement that the request for mutual aid is made through the intrastate mutual aid program.

326.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Captain.

326.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Assistant Chief or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:

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1. The use of the equipment and supplies.
 2. The members trained in the use of the equipment and supplies.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Elkhart County 911 Center and the Shift Captain to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Lieutenant should maintain documentation that the appropriate members have received the required training.

Major Incident Notification

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Goshen Police Department in determining when, how and to whom notification of major incidents should be made.

327.2 POLICY

The Goshen Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

327.3 CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police, the affected Division Chief and the City. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notification)
- Homicides, suspicious deaths or deaths related to law enforcement activity
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- At-risk missing children or missing endangered adults
- In-custody deaths
- Aircraft, train, boat or other transportation accidents with major damage and/or injury or death
- Traffic accidents with fatalities or severe injuries
- Death of a prominent Goshen official
- Significant injury or death to a member of the Department, whether on- or off-duty
- Arrest of a member of the Department or prominent Goshen official
- Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic police services
- Any other incident that has attracted or is likely to attract significant media attention

327.4 OFFICER IN CHARGE (OIC) RESPONSIBILITIES

The OIC is responsible for making the appropriate notifications. The OIC shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notifications as soon as practicable. Notification should be made by using the

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administration paging system utilized by the Elkhart County 911 Center. The OIC may choose to contact the administration directly.

327.4.1 COMMAND STAFF NOTIFICATION

In the event an incident occurs as identified in the Criteria for Notification section above, the Chief of Police shall be notified along with the affected Division Chief and the Investigation Division Chief if that division is affected.

327.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that an investigator respond from home, the immediate supervisor of the appropriate detail shall be notified, who will then contact the appropriate investigator.

327.4.3 PATROL DIVISION NOTIFICATION

In the event of a major injury or traffic fatality, the OIC shall be notified, who will then contact the appropriate investigator.

327.4.4 PUBLIC INFORMATION OFFICER

After members of the command staff have been notified, the Public Information Officer shall be called if it appears the media may have a significant interest in the incident.

Death Investigation

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence-gathering techniques is critical.

328.2 POLICY

It is the policy of the Goshen Police Department to respond, document and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide and homicide, shall be initiated, investigated and properly documented.

328.3 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigation Division Commander as necessary. The OIC will make notification to command staff in accordance with the Major Incident Notification Policy.

328.3.1 REPORTING

All incidents involving a death shall be documented on the appropriate form.

328.3.2 ELKHART COUNTY HOMICIDE UNIT REQUEST

Officers are not authorized to pronounce death unless they are also Coroners, Elkhart County Homicide Units, Deputy Elkhart County Homicide Units or appointed Elkhart County Homicide Unit investigators. The Elkhart County Homicide Unit shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. State law requires that the Elkhart County Homicide Unit be notified when any person dies (I.C. § 35-45-19-3):

- (a) As a result of violence, suicide or accident.
- (b) Suddenly when in apparently good health.
- (c) While unattended.
- (d) From poisoning or an overdose of drugs.
- (e) As a result of a disease that may constitute a threat to public health.

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- (f) As a result of a disease, an injury, a toxic effect or unusual exertion incurred within the scope of the deceased person's employment.
- (g) Due to sudden infant death syndrome.
- (h) As a result of a diagnostic or therapeutic procedure.
- (i) Under any other suspicious or unusual circumstances.

328.3.3 SEARCHING DEAD BODIES

- (a) The Elkhart County Homicide Unit, his/her assistant and authorized investigators are generally the only persons permitted to move, handle or search a dead body.
- (b) A homicide investigator may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Elkhart County Homicide Unit or his/her assistant shall be promptly notified.
- (c) The Elkhart County Homicide Unit, with the permission of the Department, may take property, objects or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.
- (d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Elkhart County Homicide Unit or his/her assistant, the investigating officer should first obtain verbal consent from the Elkhart County Homicide Unit or his/her assistant when practicable.
- (e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Elkhart County Homicide Unit or his/her assistant. The name and address of this person shall be included in the narrative of the death report.
- (f) Whenever personal effects are removed from the body of the deceased by the Elkhart County Homicide Unit or his/her assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

328.3.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Investigation Division shall be notified to determine the possible need for a homicide investigator to respond to the scene.

If the on-scene OIC, through consultation with the investigator of the detective bureau, or Investigation Division Chief, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances shall, with the approval of his/her supervisor, request the Elkhart County Homicide Unit to conduct physical examinations and tests, and to provide a report.

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328.3.5 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this department who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information.

328.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Elkhart County Homicide Unit a unique identifying number for the body. The number shall be included in any report.

328.5 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Elkhart County Homicide Unit's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification if approved by the Elkhart County Homicide Unit.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

Citizen's Arrest

329.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a citizen's arrest.

329.2 POLICY

It is the policy of the Goshen Police Department to accept a citizen's arrest only when legal and appropriate.

329.3 ARRESTS BY CITIZEN

A citizen may arrest another when (I.C. § 35-33-1-4(a); I.C. § 35-33-6-2):

- (a) Another person has committed a felony in his/her presence.
- (b) A felony has been committed and there is probable cause to believe that the other person has committed that felony.
- (c) A misdemeanor involving a breach of peace is being committed and the arrest is necessary to prevent the continuance of the breach of peace.
- (d) The citizen is an owner or agent of a business, has probable cause to believe that a theft has occurred or is occurring on or about the business and the person detained is the one who committed or is committing the theft.

329.4 OFFICER RESPONSIBILITIES

An officer confronted with a person claiming to have made a private person's arrest should determine whether such an arrest is lawful (I.C. § 35-33-1-4(c)).

If the officer determines that the citizen's arrest is unlawful, the officer should:

- (a) Take no action to further detain or restrain the arrested individual, unless there is independent justification for continuing a detention.
- (b) Advise the parties that the arrest will not be accepted but the circumstances will be documented in a report.
- (c) Document the incident, including the basis for refusing to accept custody of the individual.

Whenever an officer determines that a citizen's arrest is justified, the officer may take the individual into custody and proceed in the same manner as with any other arrest.

Communications with Persons with Disabilities

330.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

330.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or use of a qualified interpreter.

Disability or impairment - An individual who has or is regarded as being substantially limited in a major life activity, including hearing or seeing, with or without assistance other than ordinary eyeglasses or contacts (42 USC § 12102). This includes a person who has a hearing loss that prevents the person from receiving and understanding voice communication with or without amplification and uses American Sign Language, English-based signed systems, tactile methods, writing, reading, speech reading, finger spelling or beneficial assistive devices as a primary means of communication (460 I.A.C. 2-2.1-2).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified Interpreters should have a valid certification by the Department of Health and Human Services (460 I.A.C. 2-3-3).

330.2 POLICY

It is the policy of the Goshen Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees, have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

330.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA coordinator (28 CFR 35.107).

The responsibilities of the coordinator include, but are not limited to:

- (a) Working with the City ADA coordinator regarding the Goshen Police Department's efforts to ensure equal access to services, programs and activities.

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- (b) Working with the City ADA coordinator to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

330.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate his/her understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

330.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.

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- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, is hard of hearing or has impaired speech must be handcuffed while in the custody of the Goshen Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

330.6 TYPES OF ASSISTANCE AVAILABLE

Goshen Police Department members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Department will make every reasonable effort to provide equal access and timely assistance to disabled individuals through a variety of services.

Disabled individuals may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

330.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form (e.g., a personnel complaint form) or provide forms with enlarged print.

330.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee) if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. If possible, the person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.

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- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

330.9 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

330.10 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

330.11 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related

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report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

330.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

330.12.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, is hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

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- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

330.13 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, are hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

330.14 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, are hard of hearing, have impaired speech or vision, are blind or have other disabilities. In the interest of the arrestee's health and welfare, to protect the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

330.15 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.

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Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. If possible, qualified interpreters used during the investigation of a complaint should not be members of this department.

330.16 TRAINING

To ensure that all members who may have contact with disabled individuals are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Lieutenant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including those who are deaf, are hard of hearing, have impaired speech or vision or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Lieutenant shall maintain records of all training provided and will retain a copy in each member's training file in accordance with the established records retention schedule.

Chaplains

331.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Goshen Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

331.2 POLICY

The Goshen Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

331.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, free from addiction to alcohol or other drugs, and free from excessive debt.
- (b) Managing his/her household, family and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) Successful counseling experience.
- (f) Possession of a valid driver's license.

The Chief of Police may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

331.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Goshen Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

331.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and non-discriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

331.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.

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- (c) Interview with the Chief of Police and/or the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chaplain Coordinator.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity to clear his/her name through a meeting with the Chaplain Coordinator. The Chaplain Coordinator will consult with the Chief of Police who will decide if an additional meeting should be conducted with members of the police administration.

331.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform. Chaplain uniforms shall not reflect any religious affiliation.

Chaplains will be issued Goshen Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Goshen Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

331.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Assistant Chief or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Shift Captain.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.

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- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining a liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

331.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division, but chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills and abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service, or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Goshen Police Department.

331.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteers Policy and other applicable policies.

331.7.2 OPERATIONAL GUIDELINES

- (a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.
- (b) Generally, each chaplain will serve with Goshen Police Department personnel a minimum of eight hours per month.
- (c) Chaplains shall be permitted to ride with officers during any shift and observe Goshen Police Department operations, provided the supervisor has been notified and has approved the activity.
- (d) Chaplains shall not be evaluators of members of the Department.
- (e) In responding to incidents, a chaplain shall never function as an officer.

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- (f) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (g) Chaplains shall serve only within the jurisdiction of the Goshen Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- (h) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent unauthorized access to the data.

331.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members who are dealing with the public during significant incidents (e.g., accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse).
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

331.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in defusing a conflict or incident, when requested.
- (b) Responding to any significant incident (e.g., natural and accidental deaths, suicides and attempted suicides, family disturbances) in which the supervisor believes the chaplain could assist in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Training others to enhance the effectiveness of the Department.

331.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

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- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing a liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function, as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

331.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

331.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Goshen Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Goshen Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

331.9 TRAINING

The Chaplain Coordinator will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Lieutenant or other outside sources specializing in training Chaplains and may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations

Chaplains

- The law enforcement family
- Substance abuse
- Officer injury or death
- Sensitivity and diversity

Child and Dependent Adult Safety

332.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

332.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Goshen Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

332.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation in which the officer is notified of dependents under the care of the arrested or detained individual, officers should :

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian or caregiver in the presence of his/her child or dependent adult.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

332.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults if the officer is notified of such dependents.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision

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should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - (a) Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence that it would not be in the dependent person's best interest (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the Department of Child Services or Adult Protective Services, if appropriate.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

332.3.2 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

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1. Name
2. Sex
3. Age
4. Whether the person reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

332.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service agency to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

Off-Duty Law Enforcement Actions

333.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for officers of the Goshen Police Department with respect to taking law enforcement action while off-duty.

333.2 POLICY

It is the policy of the Goshen Police Department that officers generally should not initiate law enforcement action while off-duty. Officers are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any officer who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss, may take reasonable action to minimize or eliminate the threat.

333.3 DECISION TO INTERVENE

There is no legal requirement for off-duty officers or special police officers to take law enforcement action. Officers should consider waiting for on-duty uniformed law enforcement personnel to arrive and while gathering as much accurate intelligence as possible, instead of immediately intervening. However, if an officer decides to intervene, he/she must evaluate whether the action is necessary or desirable, and should take into consideration:

- (a) The potential to be misidentified by other law enforcement personnel.
- (b) The potential to be misidentified by members of the public, who may be armed or who may take action.
- (c) The tactical disadvantage of being alone and the possibility of multiple or hidden suspects.
- (d) Limited off-duty firearms capabilities and ammunition.
- (e) The inability to communicate with responding law enforcement personnel.
- (f) The lack of equipment, such as body armor, handcuffs or control devices.
- (g) Unfamiliarity with the surroundings, including escape routes.
- (h) The potential for increased risk to bystanders by confronting a suspect or taking action.

333.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. If possible, the dispatcher receiving the call should obtain a description of the off-duty officer from the caller and broadcast that information to responding officers.

Off-Duty Law Enforcement Actions

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an officer with the Goshen Police Department until acknowledged. Official identification should also be displayed when possible.

333.4 CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officer should wait for acknowledgement by the non-uniformed officer in case he/she is working in an undercover capacity.

333.4.1 CIVILIAN RESPONSIBILITIES

Civilian members should not become involved in any law enforcement action while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

333.4.2 INCIDENTS OF PERSONAL INTEREST

Department members should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances members should call the responsible agency to handle the matter.

333.5 REPORTING

If prior notification to the appropriate local law enforcement agency is not reasonably possible before taking action, the officer shall notify the agency as soon as reasonably practicable. Officers shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

Officers shall notify the Shift Officer in Charge regarding any law enforcement action taken while off-duty. The Shift Officer in Charge may send a supervisor to the location. The Shift Officer in Charge shall notify the police administration of any law enforcement action taken by an officer while off-duty that can be construed as serious in nature. The supervisor may request assistance from the Police Administration if deemed appropriate.

The Shift Captain shall determine whether a criminal or administrative report should be completed by the involved officer.

Community Relations

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Bias Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Policy.
- Suspicious Activity Reporting Policy.

334.2 POLICY

It is the policy of the Goshen Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

334.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Elkhart County 911 Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Elkhart County 911 Center of their location and status during the foot patrol.

Community Relations

334.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or the authorized designee and is responsible for:

- (a) Obtaining department-approved training related to his/her responsibilities.
- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Working with community groups, department members and other community resources to:
 - 1. Identify and solve public safety problems within the community.
 - 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (d) Working with the Patrol Division Chief to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (e) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (f) Attending City council and other community meetings to obtain information on community relations needs.
- (g) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (h) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

334.5 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource officer program.
- (e) Neighborhood Liaison program.

Community Relations

334.6 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

334.7 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Instruction in schools.
- (d) Department ride-alongs (see the Ride-Alongs Policy).
- (e) Scenario/Simulation exercises with community member participation.
- (f) Youth internships at the Department.
- (g) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

334.8 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, should not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community Relations

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

334.9 TRANSPARENCY

The Department should have available statistical data and analysis regarding the department's operations. The reports should not contain the names of officer, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

334.10 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Identity Theft

335.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of identity theft.

335.2 POLICY

It is the policy of the Goshen Police Department to effectively investigate cases of identity theft.

335.3 ACCEPTANCE OF REPORTS

A report shall be taken any time a person living within the jurisdiction of the Goshen Police Department reports that he/she has been a victim of identity theft. This includes (I.C. § 35-40-14-3):

- (a) Taking a report even if the location of the crime is outside the jurisdiction of this department or has not been determined.
- (b) Providing the victim with a copy of the police report.

A report should also be taken if a person living outside the department jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in Goshen to facilitate the crime).

Members taking reports should provide the victim with department information as set forth in the Victim and Witness Assistance Policy, encourage the individual to review the material and assist the victim with any questions.

335.4 FOLLOW-UP INVESTIGATION

A member investigating a case of identity theft should ensure that each case is referred to the appropriate agency if it is determined that this department should not be the investigating agency (e.g., an identity theft ring working from out of state). The victim should be advised that the case is being transferred to the agency of jurisdiction for investigation. The investigating member should also ensure that appropriate entries are made into related databases that have been authorized for department use.

335.5 IDENTITY THEFT AND UNEMPLOYMENT CLAIMS

The Indiana Department of Workforce Development (DWD) has recommended that victims of identity theft who have had an unemployment claim filed in their name should take additional steps to protect themselves by following the link below. The web page provides instructions for filing a report online, fax, or mail. The Investigations Division is responsible for communicating in writing the steps necessary to further protect victims of identity theft when an unemployment claim is filed.

Instructions for victims of ID Theft and unemployment claim filed:

- File a report with DWD via this page: <https://www.in.gov/dwd/2464.htm>

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Identity Theft

- File a report with the Indiana State Police by completing the state police form found at <https://www.in.gov/dwd/2464.htm> (page down to the bottom and email it to uifraud@isp.IN.gov)
- If you are currently employed, contact your employer's human resources department so that they can protest your claim with DWD. A key here is to make sure DWD knows about this as soon as possible so that we can prevent any payments from going out.

Also recommended:

- File a report with the Federal Trade Commission at www.ftc.gov
- File an Identity Theft Affidavit (IRS form 14039) through <https://www.irs.gov/>
- Notify the Credit bureaus (Equifax, Experian, and TransUnion)
- The FBI also encourages victims to report fraudulent or any suspicious activities to the Internet Crime Complaint Center at <http://www.ic3.gov>. You may consult <http://identitytheft.gov> for help in reporting and recovering from identity theft.

Chapter 4 - Patrol Operations

Patrol

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 POLICY

The Goshen Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Goshen. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.
- (e) Responding to reports of both criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Traffic direction and control.
- (h) Crime prevention activities, such as residential inspections, business inspections and community presentations.
- (i) Community-oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (j) The application of resources to specific problems or situations within the community that may be improved or resolved by community-oriented policing and problem-solving strategies.

400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily roll call briefings and to attend roll call briefings of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions. Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws.

400.5 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including, but not limited to, civil demonstrations, public displays, parades, sporting events and civic, social and business events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations, and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety concerns.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Goshen Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Goshen Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

Bias-Based Policing

To the extent that written documentation would otherwise be completed (e.g., arrest report), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall report any information as required in the Traffic and Parking Citations Policy.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Lieutenant.

Roll Call Briefing

402.1 PURPOSE AND SCOPE

This policy discusses the activity of roll call briefing and includes the tasks that should be accomplished during this short 15 minute period during shift overlaps.

402.2 POLICY

Roll call briefing is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

402.3 ROLL CALL BRIEFING

Patrol Officers during shift overlaps, and all other divisions and specialty units will conduct regular roll call briefings to discuss, disseminate and exchange information among department members, work groups and other organizations. A supervisor generally will conduct roll call briefing. However, the supervisor may delegate this responsibility to a subordinate member in his/her absence or for training purposes.

Roll call briefing should include, but is not limited to:

- (a) Providing members with information regarding daily activities, with particular attention given to changes in the status of the following:
 - 1. Wanted persons
 - 2. Crime patterns
 - 3. Suspect descriptions
 - 4. Intelligence reports and photographs
 - 5. Community issues affecting law enforcement
 - 6. Major investigations
- (b) Notifying members of changes in schedules and assignments.
- (c) Reviewing recent incidents for situational awareness and training purposes.
- (d) Providing training on a variety of subjects.
- (e) Periodic personnel inspections.

Supervisors should also ensure that all members are informed about Standing Orders and any recent policy changes.

402.4 PREPARATION OF MATERIALS

The Officer in Charge, or designee conducting roll call briefing is responsible for the preparation of the materials necessary for a constructive roll call briefing and should ensure officers are prepared to relieve the off-going shift at the appropriate time. The OIC should monitor radio traffic and calls

Roll Call Briefing

for service during roll call, and intervene when the off- shift receives a high priority, time consuming call for service.

402.5 TRAINING

Roll call briefing training should incorporate short segments on a variety of subjects or topics and may include:

- (a) Review and discussion of new or updated policies.
- (b) Presentation and discussion of the proper application of existing policy to routine daily activities.
- (c) Presentation and discussion of the proper application of existing policy to unusual activities.
- (d) Review of recent incidents for training purposes.

Roll call briefing training materials and a curriculum or summary shall be forwarded to the Training Lieutenant for inclusion in training records, as appropriate.

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Goshen Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, it shall be maintained until the officer is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

Crime and Disaster Scene Integrity

403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims unless trained otherwise depending on the ongoing threat that may exist, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant.

403.6 EXECUTION OF HEALTH ORDERS

Any officer of this department is authorized to enforce lawful orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (I.C. § 16-41-9-1.5).

403.7 ILLEGAL DRUG MANUFACTURING REPORTING

Any officer that terminates the use of a property (i.e., a dwelling, building, motor vehicle, trailer, watercraft) in the illegal manufacture of a controlled substance shall report the location of the property to (I.C. § 5-2-15-3):

- (a) The state police department.
- (b) Any fire department that serves the area where the property is located.
- (c) The local health department where the property is located.
- (d) The Indiana Criminal Justice Institute.

Officers shall utilize the forms provided by the Superintendent of the Indiana State Police when reporting the existence of the property (I.C. § 10-11-2-31).

403.8 EVIDENCE PRESERVATION AND COLLECTION

The Goshen Police Department will establish and maintain the ability to have access to trained crime scene technicians to assist with major crime investigations when necessary.

In addition to the provisions of the Evidence Room Policy, the Investigation Division Chief will establish procedures for collection and processing physical evidence including, but not limited to:

- (a) Photographing or plotting evidence before collection.
- (b) Preserving evidence during and after collection.
- (c) Preventing the contamination of evidence.

Crime and Disaster Scene Integrity

- (d) Obtaining sufficient samples.
- (e) Sealing, marking and labeling evidence at the scene.

Elkhart County Regional SWAT Team

404.1 PURPOSE AND SCOPE

This policy provides guidelines for the specialized support of the Elkhart County Regional SWAT Team (SWAT) in handling critical field operations where special tactical deployment methods or intense negotiations are beyond the capacity of field officers.

404.2 ELIGIBILITY FOR THE SELECTION PROCESS

General Eligibility Guidelines

- (a) At least two (2) years of continuous experience on the police department. (The two (2) year requirement can be waived if the officer has past experience at other police departments or with military service).
- (b) Must have a passing performance evaluation.
- (c) The police administration will take into consideration current obligations that the officer is already performing at the department.

404.3 FORMS

[See attachment: Elkhart County Regional SWAT MOU](#)

[See attachment: RISK ASSESSMENT MATRIX](#)

Ride-Alongs

405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Goshen Police Department. This policy provides the requirements, approval process, and member responsibilities for ride-alongs.

405.2 POLICY

Ride-along opportunities will be provided to the members of the public, family members, acquaintances, City employees and members of this department to observe and experience, first-hand, various functions of the Goshen Police Department. The term "ride-along" includes riding as a passenger with an officer on patrol or observing the work day of members engaged in other functions within the Department, such as Elkhart County 911 Center.

405.3 ELIGIBILITY

A ride-along is available to Goshen residents, family members, acquaintances, business owners and students currently attending class in Goshen and those employed within the City of Goshen. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include, but are not limited to, the following:

- Being under 16 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against this department or the City
- Denial by any supervisor

405.4 REQUESTS TO PARTICIPATE

Generally, ride-along and job observation requests will be maintained and scheduled by the Patrol Division Chief or designee. The adult applicant will complete and sign a ride-along or job observation waiver form. If the applicant is under 18 years of age and riding as part of an internship program, a parent or guardian must be present to complete the waiver. If the minor is an immediate family member and at least 16 years of age, the child and the department member must complete the ride-along form. Information requested for all riders will include a valid state-issued identification card or driver's license number, birthdate, address, telephone number, and signature releasing the department of liability. The parent of a minor is also required to sign a release of liability form when the participant is under the age of 18.

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The Patrol Division Chief will schedule a date, based on availability, generally one week after the date of application for civilian observers. In situations where the member personally requested the ride-along for a family member or an acquaintance, the member shall notify the shift supervisor prior to the scheduled ride-along time and only after receiving approval from the patrol division chief.

If the request is denied, a representative of this department will advise the applicant of the denial.

405.5 PROCEDURES

Once approved by the administration, the civilian observer may ride with the officer once in a calendar month. The Shift Captain may allow a civilian observer or family member to ride with the officer more than once per month when special situations and circumstances apply. Such circumstances shall be determined by the Shift Captain or designee and will be limited to two (2) ride-alongs in a calendar month. An exception may apply to the following law enforcement-involved participants:

- Family involved in LE
- Volunteers
- Chaplains
- Reserves
- Goshen Police Department applicants
- Any others with approval of the Shift Captain
- Students enrolled in any department-approved dispatcher training course

No more than one member of the public will participate in a ride-along or job observation during any given time period.

Ride-along requirements for department Explorers are covered in the Explorers Policy.

After one (1) year, the officer requesting a civilian/family observer/rider will complete a new waiver form, which will include a new criminal and driver's license check.

The Patrol Division Chief shall when requested, provide the officer with the expiration date of the last waiver signed.

The Patrol Division Chief shall provide a copy of all approved observers/riders for patrol officers to view. These copies shall be accessible to officers 24 hours a day.

Sworn Law Enforcement Officers or Reserve Officers as defined by IC 36-8-3-20 operating under their specific department's rules and regulations may exit the vehicle at the scene of a call, if permitted by the officer, and may carry a weapon, provided the Reserve Officer has unlimited police authority governed under their specific department's rules and regulations. An official letter will be required from the Reserve Officer's highest ranking commanding officer clarifying the Reserve Officer's specific police powers and granting them the same authority as a sworn

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police officer while either on or off-duty. The letter shall be delivered to a member of the GPD administration prior to the ride-along. Any officer complying with the above criteria shall either be in uniform and/or wearing a distinct jacket/apparel with their department insignia which readily identifies the rider/observer as a police officer. If a Reserve Officer does not comply with these requirements they will not be allowed to carry a weapon and will be treated as a civilian rider.

405.5.1 OFF-DUTY PARTICIPATION

Off-duty members of this department or any other law enforcement agency, and employees of the City, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the Shift Captain or designee.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel or City employee shall not:

- (a) Be considered on-duty.
- (b) Represent him/herself as a member of this department or any other law enforcement agency.
- (c) Participate in any law enforcement activity except as emergency circumstances may require.

405.5.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check and review of their driving record. The criminal history check may include a local records check and an Indiana State Police Central Repository check prior to approval of the ride-along.

405.5.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along is required to be suitably dressed. Sandals, t-shirts, tank tops, shorts and ripped or torn pants are not permitted. The Shift Captain or a supervisor may refuse a ride-along to anyone who is not dressed appropriately.

405.6 MEMBER RESPONSIBILITIES

The assigned department member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct the individual about the conditions that necessarily limit his/her participation. Instructions should include:

- (a) The participant will follow the directions of the department member.
- (b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handling any police department equipment.
- (c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.
 - 1. If the participant is on a ride-along, the member may return the participant to the point the ride originated.

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- (d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.
- (e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.
- (f) Participants who are not law enforcement officers shall not be permitted to accompany the department member into a private residence without the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the communications operator that a ride-along participant is present in the vehicle before going into service. An investigator with a ride-along participant should use sound discretion when encountering a potentially dangerous situation, observers may not participate in vehicle pursuits, when pursuits are initiated, the department member has the option to terminate the pursuit or to, let the participant out of the vehicle in a well-lit public place. The communications operator will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the Shift Captain or designee. The member should email comments regarding the reasons for terminating the ride-along to the Patrol Division Chief.

Hazardous Material Response

406.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which, by its nature, containment or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

406.2 POLICY

It is the policy of the Goshen Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

406.3 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

406.4 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify Elkhart County 911 Center, appropriate supervisors, the appropriate fire department and hazardous response units.
 1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (c) Wear personal protective gear, being cognizant that some hazardous material can be inhaled.

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Hazardous Material Response

- (d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:
 - 1. Placards or use of an emergency response guidebook.
 - 2. Driver's statements or shipping documents from the person transporting the material.
 - 3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
 - (a) The type of material.
 - (b) How to secure and contain the material.
 - (c) Any other information to protect the safety of those present, the community and the environment.
- (f) Provide first aid to injured parties if it can be done safely and without contamination.
- (g) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.
- (i) Assist with establishing a decontamination area when needed.
- (j) Activate automated community notification systems, if applicable.
- (k) Notify the Indiana Department of Environmental Management Hotline (327 I.A.C. 2-6.1-1).

406.5 REPORTING EXPOSURE

Department members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Appropriate Division Chief as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete a report detailing the incident for the Division Chief who will complete an on-duty illness/injury report.

Injury or illness caused or believed to be caused by exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report as applicable.

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Hazardous Material Response

406.5.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

To ensure the safety of members, safety equipment is available from supervisors. Safety items not maintained by this department may be available through the appropriate fire department or emergency response team.

Hostage and Barricade Incidents

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- Unlawfully held against his/her will under threat or actual use of force.

407.2 POLICY

It is the policy of the Goshen Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands, and the available resources.

Hostage and Barricade Incidents

407.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. In the interim, the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish to an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

Hostage and Barricade Incidents

- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated, if practicable, pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer (PIO).

Hostage and Barricade Incidents

- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting Elkhart County Regional SWAT Team (SWAT) response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized assignment members, additional department members, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation, or when practical enlist the assistance of a scribe to document the incident and operational decisions.
- (g) Consider establishing a safe route for responding officers.
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct nonessential personnel away from the scene unless they have been summoned by the supervisor or Elkhart County 911 Center.
- (i) Identify a media staging area outside the outer perimeter and have the department PIO or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

407.6 SWAT RESPONSIBILITIES

It will be the SWAT Commander's decision, with input from the Incident Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the SWAT Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical response and negotiations. The Incident Commander shall continue to supervise the command post operation, outer perimeter security, evacuation and media access, and will support the SWAT. The Incident Commander and the SWAT Commander or the authorized designees shall maintain direct communications at all times.

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Hostage and Barricade Incidents

407.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Goshen Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

408.2 POLICY

It is the policy of the Goshen Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

408.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Officer in Charge and Administration is immediately advised and informed of the details. This will enable the Officer in Charge to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

408.4.1 GOSHEN POLICE DEPARTMENT FACILITY

If the bomb threat is against the Goshen Police Department facility, the Officer in Charge will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Goshen Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Officer in Charge deems appropriate.

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Response to Bomb Calls

408.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

408.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Goshen, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied, and if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Captain is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

408.5.1 ASSISTANCE

The Officer in Charge should be notified when police assistance is requested. The Officer in Charge will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Officer in Charge determine that the Department will assist or control such an incident, he/she will determine:

Response to Bomb Calls

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

408.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Officer in Charge including:

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1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

408.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds or any additional damage from fires or unstable structures.

408.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

408.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Police Administration

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- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

408.8 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

408.8.1 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Officer in Charge should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be embedded in nearby structures or hanging in trees and bushes.

Crisis Intervention Incidents

409.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

409.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; noncompliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

409.2 POLICY

The Goshen Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

409.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation or lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

409.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Chief to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

409.4.1 CRISIS INTERVENTION TEAMS

The designated Division Chief should coordinate department participation with any local crisis intervention team (CIT), including, as reasonable, identifying CIT-trained officers and incorporating information from the Indiana technical assistance center for CITs into department procedures as appropriate (I.C. § 5-2-21.2-1; I.C. § 5-2-21.2-2; I.C. § 5-2-21.2-6).

409.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.

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- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

409.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm and courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

409.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the communications operator provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents or suicide threats/attempts, and whether there has been previous police response.

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- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

409.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond when available and if feasible to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Absent an imminent threat to the public, consider strategic disengagement. This may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Chief.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

409.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

409.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian or clerical members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person

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may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

409.11 SEIZURE OF FIREARMS

An officer may seize a firearm from a person determined to be dangerous. The seizure may occur with or without a warrant (I.C. § 35-47-14-2).

A dangerous person is a person who, for the purposes of these seizures only, (I.C. § 35-47-14-1):

- (a) Presents an imminent risk of personal injury to the person or others.
- (b) May present a risk of personal injury to the person or others in the future and the person:
 - 1. Has a mental illness as defined in I.C. § 12-7-2-130 that may be controlled by medication, and has not demonstrated a pattern of voluntarily and consistently taking the person's medication while not under supervision.
 - 2. Is the subject of documented evidence that would give rise to a reasonable belief that the person has a propensity for violent or emotionally unstable conduct.

Having been recently released from a mental health facility or having a mental illness that is currently controlled by medication does not establish that the individual is dangerous.

A firearm seized without a warrant under these circumstances requires the officer to submit to the circuit or superior court having jurisdiction over the individual believed to be dangerous, a written statement under oath or affirmation describing the basis for the belief that the individual is dangerous (I.C. § 35-47-14-3).

An officer is not authorized to perform a warrantless search or seizure if a warrant would otherwise be required.

409.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis (I.C. § 5-2-1-9).

Involuntary Detentions

410.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person under involuntary detention.

410.1.1 DEFINITIONS

Definitions related to this policy include:

Immediate detention - When an individual is involuntarily detained by an officer for immediate hospitalization as provided in I.C. § 12-26-4-1.

Involuntary detention - Includes both immediate and emergency detentions.

Emergency detention - When an individual is involuntarily detained pursuant to a court approved petition under I.C. § 12-26-5-1.

410.2 POLICY

It is the policy of the Goshen Police Department to protect the public and individuals through legal and appropriate use of the involuntary detention process.

410.3 AUTHORITY

An officer may take an individual in to custody and transport him/her to an appropriate facility in the following circumstances:

- (a) There are reasonable grounds to believe that an individual has a mental illness, is either dangerous or gravely disabled, and is in immediate need of hospitalization and treatment (I.C. § 12-26-4-1).
- (b) Pursuant to a court order (I.C. § 12-26-4-1.5).
- (c) Where an emergency detention petition is approved by a judge (I.C. § 12-26-5-2).

Individuals shall not be transported to a state institution unless the emergency detention petition was filed by a state institution or the court order specifies otherwise (I.C. § 12-26-4-1; I.C. § 12-26-4-1.5; I.C. § 12-26-5-2).

410.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for an involuntary detention, they may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the person so desires, the officer should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, the officers should proceed with the involuntary immediate detention, if appropriate (I.C. § 12-26-4-1).

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- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

410.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who may qualify for involuntary immediate detention should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the possible cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources that may be readily available to assist with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Involuntary detentions may be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

410.5 TRANSPORTATION

Officers may transport individuals in the patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy unless there is an underlying medical condition. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Supervisor approval is required before transport commences.

410.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the emergency petition or written statement containing the basis for the officer's belief the person qualifies for involuntary detention and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

410.7 DOCUMENTATION

The written statement containing the basis for the conclusion that reasonable grounds exist for immediate detention shall be provided to the facility staff member assigned to the individual. A

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copy shall be retained for inclusion in the case report and filed with the court if any related criminal charges are filed by the officer (I.C. § 12-26-4-3).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

410.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody on an involuntary detention should resolve the criminal matter by issuing a summons and promise to appear in court, as appropriate.

When an individual who may qualify for an involuntary detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the involuntary detention.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an involuntary detention.

410.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for an involuntary detention, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon.

Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent). A firearm may be seized under I.C. § 35-47-14-3 if the officer believes the person presents an imminent risk of personal injury to him/herself or another and the officer submits to the circuit or superior court having jurisdiction over the person a written statement under oath or affirmation describing the basis for the belief that the person is dangerous.

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

410.10 TRAINING

This department will provide department-approved training on interaction with mentally ill persons, involuntary detentions and crisis intervention (I.C. § 5-2-1-9(g)).

Summons and Release

411.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Goshen Police Department with guidance on when to release adults who are suspected offenders on a summons and promise to appear in court for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic or Family Violence Policy.

411.2 POLICY

The Goshen Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a summons and promise to appear in court, when authorized to do so.

411.3 RELEASE

A suspected offender may be released on issuance of a summons and promise to appear in court for any misdemeanor except when the offender is (I.C. § 35-33-4-1; I.C. § 9-30-2-5):

- (a) Arrested for a traffic misdemeanor other than the misdemeanor of operating a vehicle while intoxicated (OWI). The offender shall be immediately taken to court or released from custody upon signing a written promise to appear in court.
- (b) Not an Indiana resident and is arrested for a misdemeanor that regulates the use and operation of a motor vehicle. If the offender is not immediately taken to court, he/she shall be released upon the deposit of a security, if required.

411.4 PROHIBITIONS

The release of a suspected offender on a summons and promise to appear in court is not permitted when:

- (a) The person is arrested for a felony (I.C. § 35-33-4-1(f)).
- (b) The person is arrested for a motor vehicle misdemeanor, except for OWI, when the person (I.C. § 9-30-2-4):
 1. Demands an immediate appearance before a court.
 2. Is charged with an offense of causing or contributing to an accident resulting in injury to, or death of, another person.
 3. Is charged with failure to stop for an accident causing death, personal injuries or damage to property.
 4. Refuses to give his/her written promise to appear in court.
 5. Is charged with driving while his/her license is suspended or revoked.

See the Domestic or Family Violence Policy for release restrictions related to those investigations.

Summons and Release

411.5 CONSIDERATIONS

In determining whether to release a person on a summons and promise to appear in court when discretion is permitted, officers should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the person failing to appear in previous cases or there are other articulable indications that the person may not appear in court for this offense.
- (e) The person's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the person will continue.

Foreign Diplomatic and Consular Representatives

412.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Goshen Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

412.2 POLICY

The Goshen Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

412.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll-free at 866-217-2089, or at another current telephone number, and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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412.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries
 - 4. Honorary consular officers

412.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

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412.6 DIPLOMATIC IMMUNITY

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability

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Diplomatic-Level Staff of Missions to Int'l Orgs	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table represents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety or the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Rapid Response and Deployment

413.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

413.2 POLICY

The Goshen Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those who are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

413.3 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

413.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to incidents at other locations.

When deciding on a course of action officers should consider:

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- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advancement or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In the case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate, while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

413.5 PLANNING

The Patrol Division Chief should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

Rapid Response and Deployment

413.6 TRAINING

The Training Lieutenant should include rapid response to critical incidents in the training plan.

This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Goshen Police Department relating to immigration and interacting with federal immigration officials.

414.2 POLICY

It is the policy of the Goshen Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Indiana constitutions (I.C. § 5-2-18.2-8).

An officer may not request verification of the citizenship or immigration status of an individual from federal immigration authorities if the individual is only reporting a crime or is a victim or witness to a crime (I.C. § 5-2-20-3).

414.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has been requested for assistance by a Federal Agency and who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

Immigration Violations

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

414.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

414.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

414.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts (I.C. § 5-2-18.2-3).

414.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; I.C. § 5-2-18.2-3):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity
- (d) Exercising any duty to cooperate with state or federal agencies as provided in I.C. § 5-2-18.2-7

414.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

Immigration Violations

414.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status shall be forwarded to the Elkhart County Prosecutors Office for review and considered per County directive issued by the Elkhart County Prosecutors Office.

Utility Service Emergencies

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for addressing City utility service emergencies. This policy will address calls for service that are directed to the Police Department.

415.2 POLICY

It is the policy of the Goshen Police Department to appropriately respond to City emergency utility service requests received by this department.

415.3 UTILITY SERVICE EMERGENCY

A current contact list of City personnel to be notified in the event of a utility service emergency should be available in Elkhart County 911 Center.

415.3.1 WATER LINES

The City's responsibility for water lines ends at the water meter; any break or malfunction in the water system from the water meter to a residence or business is the responsibility of the customer.

If a water line break occurs on the City side of the water meter, public works personnel should be notified as soon as practicable.

415.3.2 ELECTRICAL LINES

When a power line poses a hazard, a member of this department should be dispatched to the reported location to protect against personal injury or property damage that might be caused by the power line. The fire department, electric company and/or the public works department should be promptly notified, as appropriate.

415.3.3 RESERVOIRS, PUMPS, WELLS

In the event of flooding or equipment malfunctions involving City reservoirs, pumps or wells, the public works department should be contacted as soon as practicable.

415.3.4 NATURAL GAS LINES

All reports of a possible leak of natural gas or damage to a natural gas line shall promptly be referred to the fire department and the local entity responsible for gas lines. A member of this department should be dispatched to the reported location if it appears that assistance such as traffic control or evacuation is needed.

415.3.5 TRAFFIC SIGNALS

A member of this department should be dispatched upon report of a damaged or malfunctioning traffic signal in order to protect against personal injury or property damage that might occur as the result of the damaged or malfunctioning signal. The member will advise Elkhart County 911 Center of the problem with the traffic signal. The communications operator should make the necessary notification to the appropriate traffic signal maintenance agency as soon as practicable.

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Aircraft Accidents

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

416.2 POLICY

It is the policy of the Goshen Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

416.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

416.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

Aircraft Accidents

416.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to the Indiana State Police, NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)
- (d) Indiana State Police

416.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Elkhart County Homicide Unit.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).
- (g) Indiana State Police.

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented with assistance from the Indiana State Police.

416.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

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- Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- Pressure vessels, compressed gas bottles, accumulators and tires.
- Fluids, batteries, flares and igniters.
- Evacuation chutes, ballistic parachute systems and composite materials.

416.8 DOCUMENTATION

All aircraft accidents occurring within the City of Goshen shall be documented. At a minimum, the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of GPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented in the appropriate crime report.

416.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

416.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.

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- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

416.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Field Training

417.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation, facilitate the transition from the academic setting to the actual performance of general law enforcement duties, and introduce the policies, procedures and operations of the Goshen Police Department. The policy addresses the administration of field training and the selection, supervision, training and responsibilities of the Field Training Officer (FTO).

417.2 POLICY

It is the policy of the Goshen Police Department that all newly hired or appointed officer trainees will participate and successfully complete the in field training program that is staffed and supervised by trained and qualified FTOs.

417.3 FIELD TRAINING

The Department shall establish minimum standards for field training, which should be a sufficient duration to prepare officer trainees for law enforcement duties and be in compliance with Indiana Law Enforcement Training Board requirements. The field training is designed to prepare trainees for a patrol assignment and ensure they acquire the skills needed to operate in a safe, productive and professional manner, in accordance with the general law enforcement duties of this department.

To the extent practicable, field training should include procedures for:

- (a) Issuance of training materials to each trainee at the beginning of his/her field training.
- (b) Daily, weekly and monthly evaluation and documentation of the trainee's performance.
- (c) A multiphase structure that includes:
 1. A formal evaluation progress report completed by the FTOs involved with the trainee daily in the Agency360 field training program.
 2. Assignment of the trainee to a variety of shifts and geographical areas.
 3. Assignment of the trainee to a rotation of FTOs in order to provide for an objective evaluation of the trainee's performance.
- (d) The trainee's confidential evaluation of his/her assigned FTOs and the field training process.
- (e) Retention of all field training documentation in the officer trainee's training file including:
 1. All performance evaluations.
 2. A certificate of completion certifying that the trainee has successfully completed the required number of field training hours.

Field Training

417.3.1 DURATION OF TRAINING

Newly certified and inexperienced officers are required to complete all phases of the training program that includes four phases before operating as solo officers. Phase one, two, and three will consist of 18 full shifts for a total of 486 hours. Phase four, "Shadow Phase" will consist of 81 hours.

Each phase can be extended for up to three weeks for additional training time if determined by the department.

New hires with prior work experience as officers may qualify for a reduction in the duration of the field training program. Field training for these officers should include, at a minimum, operational procedures and directives specific to the Department.

417.4 FTO COORDINATOR

The Chief of Police shall delegate certain responsibilities to an FTO coordinator. The FTO coordinator shall be appointed by and directly responsible to the Patrol Division Chief or the authorized designee including the Training Lieutenant.

The FTO coordinator may appoint a senior FTO or other designee to assist in the coordination of FTOs and their activities.

The responsibilities of the coordinator include, but are not limited to:

- (a) Assigning of trainees to FTOs.
- (b) Conducting FTO meetings.
- (c) Maintaining and ensuring FTO and trainee performance evaluations are completed.
- (d) Maintaining, updating and issuing department training materials to each FTO and trainee.
- (e) Developing ongoing training for FTOs.
- (f) Mentoring and supervising individual FTO performance.
- (g) Monitoring the overall performance of field training.
- (h) Provide the shift captains a training report on a new recruit at the conclusion of the Field Training Program when assigned to their specific shift.
- (i) Maintaining liaison with FTO coordinators from other law enforcement agencies.
- (j) Performing other activities as may be directed by the Patrol Division Chief or Training Lieutenant.

The FTO coordinator will be required to successfully complete a training course approved by this department that is applicable to supervision of field training within one year of appointment to this position.

417.4.1 PROCESS REVIEW MEETINGS

The FTO coordinator should arrange for periodic meetings with FTOs in order to discuss:

- (a) Updates to department directives and procedures.

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- (b) New information relevant to the FTO training program (e.g., training methods, laws).
- (c) Experiences during most recent training cycle (e.g., training problems, suggestions for program improvement).
- (d) Any other information pertinent to the FTOs.

Meetings should be documented and include a roster of attendees.

417.5 FTO SELECTION, TRAINING AND RESPONSIBILITIES

417.5.1 SELECTION PROCESS

The selection of an FTO will be at the discretion of the Chief of Police or the authorized designee. Selection will be based on the officer's:

- (a) Desire to be an FTO.
- (b) Experience, which shall include a minimum of two years of patrol experience with this department.
- (c) Demonstrated ability as a positive role model.
- (d) Successful completion of an internal oral interview process.
- (e) Evaluation by supervisors and current FTOs.
- (f) Possession of, or ability to obtain, department-approved certification.

An FTO must remain in good standing and may be relieved from FTO duties due to discipline, inappropriate conduct or poor performance.

417.5.2 TRAINING

An officer selected as an FTO shall successfully complete the department-approved FTO course prior to being assigned as an FTO.

417.5.3 TRAINING MATERIALS

The FTO shall receive training materials outlining the requirements, expectations and objectives of the FTO position. FTOs should refer to their training materials or the FTO coordinator regarding specific questions related to FTO or field training.

417.5.4 RESPONSIBILITIES

The responsibilities of the FTO include, but are not limited to:

- (a) Issuing his/her assigned trainee field training materials in accordance with the Training Policy.
 1. The FTO shall ensure that the trainee has the opportunity to become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

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2. The FTO shall sign off on all completed topics contained in the training materials, noting the methods of learning and evaluating the performance of his/her assigned trainee.
 - (b) Completing and reviewing daily performance evaluations with the trainee through Agency360.
 - (c) Providing the shift supervisor with a verbal synopsis of the trainee's activities at the end of each day or during any unusual occurrence needing guidance or clarification.

Air Support

418.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies situations where the use of air support may be requested and the responsibilities for making a request.

418.2 POLICY

It is the policy of the Goshen Police Department to prioritize requests for air support to enhance law enforcement objectives and provide additional safety to officers and the community.

418.3 REQUEST FOR AIR SUPPORT

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support may be made through a request to the administrative staff.

418.3.1 CIRCUMSTANCES FOR REQUESTS

Law enforcement air support may be requested under conditions that include, but are not limited to:

- (a) When the safety of officers or the community is in jeopardy and the presence of air support may reduce such hazard.
- (b) When the use of air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to officers or the community.
- (c) When air support is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.
- (d) Pre-planned events or actions that require air support.
- (e) Due to a request under an existing mutual aid agreement.

418.3.2 ALLIED AGENCY REQUEST

After consideration of the request for air support, the Administration will call the closest agency having available air support, exercising options from the Goshen Municipal Airport, and will apprise that agency of the specific details of the incident prompting the request.

Contacts and Temporary Detentions

419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Terry Stops

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

419.2 POLICY

The Goshen Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an Officer's Report, pat-down search or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations and constitutional safeguards.

Contacts and Temporary Detentions

419.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an Officer's Report, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Goshen Police Department to strengthen community involvement, community awareness and problem identification.

419.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

419.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with an officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may be presently armed and dangerous. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

419.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

419.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

419.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

419.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Officer in Charge with either an associated Officer's Report or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Captain should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated Officer's Report or documentation is relevant to criminal organization/enterprise enforcement, the Officer in Charge will forward the photograph and documents to the designated investigative supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section.

Contacts and Temporary Detentions

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

419.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

419.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Organizations

420.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Goshen Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence information - Information on identifiable individuals compiled in an effort to anticipate, prevent or monitor possible criminal activity, including terrorist activity. Criminal intelligence information does not include criminal investigative information, which is information on identifiable individuals compiled in the course of the investigation of specific criminal acts (I.C. § 5-2-4-1).

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

420.2 POLICY

The Goshen Police Department recognizes that certain criminal activities, including, but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

420.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20. [See attachment: 28 CFR Part 23.20](#) .

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

Criminal Organizations

420.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, Officer Report, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Administrative Assistant may not purge such documents without the approval of the designated supervisor.

420.3.2 CRIMINAL INTELLIGENCE SYSTEM

The Chief of Police shall designate at least one person/position to act as a liaison with Homeland Security. This position will be familiar with and review homeland security information that is pertinent to the agency and the jurisdiction.

Under the direction of the Homeland Security liaison, authorized members may obtain and transfer criminal intelligence information with the Indiana Intelligence Fusion Center if reasonable suspicion exists that the subject of the criminal intelligence information is involved with, or has knowledge of, possible criminal or terrorist activity and the criminal intelligence information is relevant to the criminal or terrorist activity (I.C. § 10-11-9-4).

420.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

420.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Section or Evidence Room, but should be copies of, or references to, retained documents, such

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as copies of reports, Officer Reports, Elkhart County 911 Center records or booking forms.

- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.
- (e) Criminal intelligence information concerning a particular individual shall be collected and maintained only if grounds exist connecting the individual with known or suspected criminal activity and if the information is relevant to that activity (I.C. § 5-2-4-3).

Criminal intelligence information shall not be placed in a criminal history file, nor shall a criminal history file indicate or suggest that a criminal intelligence file exists on the individual to whom the information relates. Criminal history information may, however, be included in criminal intelligence files (I.C. § 5-2-4-2).

420.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

Criminal intelligence information shall be reviewed by the Chief of Police or designee under the Chief of Police's direction, at regular intervals to determine whether the grounds for retaining the information still exist. If not, the criminal intelligence information shall be destroyed (I.C. § 5-2-4-4).

420.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Lieutenant to train members to identify information that may be particularly relevant for inclusion.

420.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

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Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy (I.C. § 5-2-4-6).

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

When necessary to avoid imminent danger to life or property, the Department may disseminate an assessment of criminal intelligence information, with guidance from the Elkhart County Prosecutor's Office to (I.C. § 5-2-4-7):

- (a) A government official.
- (b) Another individual:
 - 1. Whose life or property is in imminent danger.
 - 2. Who is responsible for protecting the life or property of another person.
 - 3. Who may be in a position to reduce or mitigate the imminent danger to life or property.

420.7 CRIMINAL STREET GANGS

The Investigation Division supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal gangs, and maintain an above-average familiarity with:
 - 1. Criminal gang development (I.C. § 35-45-9-1).
 - 2. Criminal gang membership (I.C. § 35-50-2-15).
 - 3. Furthering or benefitting the criminal gang (I.C. § 35-45-9-3).
- (b) Coordinate with other agencies in the region regarding criminal gang-related crimes and information to include the Indiana Gang Network (INGangNetwork).
- (c) Train other members to identify gang indicia and investigate criminal gang-related crimes.

420.8 TRAINING

The Training Lieutenant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multi-agency criminal intelligence system.

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- (c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

Shift Captains

421.1 PURPOSE AND SCOPE

This policy provides guidelines for the designation of a Shift Captain and, as needed, an acting Shift Captain for each shift.

421.2 POLICY

Each shift will be directed by a Shift Captain capable of making decisions and managing in a manner consistent with the mission of the Goshen Police Department. To accomplish this, a Captain shall be designated as the Shift Captain for each shift.

421.3 DESIGNATION AS ACTING SHIFT CAPTAIN

With prior authorization from the Patrol Division Chief, generally when a Captain is unavailable for duty as Shift Captain, a qualified lower-ranking member shall be designated as acting Shift Captain until testing for a new Captain can proceed, or when disciplinary action is taken against a captain and his/her authority has been temporarily removed.

421.4 SHIFT CAPTAIN RESPONSIBILITIES

The Shift Captain shall have overall responsibility and accountability for the operation of this department on an assigned shift. Duties may include, but are not limited to:

- (a) Ensuring at least one uniformed patrol supervisor is scheduled during each shift.
- (b) Ensuring sufficient members are on-duty to accomplish the mission of the Goshen Police Department.
- (c) Setting bi-annual minimum staffing requirements upon approval of the administration.
- (d) Providing command-level oversight of major crime scenes, tactical situations or disasters.
- (e) Establishing service-level priorities.
- (f) Providing job-related training and guidance to subordinates.
- (g) Acquiring outside resources or providing assistance to other agencies, when applicable.
- (h) Handling service inquiries or complaints from the public.
- (i) Managing risk exposure.
- (j) Ensuring the security of all department facilities.
- (k) Ensuring the proper equipment and vehicles are available for member use.
- (l) Representing the Department at community functions.
- (m) Serving as a temporary Division Chief when so designated.

Mobile Audio/Video

422.1 PURPOSE AND SCOPE

The Goshen Police Department has equipped marked law enforcement vehicles with Mobile Audio/Video (MAV) recording systems to provide records of events and to assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and MAV system - Synonymous terms that refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio/video signals recorded or digitally stored on a storage device or portable media.

422.2 POLICY

It is the policy of the Goshen Police Department to use mobile audio/video technology to more effectively fulfill the mission of the Department and to ensure these systems are used securely and efficiently.

422.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Goshen Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

422.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the vehicle's emergency lights, or a series of other of officer's actions are initiated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate.

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422.4.1 REQUIRED ACTIVATION OF THE MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. Operating while intoxicated (OWI) investigations, including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify Elkhart County 911 Center
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, including:
 - 1. Domestic or family violence
 - 2. Disturbance of the peace
 - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording

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- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

Activation of the MAV system is not required when exchanging information with other officers during breaks or lunch periods or when not in service or not actively on patrol.

422.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For the purpose of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

422.4.3 SURREPTITIOUS RECORDING

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

422.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Elkhart County 911 Center.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
 1. The tracking number of the MAV system media.
 2. The date the media was issued.
 3. The name of the department member or the vehicle to which the media was issued.
 4. The date the media was submitted for retention.
 5. The name of the department member submitting the media.
 6. Holds for evidence indication and tagging as required.
- (c) The operation of MAV systems by new members is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved traffic accidents), a supervisor shall respond to the scene and ensure that the appropriate person properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

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Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

422.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the Department, MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) By officers for use when preparing reports or statements, except situations of Officer Involved Shootings or in-custody deaths.
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MAV systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data, and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with the permission of the Chief of Police or the authorized designee
- (i) By the media through proper process
- (j) To assess possible training value
- (k) For training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the command staff to determine if the training value outweighs the officer's objection
- (l) As may be directed by the Chief of Police or the authorized designee

Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Captain. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

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422.6 DOCUMENTING MAV USE

If any incident is not recorded with either the video or audio system, the failure of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was not recorded.

422.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area.

All recordings shall be retained in an unaltered and unobscured condition for at least 190 days. Recordings shall be retained for longer periods as follows (I.C. § 5-14-3-5.3):

- (a) As provided in I.C. § 5-14-3-5.1 for at least two years upon written request:
 - 1. Of a person who is depicted or whose property is depicted in the recording.
 - 2. Of a victim.
- (b) For at least two years if a formal or informal complaint is filed regarding a law enforcement activity as provided in I.C. § 5-14-3-2(j).
- (c) Until the final disposition of all appeals and an order from the court if a recording is used in a criminal, civil, or administrative proceeding.

The Goshen Police Department may retain a recording for training purposes for any length of time (I.C. § 5-14-3-5.3).

422.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

422.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense or to a potential claim against the officer or against the Goshen Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

422.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

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- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.
- (e) Officers using digital transmitters that are synchronized to their individual MAVs shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed or otherwise inserted into any device not approved by the Department, MAV technician or forensic media staff.

422.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
 - 1. Ensures it is stored in a secure location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with the established records retention schedule, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the established records retention schedule.

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422.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Mobile Data Terminal Use

423.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure proper access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Elkhart County 911 Center.

423.2 POLICY

Goshen Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

423.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

423.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Shift Captains.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

423.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages

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that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

423.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Captain or other department-established protocol, all calls for service assigned by a communications operator should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a communications operator.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

423.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT.

423.6 EQUIPMENT CONSIDERATIONS

423.6.1 NON-FUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Elkhart County 911 Center. It shall be the responsibility of the communications operator to document all information that will then be transmitted verbally over the police radio.

423.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

Portable Audio/Video Recorders

424.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand-held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Goshen Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

424.2 POLICY

The Goshen Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

424.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

424.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever possible.

When using a recorder, the assigned member shall record his/her name, GPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

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Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

424.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which an officer would normally notify Elkhart County 911 Center
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

424.5.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

424.5.2 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Indiana law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (I.C. § 35-31.5-2-176; I.C. § 35-33.5-2-1 et seq.).

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

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Members shall not surreptitiously record another department member without a court order or when lawfully authorized by the Chief of Police or the authorized designee.

424.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

424.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in an official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Captain. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

424.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.
- (g) The recording or portions of the recording may be protected under the Public Records Act (I.C. § 5-14-3-4).

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Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

424.8 RETENTION OF RECORDINGS

Members should transfer the recording, in accordance with current procedure for storing recordings, at the end of their shift and any time the storage capacity is nearing its limit.

All recordings shall be retained in an unaltered and unobscured condition for at least 190 days. Recordings shall be retained for longer periods as follows (I.C. § 5-14-3-5.3):

- (a) As provided in I.C. § 5-14-3-5.1 for at least two years upon written request:
 - 1. Of a person who is depicted or whose property is depicted in the recording.
 - 2. Of a victim.
- (b) For at least two years if a formal or informal complaint is filed regarding a law enforcement activity as provided in I.C. § 5-14-3-2(j).
- (c) Until the final disposition of all appeals and an order from the court if a recording is used in a criminal, civil or administrative proceeding.

The Goshen Police Department may retain a recording for training purposes for any length of time (I.C. § 5-14-3-5.3).

424.8.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

424.9 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing a member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.

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Portable Audio/Video Recorders

- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

Public Recording of Law Enforcement Activity

425.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

425.2 POLICY

The Goshen Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

425.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officer, him/herself or others.

425.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

Public Recording of Law Enforcement Activity

individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

425.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior. When practical, the encounter should be recorded.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

425.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Public Recording of Law Enforcement Activity

Recording devices and media that are seized will be submitted within the guidelines of the Evidence Room Policy.

Homeless Persons

426.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

This policy establishes a liaison to the homeless community, addresses the responsibilities of the department member appointed to act as a liaison to the homeless, and details the need for special protection and services for homeless persons.

426.2 POLICY

It is the policy of the Goshen Police Department to protect the rights, dignity and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The Goshen Police Department will address the needs of homeless persons in balance with the overall mission of this department.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

426.3 LIAISON TO THE HOMELESS COMMUNITY

The Chief of Police shall delegate certain responsibilities to a liaison to the homeless community. The liaison shall be appointed by and directly responsible to the Patrol Division Chief or the authorized designee.

The responsibilities of the liaison include, but are not limited to:

- (a) Maintaining and making available to all department members a list of assistance programs and other resources that are available to homeless persons.
- (b) Meeting with social services and representatives of other organizations that render assistance to the homeless community.
- (c) Maintaining a list of the areas within and near the jurisdiction of this department that are used as frequent homeless encampments.
- (d) Remaining abreast of laws dealing with homelessness, including personal property rights.
- (e) Being present during any clean-up operation conducted by this department that involves the removal of personal property of the homeless. This is to ensure that the established rights of the homeless are not violated.
- (f) Developing training to assist members in understanding current legal and social issues relating to the homeless.

Homeless Persons

426.4 FIELD CONTACTS

Officers are encouraged to contact a homeless person to render aid, offer assistance or to check on the person's welfare. Officers also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions, such as shelter referrals and counseling, in lieu of an arrest and criminal charges. Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

426.4.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness or suspect is homeless can, however, require special consideration for a successful investigation and prosecution. When handling investigations involving victims, witnesses or suspects who are homeless, officers should consider:

- (a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Documenting locations the person may frequent.
- (c) Providing victim/witness resources, when appropriate.
- (d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.
- (e) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.
- (f) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates that he/she does not desire prosecution.
- (g) Whether the person may be an adult abuse victim, and if so, proceed in accordance with the Adult Abuse Policy.

426.5 MENTAL HEALTH ISSUES

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Officers should consider detaining the person under involuntary commitment or emergency admission when facts and circumstances reasonably indicate such a detention is warranted (see the Involuntary Detentions Policy).

Homeless Persons

426.6 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the community. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, it should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure it. It will be the supervisor's responsibility to coordinate its removal and safekeeping.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the homeless liaison. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the liaison.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the liaison if such property appears to involve a trespass, is a blight to the community or is the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

426.7 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or City departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Medical Aid and Response

427.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

427.2 POLICY

It is the policy of the Goshen Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

Whenever practicable, members should provide medical aid, first aid, CPR and when accessible, the use of an automated external defibrillator (AED) in accordance with their training and current certification levels. This should be done for those in need of care and when the member can safely do so.

427.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an AED when accessible) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Elkhart County 911 Center and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Elkhart County 911 Center with information for relay to EMS personnel in order to enable an appropriate response including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 1. Signs and symptoms as observed by the member.
 2. Changes in apparent condition.
 3. Number of patients, sex, and age, if known.
 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Medical Aid and Response

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

427.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

427.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should proceed with an involuntary commitment in accordance with the Involuntary Detentions Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

427.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

Medical Aid and Response

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

427.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

427.8 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or delays will affect the EMS response.

Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members shall follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during the landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

427.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

The Goshen Police Department should train selected members on the operation of the AED.

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service, given to the Training Lieutenant and repaired by a manufacturer-approved provider (I.C. § 16-31-6.5-4).

Any member using an AED will complete an incident report detailing its use.

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Medical Aid and Response

Following use of an AED:

- (a) The member shall notify an ambulance service provider or a fire department that provides ambulance services as soon as practicable (I.C. § 16-31-6.5-6).
- (b) The device shall be cleaned and/or decontaminated as required.
- (c) The electrodes and/or pads will be replaced as outlined by the AED manufacturer.

The Training Lieutenant is responsible for maintenance tasks according to procedures outlined by the manufacturer. The Training Lieutenant will maintain records of all maintenance work on each device and retain those records in accordance with the established records retention schedule.

The Goshen Police Department shall notify the ambulance provider that provides emergency services to the City or the Indiana Emergency Medical Services Commission of the location of AEDs maintained by the Department (I.C. § 16-31-6.5-5).

427.9.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Lieutenant who is responsible for ensuring appropriate maintenance (I.C. § 16-31-6.5-4).

Following use of an AED:

- (a) The device shall be cleaned and/or decontaminated as required.
- (b) The electrodes and/or pads will be replaced as outlined by the AED manufacturer.

Any member who uses an AED should contact Elkhart County 911 Center as soon as possible and request response by EMS (I.C. § 16-31-6.5-6).

427.9.1 AED TRAINING AND MAINTENANCE

The Training Lieutenant should ensure appropriate training is provided to members authorized to use an AED.

The Training Lieutenant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (I.C. § 16-31-6.5-4).

The Goshen Police Department shall notify the ambulance provider that provides emergency services to the City or the Indiana Emergency Medical Services Commission of the location of AEDs maintained by the Department (I.C. § 16-31-6.5-5).

427.9.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

Medical Aid and Response

427.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

An officer who has received training may administer opioid overdose medication in accordance with standards established by the Indiana Emergency Medical Services Commission (I.C. § 16-31-3-23.5).

427.10.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Lieutenant.

427.10.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

Members administering the medication should report the use to the local ambulance service provider responsible for reporting to the state health commissioner (I.C. § 16-31-3-23.7).

427.10.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Lieutenant should ensure training is provided to members authorized to administer opioid overdose medication that meets the standards established by law (I.C. § 16-31-3-23.5).

427.11 FIRST AID TRAINING

Subject to available resources, the Training Lieutenant should ensure officers receive periodic first aid training appropriate for their position.

First Amendment Assemblies

428.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

428.2 POLICY

The Goshen Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

428.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter.

These rights may be limited by laws or ordinances regulating such matters as:

- Obstruction of traffic (I.C. § 35-44.1-2-13)
- Trespass (I.C. § 35-43-2-2)
- Noise (I.C. § 35-45-1-3)
- Picketing
- Unlawful Assembly (I.C. § 16-41-22-1 et seq.)
- Distribution of handbills and leafleting
- Loitering
- Rioting (I.C. § 35-45-1-2)
- Disruptive conduct at funerals or memorial services (I.C. § 35-45-1-3)
- Disorderly conduct (I.C. § 35-45-1-3)
- Control of mass gatherings (I.C. § 16-41-22-1 et seq.)
- Flag desecration (I.C. § 35-45-1-4)
- Unlawful promotion, organization or participation in combative fighting (I.C. § 35-45-18-2; I.C. 35-45-18-3)
- Obstruction of a firefighter (I.C. § 35-44.1-4-8)
- Obstruction of an emergency medical person (I.C. § 35-44.1-4-9)
- Resisting law enforcement (I.C. § 35-44.1-3-1)

However, officers shall not take action or fail to take action based on the opinions being expressed.

First Amendment Assemblies

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- Engage in assembly or demonstration-related discussion with participants.
- Harass, confront or intimidate participants.
- Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

428.3.1 PHOTOGRAPHS, VIDEO RECORDINGS AND OTHER INFORMATION

Photographs, video recordings and other information may be collected at assemblies and demonstrations as they can serve a number of purposes, such as support of criminal prosecutions, assistance in evaluating department performance, serving as training material, recording the use of dispersal orders and facilitating a response to allegations of improper law enforcement conduct.

Photographs, video recordings and other information shall not be maintained on the political, religious or social activities, views or associations of any individual, group or organization unless those activities, views or associations directly relate to an investigation of criminal activity and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

428.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)

First Amendment Assemblies

- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Elkhart County 911 Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

428.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

428.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

428.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.

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- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (helmets, shields, etc.).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) An established liaison with demonstration leaders and external agencies.
- (h) An established liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

428.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

428.5.4 MASS GATHERING LICENSE

Any event that is likely to attract 5,000 or more people and continue for more than 18 consecutive hours requires a license. Applicants for such a license shall be submitted to the Chief of Police (I.C. § 16-41-22-5).

The Chief of Police shall forward the application with recommendations to the health department on the same day the application is received. Upon return of the application from the health department the Chief of Police shall notify the applicant within five days that the application has been disapproved by the health department or whether the Chief of Police will issue the license (I.C. § 16-41-22-12).

First Amendment Assemblies

428.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear, standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

428.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and electronic control devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

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428.8 ARRESTS

The Goshen Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Summons Release Policy).

428.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media, to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

428.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

428.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs

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- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Elkhart County 911 Center records/tapes
- (g) Media accounts (print and broadcast media)

428.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used, to include:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests, costs)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

428.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

Suspicious Activity Reporting

429.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

429.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity. Officers Report, and additionally adding it to the briefing sheet, and notification to the Proactive Investigations Team (P.I.T.), used to document suspicious activity.

429.2 POLICY

The Goshen Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism, and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

429.3 RESPONSIBILITIES

The Investigation Division Chief and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations policy.

The responsibilities of the Investigation Division Chief include, but are not limited to:

Suspicious Activity Reporting

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.
- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities which include the informing of other agencies.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

429.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

429.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Investigation Division supervisor
- P.I.T.
- Other authorized designees

Civil Disputes

430.1 PURPOSE AND SCOPE

This policy provides members of the Goshen Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic or Family Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Indiana law.

430.2 POLICY

The Goshen Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

430.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

Civil Disputes

430.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

430.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

430.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

Civil Disputes

430.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

School Resource Officers

431.1 PURPOSE AND SCOPE

This policy describes the Goshen Police Department School Resource Officer (SRO) program.

431.2 POLICY

The Goshen Police Department is committed to enhancing the safety of students and faculty on campuses located in the department's jurisdiction by forming a partnership with school administrators, faculty members and students.

431.3 SCHOOL RESOURCE OFFICER PROGRAM

The Chief of Police should appoint SRO(s) to serve in public elementary and secondary schools upon agreement with local school corporations or charter schools. The agreement should cover paid services, where applicable. The agreement should also include the SRO's duties and responsibilities as outlined below (I.C. § 20-26-18.2-2).

The goals and objectives of the SRO program include but are not limited to (I.C. § 20-26-18.2-1):

- (a) Assisting with the development and implementation of a school safety plan.
- (b) Protecting the school against external threats to the safety of the students, preventing unauthorized access to school property, and securing the school against a natural disaster or other violence.
- (c) Creating respect for law and order in the public school system and minimizing criminal activity.
- (d) Identifying students at risk of becoming involved in the criminal justice system and guiding them toward more positive and socially acceptable ways to behave.
- (e) Reducing criminal activity on or near a school campus.
- (f) Enhancing communication and understanding between students, their families, district staff, and the Department.
- (g) Assisting with the coordination of security measures for school activities such as sports events, dances, and other large gatherings.
- (h) Auditing security measures, at least annually, throughout the school and making recommendations to enhance safety and reduce risk.

431.4 SCHOOL RESOURCE OFFICER DUTIES

The Chief of Police or the authorized designee should appoint members as SROs whose duties and responsibilities include:

- (a) Responding to calls and the preliminary investigation of criminal offenses that occur on student-occupied property while the SRO is on-duty or during school hours.
- (b) Conducting follow-up investigations of misdemeanor offenses that occur on student-occupied property during school hours.

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- (c) Assisting the Investigation Division with follow-up investigations that originate on student-occupied property or involve a student.
- (d) Providing education for students, faculty and administrators as requested and when available regarding law enforcement functions.
- (e) Assisting faculty and administrators in establishing policies that contribute to the safety of school staff and students.
- (f) Participating in student conferences, as requested and appropriate.
- (g) Providing youth gang task force intelligence as appropriate.
- (h) Assisting the school corporation's school safety specialist with the development and implementation of a school safety plan that will address security and protection (I.C. § 20-26-18.2-2).
- (i) Participating in the development of programs designed to identify, assess, and provide assistance to troubled youth (I.C. § 20-26-18.2-2).

431.4.1 CHAIN OF COMMAND

Officers should follow their assigned department chain of command during investigations of criminal activity.

431.5 SCHOOL RESOURCE OFFICER QUALIFICATIONS

Members appointed as SROs may be selected using criteria that includes, but is not limited to:

- (a) The ability of the appointee to foster an optimal learning environment and educational community.
- (b) Whether the candidate has specialized training in:
 1. Child and adolescent development.
 2. De-escalation and conflict resolution techniques with children and adolescents.
 3. Behavioral health disorders in children and adolescents.
 4. Alternatives to arrest and other juvenile justice diversion strategies.
 5. Behavioral threat assessment methods.

The selection should not be based solely on seniority. The performance of SROs should be reviewed annually by the school district superintendent and the Chief of Police or the authorized designee.

431.6 TRAINING

Prior to assignment as an SRO, officers shall complete required SRO training through the Indiana Law Enforcement Training Board, the National Association of School Resource Officers or another school resource officer training program approved by the Indiana Law Enforcement Training Board (I.C. § 20-26-18.2-1).

Chapter 5 - Traffic Operations

Traffic

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for improving public safety through education and enforcement of traffic-related laws.

500.2 POLICY

It is the policy of the Goshen Police Department to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Department will be driven by such factors as the location and/or number of traffic accidents based on citizen complaints, traffic volume, traffic conditions and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

500.3 DEPLOYMENT

Enforcement efforts may include such techniques as geographic/temporal assignment of department members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving and a variety of educational activities. These activities should incorporate methods that are suitable to the situation; timed to events, seasons, past traffic problems or locations; and, whenever practicable, preceded by enforcement activities.

Several factors will be considered in the development of deployment schedules for department members. State and local data on traffic accidents are a valuable resource. Factors for analysis include, but are not limited to, the following:

- Location
- Time
- Day
- Violation factors
- Requests from the public
- Construction zones
- School zones
- Special events

Department members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic accidents, and also will consider the hours and locations where traffic accidents tend to occur. Members will take directed enforcement action on request, and random enforcement action when appropriate. Members shall maintain high visibility while working general enforcement, especially in areas where traffic accidents frequently occur.

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500.3.1 TRAFFIC CONTROL PROCEDURES

The Patrol Division Chief will develop procedures and training for traffic direction and control, to include:

- (a) Circumstances warranting traffic direction and control (e.g., traffic collisions, roadway hazards)
- (b) Uniform practices or other considerations for routing or re-directing vehicular traffic at or between intersections or away from hazards
- (c) Uniform hand gestures for manual traffic direction
- (d) Use of reflective clothing or vests while directing traffic
- (e) Procedures for manual operation of traffic control devices
- (f) Procedures for use of temporary traffic control devices

500.4 ENFORCEMENT

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas. The number of arrests or summons issued by any member shall not be used as the sole criterion for evaluating member overall performance.

Several methods are effective in the reduction of traffic accidents including but not limited to:

500.4.1 WARNINGS

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, such as when a minor violation was inadvertent.

500.4.2 TRAFFIC INFORMATION AND SUMMONS

Traffic information and summons should be issued when a member believes it is appropriate. When issuing a summons for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At a minimum, motorists should be provided with (I.C. § 9-30-3-6):

- (a) An explanation of the violation or charge.
- (b) The court appearance procedure, including the optional or mandatory appearance by the motorist.
- (c) A notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

[See attachment: Instructions for Infraction and Ordinance Violations](#)

500.4.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These cases usually deal with, but are not limited to:

- (a) Accidents resulting in death (I.C. § 9-26-1-1.1).
- (b) Felony or misdemeanor hit-and-run (I.C. § 9-26-1-1.1).

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- (c) Felony and misdemeanor driving under the influence of alcohol or drugs (I.C. § 9-30-5-1 et seq.).
- (d) Refusal to sign a notice to appear (I.C. § 9-30-2-4).

500.5 SUSPENDED OR REVOKED LICENSES

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic information and summons or make an arrest as appropriate (I.C. § 9-24-19-1; I.C. § 9-24-19-2; I.C. § 9-24-19-3).

500.6 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members, who may be exposed to hazards presented by passing traffic or will be maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; I.C. § 22-8-1.1-2).

500.6.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn when increased visibility would improve the safety of the department member or when the member will be exposed to the hazards of passing traffic, maneuvering or operating vehicles, machinery and equipment (I.C. § 22-8-1.1-2).

Examples of when high-visibility vests should be worn include traffic control duties, traffic accident investigations, lane closures and disaster scenes.

When emergency conditions preclude the immediate donning of the vest, members should retrieve and wear the vest as soon as conditions reasonably permit.

Use of the vests shall also be mandatory when directed by a supervisor.

500.6.2 CARE AND STORAGE

High-visibility vests shall be maintained in the trunk of each patrol and investigation vehicle.

A supply of high-visibility vests will be maintained and made available for replacement of damaged or unserviceable vests. The Training Lieutenant should be promptly notified whenever the supply of vests needs replenishing.

Traffic Accidents

501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic accidents.

501.2 POLICY

It is the policy of the Goshen Police Department to respond to traffic accidents and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of accidents by attempting to identify the cause of the accident and through enforcing applicable laws. Unless restricted by law, traffic accident reports will be made available to the public upon request.

501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

- (a) Is within the jurisdiction of this department and there is:
 - 1. A life-threatening injury.
 - 2. A fatality.
 - 3. A City vehicle involved.
 - 4. A City official or employee involved.
 - 5. Involvement of an on- or off-duty member of this department.
- (b) Is within another jurisdiction and there is:
 - 1. A City of Goshen vehicle involved.
 - 2. A City of Goshen official involved.
 - 3. Involvement of an on-duty member of this department.

501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Traffic direction and control.
- (b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.
- (c) First aid for any injured parties if it can be done safely.
- (d) The potential for involvement of hazardous materials.

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- (e) The need for additional support as necessary (e.g., traffic control, fire department, hazardous materials response, tow vehicles).
- (f) Clearance and cleanup of the roadway.

501.4 NOTIFICATION

If a traffic accident involves a life-threatening injury or fatality, the responding officer shall notify a supervisor or, if unavailable, the on-call detective. The supervisor may contact the measurement team, the Elkhart County Homicide Unit or other appropriate personnel to investigate the incident. The Officer in Charge will ensure notification is made to the Patrol Division Chief, department command staff and the on-call detective will notify the Elkhart County Homicide Unit in accordance with the Major Incident Notification Policy.

501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Elkhart County Homicide Unit, department chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic accident should not be released until notification is made to the victim's immediate family.

501.5 MINIMUM REPORTING REQUIREMENTS

An accident report should be taken when:

- (a) A fatality, any injury (including complaint of pain), operating while intoxicated, or a hit-and-run is involved (I.C. § 9-26-2-1).
- (b) The accident results in a collision with an unattended vehicle and/or damage to property other than a vehicle and the owner of that vehicle or property cannot be located.
- (c) An on-duty member of the City of Goshen is involved.
- (d) The accident results in any damage to any City-owned or leased vehicle.
- (e) The accident involves any other public agency driver or vehicle.
- (f) There is damage to public property.
- (g) There is damage to any vehicle to the extent that towing is required.
- (h) There is property damage of at least \$1,000 (I.C. § 9-26-2-1).
- (i) Prosecution or follow-up investigation is contemplated.
- (j) Directed by a supervisor.

501.5.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic accident occurs on private property unless the accident occurs on property that is open to the public and involves personal injury or death or property damage of at least \$1,000 (I.C. § 9-26-2-4).

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501.5.2 CITY VEHICLE INVOLVED

A traffic accident report shall be taken when a City vehicle is involved in a traffic accident that results in property damage or injury.

A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Division Chief. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

501.5.3 INJURED ANIMALS

Department members should refer to the Animal Control Policy when a traffic accident involves the disposition of an injured animal.

501.5.4 MOTOR VEHICLE CRASHES UNINVOLVING DEPARTMENT OWNED VEHICLES

- (a) The driver of a department owned vehicle must immediately notify the shift Officer-in-Charge and any member of the Administration should they be involved in a crash.
- (b) The officer involved in the crash must submit to a certified breath test by a certified breath test operator or a preliminary breath test depending on the crash as specified below.
 - 1. Goshen City Limits
 - (a) The officer will need to submit to a certified breath test by a certified breath test operator as soon as possible under the circumstance.
 - (b) The officer in charge should respond and complete the Indiana Crash Report, or, depending on the severity of the crash, notify another agency to work the crash. Statements shall be obtained from any passengers or witnesses of the crash and attached to the paperwork according to procedures.
 - (c) Both the officer involved and the officer in charge shall complete an intradepartmental report of the crash and provide it to the administration through the chain of command.
 - 2. Outside Goshen City Limits
- (c) Property damage accidents occurring outside of the city limits will follow our normal guidelines with the exception of the certified breath test.
 - 1. When officers outside of the city call upon another agency to investigate a crash, a preliminary breath test can be administered by the investigating officer. A report from the investigating officer is required confirming a breath test was administered and the results of the test. If alcohol was detected, the officer shall notify the on-duty supervisor for GPD who will make arrangements for an immediate certified breath test.

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- (d) If a crash occurs and an off-duty officer was not engaged in any of the outlined acceptable off-duty responses, the officer will be considered as “off-duty” and responsible for all medical expenses for any crash resulting in personal injury.
- (e) The Shift Captain and/or Administration will review crashes involving department owned vehicles to determine if the crash was a “Minor” or “Major” crash. The determination between “Minor” or “Major” crashes will be determined by factors to include but not be limited to:
 - 1. amount of damage,
 - 2. repair costs,
 - 3. contributing environmental factors,
 - 4. involvement with other vehicles,
 - 5. driving behaviors,
 - 6. injuries,
 - 7. witness statements, and
 - 8. any sustainable facts known from the totality of the circumstances.
- (f) Minor crashes in which the department employee is at fault:
 - 1. 1st offense – the watch captain will give a coaching session to the officer and if deemed necessary, recommend training.
 - 2. 2nd offense - (within consecutive two year period from first crash) the officer will receive a written reprimand. In addition the officer may temporarily lose the privileges of a take home car or a specific pool car if no take home vehicle is assigned.
 - 3. 3rd offense - (within consecutive two year period from first crash) the officer may be suspended without pay; or in lieu of suspension without pay, the Chief of Police may authorize the use of the officer’s accrued leave time.
- (g) Major crashes in which the department employee may be at fault:
 - 1. A panel will be picked by the police Executive Staff which will act as an accident review board. The panel will consist of current supervisors and at least one (1) Emergency Vehicle Operations (EVOC) instructor.
 - 2. will review the specific facts surrounding a crash and recommend the level of discipline to the Executive Staff.
 - 3. The panel may review and recommend findings to the Chief. The Chief of Police will review the panel’s findings and impose discipline unless the discipline proposed requires Board of Public Works and Safety approval.

501.6 INVESTIGATION

When a traffic accident meets minimum reporting requirements the investigation should include, at a minimum:

- (a) Identification and interview of all involved parties.

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- (b) Identification and interview of any witnesses.
- (c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on the appropriate forms.

501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Patrol Division Chief or on-duty Officer in Charge should request that the Indiana State Police or other outside law enforcement agency investigate and complete a traffic accident investigation when a life-threatening injury or fatal traffic accident occurs within the jurisdiction of the Goshen Police Department and involves:

- (a) An on- or off-duty member of the Department.
- (b) An on- or off-duty official or employee of the City of Goshen.

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic accident. The accident investigation and report shall be completed by the assisting agency.

501.6.2 REMOVAL FROM LINE DUTY ASSIGNMENT

When an on-duty member is involved in a traffic accident that involves a life-threatening injury or fatality, the member should be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place a member in an administrative assignment.

501.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the accident, authorized members should issue a summons or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.8 REPORTS

Department members shall utilize forms approved by the Indiana State Police as required for the reporting of traffic accidents. All such reports shall be forwarded to the Patrol Division for approval and filing (I.C. § 9-26-2-2).

501.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written

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supplemental report. A written supplemental report may be made by any authorized member with approval from a supervisor.

Vehicle Towing

502.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing. Nothing in this policy shall require a member of this department to tow a vehicle.

502.2 POLICY

The Goshen Police Department will tow vehicles when appropriate and in accordance with the law.

502.3 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Elkhart County 911 Center to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member (I.C. § 9-21-16-3; I.C. § 9-21-16-4).

- (a) Unattended Vehicles - Any vehicle left unattended upon a street or alley and is illegally parked [(IC 9-21-16-(3-5), City Code 4.1.1.21(a) (1-4)] so as to constitute a definite hazard or obstruction to the normal movement of traffic, then the vehicle shall be impounded. This includes any instances a vehicle must be moved for any reasonable purpose to include the cleaning of streets.
 1. Vehicles shall be issued a parking ticket.
 2. Prior to impounding the vehicle, the officer shall make a reasonable attempt to locate the owner or driver to rectify the problem in lieu of impounding the vehicle.
 3. If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member (I.C. § 9-21-16-3; I.C. § 9-21-16-4).
 4. In the event of impound, a Vehicle Inventory Report shall be completed by the impounding officer.
 5. Officers shall not unlock any secured vehicle solely for the purpose of an inventory. A "plain view" inventory of the vehicle shall be conducted and noted on the inventory form.
- (b) Seventy-two Hour Violations - Any vehicle which is parked on a city street in excess of 72 hours may be considered abandoned and may be impounded. [IC 9-22-1-(11-14), City Code 4.4.1.11, City Code 4.6.1.(3-14)]
 1. It shall be documented that the vehicle was not moved within the 72-hour limit.
 2. A parking ticket shall be issued.
 3. Prior to impound, a reasonable attempt shall be made to locate the owner or driver to rectify the parking problem in lieu of impoundment.

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4. In the event of impound, a Vehicle Inventory Report shall be completed by the impounding officer.
- (c) Vehicles Parked on Public Streets Blocking a Public or Private Driveway- Any vehicle parked upon a street or alley and is blocking a public or private driveway is illegally parked [IC 9-21-16-(3-5), City Code 4.1.1.21(a) (1-4)] if it creates a hazard or an obstruction to the normal movement of traffic using the driveway, then the vehicle may be impounded.
1. Vehicles shall be issued a parking ticket if impounded.
 2. Prior to impound, the officer shall make a reasonable attempt to locate the owner or driver to rectify the problem in lieu of impounding the vehicle.
 3. In the event of impound, a Vehicle Inventory Report shall be completed by the impounding officer.
 4. Officers shall not unlock any secured vehicle solely for the purpose of an inventory. A “plain view” inventory of the vehicle shall be conducted and noted on the inventory form.
- (d) Vehicles Blocking Sidewalks Running Adjacent to Streets and/or Blocking Public Bike Paths - Any vehicle parked on sidewalks positioned adjacent to a city street or parked on public bike paths is illegally parked [IC 9-21-16-(3-5), City Code 4.1.1.21(a) (1-4), City Code 4.6.1. (3-14)] therefore the vehicle may be impounded.
1. Vehicles shall be issued a parking ticket if impounded.
 2. Prior to impounding the vehicle, the officer shall make a reasonable attempt to locate the owner or driver to rectify the problem in lieu of impounding the vehicle.
 3. In the event of an impound, a Vehicle Inventory Report shall be completed by the impounding officer.
 4. Officers shall not unlock any secured vehicle solely for the purpose of an inventory. A “plain view” inventory of the vehicle shall be conducted and noted on the inventory form.

Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or comply with posted signs.

502.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or, when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering

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whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.
- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

502.5 TRAFFIC ACCIDENTS

- (a) Any vehicle which is inoperable or unsafe to continue on the roadway shall be towed. A VEHICLE INVENTORY REPORT IS NOT REQUIRED IN THIS INSTANCE.
 1. Upon arrival at the scene, the officer shall request a wrecker from the rotation list unless the driver or owner should indicate a preference for another wrecker service.
 2. The officer shall use the preferred service, unless: the traffic conditions are such that waiting for the preferred service would be impractical or the length of response time for the preferred service would create too long of a delay in clearing the scene, etc. In these instances, the officer would be justified in using one of the wrecker services from the rotation list.
- (b) If the operator is incapacitated the vehicle shall be impounded AND A VEHICLE INVENTORY REPORT SHALL BE REQUIRED, unless:
 1. The operator has given permission to someone at the scene to drive the vehicle, or;
 2. Another individual at the scene has legal standing in the vehicle to take responsibility for the vehicle and/or vehicle's contents.
 3. Under the conditions outlined in b. i. and ii., a Vehicle Inventory Report will not be required.

Leaving Scene of Accidents - In all instances when a driverless vehicle has been recovered in a place of public resort and was involved in a "leaving the scene" accident, the vehicle shall be impounded and the officer impounding same shall complete a Vehicle Inventory Report.

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- (a) If the vehicle is located on property or in an enclosed structure that may be construed as private property then the officer shall ascertain if a search warrant is required for impoundment.
- (b) The vehicle shall be available to be released once the evidence collection process has been completed.

502.6 REGISTRATION AND LICENSE REQUIREMENTS

- (a) False or Fictitious Registration or Unregistered Vehicle - If a vehicle is found to have false and fictitious registration or is unregistered, the vehicle shall be impounded. Whenever a vehicle is impounded, the impounding officer shall complete a Vehicle Inventory Report.
- (b) Expired License Plates - Any vehicle having an expired license plate exceeding 30 days shall be impounded. Any vehicle having an expired license plate of less than 30 days shall not be impounded. Whenever a vehicle is impounded, the impounding officer shall complete a Vehicle Inventory Report.
- (c) Driving While Suspended and/or Without an Operator's License (Excluding Expired Operator's License) – A vehicle that is driven by someone whose license is suspended or who is unlicensed may be impounded. (Excludes expired driver's license). Whenever a vehicle is impounded, the impounding officer shall complete a Vehicle Inventory Report.
 - 1. In instances where the vehicle is properly parked on the street in front of the residence of the operator or parked on property over which the operator has legal standing, or legally parked on the street, or parked on property of a member of the operator's immediate family who will assume responsibility for the vehicle, the vehicle shall not be impounded.

502.7 RECOVERY OF STOLEN VEHICLES AND/OR VEHICLES INVOLVED IN FELONIES

- (a) Consult with the Detective on-call to determine if the vehicle has evidentiary purpose prior to impounding and/or prior to releasing to the owner or authorized person.
- (b) In all such instances when the vehicle is impounded, the impounding officer shall complete the Vehicle Inventory Report.
 - 1. Whenever a vehicle is being impounded for any felony case for any law enforcement agency, an exterior "plain view" inventory shall be the only inventory taken by the impounding officer.
- (c) The vehicle shall be available to be released once the evidence collection process has been completed and the owner and/or person with written permission from the owner is able to take possession of the vehicle.

502.8 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers should make

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reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

502.8.1 UNAUTHORIZED USER

An officer who discovers a vehicle in the possession of an individual who cannot establish the right to possession of the vehicle shall take and stored the vehicle in a suitable place (I.C. § 9-22-1-5).

502.9 CITY AND PRIVATE TOW CIRCUMSTANCES

- (a) Infrastructure Repairs/Snow Removal/Leaf Removal/Brush Removal - In all such instances where a vehicle is in violation of the category above, officers may impound the vehicle and shall follow the City Code Title 4.4.3. (1-4) and 4.5.1.6.
 - 1. Vehicles shall be issued a parking ticket.
 - 2. Prior to impounding the vehicle, the officer shall make a reasonable attempt to locate the owner or driver to rectify the problem in lieu of impounding the vehicle.
 - 3. In the event of impound, a Vehicle Inventory Report shall be completed by the impounding officer.
 - 4. Officers shall not unlock any secured vehicle solely for the purpose of an inventory. A “plain view” inventory of the vehicle shall be conducted and noted on the inventory form.
- (b) Special Events in which Parking Restrictions are Posted in Advance by the City of Goshen - In these instances, officers may impound a vehicle if it must be moved for any reasonable purpose. (City Code 4.1.1.21).
 - 1. When feasible, verify with the event coordinator that it is essential the vehicle be moved or complications could be caused due to the vehicle being parked at the location.
 - 2. Vehicles shall be issued a parking ticket.
 - 3. Prior to impounding the vehicle, the officer shall make a reasonable attempt to locate the owner or driver to rectify the problem in lieu of impounding the vehicle.
 - 4. In the event of impound, a Vehicle Inventory Report shall be completed by the impounding officer.
 - 5. Officers shall not unlock any secured vehicle solely for the purpose of an inventory. A “plain view” inventory of the vehicle shall be conducted and noted on the inventory form.
- (c) Requests for Private Property Impounds (Abandoned Vehicle on Private Property) The officer may impound the vehicle after the following conditions have all been satisfied in accordance with City Code 4.6.1. (1-11):
 - 1. The officer must first, establish the fact that the vehicle has been left on the property for a period of at least 48 hours.
 - 2. Once it has been established that the vehicle has been there 48 hours or more, the officer will be required to tag the car with a 72-hour parking warning sticker Form # GPD: 87.

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3. The officer should make a reasonable attempt to locate the owner to get the car moved without taking official police action.
4. If at the end of the 120 hour period the vehicle has not been moved the officer shall impound the vehicle following department vehicle impound guidelines.

502.10 RECORDS

Records Section members shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

502.10.1 VEHICLE STORAGE REPORT

Department members towing a vehicle shall complete an abandoned vehicle report. The report should be submitted to the Records Section as soon as practicable after the vehicle is towed.

502.10.2 NOTICE TAG

When an officer is notified of an abandoned vehicle on public property, the officer shall attach, in a prominent place, a notice tag. The notice tag shall include the following information (I.C. § 9-22-1-11):

- (a) The date and time
- (b) The officer's name
- (c) The name, address and telephone number of the Goshen Police Department
- (d) Notice that the vehicle is considered abandoned
- (e) Notice that the vehicle will be removed after:
 1. 24 hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is part of the state highway system
 2. 72 hours, for any other vehicle
- (f) Notice that the person who owns the vehicle will be held responsible for all cost incidental to the removal, storage and disposal of the vehicle
- (g) Notice that the person who owns the vehicle may avoid costs by removal of the vehicle within the time designated on the notice

If a tagged vehicle is not removed within the applicable time period, the officer shall prepare a written abandoned vehicle report indicating the condition of the vehicle. Any photographs of the vehicle, if available, should be attached to the report (I.C. § 9-22-1-12).

502.10.3 NOTICE OF TOW

Within 72 hours, excluding weekends and holidays, of a vehicle being towed, it shall be the responsibility of the towing company to send a notice of tow to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail or by means of electronic service if approved by the Bureau of Motor Vehicles. The notice shall include (I.C. § 9-22-1-19):

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- (a) The name, address and telephone number of the Goshen Police Department.
- (b) The location where the vehicle is stored.
- (c) A description of the vehicle, including the following:
 - (a) Color
 - (b) Manufacturer year
 - (c) Make and model
 - (d) License plate number and/or Vehicle Identification Number (VIN)
 - (e) Mileage - if noted
- (d) The authority and purpose for the removal of the vehicle.
- (e) An explanation of the procedure for release of the vehicle and for obtaining a vehicle tow hearing.
- (f) Other information as may be required by I.C. § 9-22-1-19 in cases of abandoned vehicles or vehicles towed after a collision.

If a vehicle is in such a condition that the vehicle identification number or other means of identification are not available to determine the registered owner or others having a registered interest in the vehicle, the vehicle may be disposed of without notice (I.C. § 9-22-1-21).

502.11 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Department. A rotation or other system established by the Department for tow services should be followed.

502.12 VEHICLE INVENTORY

The contents of all vehicles towed at the request of department members shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

- (a) An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- (b) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- (c) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-

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party towing company or an unlocking mechanism for such compartment is available within the vehicle.

- (d) Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money, small valuables or hazardous materials.

Members should ask the occupants whether the vehicle contains any valuables or hazardous materials. Responses should be noted in the inventory report. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner, or booked into property for safekeeping.

Any substantial cash amounts not considered contraband, jewelry or other small valuables located during the inventory process should be released to the owner of the vehicle. A copy of the property receipt should be given to the person in control of the vehicle or if that person is not present, left in the vehicle. If substantial cash amounts, jewelry, or other small valuables are considered evidentiary, they should be seized as evidence following proper investigative protocols. Substantial amounts of cash, jewelry, or other small valuables not associated to criminal activity should be taken and stored for safe keeping in accordance with the Evidence Room Policy.

A copy of the vehicle inventory will be given to the tow truck operator.

These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members and protecting the Department against fraudulent claims of lost, stolen or damaged property.

Towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

502.13 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the department member conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

Unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, reasonable accommodations should be made to permit the owner, operator or occupant to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions), that are not considered evidence or contraband.

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Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the owner or his/her agent to request a hearing to contest the tow.

Traffic Information and Summons and Parking Citations

503.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding and dismissing traffic information and summons and parking citations.

503.2 POLICY

It is the policy of the Goshen Police Department to enforce traffic laws fairly and equally. Authorized members may issue a traffic information and summons, parking citation or written or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

503.3 RESPONSIBILITIES

Members of the Goshen Police Department shall only use department-approved traffic information and summons and parking citation forms.

503.3.1 WRITTEN OR VERBAL WARNINGS

Written or verbal warnings may be issued when the department member believes it is appropriate. The Records Section should maintain information relating to traffic stops in which a written warning is issued. Written warnings are retained by this department in accordance with the established records retention schedule.

503.4 TRAFFIC CITATIONS

503.4.1 RECORDS SECTION

Officers shall only use department-issued traffic information and summons. The Records Section shall ensure that (I.C. § 9-30-3-6):

- (a) Traffic information and summons are available and accessible as appropriate.
- (b) Each traffic information and summons shall have a unique number which will include the identifying number of the Goshen Police Department.
- (c) A system of accountability is in place for each traffic information and summons in the possession of the Goshen Police Department.
- (d) Adequate records are maintained to establish:
 - (a) An accounting system for all voided traffic information and summons.

503.4.2 BOND

Any person may be released with a traffic information and summons for a minor traffic offense in lieu of either posting a bail presentation to a magistrate or incarceration provided that the person (I.C. § 9-30-3-6):

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- (a) Presents a driver's license.
- (b) Signs a traffic information and summons acknowledging receipt and his/her obligation to appear.

503.4.3 CORRECTION

When a traffic information and summons is issued but is in need of correction after the allotted correction time, the member issuing the summons shall submit the summons and a letter to his/her immediate supervisor requesting a specific correction. Once approved, the summons and letter shall then be forwarded to the Records Section. The Administrative Assistant or the authorized designee shall prepare a letter of correction to the court having jurisdiction and notify the summons recipient in writing.

503.4.4 VOIDING

Voiding a traffic information and summons may occur when the summons has not been completed or when it is completed but not issued. All copies of the voided summons shall be presented to a supervisor for approval. The summons and copies shall then be forwarded to the Records Section.

503.4.5 DISMISSAL

Members of this department do not have the authority to dismiss a traffic information and summons once it has been issued. Only the court has that authority. Any request from a recipient to dismiss a summons shall be referred to the Patrol Division Chief. Upon a review of the circumstances involving the issuance of the traffic information and summons, the Patrol Division Chief may request to recommend dismissal to the appropriate prosecutor. All recipients of traffic information and summons whose request for dismissal has been denied shall be referred to the appropriate court.

Prior to a court hearing, a member may submit a request for dismissal of a traffic information and summons to his/her supervisor. The request must be in writing and should include the reason for dismissal (i.e., in the interest of justice, prosecution is deemed inappropriate). Upon a review of the circumstances involving the issuance of the traffic information and summons, the supervisor may forward the request to the Patrol Division Chief to recommend dismissal. If approved, the summons will be forwarded to the appropriate prosecutor with a request for dismissal.

Should a member determine during a court proceeding that a traffic information and summons should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the summons. Upon such dismissal, the member shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required, and forward it to the Patrol Division Chief for review.

503.4.6 JUVENILE CITATIONS

Completion of traffic information and summons forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing a juvenile a summons.

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503.5 PARKING CITATION APPEALS

Parking citations may be appealed in accordance with local and state law.

Operating While Intoxicated

504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of drivers operating vehicles while intoxicated (OWI).

504.2 POLICY

The Goshen Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Indiana's OWI laws.

504.3 INVESTIGATIONS

Officers should not enforce OWI laws to the exclusion of their other duties unless specifically assigned to OWI enforcement. All officers are expected to enforce these laws with due diligence.

The Patrol Division Chief will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any OWI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Indiana or another jurisdiction.

504.4 FIELD TESTS

The Patrol Division Chief should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of Indiana OWI laws.

504.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (I.C. § 9-30-6-1 et seq.; I.C. § 9-30-7-2):

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- (a) The officer has probable cause to believe that the person has committed an offense under any of the following:
1. OWI (I.C. § 9-30-5-1 et seq.)
 2. Implied Consent (I.C. § 9-30-6-1 et seq.)
 3. Circuit Court Alcohol Abuse Deterrent Programs (I.C. § 9-30-9-1 et seq.)
 4. Open Alcoholic Beverage Containers/Consumption of Alcohol in Motor Vehicles (I.C. § 9-30-15-1 et seq.)

An officer may administer more than one chemical test during the course of an OWI investigation (I.C. § 9-30-6-2; I.C. § 9-30-7-3).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 STATUTORY NOTIFICATIONS

Officers should advise a person that in order to comply with the implied consent laws of Indiana, the person must submit to each chemical test offered (I.C. § 9-30-6-2).

504.5.2 BREATH SAMPLES

The Patrol Division Chief shall ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Division Chief.

504.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples. The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task (I.C. § 9-30-6-6).

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

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504.5.4 PORTABLE BREATH TEST

A portable breath test (PBT) may be offered when an officer has reasonable suspicion to believe that a person is OWI. Officers should use caution if the subject has been involved in an accident resulting in actual or imminent death, or serious bodily . The PBT may be considered by local courts as the one (1) test allowed by law. Officers should confer with investigators prior to administering a preliminary breath test. (I.C. § 9-30-7-2; I.C. § 9-30-7-3).

504.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers (I.C. § 9-30-6-7; I.C. § 9-30-6-8):

- (a) Should advise the arrestee of the requirement to provide a sample.
- (b) Should audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Shall document the refusal in the appropriate report.
- (d) Shall prepare a probable cause affidavit to be forwarded to the prosecuting attorney of the county where the alleged offense occurred.

504.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test, officers shall inform the person that refusal will result in the suspension of his/her driving privileges and take possession of the person's driver's license or permit. The officer shall issue the person a receipt (I.C. § 9-30-6-7).

504.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained.
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay resulting from an accident investigation or medical treatment of the person.
 - 1. An exigent circumstance occurs when the officer has probable cause to believe that the person has violated OWI laws and has been involved in an accident that caused serious bodily injury or death of another and the offense occurred no more than three hours prior to the sample being requested (I.C. § 9-30-6-6).

504.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

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- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to submit to providing such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video when appropriate and practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner (I.C. § 9-30-6-6).
- (e) Ensure that the forced blood draw is recorded on audio and/or video when appropriate and practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances (I.C. § 9-30-6-6):
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted. An officer in situations involving resistance which would result in the use of force, should seek guidance from a supervisor, investigator, or the on-call prosecutor.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

504.7 ARREST AND INVESTIGATION

If an officer has probable cause to believe that a person committed an OWI offense, the person may be arrested. However, if the chemical test results in prima facie evidence that the person is intoxicated, the person shall be arrested for an OWI offense (I.C. § 9-30-6-3).

504.7.1 TIME TO ADMINISTER TEST

All chemical tests shall be administered to a person within three hours after an officer has made the determination that the person is OWI or that the person has been involved in an accident resulting in serious bodily injury, or actual or imminent death (I.C. § 9-30-6-2; I.C. § 9-30-6-6; I.C. § 9-30-6-7).

504.7.2 MEDICAL TEST RESULTS

For the criminal investigation, officers should obtain chemical test results conducted by medical personnel acting under the direction or protocol of a physician. The test results shall be provided to an officer even if the person has not consented or authorized his/her release (I.C. § 9-30-6-6).

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504.8 RECORDS SECTION RESPONSIBILITIES

The Administrative Assistant will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

Disabled Vehicles

505.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for department members who provide assistance to motorists in disabled vehicles within the primary jurisdiction of the Goshen Police Department.

505.2 POLICY

It is the policy of the Goshen Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

505.3 RESPONSIBILITIES

When an on-duty member of this department sees a disabled vehicle on the roadway, the member should make a reasonable effort to provide assistance. If this is not reasonably possible, the communications operator should be advised of the location of the disabled vehicle and the need for assistance. The communications operator should then assign another department member to respond as soon as practicable.

505.4 ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department members will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

505.4.1 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

505.4.2 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations.

600.2 POLICY

It is the policy of the Goshen Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine whether additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Captain.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary and what other resources may be available, and advise the informant or complainant of this information.

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600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 FOLLOW-UP INVESTIGATIONS RESPONSIBILITIES

Follow-up investigations may be conducted by either uniformed officers or detectives, depending on the criteria established by this department. Investigative steps include, but are not limited to:

- (a) Reviewing and analyzing all previous reports, agency records, laboratory examination results and external sources of information.
- (b) Conducting additional interviews.
- (c) Seeking additional information (e.g. from law enforcement officers or informants).
- (d) Conducting searches for additional evidence.
- (e) Identifying and apprehending suspects.
- (f) Determining the suspect's involvement in other crimes.
- (g) Checking the suspect's criminal history.
- (h) Preparing cases for court presentation.

600.4.1 INVESTIGATION CASE FILES

The Investigation Division Chief or designee should develop procedures for the maintenance of case files to include, but not limited to:

- Types of records to be maintained
- Accessibility to the files
- Security of the files
- Purging of files

600.5 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.5.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any felony offense shall be recorded (audio or video with audio as available) in its entirety, unless it is an exception pursuant to Indiana Rules of Court Evidence, Rule 617. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

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Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Division Chief. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete, and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews.

600.6 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, there is no reasonable belief that the person who committed the crime can be identified and the incident has been documented appropriately.
- (b) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (c) The case has been submitted to the appropriate prosecutor; charges have been filed; further investigation is not reasonable, warranted or requested; and there is no need to take the suspect into custody.
- (d) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (e) Investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The domestic or Family Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.7 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and

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civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Chief or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in I.C. § 35-42-4-1 et seq.

Sexual Assault Response Team (MDT) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the Goshen Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with the Elkart County MDT or other multidisciplinary investigative teams as applicable.

Sexual Assault Investigations

601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call the victim or report source makes to Elkhart County 911 Center or the Indiana Department of Child Services Hotline, should be the health and safety of the victim, the preservation of evidence and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a Goshen Detective trained in sexual assault crimes should conduct the the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a Goshen Detective trained in sexual assault crimes.

No opinion of whether the case is unfounded should be included in a report.

An investigator shall not require a victim to submit to a polygraph or other truth telling device examination (34 USC § 10451; I.C. § 35-37-4.5-2). An investigator shall not refuse to investigate, charge or prosecute a sexual assault offense solely because the victim has not submitted to a polygraph or other truth telling device examination (I.C. § 35-37-4.5-3).

Victims shall be notified that biological samples will be removed from secured storage and may be destroyed if the victim does not report the sexual assault offense to a law enforcement agency within one year after the sample is placed in secured storage (I.C. § 16-21-8-10).

Victims shall not be compelled to provide testimony during any judicial, legislative or administrative proceeding that would identify the name, address, location or telephone number of any facility that provided emergency shelter to the victim (I.C. § 35-37-6-9).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a sexual assault forensic nurse examiners (SANES) should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

Sexual Assault Investigations

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable. Suspected drug-facilitated sexual assaults require more extensive testing and hospital staff will need to be informed of suspicions.

Biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately according to I.C. § 16-21-8-10.

601.6.1 COLLECTION AND TESTING REQUIREMENTS

Within 24 hours of receiving notification that a sample has been collected, officers shall receive the sample and secure the sample in accordance with the Evidence Room Policy (I.C. § 16-21-8-10).

601.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigation Division Chief.

Classification of a sexual assault case as unfounded requires the Investigation Division Chief to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.8 CASE REVIEW

The Investigation Division Chief should ensure cases are reviewed on a periodic basis. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

601.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigation Division Chief should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

Sexual Assault Investigations

601.10 TRAINING

Subject to available resources, periodic training will be provided to:

- (a) Members who are first responders. Training should include:
 - 1. Initial response to sexual assaults.
 - 2. Legal issues.
 - 3. Victim advocacy.
 - 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 - 1. Interviewing sexual assault victims.
 - 2. Interviewing suspects / sexual deviate.
 - 3. Medical and legal aspects of sexual assault investigations.
 - 4. Serial crimes investigations.
 - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 - 6. Techniques for communicating and conducting interviews with victims to minimize trauma.
 - 7. Participate in the Elkhart County Multidisciplinary Team (MDT) or other multidisciplinary investigative teams.

Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The Elkhart County Prosecutors Office approves and coordinates the responsibilities for each agency in securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Goshen Police Department seizes property for forfeiture pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and acting as the liaison between the Department and the forfeiture counsel.

Property subject to forfeiture - Property that may be subject to forfeiture includes (I.C. § 34-24-1-1):

- (a) A vehicle used or intended for use to transport or facilitate the transportation of:
 - (a) A controlled substance used to commit specific offenses (I.C. § 35-48-4-1 et seq.).
 - (b) Stolen or converted property if the retail or repurchase value of that property is \$100 or more (I.C. § 35-43-4-2; I.C. § 35-43-4-3).
 - (c) Hazardous waste in violation of I.C. § 13-30-10-1.5.
 - (d) A bomb or weapon of mass destruction used to commit or attempt an act of terrorism.
- (b) Money, weapons, cell phones, or other property used to commit, attempt to commit, or conspire to commit an act of terrorism under I.C. § 35-50-2-18 or an offense under Article 47 of the Criminal Procedure Law (Weapons and Instruments of Violence) relating to an act of terrorism.
- (c) Money, weapons, cell phones, or other property used as consideration for a violation of certain offenses relating to controlled substances (I.C. § 35-48-4-1 et seq.).
- (d) Real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.
- (e) A vehicle that is used to commit, attempt to commit, or conspire, to commit: murder, dealing in a controlled substance resulting in death, kidnapping, criminal confinement, rape, child molesting, child exploitation, or terrorism.

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- (f) Real property owned by a person who has used it to commit a specified Level 1, Level 2, Level 3, Level 4, or Level 5 felony involving controlled substance offenses.
- (g) Equipment and recordings used by a person to commit credit card fraud in violation of I.C. § 35-43-5-4(10).
- (h) "Bootlegged" recordings sold, rented, transported, or possessed in violation of I.C. § 24-4-10-4.
- (i) Property or an enterprise that is the object of a corrupt business influence in violation of I.C. § 35-45-6-2.
- (j) Unlawful telecommunications devices and plans, instructions, or publications used to commit an unauthorized use of telecommunications services (I.C. § 35-45-13-6; I.C. § 35-45-13-7).
- (k) Equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of specific sex crimes (I.C. § 35-42-4-1 et seq.).
- (l) Destructive devices used, possessed, transported, or sold in violation of I.C. § 35-47.5-5-2.
- (m) Tobacco products that are sold or attempted to be sold in violation of I.C. § 24-3-5-0.1, et seq.
- (n) Property used by a person to commit counterfeiting or forgery (I.C. § 35-43-5-2).
- (o) Property used or intended to be used to commit, facilitate, or promote the commission of a prescription drug offense or facilitate such an offense, and where there has been a conviction (I.C. § 25-26-14-26(b)).
- (p) A vehicle operated by the owner or spouse of the owner while intoxicated or with suspended driving privileges after being convicted of two or more related offenses within the previous five years.
- (q) Real or personal property used or intended to be used to commit or derived from fraud related to funeral or cemetery services.
- (r) An automated sales suppression device or phantom-ware related to cash register fraud.
- (s) Real or personal property, including a vehicle, used or intended to be used to commit, facilitate, or escape from a violation of human trafficking (I.C. § 35-42-3.5-1 through I.C. § 35-42-3.5-1.4) or promoting prostitution (I.C. § 35-45-4-4).

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

602.2 POLICY

The Goshen Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential of

Asset Forfeiture

revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations or any person's due process rights.

It is the policy of the Goshen Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeitures.

602.3 ASSET SEIZURE

The following property may be seized for forfeiture as provided in this policy:

602.3.1 PROPERTY SUBJECT TO SEIZURE

The following property may be seized upon review and approval of a supervisor and in conjunction with the forfeiture reviewer (I.C. § 34-24-1-2):

- (a) Property subject to seizure as identified in a court order
- (b) Property that is not identified in a court order when an officer has probable cause to believe there is a nexus between the property and the underlying offense and the seizure is incident to a lawful arrest, search, or administrative inspection.

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds.
- (b) Property, when there is reason to suspect that the owner did not knowingly permit the property to be used in a way that subjects it to seizure (i.e., "innocent owner") (I.C. § 34-24-1-1).

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

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- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within 24 hours of the seizure, if practicable.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere; the whereabouts of the property is unknown; it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

602.5 MAINTAINING SEIZED PROPERTY

The Evidence Room supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine whether the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.
- (e) Forfeitable property is retained until such time as its use as evidence is no longer required.

602.6 FORFEITURE REVIEWER

The Elkhart County Prosecutor's Office will act as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly I.C. § 34-24-1-1 et seq., and the forfeiture policies of forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

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- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.
 - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Standing Orders. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
 - 1. Written documentation of the seizure and the items seized is in the case file.
 - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
 - 4. Property is promptly released to those entitled to its return.
 - 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 - 6. Any cash received is deposited with the fiscal agent.
 - 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 - 8. Current minimum forfeiture thresholds are communicated appropriately to officers.

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9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
 - (i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement personnel and attorneys who may assist in these matters is available.
 - (j) Ensuring that the process of selling or adding forfeited property to Department inventory is in accordance with all applicable laws and consistent with the use and disposition of similar property.
 - (k) Upon completion of any forfeiture process, ensuring that no property is retained by the Goshen Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

602.7 DISPOSITION OF FORFEITED PROPERTY

Court orders may permit the Goshen Police Department to use the forfeited property for up to three years and then be put up for public sale. No property shall be used in any way or kept longer than allowed by any associated court order (I.C. § 34-24-1-4).

Federal forfeiture funds received by the Goshen Police Department are required to be deposited in a non-reverting fund and expended only with proper approval (I.C. § 34-24-1-9).

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

Confidential Sources (CS)

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of confidential sources.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Confidential Source - A person who covertly interacts with other individuals or suspects at the direction or request of, or by agreement with, the Goshen Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Goshen Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The Goshen Police Department recognizes the value of confidential sources to law enforcement efforts and will strive to protect the integrity of the confidential source process. It is the policy of this department that all funds related to confidential sources payments will be routinely audited and that payments to confidential sources will be made according to the criteria outlined in this policy.

603.3 USE OF CONFIDENTIAL SOURCES

603.3.1 INITIAL APPROVAL

Before using an individual as a CS, an officer must receive approval from a member of the Proactive Investigative Team and his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the CS in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to a CS.

603.3.2 JUVENILE CONFIDENTIAL SOURCES

The use of a CS under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as a CS with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Chief of Police or the authorized designee

Decoy operations involving the purchase or receipt of tobacco, e-liquids, or electronic cigarettes by persons under 18 years of age require written parental permission (I.C. § 7.1-6-2-4).

Confidential Sources (CS)

603.3.3 CONFIDENTIAL SOURCE AGREEMENTS

All CS's are required to sign and abide by the provisions of the designated department confidential source agreement. The officer using the CS shall discuss each of the provisions of the agreement with the confidential source.

Details of the agreement are to be approved in writing by a member of the Proactive Investigative Team and/or supervisor before being finalized with the CS.

[See attachment: Confidential Source Information Form](#)

603.4 CONFIDENTIAL SOURCE INTEGRITY

To maintain the integrity of the CS process, the following must be adhered to:

- (a) The identity of a CS acting in a confidential capacity shall not be withheld from the Goshen Police Administration, Elkhart County Intelligence and Covert Enforcement Unit supervisor or their authorized designees.
 - 1. Identities of CS's acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by a CS shall not be condoned.
- (c) CS's shall be told they are not acting as police officers, employees or agents of the Goshen Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and CS's shall always be ethical and professional.
 - 1. Members shall not become intimately involved with a CS.
 - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Proactive Investigations Team supervisor or after conferring with the Elkhart County Intelligence and Covert Enforcement Unit supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with a CS.
- (e) Officers shall not meet with a CS in a private place unless accompanied by at least one additional officer or with prior approval of the Proactive Team supervisor or the Elkhart County Intelligence and Covert Enforcement Unit supervisor.
 - 1. Officers may meet a CS alone in an occupied public place, such as a restaurant.
- (f) When contacting a CS for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to a CS, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the CS will receive any form of leniency or immunity from criminal prosecution.

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Confidential Sources (CS)

603.4.1 UNSUITABLE CONFIDENTIAL SOURCES

The suitability of any confidential source should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that a CS may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the CS should not be used by any member. The supervisor shall determine whether the CS should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the CS provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether a CS is unsuitable include, but are not limited to, the following:

- (a) The CS has provided untruthful or unreliable information in the past.
- (b) The CS behaves in a way that may endanger the safety of an officer.
- (c) The CS reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The CS appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The CS creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The CS engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The CS commits criminal acts subsequent to entering into a CS agreement.

603.5 INFORMANT FILES

CS files shall be utilized as a source of background information about the CS, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the CS.

CS files shall be maintained in a secure area within the Proactive Investigative Team Office and the Elkhart County Intelligence and Covert Enforcement Unit. The Elkhart County Intelligence and Covert Enforcement Unit supervisor, P.I.T., or the authorized designee shall be responsible for maintaining CS files. Access to the CS files shall be restricted to the Goshen Police Administration and the Elkhart County Intelligence and Covert Enforcement Unit supervisor or their authorized designees.

The Assistant Chief should arrange for an audit using a representative sample of randomly selected CS files on a periodic basis, but no less than one time per year. If the Proactive Investigative Team or the Elkhart County Intelligence and Covert Enforcement Unit supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this

Confidential Sources (CS)

policy. The audit should be conducted by a supervisor who does not have normal access to the CS files.

603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each CS and shall be coded with an assigned CS control number. A CS history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the CS and his/her subsequent reliability
 1. If a CS is determined to be unsuitable, the CS's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the CS
- (k) Signed CS agreement
- (l) Update on active or inactive status of CS

603.6 CONFIDENTIAL SOURCE PAYMENTS

No CS will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any CS will be evaluated against the following criteria:

- The extent of the CS's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The CS's previous criminal activity
- The level of risk taken by the CS

The Elkhart County Intelligence and Covert Enforcement Unit supervisor and/or Proactive Investigative Team supervisor will discuss the above factors with the Assistant Chief and recommend the type and level of payment, subject to approval by the Assistant Chief of Police.

603.6.1 PAYMENT PROCESS

Approved payment to a CS should be in cash using the following process:

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- (a) Payments of \$500 and under may be paid in cash from an Elkhart County Intelligence and Covert Enforcement Unit buy/expense fund or the P.I.T.
 - (a) The Elkhart County Intelligence and Covert Enforcement Unit supervisor or the P.I.T supervisor shall sign the voucher for cash payouts from the buy/expense fund.

603.6.2 AUDIT OF PAYMENTS

The P.I.T supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once annually, the City Clerk's Office, the Chief of Police or the authorized designee should conduct an audit of all CS funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., petty cash records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

Brady Information

604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

604.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Goshen Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

604.2 POLICY

The Goshen Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Goshen Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

604.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

Brady Information

604.4 BRADY PROCESS

The Chief of Police shall select a member of the Department to coordinate requests for *Brady* information. This person shall be directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.
- (b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.
 - 1. Updating this list whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.

604.5 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member whose file is related to the motion shall be notified of the potential presence of *Brady* information in the member's personnel file.
- (b) The prosecuting attorney or City Attorney should be requested to file a motion in order to initiate an in-camera review by the court.
 - 1. If no motion is filed, the Custodian of Records should work with the appropriate counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any information pursuant to this process, a protective order should be requested from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

604.6 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility or dishonesty or has been engaged in an act of moral turpitude or criminal conduct,

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the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

604.7 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

604.8 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

Unmanned Aerial System

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means (I.C. § 35-31.5-2-342.3; I.C. § 35-33-5-0.5(7); I.C. § 35-33-5-0.5(8)).

PIC: Pilot In Charge is the individual responsible for the overall flight operations of a specific mission.

COA: For public operation, the Federal Aviation Administration (FAA) issues a Certificate of Authorization or waiver that permits public agencies and organizations to operate a particular area. The COA allows an operator to secure a defined block of airspace and includes special safety provisions unique to the proposed operation. COA's usually are issued for a specific period, up to two (2) years in many cases.

VO: Visual Observer is responsible for monitoring the flight characteristics of the aircraft while in communication with the PIC to ensure proper flight and that the aircraft remains clear of obstacles and low flying air traffic.

605.2 POLICY

It is the policy of the Goshen Police Department to provide and maintain an Unmanned Aircraft System for use in the provision of special services to the community to include surveying natural disasters, hazardous material incidents, locating missing persons, crime/crash investigations, and training. The use of the Unmanned Aircraft System will be coordinated with law enforcement officers conducting specific missions as guided by the Certificate of Authorizations (COA) issued by the Federal Aviation Administration (FAA). This policy is designed to minimize risk to person, property, and aircraft during the operation of the UAS while safeguarding constitutional protections and the privacy of all persons.

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

Unmanned Aerial System

605.3 PRIVACY PROTECTIONS AND TRANSPARENCY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure) (I.C. § 35-33-5-9). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

- (a) UAS operators will comply with the Privacy Act of 1974 (5 U.S.C. 552a) (the "Privacy Act"), which, among other things, restricts the collection and dissemination of individuals' information that is maintained in systems of records, including personally identifiable information (PII), and permits individuals to seek access to and amendment of records.
- (b) Every 3 years, the Police Department will examine these UAS policies and procedures relating to the collection, use, retention, and dissemination of information obtained by UAS, to ensure that privacy, civil rights, and civil liberties are protected. The Police Department shall update their policies and procedures, or issue new policies and procedures, as necessary.
- (c) The Police Department shall only collect information using UAS, or use UAS-collected information, to the extent that such collection or use is consistent with and relevant to an authorized purpose.
- (d) Retention
 - 1. Information collected using UAS that may contain personally identifiable information shall not be retained for more than 180 days unless retention of the information is determined to be necessary to an authorized mission, is maintained in a system of records covered by the Privacy Act, or is required to be retained for a longer period by any other applicable law or regulation.
- (e) Dissemination
 - 1. UAS-collected information that is not maintained in a system of records covered by the Privacy Act shall not be disseminated outside of the agency unless dissemination is required by law, or fulfills an authorized purpose and complies with agency requirements.
- (f) To protect civil rights and civil liberties:
 - 1. UAS-recorded data will not be collected, disseminated or retained solely for the purpose of monitoring activities protected by the U.S. Constitution, such as the First Amendment's protections of religion, speech, press, assembly, and redress of grievances (e.g., protests, demonstrations);
 - 2. Collection, use, dissemination, or retention of UAS-recorded data should not be based solely on individual characteristics (e.g., race, ethnicity, national origin, sexual orientation, gender identity, religion, age, or gender), which is a violation of the law.

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3. All UAS activities will be performed in a manner consistent with the Constitution and applicable laws, Executive Orders, and other Presidential directives; and
 4. Any privacy, civil rights, and civil liberties complaints will be handled and investigated following the Internal Investigations and Public Complaints section of this handbook.
- (g) To provide for effective oversight, the Police Department will:
1. Conduct annual audits and assessments ensuring compliance with existing agency policies and regulations, including ensuring any data-sharing agreements or policies, data use policies, and record management policies applicable to UAS continue to conform to applicable laws, regulations, and policies;
 2. Verify the existence of rules of conduct and training for Federal Government personnel and contractors who work on UAS programs, and procedures for reporting suspected cases of misuse or abuse of UAS technologies;
 3. Provide oversight of individuals who have access to sensitive information (including any PII) collected using UAS; and
 4. Ensure that all uses of the UAS were conducted while safeguarding individuals' privacy, civil rights, and civil liberties.
- (h) To promote transparency about UAS activities within the NAS (National Airspace System), the Police Department shall, while not revealing information that could reasonably be expected to compromise law enforcement or national security:
1. Provide notice to the public regarding where the agency's UAS are authorized to operate in the NAS;
 2. Keep the public informed about the agency's UAS program as well as changes that would significantly affect privacy, civil rights, or civil liberties; and
 3. Make available to the public, on an annual basis, a general summary of the agency's UAS operations during the previous fiscal year, to include a brief description of types or categories of missions flown, and the number of times the agency provided assistance to other agencies, or to State, local, tribal, or territorial governments
- (i) Any requests for UAS support when requested by any Federal, State, local, tribal, or territorial government operations shall be permitted when authorized by the ranking officer in charge.

605.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.

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- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

605.5 PILOT IN CHARGE (PIC)

- (a) The PICs primary duty is the safe and effective operation of the UAS in accordance with the manufacturers approved flight manual, FAA regulations, and agency's policy and procedures. PICs must remain knowledgeable of all departmental policies, directives, and orders, FAA regulations, COA, UAS manufacturers' flight manual, and bulletins. The PIC is responsible for UAS assembly, flight preparation, post flight procedures, disassembly, and storage procedures.
- (b) The Chief of Police, Assistant Chief, Division Chief(s), or the UAS Commander for reasons including but not limited to performance, proficiency, physical condition, etc. may temporarily remove the PIC from flight status at any time. If this becomes

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necessary, the PIC will be notified verbally and in writing of the reason, further action to be taken and expected duration of such removal.

605.6 VISUAL OBSERVERS (VO)

- (a) VO's will be provided with sufficient training to communicate clearly to the PIC any turning instructions required to stay clear of conflicting traffic. The VO's primary duty is to communicate to the PIC any information required to remain clear of conflicting traffic, terrain, obstructions, and provide navigational awareness.
- (b) VO's are responsible for all safety functions related to ground operations during flight so the PIC can operate without interruption.
- (c) VO's are responsible for contacting local air traffic control prior to flying in their air traffic area.

605.7 CAMERA OPERATOR

- (a) The Camera Operator is responsible for all aspects of the camera and recordings during flight. The Camera Operator will position the camera to any area the PIC requests for purposes of navigation.
- (b) The PIC is responsible for processing videos and/or photo evidence gathered during the operation and processed in accordance with agency procedures.
- (c) The PIC is responsible for replacing the UAS memory card at the conclusion of a flight so the UAS is prepared for future flights.
- (d) If the Camera Operator is not available during a flight operation, the PIC will assume the responsibility of the Camera Operator.

605.8 FLIGHT AUTHORIZATION AND USE OF UAS

- (a) When feasible a supervisor will screen all initial requests to use the UAS from patrol or investigation units. All reasonable requests are forwarded to the UAS Commander for consideration. In the absence of the commander, the request is sent to either Division Chief.
- (b) UAS Commander will screen the request using the following factors:
 - 1. Is the proposed use of the UAS within the capabilities of the UAS equipment and personnel to perform?
 - 2. Does the proposed use of the UAS fall within the FAA and agency policies and regulations for UAS usage?
 - 3. Can the UAS be deployed safely given current weather conditions?
 - 4. If the UAS deployment requires a warrant, has one been requested and approved?
 - 5. Are there sufficient trained and qualified personnel available, to safely operate the UAS?

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- (c) The UAS Commander will either accept or decline the request for UAS support. If the request is denied, the Commander will provide a reason for declining the support request to the person requesting the flight. If the mission is accepted, this policy and procedure will be followed.
- (d) If the Patrol or Detective Captain accepts the support request, the UAS Commander will contact a UAS PIC and VO who will be provided with all available mission information.
- (e) The UAS PIC is responsible for transporting the UAS and all required equipment to the scene. Upon arriving at the requested location, the UAS VO is responsible for contacting the on-scene Incident Commander and will check in and receive a briefing on the mission requested. The UAS PIC will make an on-scene determination of the ability of the UAS to perform the requested mission safely and within agency and FAA policies and procedures.
- (f) If the UAS PIC determines the use of the UAS will violate agency policies or directives, then the UAS VO will inform the Incident Commander of the potential conflict along with recommendations for modifying the requested mission to conform to the agency's policies and directives. As this is a change from the original approved mission, the UAS PIC will contact the UAS Commander for direction on how to proceed. As soon as possible after the completion of the mission, the UAS VO will make a full report of the circumstances and their concerns to the UAS Commander.
- (g) UAS PICs will have sole discretion for declaring safety or violation of FAA rules. If the UAS PIC determines that a requested mission would violate FAA rules or endanger civilians, then the UAS PIC will respectfully inform the Incident Commander of the reasons for refusing to operate the UAS and contact the UAS Commander immediately. The UAS will not be flown in this circumstance and the authority of the UAS PIC is final.
- (h) If the UAS PIC determines the requested mission will potentially damage the UAS or its associated equipment, the UAS PIC will inform the Incident Commander of their concerns. The UAS PIC will contact the UAS Commander, as this is a deviation of the original, approved mission. The UAS PIC will fully document and send a report to the UAS Commander.
 - 1. If several separate requests for UAS support are received simultaneously, they will be prioritized. In general terms, requests for UAS support are prioritized as:
 - 2. Life Safety, and
 - 3. Evidence / Documentation.
- (i) Only authorized operators who have completed the required training shall be permitted to operate the UAS.
- (j) Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

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- (k) UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.
- (l) Absent a warrant or consent of the property owner, a UAS shall not be used to gather evidence, surveil, or record private property or a person on private property who has a reasonable expectation of privacy (I.C. § 35-33-5-9).

605.9 MINIMUM PERSONNEL REQUIREMENTS

- (a) Due to the nature of the law enforcement mission, the minimum personnel required on all missions will be a PIC and VO. Under no circumstances, will an operator attempt to complete a deployment alone.
- (b) Although training is not considered a mission, a VO will be used.

605.10 PERSONAL EQUIPMENT

- (a) Although there is no specific, uniform for the UAS unit or required for proper operation of the UAS, the PIC/VO/Camera operator will take necessary measures to deploy in a professional manner. PICs and VOs will wear clothing that easily identifies them as members of the Goshen Police Department. PICs/VOs will take into consideration the current weather conditions when planning to deploy, and wear appropriate clothing to deploy comfortably.
- (b) Use of radio, cell phone, or other device is prohibited by the PIC during flight per the COA.

605.11 FLIGHT BOUNDARIES

- (a) There may be requests for UAS support outside the jurisdiction of this agency and the FAA Certification of Authorization (COA) for the UAS may restrict deployment to certain areas.
- (b) Maximum altitude will not be set more than 400 feet per the FAA COA unless near a structure and then the maximum altitude will not be more than 400 feet above that structure.
- (c) Line of Sight: All UAS operations will be conducted within line of sight of the PIC and/or VO such that the PIC or VO may detect and avoid hazards such as aircraft or property.

605.12 WEATHER

- (a) Prior to deployment, the PIC/VO will ensure they gather enough weather information to make themselves familiar with the weather situation existing throughout the area of deployment. The PIC will utilize FAA-approved weather resources (NOAA) to obtain the latest and most current weather conditions or the National Weather Service. Most of the aviation weather sites are in aviation language that can be difficult to interpret and is not recommended to populate current and forecast weather information.
- (b) PICs/VOs should use the Beaufort Scale when making deployment decisions in regards to wind conditions. This scale is located in the manufacturer's user manual.

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- (c) Weather conditions will be reported for the operation and documented in the flight logbook.
- (d) The PIC will ensure the flight will occur within FAA VFR (Visual Flight Rules) weather requirements.

605.13 OPERATIONAL PROCEDURES

- (a) When the UAS is in flight, the onboard cameras will be activated and the camera will be turned away from occupied dwellings, buildings, structures, etc. to minimize inadvertent video or still images of uninvolved persons. When a structure is the subject of a flight mission, applicable laws will apply.
- (b) All video and still images will be maintained in strict compliance with the agency policies, procedures, and records retention.
- (c) The UAS unit will not conduct random surveillance activities. The use of the UAS will be tightly controlled and regulated by the Chief of Police and/or Assistant Chief.
- (d) The authorized missions for the UAS are:
 - 1. Video/photographs for investigative support;
 - 2. Hazmat response in conjunction with Goshen Fire;
 - 3. Area searches for missing persons/runaways;
 - 4. Barricaded persons/Hostage situations/Active shooters;
 - 5. Traffic and Crime investigations;
 - 6. Disaster response (floods, tornados damage, etc.);
 - 7. Bomb threats;
 - 8. If the UAS is going to be used over a residential/business property subject to an investigation, a warrant will be obtained unless the UAS Commander can articulate probable cause that exigent circumstances exist. The warrant should be obtained as soon as practical; and
 - 9. Any special event requests will be at the authority of the Chief of Police.
- (e) The UAS program will operate strictly within the law and FAA regulations. If in doubt, prior to operating the UAS, the Chief, Assistant Chief, or Division Chief(s) will ensure that warrants are applied for and obtained. The agency will balance all operations with the need to accomplish the mission while maintaining public privacy and freedom from intrusion.

605.14 OUTSIDE JURISDICTIONS

Requests for support from other government agencies within, or outside the jurisdiction of this agency will be forwarded to the UAS Commander who after consideration will either deny the request outright because the request is clearly outside the policy of the agency or forward the request to the Chief or Assistant Chief for approval for use of the UAS. Proper policy and

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procedure, as well as FAA regulations, will be followed when accepting mutual aid support for the UAS.

605.15 SAFETY

- (a) It is the responsibility of every member within the UAS unit to contribute to the goal of continued safe operations. This contribution may come in many forms and includes always operating in the safest manner practicable and never taking unnecessary risk. Any safety hazard, whether procedural, operational, or maintenance related will be identified as soon as possible after, if not before, an incident occurs. Any suggestions in the interest of safety should be made to the UAS Commander. If any member observes or has the knowledge, of an unsafe or dangerous act committed by another member, the UAS Commander is to be notified immediately so corrective action may be taken. A monthly report will be filed by the UAS Commander, which includes information on all flights and/or maintenance issues.
- (b) All members of the UAS unit are responsible for the following:
 - 1. Understand applicable regulatory requirements, standards, and organizational safety policies and procedures.
 - 2. Observe and control safety systems by monitoring all operations.
 - 3. Review standards/policies and the practices of agency personnel as they impact operational safety.
 - 4. Communicate all reported safety-related problems and the corrective action taken. If there were any in-flight problems of learned experiences.
 - 5. Read and understand all pertinent safety information and emergency bulletins.

605.16 MEDICAL FACTORS

- (a) Physical illness, exhaustion, emotional problems, etc., can seriously impair judgment, memory, and alertness. The safest rule is not to act as a PIC or VO when suffering from, any of the above issues. Members are expected to "stand down" when these problems could reasonably be expected to affect their ability to perform flight duties.
- (b) All members will make a self-assessment of physical conditions during pre-flight activities.
- (c) Performance can be seriously hampered by prescription and over the counter drugs. Many medications cause drowsiness and hamper sound decision-making abilities and reaction. The UAS Commander will be advised anytime such drugs are being taken. If it is determined that the medication being taken could hamper a PIC, VO, or Camera Operator, that member will be prohibited from the deployment or exercise.
- (d) No member will act as a PIO or VO within eight hours after consumption of any alcoholic beverage, or while under the influence of alcohol and/or drugs.

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605.17 OPERATIONAL HAZARD AND OCCURRENCE REPORT (OHOR) AND INVESTIGATIONS

- (a) Occurrences are unplanned safety-related events, including accidents and incidents that could affect safety.
- (b) A hazard is something that has the potential to cause harm. The systematic identification and control of all major hazards are foundational to safety.
- (c) The OHOR concept provides a mechanism to report hazards and occurrences, real and perceived, to those responsible for UAS operations.
- (d) There is no specific OHOR form. The information provided is what is important. Incidents will be documented without hesitation to report any anticipated, current, or experienced safety hazard, or occurrence. Further, the OHOR can be submitted anonymously, and to whatever level in the chain of command of this agency to give the issue proper attention, without fear of reprisal.
- (e) Every hazard and/or occurrence will be investigated, with the results and corrective action taken communicated to all members. The UAS Commander and a designee of the Chief will conduct the investigation. Due to the technical aspects of the UAS operations, an independent expert may be necessary in some cases to assure a thorough and complete investigation.
- (f) All UAS members are authorized to act to correct a hazard if in that member's opinion delay will result in accident or injury. The UAS Commander will be notified immediately in such situations.

605.18 TRAINING

- (a) The key to continued safe operations is by maintaining a professional level of competency. The first step in this process is establishing minimum qualifications for selection members and the second step involves training those personnel. The UAS Commander is responsible for maintaining training records by following current policies.
- (b) In conjunction with fulfilling all FAA requirements for PIC/VO duties, the new member will also become familiar with the agency's UAS operations and its related equipment. UAS team members must be certified in the operation of the UAS by successfully completing the Goshen Police/Fire Department's UAS Pilot Certification Course.
- (c) The course covers the following topics and requires a pass status on written and practical exams prior to being considered an operator.
 - 1. Agency's policies and procedures;
 - 2. Current Certificate of Authorization (COA);
 - 3. UAS manufacturer guidelines;
 - 4. General operations;
 - 5. Special operations; and
 - 6. Relevant CFR Part 107.

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- (d) UAS team members must maintain operational status as both a PIC and VO by successfully completing a minimum of three (3) operations (including training operations) every 90 days. If a PIC or VO fails to maintain operational status, the PIC or VO must conduct three (3) successful training missions under the direction of a certified PIC to re-establish operation status.

605.19 MAINTENANCE

- (a) Although there are few parts on the UAS that need servicing, it is necessary that the manufacturer's maintenance schedule is followed and properly documented.
- (b) Any issues that arise during maintenance that cannot be resolved by routine methods, the UAS Commander is responsible for contacting the manufacturer for further technical support.
- (c) The UAS Commander is responsible for all maintenance and service records associated with the UAS.
- (d) The UAS Commander is responsible for maintaining the manufacturer's software updates and/or operating requirements.

605.20 PRE-FLIGHT / POST-FIGHT ACTIONS

- (a) PIC's/VO's are both responsible for a thorough preflight inspection of the UAS.
- (b) Before and after each deployment (mission and training), the PIC and VO will conduct a thorough inspection of the UAS in accordance with the instructions contained in the manufactures user's manual. The use of a checklist is a significant method in preventing UAS accidents. The PIC is responsible for documenting inspections within the logbook. The PIC and VO will follow the manufactures user's manual, to include the pre/post flight checklists.

605.21 LAUNCH PROCEDURES

- (a) The PIC/VO are responsible for selecting a launch and landing zone, located within a secure perimeter, whenever possible. The area will be evaluated for overhead obstacles, obstructions, adequate space, and clearances in order to safely assemble, launch, and recover the UAS.
- (b) The PIC will communicate audibly with the VO his/her intentions to start the UAS motors and launch. The VO will confirm the launch/landing zone is clear and safe by responding to the PIC giving confirmation to proceed. Communication between the PIC and VO will go as follows:
 1. Operator: "Ready to start."
 2. Observer: "Clear to start."
 3. Operator: "Starting."
 4. Operator: "Ready to launch."
 5. Observer: "Clear to launch."

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6. Operator: "Launching."
- (c) The PIC will begin the mission by taking the UAS to operational altitude.

605.22 LOST COMMUNICATIONS

- (a) In the event of a lost link for more than three (3) seconds, the PIC will either ascend or descend the UAS to 200 feet to clear all ground obstacles within the operational jurisdiction. Once it is safe to land, the PIC/VO will follow the missions landing procedures.
- (b) If verbal communication is lost during operations between the PIC and VO, the VO will switch to the pre-designated lost communication frequency and establish communication via portable radio and in person. The PIC and VO may try other methods of communication by using voice-actuated headsets, cellular phone, or hand signals. If communication is lost and cannot be re-established, the PIC will land the UAS immediately. The VO is responsible for contacting the local air traffic control, advising the tower that radio communication can no longer be maintained with the UAS and the VO will stay in contact with the tower by landline until the mission is completed or aborted.
- (c) Any emergency resulting in damage or injuries will be handled and documented in accordance with agency policies and reported to the FAA when applicable.

605.23 LANDING PROCEDURE

- (a) Once the mission is complete, the PIO will return the UAS over the landing site and hover until the PIC announces their intention to land. The VO will confirm the landing zone is clear to land and give the PIC confirmation to proceed. The communication will go as follows:
 1. Operator: "Ready to land;"
 2. Observer: "Clear to land;" and
 3. Operator: "Landing."
- (b) During this time, the VO is responsible for monitoring the landing zone and verifying the landing zone is clear and safe to land. If at some point, the landing zone becomes unsafe, the VO will notify the operator with the command "Abort." The PIC will take the UAS back up to the operational altitude and wait until the landing zone is safe to land. The landing procedure will be repeated once again.
- (c) Once the UAS has landed, the PIC will shut down the motors and make the UAS safe to approach

605.24 QUICK START PROCEDURE FOR UAS

- (a) The procedure for quick starting the UAS once it has landed for a battery change or pause in the operation.
 1. UAS power is off.

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2. Remove and replace the battery if necessary.
3. PIC will inspect the UAS and tighten props.
4. PIC will power on the UAS and follow launch procedures.

605.25 SHUTDOWN PROCEDURE FOR THE UAS

- (a) To be completed in accordance with the instructions contained in the manufactures user's manual.
- (b) The PIC is responsible for documenting all flight information in the log book, and removing the memory card once the UAS has returned to the Goshen Police Department.

605.26 SPECIAL OPERATIONS

- (a) Day Operations.
 1. UAS operations will operate only within class A, B, C, and D airspace, active restricted or warning areas designated for aviation use, or approved prohibited area, will be conducted during daylight hours unless otherwise authorized. The UAS will not operate in FAA class E.
- (b) Night Operations.
 1. Night operations are considered if the UAS PIC establishes safety procedures and sufficient mitigation to avoid collision hazards at night. This includes an operational altitude between 400 feet AGL and the highest known obstacle in the operational area. If the PIC is unable to mitigate the risk of the mission after identifying the hazards to the safe operation of the UAS, the flight will be aborted.
 2. UAS night operations are those occurring 30 minutes after sunset until 30 minutes before sunrise as published by the American Air Almanac converted to local time. The PIC must begin to acclimate to the dark conditions at least 30 minutes before operations.
 3. Law enforcement and fire units' on-scene will reduce the amount of unnecessary light in the area of flight operation prior to the arrival of the PIC and VO to minimize the amount of time necessary to acclimate to the dark conditions.
 4. The PIC is responsible for making sure the strobe lights on the UAS are operational and illuminating the UAS at least 3 statute miles away while engaging in any night flights. This falls in line with FAA regulations for night flights and part of our Part 107 waiver for nighttime flights.
- (c) Before Night Operations.
 1. The PIC will conduct three (3) launches and landings with the specific UAS at night to a full stop in the previous 90 days. The VO will be positioned to assist the PIC to exercise the see-and-avoid responsibilities required by scanning the area around the aircraft for potentially conflicting traffic and assisting the PIC with navigational awareness.

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2. VO will assist the PIC in not allowing the aircraft to operate beyond the visual line of sight limit.
3. The VO must be able to see the aircraft and the surrounding airspace sufficiently to assist the PIC with:
 - (a) Determining the UAS proximity to all aviation activities and other hazards (e.g. terrain, weather, and structures);
 - (b) Exercising effective control of the UAS;
 - (c) Preventing the UAS from creating a collision hazard.
 - (d) The VO is responsible for informing the PIC before losing sufficient visual contact with the UAS or previously sighted collision hazard. This distance is predicated on the VO's normal vision. Only normal vision using corrective lenses, glasses, or contact lenses is allowed.

605.27 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

605.28 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

Warrant Service

606.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

606.2 POLICY

It is the policy of the Goshen Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

606.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment matrix forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

606.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment matrix form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

606.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment matrix form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

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If the warrant is classified as high risk, service will be coordinated by the SWAT operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

606.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Information Policy).

606.7 HIGH-RISK WARRANT SERVICE

The SWAT operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

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- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

606.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

606.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

606.10 OTHER AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members

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- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Goshen Police Department are utilized appropriately. Any concerns regarding the requested use of Goshen Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the highest ranking officer should assume this role.

If officers intend to serve a warrant outside Goshen Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Goshen Police Department when assisting outside agencies or serving a warrant outside Goshen Police Department jurisdiction.

606.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

606.12 TRAINING

The Training Lieutenant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Operations Planning and Deconfliction

607.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations. Additional guidance on planning and serving high-risk warrants is provided in the Policy.

607.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

607.2 POLICY

It is the policy of the Goshen Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

607.3 OPERATIONS DIRECTOR

The operations director should be a member of the Proactive Investigative Team, a Division Chief, tested supervisor, or Detective who has direct involvement with the situation.

The operations director will develop and maintain a risk assessment matrix form to assess, plan and coordinate operations. This matrix form should provide a process to identify high-risk operations.

The operations director will review risk assessment matrix forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

607.4 RISK ASSESSMENT

607.4.1 RISK ASSESSMENT MATRIX FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment matrix form.

When preparing the matrix form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

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The officer should gather available information that includes, but is not limited to:

- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

607.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment matrix form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

607.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - 1. Elkhart County Regional SWAT Team (SWAT)
 - 2. Additional personnel
 - 3. Outside agency assistance
 - 4. Special equipment
 - 5. Medical personnel

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6. Persons trained in negotiation
 7. Additional surveillance
 8. Canines
 9. Evidence Room or analytical personnel to assist with cataloguing seizures
 10. Forensic specialists
 11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
- (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
- (d) Coordinate the actual operation.

607.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information has been deconflicted with any known specialty until tasked with similar objectives, to include the Elkhart County ICE Unit, the Elkhart County Homicide Unit and the Elkhart Street Crimes Unit. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

607.6 OPERATIONS PLAN

The operations director should shall coordinate with the SWAT supervisor to ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic

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- and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment matrix form by attaching a completed copy in the operational plan.
- (a) The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment matrix form to ensure clarity and highlighting of critical information.
 - (d) Participants and their roles.
 1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 2. How all participants will be identified as law enforcement.
 - (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
 - (f) Identification of all communications channels and call-signs.
 - (g) Use of force issues.
 - (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
 - (i) Plans for detaining people who are not under arrest.
 - (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.
 - (k) Communications plan
 - (l) Responsibilities for writing, collecting, reviewing and approving reports.

607.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

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- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
 - 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - 1. It is the responsibility of the operations director to ensure that Elkhart County 911 Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
 - 2. If the radio channel needs to be monitored by Elkhart County 911 Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

607.8 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.9 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

607.10 AFTER-ACTION REPORTS

After-action reports should be prepared for any unusual extraordinary operations, as determined by the Chief of Police. The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, which should include:

- a. The date, time and description of the event.
- b. The actions taken and outcomes (e.g., injuries, property damage, arrests, costs).
- c. Any identified problems.
- d. Significant events.

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e. Recommendations for improvement. Opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

607.11 TRAINING

The Training Lieutenant should ensure officers and SWAT team members who participate in operations subject to this policy receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Chapter 7 - Equipment

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property or department-owned property is damaged or lost.

700.2 POLICY

Members of the Goshen Police Department shall properly care for department property assigned or entrusted to them. Department-owned property that becomes damaged shall be promptly replaced. Members' personal property that becomes damaged during the performance of assigned duties will be reimbursed in accordance with this policy.

700.3 DEPARTMENT-ISSUED PROPERTY

All property and equipment issued by the Department shall be documented in the appropriate property sheet or equipment log. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

700.3.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, proper use and replacement of department property that has been assigned or entrusted to them.

Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.
 1. The equipment manager (Training LT.) receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Chief, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.
 2. A review by command staff should determine whether additional action is appropriate.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

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- (e) The equipment manager's approval is required before any attempt to repair damaged or unserviceable property is made by a member.

700.3.2 PROPERTY COORDINATOR RESPONSIBILITIES

The Chief of Police or the authorized designee should appoint a member who is responsible for developing procedures that include:

- (a) Developing and maintaining appropriate forms, checklists and logs to document property issuance, returns, inspections and inventories.
- (b) Conducting department property and equipment including inspections and inventories at least every six months during spring and fall inspections.
- (c) Maintaining accurate inventory and control records.

700.4 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief of Police and the training division. The member should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

The Department will not replace or repair costly items (e.g., jewelry, expensive watches, exotic equipment) that are not reasonably required as part of work.

700.5 DAMAGE TO PROPERTY OF ANOTHER PERSON

Anyone who intentionally or unintentionally damages or causes to be damaged the real or personal property of another person while performing any law enforcement function shall promptly report the damage through their chain of command.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Chief, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

A review of the incident by command staff to determine whether misconduct or negligence was involved should be completed.

700.5.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of Goshen or of another person while performing their duties within the jurisdiction of this department. It shall be the responsibility of the department member present or the member responsible for the property to report the damage as follows:

- (a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

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The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Chief, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Goshen Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under the Indiana Access to Public Records Act.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Personal Communication Devices

701.5 PERSONALLY OWNED PCD

Members not receiving a department stipend may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes unless there are no other means of communication (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
 - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
- (e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Officers must realize their use of a personally owned PCD while at work or for work-related business may constitute consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, Indiana Access to Public Records Act retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, e-mails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Goshen Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall

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endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of a member's personally owned device, supervisors shall consult with the Chief of Police or the authorized designee.

701.8 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

701.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the

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use of these devices to the in-car hands free mode when dealing with matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Officers shall not use a PCD as a text messaging device to write, send or read a text message or an electronic message while operating a motor vehicle, unless the device is used in conjunction with hands-free or voice-operated technology or the device is being used to contact a 9-1-1 system (I.C. § 9-21-8-59).

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department vehicles are appropriately maintained.

702.2 POLICY

The Goshen Police Department will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

702.3 GENERAL DUTIES

Members are responsible for assisting in maintaining department vehicles so that they are properly equipped, properly maintained and properly refueled and present a clean appearance.

702.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the member who becomes aware of the defective condition and forwarded for action.

Documents describing the correction of the safety issue shall be kept by the Central Garage and promptly filed with the vehicle history.

702.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.4.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, the vehicle is subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation. The officer is required to complete a maintenance/inspection request form prior to the conclusion of their shift and submit the request form to Central Garage and the equipment manager when a vehicle is involved in any pursuit.

702.4.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

702.5 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles.

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702.5.1 MARKED AND UNMARKED PATROL VEHICLES

Officers shall ensure their assigned vehicle is properly equipped for their specific patrol duties or attained specialties, items available to the officers are kept at the police department and it's the responsibility of the officer to restock these items when necessary. Marked and unmarked vehicles should contain items such as: Road flares, crime scene tape, CPR mask, protective gloves, hand sanitizer, sharps container, hazardous waste disposal bag, evidence bags, high visibility vest, camera and rain gear. If an officer has a need for a specific item and becomes aware that's in not available or inventory is low, the officer shall send a report to the equipment manager (Training LT), who will make arrangements to increase the available inventory.

702.6 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, Patrol pool vehicles should not be retired at the end of shift with less than three-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

702.7 WASHING OF VEHICLES

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the Department.

Members using a vehicle shall remove any trash or debris at the end of their shifts. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Goshen to provide assigned take-home vehicles.

703.2 POLICY

The Goshen Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

The Shift Captain shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule.

703.3.2 OTHER USE OF VEHICLES

Outside of off-duty driving approved by the Chief of Police, members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify their supervisor.

703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly documented to the equipment manager (Training LT), shift supervisor and when necessary, Central Garage.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

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All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify Elkhart County 911 Center. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Division Chief approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

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703.3.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.9 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.11 CIVILIAN MEMBER USE

Civilians shall only operate unmarked detective pool cars. Civilian members shall not operate the emergency lights or sirens of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the City of Goshen is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Goshen may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Criteria for use of take-home vehicles include the following:

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- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Chief gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or Division Chiefs and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Police or Division Chiefs.
 - 4. When the vehicle is being used by the Chief of Police, Division Chiefs or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department, when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

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- (i) The member is responsible for the care and maintenance of the vehicle.
- (j) Off-duty driving approved by the Chief of Police.

703.4.3 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Goshen Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed and appropriately attired and shall carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.4 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the

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division to which the vehicle is assigned shall also be recorded with the Shift Captain on the shift assignment roster.

703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction (see the Traffic Accidents Policy).

Damage to any department vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Captain. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 TOLL ROAD USAGE

Law enforcement vehicles while in discharge of their official duties are routinely exempt from incurring toll road charges (135 I.A.C. 2-5-5).

Members operating department vehicles for any reason other than in the discharge of their official duties shall pay the appropriate toll charge or utilize the appropriate toll way transponder.

703.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Evidence Room and Informants policies.

704.2 POLICY

It is the policy of the Goshen Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

704.3 PETTY CASH FUNDS

The Chief of Police shall select a member of the Department as the fund manager. This person is responsible for maintaining and managing petty cash funds. In the absence of the fund manager, the Chief of Police may delegate this responsibility to an authorized designee.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year, by the Chief of Police or the City.

Cash Handling, Security and Management

704.6 ROUTINE CASH HANDLING

Members who handle cash as part of their regular duties (e.g., evidence room managers, the Proactive Investigations Team supervisor, those who accept payment for department services) will discharge those duties in accordance with the procedures established for those tasks (see the Evidence Room and Informants policies).

704.7 OTHER CASH HANDLING

Members who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Evidence Room Policy.

Cash in excess of \$250.00 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Chapter 8 - Support Services

Evidence Room

800.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

800.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Evidence Room, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including electronic or digital files, photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping – Firearms, ammunition, or other deadly weapons of an arrestee that has not been taken as evidence and cannot be stored at the jail; and firearms, ammunition, or other deadly weapons obtained by consent, or by Domestic Battery statute (35-33-1-1.5(b) & 35-33-1-1.5(c).
- Secured Evidence Storage Location(s) - Evidence Room, temporary cages or lockers designated for evidence storage, Digital Media Server, AvailWeb.

800.2 POLICY

It is the policy of the Goshen Police Department to process and store all property in a manner that will protect it from loss, damage or contamination, while maintaining documentation that tracks the chain of custody, the location of property and its disposition.

800.3 EVIDENCE ROOM MANAGEMENT RESPONSIBILITIES

The Division Chief of Investigations is responsible for the management of the Evidence Room. The Division Chief of Investigations should designate a evidence room manager to assist with documenting, classifying, storing, tracking and disposing of property received by or managed by the Evidence Room.

The Division Chief of Investigations should ensure:

- (a) Procedures are established to preserve the safety, security and chain of custody for all property received or handled by the Evidence Room.
- (b) Property and evidence facilities include:
 1. A package, submission and intake area separate from the secure storage area.
 2. Separate secure storage areas for controlled substances/narcotics and dangerous drugs, firearms, cash and hazardous materials.

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3. Adequate ventilation systems to manage air quality around controlled substances/narcotics and dangerous drugs and hazardous materials areas.
 4. Adequate freezer storage with temperature controls that include remote notification or an alarm system.
 5. A secure area for drying moist items (e.g., items stained with bodily fluids) before packaging.
 6. An orderly system for numbering and storing property/evidence being retained by the property room should be provided.
- (c) Facility security and access control, including separate secure access (which may include video surveillance) for controlled substances/narcotics and dangerous drugs, firearms and cash storage areas.
- (d) Emergency planning, to include consideration of emergency response (e.g., hazardous spills, fires, floods), protective equipment for personnel, lighting, ventilation and the continuity of operations if the facility must be evacuated or moved.
- (e) Procedures are established for packaging, submission, storage and disposition of all property, as well as items requiring special packaging such as:
1. Bicycles
 2. Biological items
 3. Cash
 4. Controlled substances/narcotics and dangerous drugs
 5. Explosives, ammunition and fireworks
 6. Firearms and other weapons
 7. Hazardous or flammable substances
 8. Homicide evidence
 9. Motor vehicles
 10. Sharps
 11. Items requiring refrigeration or freezing
- (f) Appropriate property management forms and automated systems are developed and available as appropriate.
- (g) Procedures for conducting inventories are developed.
- (h) Issues identified through any audits or inspections are appropriately addressed.

800.4 EVIDENCE ROOM SECURITY

The Evidence Room shall maintain secure storage and control of all property in the custody of this department. A evidence room manager (custodian) shall be appointed by and will be directly responsible to the Division Chief of Investigations or the authorized designee. The evidence room manager is responsible for the security of the Evidence Room.

Evidence Room

800.4.1 REFUSAL OF PROPERTY

The evidence room manager has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the evidence room manager refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting member's supervisor of the reason for refusal and the action required for acceptance into the Evidence Room.

800.4.2 KEY CONTROL

Evidence Room keys and locks shall be managed by the evidence room manager, who will keep a log of all keys issued, damaged, lost, and returned. Evidence Room keys shall not be loaned to anyone and shall be maintained in a secure manner. If an Evidence Room key is lost, or an evidence custodian leaves employment, all access points shall be re-keyed and new keys issued as necessary. Division Chief of Investigations does not have key access to the Evidence Room; however, he/she will maintain a duplicate set to storage areas in the Evidence Room for drugs, firearms, and cash.

800.4.3 ACCESS

Only evidence custodians assigned to the Evidence Room shall have access to it and the property storage areas within. Evidence custodians and technicians will have access to the temporary storage cages and lockers. Any individual who needs to enter the evidence room or a property storage area (e.g., maintenance or repair contractors) must be approved by the Division Chief of Investigations and accompanied by an evidence room manager or custodian. Each individual must sign the Evidence Room access log and indicate:

- (a) The date and time of entry and exit.
- (b) The purpose for access, including the specific case or property number.

Each access log entry shall be initialed by the accompanying department evidence custodian.

800.5 PROPERTY HANDLING

The member who first comes into possession of any property is generally responsible for the care, custody and control of such property until it is processed and placed into a secured storage location. Care shall be taken to maintain the chain of custody for all items of evidence. Property can be transferred to a member who did not first come into possession of the property so long as time, date, reason for transfer, is thoroughly documented by both parties involved. This should be a rare occurrence.

800.5.1 PROCESSING AND PACKAGING

All property must be packaged, sealed, initialed, secured, and entered in the evidence tracking software by the responsible member prior to the member going off-duty, unless otherwise approved by a supervisor. If approval is obtained by a supervisor, at minimum, property must be placed in a secure storage location (does not include temporary storage lockers in squad room) prior to the member going off-duty. The responsible member shall document in the narrative the exact time and date the property was placed in the secure storage location. The

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approving supervisor shall, prior to going off-duty, send an email containing case number, name of responsible member, and reason why evidence processing could not be completed, to the Division Chief of Investigations and the evidence custodians. Property items shall be processed and entered into the evidence tracking software by the responsible member on their next shift, or within 24 hours. If it is not possible to enter items within 24 hours, the Division Chief of Investigations shall be contacted directly for approval.

Exceptions should be a rare occurrence and not simply because the responsible member does not want to put in overtime at the end of their shift. Examples of reasonable exceptions include:

- (a) An evidence technician assigned to day shift is called out at 1900 hours and returns to the PD at 2330 hours from processing a scene, and is scheduled for duty at 0630 hours the following day.
- (b) Officer(s), detective(s), or evidence technician(s) who have worked numerous hours (ex: double shift), that fatigue dictates the member get some rest.
- (c) Important personal or family events such as weddings, funerals, vacations involving air flights, work related events such as schools.

Members shall process and package property as follows:

- (a) An entry of items shall be completed describing each item. List all known information, including the following:
 - 1. Serial number
 - 2. Owner's name
 - 3. Collecting member's name
 - 4. Detailed item description
- (b) Property shall be packaged in a container suitable for its size. If no suitable container is available, notify evidence custodians.
- (c) Each item shall be marked with the member's initials.
- (d) A property label shall be completed and attached to the container in which the property is stored.

800.5.2 ITEM PACKAGING

The following items require special consideration and shall be packaged as follows, unless special conditions dictate a reasonable deviation:

Bicycles - Bicycles and bicycle frames shall have a red evidence tag securely attached. During business hours, contact any evidence custodian or technician to place the bicycle or frame in the lab or other secure storage area. Contact the on-call evidence technician after business hours to come in to secure the bicycle.

Biological and related items - Evidence that may contain biological samples shall be indicated as such with a biohazard label.

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Property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure location (e.g., locked drying cabinet) prior to packaging.

Items of evidence collected from a crime scene that require specific storage requirements pursuant to laboratory processing shall have such storage requirements clearly indicated on the property packaging.

Items that are potential biohazards shall be appropriately packaged and procedures should be in place to ensure the timely delivery of blood and other perishable evidence to refrigerated storage or a laboratory. Potential biohazards shall be marked "Biohazard" to reduce the risk of exposure or contamination.

Cash - Cash shall be counted in the presence of another member. The cash shall be placed in a proper packaging and initialed by both members. A currency form must be printed and included with the currency. Both members will also sign the currency form. Counts will also be verified by evidence custodians.

Explosives and fireworks – Explosives, fireworks, and other flammable items will not be retained in the police facility. This includes lighters unless being submitted for DNA or Fingerprint Analysis.

Firearms and other weapons - Firearms shall be unloaded and packaged separately from ammunition. Knife boxes should be used to package knives and other sharp objects.

Seized firearms should not be marked for identification or other purposes (I.C. § 35-47-14-12).

Government property - License plates that have not been reported stolen or are of no evidentiary value should be placed in the secured evidence storage locations for return to the Bureau of Motor Vehicles by evidence custodians.

Sharps - Syringe tubes should be used to package syringes and needles needed for evidence.

800.5.3 CONTROLLED SUBSTANCE/NARCOTICS AND DANGEROUS DRUGS

- (a) Controlled substances/Narcotics and dangerous drugs shall not be packaged with other property. Marijuana shall be packaged in paper.
- (b) The member packaging controlled substances/narcotics and dangerous drugs shall retain such property in his/her possession until it is weighed, packaged, tagged and placed in the secured evidence storage location.
- (c) Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances/narcotics. If conducted, the result of the test shall be included in the narrative.
 1. The member shall package controlled substances/narcotics and dangerous drugs as follows:
 - (a) Photograph the property in the container in which it was located. Keep the inner most packaging and place it in the proper packaging of appropriate size. If the inner most packaging is a large or hard object, transfer the

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contents to an appropriately sized package, separately from the large or hard container.

- (b) Seal and initial the property packaging.
- (c) Marijuana with any perceptible moisture content shall be loosely packaged in a container that allows for drying or shall be dried prior to storage. This should be noted on the packaging and in the collecting member's narrative. The evidence room manager shall monitor stored marijuana for growth of mold.

800.6 RECORDING OF PROPERTY

The evidence custodian receiving custody of property shall ensure a property label is attached for each item.

A unique property number shall be obtained for each item or group of items from the property log. This number shall be recorded on the property label. The evidence tracking software shall document the following:

- (a) Item number
- (b) Case number
- (c) Org number
- (d) Item description
- (e) Item storage location
- (f) Receipt, release and disposal dates

Any change in the location of property held by the Goshen Police Department shall be noted in the evidence tracking software.

800.7 PROPERTY CONTROL

The evidence room custodian temporarily relinquishing custody of property to another person shall record in the evidence tracking software his/her signature, the date and time the property was released, the name and signature of the person accepting custody of the property and the reason for release.

Any member receiving property shall be responsible for such property until it is returned to the Evidence Room or released to another authorized person or entity.

The return of the property to the Evidence Room should be recorded in the evidence tracking software, indicating the date, the time, the name and the signature of the person who received the property.

800.7.1 EVIDENCE

Every time evidence is released or received, an appropriate entry in the evidence tracking software shall be completed to maintain the chain of custody. No evidence is to be released without first receiving written authorization.

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The temporary release of evidence to members for investigative purposes or for court proceedings shall be noted stating the date, time and to whom it was released. Requests for items of evidence needed for court proceedings shall be submitted to the evidence room custodians via email as soon as the member is aware he/she needs the items, but at least 48 hours prior to the court date.

Requests for laboratory analysis shall be completed on the appropriate lab form and submitted to the evidence room custodians. This request may be submitted any time after the property has been packaged.

800.7.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The evidence room custodian releasing items of evidence for laboratory analysis must complete the required information in the evidence tracking software. The transporting member will acknowledge receipt of the evidence by indicating the date and time in the evidence tracking software. Upon delivering the item, the member will record the delivery time in the evidence tracking software and obtain the signature of the person accepting responsibility for the evidence. The original copy of the lab form will remain with the evidence custodians.

800.7.3 CONTROLLED SUBSTANCES/NARCOTICS AND DANGEROUS DRUGS

The evidence room custodians will be responsible for the storage, control and destruction of all controlled substances/narcotics and dangerous drugs coming into the custody of this department.

800.8 RELEASE OF PROPERTY

No property should be released from the Evidence Room without documented authorization, and/or as deemed appropriate by evidence disposal guidelines.

Release of property shall be made, when appropriate, listing the name of the person to whom the property is to be released. Release of all property shall be documented in the evidence tracking software.

Firearms or ammunition should only be released upon presentation of valid government issued identification and authorized documents showing that the individual may legally possess the item (see the Release of Firearms in Storage subsection below).

All reasonable attempts shall be made to identify the rightful owner of found property and items held for safekeeping. These attempts shall be documented in RMS.

Found property and property held for safekeeping shall be retained for the period of time required by law. During such period, Evidence Room members shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented in the evidence tracking software.

An evidence room custodian shall place items to be released in the designated area; the items shall be released when the owner presents proper identification. The signature of the person receiving the property shall be recorded in the evidence tracking software.

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800.8.1 FIELD RELEASE OF PROPERTY

Members may release certain property or evidence in the field to the lawful owner of the property or evidence can be sufficiently documented with photographs and release of the item will not compromise the case.

The release of any evidence should be documented with photographs and the return should be video recorded with your department issued device.

800.8.2 DISCREPANCIES

The officer-in-charge shall be immediately notified whenever a person alleges that there is a shortage or discrepancy regarding his/her property. The officer-in-charge will interview the person claiming the shortage and then immediately notify the Division Chief of Investigations. The officer-in-charge shall ensure that a search for the alleged missing items is completed and shall attempt to prove or disprove the claim.

800.8.3 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by this department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or establishes an undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for this department should be contacted.

800.8.4 RELEASE OF FIREARMS IN STORAGE

The evidence room manager shall facilitate the release and return of a stored firearm to the individual or a responsible third party upon receipt of a court order requiring return of a firearm that has been held in storage at the Department or at a department-contracted storage facility (I.C. § 35-47-14-3; I.C. § 35-47-14-6; I.C. § 35-47-14-10).

800.9 DESTRUCTION OR DISPOSAL OF PROPERTY

All property will be disposed of in accordance with the Evidence Disposal Guidelines outlined in the Evidence Handling Directive.

800.9.1 MARIJUANA

At the first sign of mold growth, stored marijuana shall be photographed showing the mold growth. As soon as practicable, the evidence room manager shall make efforts to lawfully destroy the contaminated marijuana, in compliance with this policy. The evidence room manager should consult with the member assigned to the case investigation for authorization to destroy the remaining marijuana, after taking representative samples, and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

800.9.2 BIOLOGICAL EVIDENCE FROM SEXUAL ASSAULT CASES

The Department should provide status and storage updates to the Division (Victim Services Division of the Indiana Criminal Justice Institute), such as when a sample is returned or

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removed from the Evidence Room, via the web-based claims reimbursement and sexual assault examination kit tracking system (I.C. § 16-21-8-10; I.C. § 16-21-8-12).

800.10 INSPECTIONS, INVENTORIES AND AUDITS OF THE EVIDENCE ROOM

The Division Chief of Investigations shall ensure that Evidence Room operations and storage facilities are inspected for compliance with applicable policies and procedures, including periodic unannounced inspections.

The Division Chief of Investigations shall also ensure that audits are conducted as necessary.

Inspections and audits should be conducted by a member of this department who is not routinely or directly connected with the Evidence Room operations.

The results of all inspections and audits should be documented and forwarded to the Chief of Police.

800.10.1 TIMING

Inspections should occur at least quarterly.

Audits, including an inventory, should occur bi-annually.

Whenever there is a change of assignment for any member with authorized access to the Evidence Room, an inventory of all property shall be conducted to ensure that all property is accounted for and records are correct.

Records Section

801.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Goshen Police Department Records Section. The policy addresses department file access and internal requests for case reports.

801.2 POLICY

It is the policy of the Goshen Police Department to maintain department records securely, professionally and efficiently.

801.3 RESPONSIBILITIES

801.3.1 ADMINISTRATIVE ASSISTANT

The Chief of Police shall appoint and delegate certain responsibilities to a Administrative Assistant. The Administrative Assistant shall be directly responsible to the Administration Division Chief or the authorized designee.

The responsibilities of the Administrative Assistant include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Section.
- (b) Scheduling and maintaining Records Section time records.
- (c) Supervising, training and evaluating Records Section staff.
- (d) Maintaining and updating a Records Section procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:
 1. Homicides
 2. Cases involving department members or public officials
 3. Any case where restricted access is prudent

801.3.2 RECORDS SECTION

The responsibilities of the Records Section include, but are not limited to:

- (a) Maintaining a records management system for case reports.
 1. The records management system should include a process for numbering, identifying, tracking and retrieving case reports.

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- (b) Entering case report information into the records management system.
 - 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state and local regulations regarding reporting requirements of crime statistics (I.C. § 10-13-2-6).
- (e) Maintaining compliance with federal, state and local regulations regarding criminal history reports and auditing (I.C. § 10-13-2-6).
- (f) Identifying missing case reports and notifying the responsible member's supervisor.

801.3.3 WARRANT AND WANTED PERSONS FILES

If the Department is responsible for maintaining a warrant and wanted persons file, the Administrative Assistant should also develop procedures for establishing warrant service files. This includes:

- (a) Criteria for entering warrants in regional, state or federal information systems.
- (b) Criteria for receiving information from other jurisdictions.
- (c) Recording information into department files.
- (d) Verifying information.
- (e) Canceling information.
- (f) Ensuring 24-hour access to warrants.

801.4 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a police department case, criminal history records and publicly accessible logs, shall be maintained in a secure area within the Records Section, accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Shift Captain.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

801.5 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

Records Maintenance and Release

802.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

802.2 POLICY

The Goshen Police Department is committed to providing public access to records in a manner that is consistent with the Indiana Public Records Act (I.C. § 5-14-3-1 et seq.).

802.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include, but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule, including:
 1. Identifying the minimum length of time the Department must keep records.
 2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records and to regulating any material interference with the regular discharge of the functions or duties of the Department and its members (I.C. § 5-14-3-7).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law is available (I.C. § 5-14-3-8).
- (g) Ensuring a daily log is maintained that lists suspected crimes, accidents or complaints and makes available information relating to arrests, summons and jailed persons as required by I.C. § 5-14-3-5.

802.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

802.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

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- (a) All requests for public records shall be in writing or on a form supplied by the Department and shall identify with reasonable particularity the record being requested (I.C. § 5-14-3-3).
- (b) A written response shall be provided to the requester within seven days.
- (c) Within a reasonable time after the request, the Custodian of Records or the authorized designee shall make records or copies available to the requester as provided by I.C. § 5-14-3-3.
- (d) Copies of electronic data may be provided in the medium requested if it is compatible with the department's system (I.C. § 5-14-3-3).
- (e) The Department is not required to create records that do not exist.
- (f) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (I.C. § 5-14-3-6).
 - (a) A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio/video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

[See attachment: Records Request with Translation](#)

802.4.2 DENIALS

The denial of a written request for records shall (I.C. § 5-14-3-9):

- (a) Be made within seven days of receipt of the request.
- (b) Be in writing.
- (c) Include the reason for the denial.
- (d) Contain a citation to the specific authority that authorizes the denial.
- (e) Contain the name and position title of the person denying the request.

802.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any department record, including traffic accident reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; I.C. § 5-14-3-4).
- (b) Personnel files and files of applicants except for names; compensation; job title; business address and telephone number; job description; education and training background; previous work experience or dates of first and last employment of present

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or former members; information relating to the status of any formal charges against a member; and the factual basis for a disciplinary action in which final action has been taken and that resulted in the member being suspended, demoted, or discharged (I.C. § 5-14-3-4).

1. Job titles and job descriptions of officers shall remain confidential (I.C. § 5-14-3-4.3).
 2. The home address, telephone number, and contact information of an officer shall remain confidential (I.C. § 5-14-3-4(b)(19)).
 3. If an officer is operating undercover, the name, compensation, business address and telephone number, education and training background, previous work experience, or dates of first employment shall also remain confidential.
- (c) Records that are either intra-agency/interagency advisories or deliberative material that are expressions of opinion or of a speculative nature and that are communicated for the purpose of making a decision (I.C. § 5-14-3-4).
- (d) Work product of an attorney for the Department (I.C. § 5-14-3-4).
- (e) Administrative or technical information that would jeopardize a record keeping or security system (I.C. § 5-14-3-4).
- (f) The telephone number and address of a complainant contained in department records except if the address is the location of the suspected crime, infraction, accident, or complaint reported (I.C. § 5-14-3-4).
- (g) Records requested by an offender that contain personal information about a correctional officer, law enforcement officer, judge, the victim of a crime, or a family member of any of the preceding (I.C. § 5-14-3-4).
- (h) Certain law enforcement juvenile-related records (I.C. § 31-39-3-4).
- (i) Investigatory records (I.C. § 5-14-3-2(i); I.C. § 5-14-3-4).
- (j) Criminal intelligence information (I.C. § 5-14-3-2(c); I.C. § 5-14-3-4).
- (k) Certain types of reports involving but not limited to child abuse and molestation (I.C. § 31-33-18-1; I.C. § 31-33-18-2) and endangered adult abuse (I.C. § 12-10-3-15).
- (l) Personal identifying information submitted by a person to obtain or renew a license to carry a handgun, or information obtained by a federal, state, or local government entity in the course of an investigation concerning a person who applies to obtain or renew a license to carry a handgun (I.C. § 35-47-2-3).
- (m) Audio, visual, or audiovisual recordings of law enforcement activities captured by a body-worn camera or MAV system (I.C. § 5-14-3-4):
1. If disclosure of any law enforcement recording is required under I.C. § 5-14-3-5.1 or I.C. § 5-14-3-5.2, the Administrative Assistant should ensure applicable portions are obscured as required, before releasing the recordings.
- (n) A recording that has captured information about airport security, procedures, areas, or systems, unless there is approval by an appropriate public agency.

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- (o) A record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism, including a record which, if released, would have a reasonable likelihood of threatening public safety by exposing a vulnerability of locations or structures to a terrorist attack (I.C. § 5-14-3-4(b)(19)).
- (p) Any other information that may be appropriately denied by those records declared confidential by a rule adopted by the Department granted by statute, state statute, rules adopted by the Indiana Supreme Court, or federal law (I.C. § 5-14-3-4).

802.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the Prosecuting Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

802.7 SECURITY BREACHES

Any member who becomes aware that any Goshen Police Department system has been subject to a cybersecurity incident should notify the Administrative Assistant as soon as practicable (I.C. § 4-13.1-1-1.5).

The Administrative Assistant should provide notice to all entities in the form and manner required by federal, state, and local law. Notice should be given as soon as practicable but not later than two business days after discovery (I.C. § 4-13.1-2-9).

802.8 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction.

The Custodian of Records shall expunge such records as ordered by the court. Once expunged, members shall respond to any inquiry as though the record did not exist (I.C. § 35-38-9-6).

A court order that requires records to be marked as expunged shall be clearly and visibly marked by the Custodian of Records. These records shall remain public records (I.C. § 35-38-9-7).

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802.9 TRAINING

All members authorized to manage, release or facilitate public access to department records shall complete a training program that includes identification of material appropriate for public access and the department systems and procedures guiding such release and access.

Protected Information

803.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Goshen Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

803.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Goshen Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

803.2 POLICY

Members of the Goshen Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

803.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Bureau of Motor Vehicles (BMV) records and the Indiana Data and Communications System (IDACS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.

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- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

803.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Goshen Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

803.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Administrative Assistant for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

803.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.

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- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

803.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

803.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

Animal Control

804.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

804.2 POLICY

It is the policy of the Goshen Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

804.3 OFFICER RESPONSIBILITIES

Animal control services are generally the primary responsibility of officer and include the following:

- (a) Animal-related matters during periods when officer is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that officer is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

804.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling vicious or non-domesticated animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
 - 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
 - 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

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3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

804.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to Abandonment or Neglect of Vertebrate Animals (I.C. § 35-46-3-7); Beating Vertebrate Animals (I.C. § 35-46-3-12); Domestic Violence Animal Cruelty (I.C. § 35-46-3-12.5); Purchase or Possession of Animals for Fighting Contests (I.C. § 35-46-3-8).

804.6 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

804.7 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and an ordinance citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

804.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the supervisor or designee will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

804.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues and issue an ordinance violation when appropriate.

804.10 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

Animal Control

804.11 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

804.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor. Officers shall prepare an Intra-Department report and forward to the administration and Chief Firearms Instructor the facts and circumstances of the incident to include:

- date and time
- what animal was being engaged
- direction firearm was fired including the angle
- background when firing, how many rounds were fired, and were all accounted for
- was the intended target hit
- was there an alternative to resolve the situation

804.13 DISEASED ANIMALS

Officers shall provide assistance, as requested to the Indiana State Board of Animal Health, the state veterinarian, a county veterinarian or an agent of the U.S. Department of Agriculture (I.C. § 15-17-19-1).

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Goshen Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The period an adult is in custody at the Goshen Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Goshen Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Goshen Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.

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- (d) Individuals who are a suspected suicide risk (see the Involuntary Detention Policy).
 - 1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported as soon as practical to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.

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- (c) Any other person authorized by the supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.3.4 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there are any statements, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or another facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall:

- (a) Advise the supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 2. Provide an individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.

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- (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
- 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
- 4. Ensure males and females are separated by sight and sound when in cells.
- 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Chief will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
 - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 - 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 - (c) Forward any communication from the individual to his/her consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.

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2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

900.5.2 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current training in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an

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individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Goshen Police Department. They should be released or transferred to another facility as appropriate.

900.5.3 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.4 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Goshen Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

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- (a) The individual shall be searched (see the Custodial Searches Policy) and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be video recorded.
- (e) Safety checks by department members shall occur no less than every 15 minutes.
 - 1. Safety checks should be at varying times.
 - 2. All safety checks shall be logged.
 - 3. The safety check should involve questioning the individual as to his/her well-being.
 - 4. Individuals who are sleeping or apparently sleeping should be awakened.
 - 5. Requests or concerns of the individual should be accommodated when feasible.

900.8 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Division Chief will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Goshen Police Department. The procedures should include:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Shift Captain, Chief of Police and Investigation Division Chief.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Attorney.
- (f) Notification of the Elkhart County Homicide Unit.
- (g) Evidence preservation.

900.9 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.

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- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Goshen Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
 - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

900.10 ASSIGNED ADMINISTRATOR

The Patrol Division Chief will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

- (a) General security
 - 1. Areas used for temporary custody, including any cell areas, should be inspected for safety hazards and contraband at the beginning of each shift.
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment
- (e) Escapes
- (f) Evacuation plans
- (g) Fire and life-safety
- (h) Disaster plans
- (i) Building and safety code compliance

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900.11 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

Temporary Custody of Juveniles

901.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Goshen Police Department (34 USC § 11133).

901.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (I.C. § 31-37-1-2). It also includes an offense for possession of a handgun (I.C. § 35-47-10-5; 28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other department member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Safety checks - Direct visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (e) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

901.2 FORMS

See attachment: [Intake Center Protocol for Police](#)

See attachment: [TRANSPORTING OFFICER QUESTIONNAIRE 2020](#)

See attachment: [Juvenile Detention Intake Center Screening Call Questionnaire](#)

901.3 POLICY

The Goshen Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and to keeping juveniles safe while in temporary custody at the Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

901.4 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Goshen Police Department. These include:

- (a) Unconsciousness or having been unconscious while being taken into custody or transported.
- (b) Serious injuries or a medical condition requiring immediate medical attention.
- (c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Involuntary Detentions Policy).
 - 1. If the officer taking custody of a juvenile believes that he/she may be a suicide, risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.
- (d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (e) Extremely violent or continuously violent behavior.
- (f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Officers taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the

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situation. These juveniles should not be held at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

901.5 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Goshen Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Department without authorization of the arresting officer's supervisor or the Shift Captain. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable. In no event shall a juvenile be held beyond six hours from the time of his/her entry into the Department (34 USC § 11133; I.C. § 31-37-7-2).

901.5.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Goshen Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

901.5.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

901.5.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Goshen Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Juvenile offenders may be taken into custody under the following circumstances:

- (a) Pursuant to a court order (I.C. § 31-37-4-1).
- (b) When the officer has probable cause to believe that the juvenile has committed an act that would subject an adult to an arrest (I.C. § 31-37-1-2; I.C. § 31-37-4-2).

901.6 ADVISEMENTS

When a juvenile is taken into custody for an offense that would warrant the arrest of an adult, the officer shall notify the superintendent of the school district in which the juvenile is enrolled, or if

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the juvenile is enrolled in a private school, the chief administrative officer of the juvenile's school, within 48 hours. The officer should notify the school official of the reasons the juvenile was taken into custody, but may not disclose information that is confidential under state or federal law (I.C. § 31-37-4-3).

901.7 JUVENILE CUSTODY LOGS

Any time a juvenile is in temporary custody at the Goshen Police Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Department.
- (c) Supervisor notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure custody.
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The supervisor should initial the log to approve the temporary custody, including any secure custody, and should initial the log when the juvenile is released.

901.8 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Goshen Police Department (34 USC § 11133; I.C. § 31-37-7-2). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Department shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

901.9 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Goshen Police Department shall ensure:

- (a) The supervisor is notified if it is anticipated that a juvenile may need to remain at the Department more than four hours. This will enable the supervisor to ensure no juvenile is held at the Department more than six hours.
- (b) Safety checks and significant incidents/activities are noted on the log.

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- (c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (d) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (e) There is reasonable access to toilets and wash basins.
- (f) There is reasonable access to a drinking fountain or water.
- (g) Food is provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (i) There is privacy during family, guardian and/or attorney visits.
- (j) Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (m) Adequate furnishings are available, including suitable chairs or benches.
- (n) Juveniles have the right to the same number of telephone calls as adults in temporary custody (see the Temporary Custody of Adults Policy).
- (o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

901.10 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Goshen Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

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901.10.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

901.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody. supervisor approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

901.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the locked enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when he/she is released. Any damage noted to the area should be photographed and documented.

The following requirements shall apply:

- (a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.
- (c) The juvenile shall have constant auditory access to department members.
- (d) The juvenile's initial placement into and removal from a locked enclosure shall be logged.
- (e) Unscheduled safety checks by department members shall occur no less than every 15 minutes.
 1. All safety checks shall be logged.
 2. The safety check should involve questioning the juvenile as to his/her well-being.
 3. Juveniles who are sleeping or apparently sleeping should be awakened.

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4. Requests or concerns of the juvenile should be logged.
- (f) Males and females shall not be placed in the same locked room.
- (g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (h) Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.

901.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Division Chief will ensure procedures are in place to address any suicide attempt, death or serious injury of any juvenile held at the Goshen Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Administration, Shift Captain and Investigation Division Chief
- (c) Notification of the parent, guardian or person standing in loco parentis of the juvenile
- (d) Notification of the appropriate prosecutor
- (e) Notification of the City Attorney
- (f) Notification of the Elkhart County Homicide Unit
- (g) Notification of the juvenile court
- (h) Evidence preservation

901.13 INTERVIEWING OR INTERROGATING

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation. Also that an attorney, parent or guardian with no interest adverse to the child has been advised of the reason the juvenile has been taken into custody, and has consented to the interview or interrogation. The juvenile must also knowingly and voluntarily consent to the interview or interrogation (I.C. § 31-32-5-1).

901.13.1 RECORDING INTERROGATIONS

Custodial interrogations of juveniles that take place at the Goshen Police Department or other place of detention shall be audio and video recorded (Ind. Evid. R. 617; I.C. § 31-30.5-1-2). Audio-only recording is permitted when the interrogation occurs at a non-detention location (e.g., home, school) (I.C. § 31-30.5-1-3). Recordings shall be retained as required by I.C. § 31-30.5-1-4.

Meaningful consultation with a parent/guardian shall not be recorded or monitored.

901.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

A juvenile offender may be fingerprinted or photographed if he/she was taken into custody for an offense that would be a felony if committed by an adult and was at least 14 years of age when the

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offense was committed (I.C. § 31-39-5-1). The fingerprints and photographs will be maintained separately from those of adults (I.C. § 31-39-5-2).

The officer who takes the juvenile's fingerprints or photographs shall notify the juvenile's parent, guardian, or custodian, in writing, of the juvenile's rights to request that fingerprints or photographs be destroyed or delivered to the juvenile in accordance with I.C. § 31-39-5-4. The department shall comply with any such request within 60 days if the conditions in I.C. § 31-39-5-4 are satisfied (I.C. § 31-39-5-5).

901.15 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures. Training should specifically include the school notification requirements set forth in I.C. § 31-37-4-3.

Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Goshen Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

Custodial Searches

902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Goshen Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Evidence Room Policy.

902.4.2 VERIFICATION OF MONEY

Money subject to seizure shall be counted in front of the individual from whom it was received while using the officer's Body-Worn device. All appropriate seizure documents shall be forwarded to the Elkhart County Prosecutor's Office and the money shall be kept as evidence. When money is not subject to seizure, an officer should conduct a count of the money in the presence of the arrestee, the money shall be transported with the individual to the correctional facility where an inventory of all personal items will occur.

902.5 STRIP SEARCHES

No individual in temporary custody at any Goshen Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband (210 I.A.C. 3-1-13). Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.

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- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Goshen Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the supervisor shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 1. The facts that led to the decision to perform a strip search.
 2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The written authorization for the search, obtained from the supervisor.
 4. The name of the individual who was searched.
 5. The name and sex of the members who conducted the search.
 6. The name, sex and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps

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are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with supervisor authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the supervisor authorization does not need to be in writing.

902.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (210 I.A.C. 3-1-13):

- (a) No individual shall be subjected to a physical body cavity search without written approval of the supervisor and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only medical personnel may conduct a physical body cavity search.
- (c) Except for the medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The supervisor's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any department members present.

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8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and shall be made available to the individual who was searched or other authorized representative upon request.

902.7 TRAINING

The Training Lieutenant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Goshen Police Department and that are promulgated and maintained by the Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Goshen Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Assistant Chief or designee should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include, when feasible:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.

The Assistant Chief or designee shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph, truth telling device, or voice stress analyzer (VSA) examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment
- (k) Entire employment file from law enforcement agencies that have employed, or currently employ, a law enforcement officer candidate, including findings and orders related to prior disciplinary action or internal investigations (I.C. § 36-8-2-2)

1000.4.1 EXAMINER QUALIFICATIONS

Polygraph, truth telling device, or VSA examiners should have a certification on file with the Administration Division Chief.

1000.4.2 HIRING PREFERENCE

The Department will provide preference as required by I.C. § 36-8-10-10.4.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Goshen Police Department.

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1000.5.1 INVESTIGATOR TRAINING

Members who conduct background investigations should receive department-approved training in collecting the required information.

1000.5.2 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Assistant Chief or designee should not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Assistant Chief or designee should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Assistant Chief or designee should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior

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- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet minimum standards established by Indiana law, including the following (I.C. § 36-8-3.5-12; 250 IAC 2-3-1 et seq.):

- (a) Be a citizen of the United States.
- (b) Be at least 21 years of age, but less than the maximum age as established by law when applicable.
 1. Veterans are exempt from the maximum age restriction (I.C. § 36-8-4.7-5).
- (c) Have obtained a high school degree or a recognized equivalent.
- (d) Be free from any felony convictions or any other crime or series of crimes that would indicate to a reasonable person that the applicant is potentially dangerous, violent, or has the propensity to break the law.
- (e) Demonstrate successful completion of minimum agility and aptitude tests.
- (f) Be free from any physical, emotional, or mental condition that might adversely affect the exercise of police powers.
 1. Before a candidate may be selected as an officer, he/she shall be examined by a licensed medical doctor according to the requirements in I.C. § 36-8-8-19, which must include the following:
 - (a) A general medical history.

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- (b) A determination of the candidate's ability to perform the essential functions of the position of officer.
- 2. Before a candidate may be selected as an officer, he/she must obtain a positive recommendation of emotional and mental fitness.
- (g) Be of good moral character as determined by a thorough background investigation and criminal history investigation.
- (h) Possess a valid driver's license.
- (i) Be fingerprinted for both a state and federal criminal records check.
- (j) The Goshen Police Department may establish additional standards for selection of a candidate for the position of officer pursuant to I.C. § 36-8-3.2-6.

1000.8 PROBATIONARY PERIODS

The Assistant Chief or designee should coordinate with the Training Lieutenant and Field Training Coordinator to identify positions subject to probationary periods and procedures for (I.C. § 36-8-3.5-12):

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Documenting successful or unsuccessful completion of probation.

Performance Evaluations

1001.1 PURPOSE AND SCOPE

This policy provides guidelines for the Goshen Police Department performance evaluation system.

1001.2 POLICY

The Goshen Police Department shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The Department evaluates employees in a nondiscriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 TYPES OF EVALUATIONS

The Department shall use the following types of evaluations:

Regular - An evaluation completed annually by the employee's assigned shift's supervisory staff. Employees who have been promoted should be evaluated as established by the Division Chief or, minimally, on the anniversary of the date of the last promotion.

When an employee transfers to a different assignment in the middle of an evaluation period and less than six months has transpired since the transfer, the evaluation should be completed by the current supervisory staff with input from the employee's previous supervisor.

Special - An evaluation that may be completed at any time the supervisor and Division Chief or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

1001.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category and coinciding evaluation score is as follows:

Outstanding 4/1 - Performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds standards 3/75 - Performance is better than demonstrated by a competent employee. It is performance superior to what is required, but is not of such nature to warrant a rating of outstanding.

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Meets standards 2/50 - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

Needs improvement 1/25 - Performance is less than the standards required of the position. A needs improvement rating shall be thoroughly discussed with the employee.

Unsatisfactory 00 - Performance is inferior to the standards required of the position. It is inadequate or undesirable performance that cannot be allowed to continue.

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses and requirements for improvement. Any job dimension rating marked as unsatisfactory or outstanding shall be substantiated with supervisor comments.

1001.3.2 PERFORMANCE IMPROVEMENT PLAN (Tier 2 and 3 Performance Improvement Plan)

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review his/her performance and the status of the PIP at least monthly.

Tier #1(32 and Above)

You are meeting or exceeding the police department expectations. Supervisor can count on you as an active participant who continues a pattern of quality work and strives to become even better. You are promotable and capable of being an Officer-In-Charge depending on experience level and seniority. This would be the Tier needed to maintain any department amenities.

Tier #2(24 to 31)

The officer has a passing evaluation, but is ineligible to be an Officer-In Charge, and is ineligible for promotion. Depending on their progress; amenities offered by the police department such as take-home vehicle, department specialties, appointed positions, and Officer-In-Charge status could be temporarily suspended until the officer improves their performance. The officer will be given opportunities to improve their performance through goals provided by their supervisors.

(Any ranking officer falling into Tier #2 or below on more than one occasion may have their performance presented to the Board of Public Works and Safety for demotion from rank)

Tier #3(23 or Below)

The officer is considered substandard. The officer is failing and will be subjected to strict correction plans to improve their performance. If the officer is apathetic to change, refuses to increase proficiency, and show stagnant or decreased activity, severe consequences will occur up to termination.

(Any officer falling into Tier #3 on more than one occasion may have their performance presented to the Board of Public Works and Safety for termination from employment)

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Tier #2 Procedures

Patrol Officer

1st Step

- (a) Placed on a correction plan for a period up to three (3) months
- (b) Not allowed to be Officer-In-Charge
- (c) Supervisors monitor to see if officer is on track for an evaluation score of 32 or higher
- (d) If after the correction plan period the officer is on track, they would be allowed to be Officer-In-Charge again
- (e) If not, it would advance to 2nd Step

2nd Step

- (a) Placed on a second modified correction plan for a period up to three (3) months
- (b) Not allowed to be Officer-In-Charge
- (c) Would lose all department amenities to include, but not be limited to; take home vehicle, suspended from appointed specialties to include, but not be limited to SWAT, Department Trainer, Field Training Officer, Evidence Tech, K-9, ICE, SRO, consideration for specialty schools, etc.
- (d) If after the modified correction plan period the officer is on track they would earn privileges back and could be Officer-In-Charge
- (e) If not, modifications are made by supervisors to the corrective plan, sanctions remain until their score is 32 or higher

Ranking Officer

1st Step

- (a) Placed on a correction plan for a period up to three (3) months
- (b) Not allowed to be Officer-In Charge and their rank authority would be temporarily suspended
- (c) Supervisors monitor to see if ranking officer is on track for an evaluation score of 32 or higher
- (d) If after the correction plan period the ranking officer is on track, they would be allowed to be Officer-In-Charge again and to have rank authority restored
- (e) If not, it would advance to 2nd Step

2nd Step

- (a) Placed on a second modified correction plan for a period up to three (3) months
- (b) Continuation of restriction, not allowed to be Officer-In-Charge and their rank authority would be temporarily suspended

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- (c) Would lose all department amenities to include, but not be limited to; take home vehicle, suspended from appointed specialties to include, but not be limited to SWAT, Department Trainer, Field Training Officer, Evidence Tech, K-9, ICE, SRO, consideration for specialty schools, etc.
- (d) If after the modified correction plan period the ranking officer is on track they would earn privileges back and could be Officer-In-Charge again and to have rank authority restored
- (e) If not, it would advance to 3rd Step

3rd Step

- (a) Would participate in a mandatory meeting with the Executive Staff (Chiefs) and supervisors
- (b) Placed on a third modified correction plan for up to six (6) month time period
- (c) Supervisors monitor to see if ranking officer is on track for an evaluation score of 32 or higher
- (d) If after the third correction plan period the ranking officer is on track they would earn privileges back and could be Officer-In-Charge again and to have rank authority restored
- (e) If not, it would advance to 4th Step

4th Step

- (a) Case presented to Board of Public Works and Safety for demotion to patrol officer

Tier #3 Procedures

- (a) Would participate in mandatory meeting with the Executive Staff (Chiefs) and supervisors
- (b) Placed on a modified correction plan up to six (6) month time period
- (c) Not allowed to be Officer-In-Charge, if a ranking officer their rank authority would be temporarily suspended
- (d) Would lose all department amenities to include, but not be limited to; take home vehicle, suspended from appointed specialties to include, but not be limited to; SWAT, Department Trainer, Field Training Officer, Evidence Tech, K-9, ICE, SRO, consideration for specialty schools, etc.
- (e) If after the correction plan period the officer is on track for a Tier #2 score, refer to 2nd Step listed above
- (f) If not on track for an evaluation score above a Tier #3 after the correction plan the officer is placed on a second correction plan up to a six (6) month time period to improve their performance
- (g) If after the second correction plan period the officer is on track for a Tier #2 score, refer to 2nd Step listed above

Performance Evaluations

- (h) If after the second correction plan period the officer is not on track for a Tier #2 score or higher, case would be presented to the Board of Public Works and Safety for termination

1001.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance and the evaluation criteria with each employee.

Performance evaluations cover a specific period and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's supervisors. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

1001.5 EVALUATION FREQUENCY

Supervisors shall ensure that all employees they supervise are evaluated at least once every calendar year. And each officer shall have a review of their established goals every six (6) months.

Supervisors shall work in conjunction with Field Training Officers to track the progress of officers in their probationary year. Officers with less than two years of continuous service are not subject to the Tier 2 and Tier 3 performance improvement plan. The progress of a new officer shall be monitored by the Field Training Program's Coordinator and the shift supervisors.

1001.6 EVALUATION INTERVIEW

When the supervisor has completed his/her evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

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1001.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the supervisor shall provide access to and require the employee to read the City harassment and discrimination policies and the Goshen Police Department Discriminatory Harassment Policy. The supervisor shall give the employee a form to be completed and returned that acknowledges the following:

- (a) The employee understands the harassment and discrimination policies.
- (b) The employee has had all questions regarding the policies sufficiently addressed.
- (c) The employee knows how to report alleged harassment and discrimination policy violations.
- (d) Whether the employee has been the subject of, or witness to, any unreported conduct that may violate the discrimination or harassment policies.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow-up action is taken.

1001.7 APPEAL

An employee who disagrees with his/her evaluation may provide a formal written response that will be attached to the evaluation, or may request an appeal.

To request an appeal, the employee shall forward a written memorandum within three days to the evaluating supervisor's Division Chief or the authorized designee. The memorandum shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

1001.8 CHAIN OF REVIEW

The signed performance evaluation and any employee attachment should be forwarded to the evaluating supervisor's Division Chief or the authorized designee. The Division Chief or the authorized designee shall review the evaluation for fairness, impartiality, uniformity and consistency, and shall consider any written response or appeal made by the employee.

The Division Chief or the authorized designee should evaluate the supervisor on the quality of ratings given.

1001.9 EVALUATION RESPONSIBILITIES

Officers of the same rank or position shall be evaluated using the same form by the following:

- (a) The Chief of Police shall evaluate the Assistant Chief of Police.
- (b) The Chief of Police and the Assistant Chief of Police shall evaluate the Patrol Division Chief and the Investigations Division Chief.
- (c) The Patrol Division Chief shall evaluate each Captain.

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- (d) The Patrol Division Chief and shift Captain shall jointly evaluate the shift Lieutenant of each respective shift.
- (e) The shift Captain and shift Lieutenant shall jointly evaluate the shift Sergeant of their respective shift.
- (f) The shift Captain, shift Lieutenant and shift Sergeant shall jointly evaluate each Patrol Officer of their respective shift.
- (g) The shift Captain, shift Lieutenant, shift Sergeant, Field Training Officer or Training Officer shall jointly evaluate each Patrol Officer of their respective shift every six (6) months during the Patrol Officer's first twenty-four (24) months of employment with the Department.
- (h) The Investigations Division Chief shall evaluate each Detective.
- (i) The Patrol Division Chief and a school official shall jointly evaluate each School Resource Officer.
- (j) The Patrol Division Chief shall evaluate the Drug Unit Captain.
- (k) The Patrol Division Chief and Drug Unit Captain shall jointly evaluate each Drug Unit Officer.

1001.10 RETENTION AND DISTRIBUTION

The original performance evaluation and any original correspondence related to an appeal shall be maintained by the Department in accordance with the Personnel Records Policy.

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee and also forwarded to the Chief of Police.

Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Goshen Police Department.

1002.2 POLICY

The Goshen Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1002.3 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

- (a) Elkhart County Regional SWAT Team member
- (b) Proactive Investigative Team
- (c) Motorcycle officer
- (d) Bicycle Patrol officer
- (e) Canine handler
- (f) Accident investigator or Measurement Team
- (g) Field Training Officer
- (h) Community Relations/Training Officer
- (i) School Resource officer
- (j) Court Officer
- (k) Special Police Officers
- (l) Department Training Officers
- (m) Evidence Technicians
- (n) Elkhart County Homicide Unit Detective
- (o) Investigations and Covert Enforcement Unit (I.C.E.) Officers

1002.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Two years of relevant experience
- (b) Off probation
- (c) Possession of or ability to obtain any certification required by the Indiana Law Enforcement Training Board or law

Special Assignments and Promotions

- (d) Exceptional skills, experience or abilities related to the special assignment

1002.3.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expressed an interest in the assignment.
- (d) Demonstrates the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership skills
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to department goals and objectives in a positive manner

1002.3.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

- (a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.
 - 1. The supervisor recommendations will be submitted to the Division Chief for whom the candidate will work.
- (b) Administrative interview - The Division Chief will schedule interviews with each candidate.
 - 1. Based on supervisor recommendations and those of the Division Chief after the interview, the administration will submit their recommendations to the Chief of Police.
- (c) Assignment by the Chief of Police.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training and at the discretion of the Chief of Police.

1002.4 PROMOTIONAL REQUIREMENTS

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1002.4.1 SPECIAL ASSIGNMENT PROMOTIONAL PROCESS

The Assistant Chief or designee should coordinate with the appropriate division chief to develop the promotional process for both sworn and non-sworn positions which may include:

- A written announcement of vacant positions.
- A description of the qualifications for a vacant position.

Grievances

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the Goshen Police Department grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

1003.2 GRIEVANCE PROCEDURE AND BINDING ARBITRATION

See attachment: [Article 26 Grievance Procedure and Binding Arbitration](#)

Reporting of Arrests, Convictions and Court Orders

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions and court orders restrict their ability to perform the official duties and responsibilities of the Goshen Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction or court order disqualifies them from possessing a firearm.

1004.2 POLICY

The Goshen Police Department requires disclosure of member arrests, convictions and certain court orders to maintain the high standards, ethics and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

1004.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and Indiana law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; I.C. § 35-47-4-6; I.C. § 34-26-5-9; I.C. § 35-47-4-6.5).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1004.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Persons convicted of committing or attempting to commit a serious violent felony may not possess a firearm (I.C. § 35-47-4-5).

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1004.5 REPORTING

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Chief of Police) or in the Chief's absence his/her designee in writing of any past or current criminal detention, arrest, charge or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

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Reporting of Arrests, Convictions and Court Orders

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Chief of Police) or in the chief's absence his/her designee in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable Indiana Law Enforcement Training Board certification.

Any member whose criminal arrest, conviction or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes, but is not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retired Officer Identification Card Policy).

1004.5.1 NOTIFICATION REQUIREMENTS

The Goshen Police Department's Training Lieutenant should submit the proper notice to the Indiana Law Enforcement Training Board of any convictions that could disqualify an employee.

Drug- and Alcohol-Free Workplace

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1005.2 POLICY

It is the policy of the Goshen Police Department to provide a drug- and alcohol-free workplace for all members (I.C. § 22-9-5-24).

1005.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1005.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the police administration prior to commencing any on-duty status.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1005.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1005.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance. Officers in a covert operational unit who are

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authorized to consume alcohol shall not consume more than 2 beers from a normal 12-ounce container. The officer shall never consume more than 2 beers when considered on-duty during a plainclothes operation.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow on-duty member is impaired due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1005.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1005.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1005.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any the following circumstances:

Blood, breath, and urine tests for controlled substances are mandatory for any member of the department who is suspected of being under the influence of alcohol or any drug while on duty; provided, however, that the officer shall not be required to submit to any such tests in regards to any occurrence at a time when he/she, while off duty, was compelled to take immediate police action in response to an emergency situation except in the event of a property damage accident or personal injury accident.

1005.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.

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- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1005.7.2 DISCIPLINE

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

1005.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1005.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

1006.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) or the Indiana Organ or Bone Marrow Donor Acts (I.C. § 4-15-16-7; I.C. 4-15-16-8).

1006.2 POLICY

It is the policy of the Goshen Police Department to provide eligible employees with a sick leave benefit.

1006.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences.

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment and Outside Overtime Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1006.3.1 NOTIFICATION

All members should notify the Shift Captain or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

Sick Leave

1006.4 EXTENDED ABSENCE

Members absent from duty for more than five consecutive days or 45 hours, may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

1006.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

Smoking and Tobacco Use

1007.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Goshen Police Department facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1007.2 POLICY

The Goshen Police Department recognizes that tobacco use is a health risk and can be offensive to others. Smoking and tobacco use also presents an unprofessional image for the Department and its members.

1007.3 SMOKING AND TOBACCO USE

Smoking and visible tobacco use by members is prohibited any time members are in public view representing the Goshen Police Department.

1007.4 ADDITIONAL PROHIBITIONS

No employee shall smoke tobacco products within eight feet of an entrance to a City facility. A sign that reads "State Law Prohibits Smoking within 8 Feet of this Entrance" shall be conspicuously displayed at every public entrance of the Goshen Police Department (I.C. § 7.1-5-12-4).

Personnel Complaints

1008.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Goshen Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1008.2 POLICY

The Goshen Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local laws; municipal and county rules; and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1008.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or federal, state, or local law, policy, or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state, or local law, policy, or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

1008.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Captain is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member. Notification of the disposition shall be provided to the SPO of Investigations/Community Relations.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints shall be forwarded to the SPO of Investigations/Community Relations. The SPO of Investigations/Community Relations will make any necessary notifications to the supervisors.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the police administration, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1008.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1008.3.3 IDENTIFICATION OF DISCIPLINARY MEASURES

The Administrative Supervisor should ensure that the types of punitive measures that may be used against members in the event of disciplinary action (e.g., suspension, demotion, termination) are identified and made known to all members.

Counseling and/or remedial training may be used in lieu of punitive measures, if appropriate.

1008.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1008.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

[See attachment: 24 hour Admonishment](#)

[See attachment: Formal Complaint](#)

[See attachment: Disciplinary Documentation](#)

[See attachment: Internal Affairs Investigation Checklist](#)

[See attachment: Investigation Disposition](#)

1008.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form to the SPO of Investigations/Community Relations.

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Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

1008.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries will be documented in a log that records and tracks complaints by the SPO of Investigations/Community Relations. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1008.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1008.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the SPO of Investigations/Community Relations, unless otherwise directed by the police administration. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 1. The SPO of Investigations/Community Relations will determine if the original complaint form will be directed to the Shift Captain of the accused member. The SPO of Investigations/Community Relations will take appropriate action and/or determine who will have responsibility for the investigation.
 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the SPO of Investigations/Community Relations, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 1. Follow-up contact with the complainant should be made within 24 hours of the SPO of Investigations/Community Relations first working day acknowledging that the department received the complaint.

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2. If the matter is resolved and no further action is required, the SPO of Investigations/Community Relations will note the resolution on a complaint disposition form.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Captain and the Chief of Police are notified via the chain of command as soon as practicable.
 - (e) Promptly contacting the Human Resources and the SPO of Investigations/Community Relations for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.
 - (f) Supervisors shall forward unresolved personnel complaints to the SPO of Investigations/Community Relations who will determine whether to contact the complainant or assign the complaint for investigation.
 - (g) Informing the complainant of the investigator's name and the complaint number within five business days after assignment.

1008.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Notice to Department Members. Within twenty-four (24) hours or as soon as reasonably feasible of an officer being advised of an internal investigation, an email shall be sent to the Police Department members advising an internal investigation is underway and the officer being investigated. When the internal investigation is concluded and the officer has been notified, a second email shall be sent within twenty-four (24) hours or as soon as reasonably feasible to the Police Department members advising of the results of the investigation. This information will not exceed the information provided to the media or public under a public records request.

- (a) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation, or to any prosecutor.
- (b) In order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

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- (c) All members shall provide complete and truthful responses to questions posed during interviews.
- (d) Notice should be provided to members before the effective date of an adverse action as provided in I.C. § 36-8-2.1-9.
- (e) No member of the immediate family of the officer shall be required to give a statement to the investigator or be interviewed by the investigators unless the immediate family member is first notified that a formal investigation is being conducted.

[See attachment: Garrity Statement](#)

[See attachment: Article 27 Bill of Rights](#)

1008.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough and complete and shall essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date, and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1008.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

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If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1008.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation as soon as practical. Any delays in the investigation must be approved by the Chief of Police.

1008.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1008.7 ADMINISTRATIVE SEARCHES

No officer shall have his/her residence, private place of business, if any, private vehicle or locker space assigned to him/her by the police department searched unless a valid search warrant is obtained or he/she voluntarily agrees to the search.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio, or other document or equipment.

1008.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons, and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1008.9 CRIMINAL INVESTIGATION

If the complaint has the potential of criminal charges, the officer will be placed on paid administrative leave by the Chief of Police or designee in the Chief's absence.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police will request a criminal investigation by an outside law enforcement agency.

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A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Goshen Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

If the sworn officer is found guilty or pleads guilty to a criminal offense, or a determination is made to not proceed with prosecution, an internal investigation will begin according to the procedures set out in the agreement between the City of Goshen and the Fraternal Order of Police Labor Council, Inc. representing the Goshen Police Department.

1008.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police by the SPO of Investigations/Community Relations. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1008.10.1 CHIEF OF POLICE RESPONSIBILITIES

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed in accordance with IC 36-8-3-4. The officer will have the same rights to any appeals according to State statute and the Agreement Between the City of Goshen, Indiana and Elkhart FOP Lodge 52, Inc.

1008.10.2 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES TIMELINES

The Chief of Police should review the investigation as soon as practicable and propose the appropriate disciplinary action.

1008.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is provided notification of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1008.10.4 EXTENSION OF POST-INVESTIGATION PROCEDURE TIMELINES

When any member in the chain of command determines additional time is necessary to complete his/her review, a written request to extend the time for review and recommendation should be submitted to the Chief of Police for approval.

1008.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

1008.11.0 REVIEW AND HEARING

In the event that an employee is reprimanded in writing or suspended for a period of five days or less, the Chief of Police shall notify the applicable merit commission, in writing, within 48 hours of

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the action and the reasons for the action. Unless the employee timely seeks review, the proposed discipline becomes final (I.C. § 36-8-3.5-19).

If the employee is dismissed, demoted, or suspended for more than five days, the employee may request a hearing as provided in I.C. § 36-8-3.5-17.

1008.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1008.13 POST-DISCIPLINE APPEAL RIGHTS

In the event that the merit commission decides to dismiss, demote, or suspend an employee for a period exceeding 10 days, the employee may appeal to the circuit or superior court of the county in which the unit is located as provided in I.C. § 36-8-3.5-18.

1008.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause, at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

1008.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1008.16 NOTIFICATION OF THE LAW ENFORCEMENT TRAINING BOARD

The Chief of Police or the authorized designee shall notify the Law Enforcement Training Board (LETB) of the final determination of discipline of an officer in the following circumstances (I.C. § 5-2-1-12.5):

1. Conviction of a felony or a finding of not guilty for a felony by reason of mental disease or defect.
2. Conviction of a misdemeanor under circumstances that would cause a reasonable belief that the officer is dangerous, violent, or has a demonstrated propensity to violate the law.
3. Falsification of qualifications for employment as an officer.
4. Participation in criminal conduct that was uncharged.

The notification shall occur within 30 days of the imposition of the discipline.

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If an officer resigns or retires during an administrative investigation of any of the above grounds for discipline, the Chief of Police or the authorized designee shall notify the LETB within 30 days of the resignation or retirement (I.C. § 5-2-1-12.5).

Body Armor

1009.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

1009.2 POLICY

It is the policy of the Goshen Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1009.3 ISSUANCE

The Administration shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice (I.C. § 36-8-9-9; I.C. § 36-8-10-4.5).

Body armor shall be issued when an officer begins service at the Goshen Police Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

The Chief of Police may authorize issuance of body armor to uniformed, civilian members whose jobs may make wearing of body armor advisable.

An Officer may elect not to have the Goshen Police Department provide the Officer with body armor for the torso provided the Officer signs a waiver. The executed waiver will be placed in the Officer's personnel file and remain effective until revoked in writing by the Officer. The waiver will exempt the Officer from the requirements of this policy and the City from supplying the Officer with body armor. An Officer shall retain the right to revoke the waiver at any time and request the department to provide the Officer with body armor for the torso. Upon receiving the body armor after revocation, all requirements of this policy shall apply to the Officer.

[See attachment: BODY ARMOR WAIVER](#)

[See attachment: REVOCATION OF BODY ARMOR WAIVER](#)

[See attachment: EXCEPTION TO USE OF BODY ARMOR](#)

1009.3.1 USE

Generally, the required use of body armor is subject to the following:

- (a) Members shall only wear department-approved body armor.
- (b) Members shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Members shall wear body armor when working in uniform or taking part in department range training.

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- (d) Members are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.
- (e) Officers may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.
 - 1. In those instances when body armor is not worn, officers should have reasonable access to their body armor.
- (f) The Officer provides his or her immediate supervisor a written statement from the Officer's physician stating that the Officer has a medical condition that would preclude the use of body armor. The physician's statement should include the period of time the Officer will be unable to wear the body armor if the period can be determined and all other limitations on the Officer's performance.
- (g) The Officer is participating in a training exercise provided the instructor does not require the use of body armor.
- (h) The Officer is attending a funeral, participating in a parade, or is on-duty at another event and a member of the Executive Staff has approved in writing that the Officer's use of body armor is optional.
- (i) The Officer-in-Charge of the watch or special assignment determines that due to extreme heat, the Officer's use of body armor is optional.
- (j) Any other situation in which a member of the administration has approved in writing that the Officer's use of body armor is optional.

1009.3.2 INSPECTION

Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with this policy.

1009.3.3 CARE AND MAINTENANCE

The required care and maintenance of body armor is subject to the following:

- (a) Members are responsible for inspecting their body armor for signs of damage, wear and cleanliness at the start of each shift.
 - 1. Unserviceable body armor shall be reported to the supervisor.
- (b) Members are responsible for the proper storage of their body armor.
 - 1. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.
- (c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.

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1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
 2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.
- (d) Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised (I.C. § 36-8-9-9; I.C. § 36-8-10-4.5).

1009.4 TRAINING LIEUTENANT RESPONSIBILITIES

The responsibilities of the Training Lieutenant include, but are not limited to:

- (a) Monitoring technological advances in the body armor industry for any appropriate changes to department-approved body armor.
- (b) Assessing the level of weapons and ammunition currently utilized by the public and the suitability of approved body armor to protect against those threats.
- (c) Educating officers about the safety benefits of wearing body armor.

Personnel Records

1010.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1010.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Indiana (I.C. § 5-14-3-4).

1010.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (c) Original performance evaluations. These should be permanently maintained. The last 2 evaluations will be used for promotion testing purposes.
- (d) Discipline records, including copies of sustained personnel complaints.
- (e) Adverse comments such as supervisor sanctions may be retained in the department file after the member has had the opportunity to read and initial the comment.
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
 - 2. Any member response shall be attached to and retained with the original adverse comment.
 - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (f) Commendations and awards.
- (g) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1010.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments,

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notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1010.5 TRAINING FILE

An individual training file shall be maintained by the Training Lieutenant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Lieutenant or designee with evidence of completed training/education in a timely manner.
- (b) The Training Lieutenant or designee shall ensure that copies of such training records are placed in the member's training file.

1010.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Administrative Staff in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Administrative Staff supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct regardless of disposition, in accordance with the Agreement Between the City of Goshen and FOP Lodge.

1010.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to worker's compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

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1010.8 SECURITY

Personnel records should be maintained by the Chief of Police in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by those allowed in accordance with the Agreement Between the City of Goshen and the FOP Lodge.

1010.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

1010.8.2 RELEASE OF PERSONNEL INFORMATION

The Department may release:

- (a) The factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged (I.C. § 5-14-3-4(b)(8)).
- (b) Information related to the status of formal charges against an employee.
- (c) Personnel information otherwise permitted to be released under I.C. § 5-14-3-4(b)(8).

1010.8.3 REQUESTS FROM OUTSIDE AGENCIES

The Custodian of Records shall timely comply with requests from hiring law enforcement agencies for information regarding a current or former member, including employment files and disciplinary records (I.C. § 36-8-2-2).

1010.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member or their representative may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files (I.C. § 5-14-3-4(b)(8)).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.

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- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for Department planning purposes.
- (f) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (g) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

[See attachment: Article 27 Bill of Rights, Section 7 Maintenance of Records](#)

1010.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development.

[See attachment: Article 27 Bill of Rights, Section 7 Maintenance of Records](#)

Commendations and Awards

1011.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Goshen Police Department and individuals from the community.

1011.2 POLICY

It is the policy of the Goshen Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1011.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1011.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1011.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
 1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

1011.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:

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- (a) For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
- (b) For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

1011.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Division Chief for his/her review. The Division Chief should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Administration secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Assistant Chief. The documentation will be signed by the Division Chief and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1011.5 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Award of Valor.
- Award of Merit.
- Lifesaving Award.
- Meritorious Conduct.
- Leadership.
- Teamwork.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

Recognizing quality work is important to the executive staff. Exceptional performance in the line of duty has to be recognized and defined. The administration has established the following levels of accommodation for policing:

- (a) **Level 1 Accommodation:** CHIEF'S HONORS – These awards and medals are awarded to officers who faced an extremely challenging situation and demonstrated extraordinary professionalism in light of facing physical risks. Some examples are:

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combat cross, gallantry star, life-saving award, medal of honor, and wounded in combat. These will be awarded in a public forum chosen by the Chief of Police.

- (b) **Level 2 Accommodation:** CITATION BARS OF RECOGNITION – These awards are given to officers for various accomplishments including but not limited to: years of service, education, heroism, and grade promotions.
- (c) **Level 3 Accommodation:** EXCEPTIONAL POLICING CITATION – This citation shall be awarded to an officer, or officers, who are instrumental in a complex investigative or public service action. This shall be reserved for a noteworthy accomplishment, said accomplishment was deemed by others to have halted a criminal act, potentially saved lives, provided a service to the public that was considered by your peers to be empathetic, caring, and/or productive in building a positive environment within the community; therefore shining a positive light on the police department. This award will be given by the Division Chiefs.
- (d) **Level 4 Accommodation:** DIVISION CHIEF'S AWARD – This award is given to an officer, or officers, by the Division Chiefs for work conducted that is over and beyond the call of duty. It may be selfless acts, teamwork on investigations, or any other reason a Division Chief deems worthy of recognition.

[See attachment: Awards](#)

Officers receiving any level of accommodation may also be eligible to receive one of four (4) challenge coins issued by the Goshen Police Department's Administration. The challenge coins are meant to recognize exceptional policing and selfless behavior. These coins are rewarded to officers who display servant leadership and are striving to positively impact the community they serve. The challenge coins are listed as follows:

- (a) **The Good of the Many (Teamwork):** This coin may be issued when an officer displays a willingness to help others, encourages team proactivity/productivity, volunteers for less desirable details and contributes positively to shift cohesiveness.
- (b) **Exemplary Acts of Service:** This coin may be issued when an officer displays a willingness to go beyond his/her daily responsibilities by engaging in pay-it-forward programs; positively interacting with youth or senior citizens within the community. An officer may receive this coin for going above and beyond what is required by showing a desire to impact the community (i.e. changing a tire, helping a senior citizen cross the road, etc.)
- (c) **Exceptional Policing:** This coin may be issued to officers who constantly set the standard for their shift, they are known for volunteering to take service calls, or taking the primary role in response to crashes. They lead the shift with proactivity, showing excellent time management and attention to detail. They write thorough and accurate reports. The shift recognizes they are the example to follow and other officers gravitate towards their positive influence. This coin may also be issued to an officer who consistently shows a propensity for deterring crime by apprehending known or unknown offenders who pose a direct threat to the community.
- (d) **Leadership:** This coin may be issued to officers who have infectious positive attitudes, inspiring others to not take the path of least resistance. They are constantly looking for

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solutions rather than focusing on perceived negativity. They are motivated and refuse to take shortcuts. They have a respected voice on the shift and can be counted on in high-stress situations.

In addition to the challenge coins accompanying any level of accommodation generated by the administration (when applicable), shift or division supervisors may use the challenge coins near the end of the calendar year to recognize the officers on their respective shifts who best fit the descriptions of each coin. The shift may hold an anonymous vote. A ballot will be used to determine the leader of each category described above; when the votes have been tallied, the winner of the individual category will receive a challenge coin. Supervisors are eligible to obtain this recognition. An individual officer may not cast a vote for themselves.

Officer of the Year: Supervisors from each shift may, through the same process described above, select an Officer of the Year. This recognition, if agreed upon by the supervisory staff, will allow each shift to select the officer who is respected by his/her peers for displaying positive attributes, making them deserving of the award. This officer shall be community oriented; he/she shall be known for having the highest degree of integrity, consistently using sound judgment and is skilled as a problem solver. This officer is persistent and self-motivated. Supervisors are eligible for this distinction. The shift supervisors are ultimately responsible for approving the officer who was selected by his/her peers. Once this officer has been identified, the executive staff will supply each shift with a plaque identifying the specific officer as that shift's Officer of the Year. The leaders in all categories, receiving either a challenge coin, or the Officer of the Year distinction, shall be identified to the administration. This recognition will then be added to the individual officer's personnel file kept by the Chief of Police.

Fitness for Duty

1012.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their job functions.

1012.2 POLICY

The Goshen Police Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member's physical and/or mental capabilities to determine his/her ability to perform essential functions.

1012.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of his/her position.

During working hours, all members are required to be alert, attentive and capable of performing their assigned responsibilities.

Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another department member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1012.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform his/her duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior or the inability to manage emotions.
- (f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

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1012.4.1 REPORTING

A supervisor observing a member, or receiving a report of a member who is perceived to be unable to safely or effectively perform his/her duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document his/her observations and actions in a written report and inform the Shift Captain or the member's Division Chief.

1012.4.2 DUTY STATUS

In conjunction with the Shift Captain or the member's Division Chief, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of his/her job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of his/her job, the Shift Captain or the member's Division Chief should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Chief of Police shall be promptly notified in the event that any member is relieved of duty.

1012.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

1012.5.1 PROCESS

The Chief of Police, in cooperation with the Human Resources, may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

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Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Human Resources.

1012.6 LIMITATION ON HOURS WORKED

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1012.7 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy.

Meal Periods and Breaks

1013.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the availability of meal periods and breaks.

1013.2 POLICY

It is the policy of the Goshen Police Department to provide meal periods and breaks to members of this department in accordance with the applicable collective bargaining agreement and the City personnel manual.

1013.3 MEAL PERIODS

Officers and communications operators shall remain on-duty subject to call during meal periods. All other members are not on-call during meal periods unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from the communications operator prior to taking a meal period. Uniformed officers shall take their meal periods within the City limits and shall monitor the police radio, unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

Each member is entitled to a 30 minute meal break understanding that the member is subject to a recall to service since the member is compensated for the full nine (9) hours shift.

Members assigned to field duties will take their breaks in their assigned areas, subject to call, and shall monitor the police radio. When such members take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the communications operator.

Payroll Records

1014.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1014.2 POLICY

The Goshen Police Department maintains timely and accurate payroll records.

1014.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records and/DTR's within twenty-four (24) hours of the completion of the shift, for the payment of wages. Members shall submit the timesheets to their supervisors upon completion of their last shift worked for the pay period. Their submission of the timesheet is the acknowledgment from the member that their timesheet is accurate.

Shift Captains or their designee will review the timesheet for errors and submit the timesheet upon approval by no later than 0730 hours. If an officer and/or supervisor fails to submit their timesheet by the above time, their shift Captain will ultimately be held responsible.

The Goshen Police Department shall provide to each member a statement that includes the (I.C. § 22-2-2-8):

- (a) Hours worked by the member.
- (b) Wages paid to the member.
- (c) Deductions made.

1014.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the City payroll procedures.

1014.5 RECORDS

The Assistant Chief or designee shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (31 I.A.C. 5-7-9; 29 CFR 516.5).

Overtime Compensation

1015.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

1015.2 POLICY

The Goshen Police Department will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

1015.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(k)(2); 29 USC § 207(o)(1)).

Salary exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee's immediate supervisor.

1015.4 REQUESTS FOR OVERTIME COMPENSATION

1015.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written.
- (b) Not work in excess of 17 hours, including regularly scheduled work time, overtime, and extra-duty time, in any consecutive 24-hour period without supervisory approval.
- (c) Not work in excess of nine hours per day for a period of six days in one week, or more than an average of 48 hours per week in one year, except in the case of a public emergency (I.C. § 36-8-4-8).
- (d) Record the actual time worked in an overtime status using the department-approved form or method. Informal notations on reports, logs, or other forms not approved for overtime recording are not acceptable.
- (e) Submit the request for overtime compensation through Precinct Manager by the end of shift.

1015.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

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- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
 - 1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of department resources.
- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
 - 1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an investigation consistent with the Personnel Complaints Policy.
- (c) After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's Division Chief for final approval.
 - 1. After the Division Chief has authorized compensation, the request shall be submitted as soon as practicable.

1015.5 REQUESTING USE OF COMPENSATORY TIME

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt department operations or minimum staffing. Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use to ensure the employee is not recalled except for unusual or extraordinary circumstances. Supervisors may allow for employees to submit compensatory time leave less than 24 hours in advance if manpower minimums are met and no overtime is generated.

Compensatory time may not be used for time off for a date and time when the employee is required to appear in court on department-related matters. Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

Outside Employment and Outside Overtime

1016.1 PURPOSE AND SCOPE

This policy provides guidelines for department members who seek to engage in authorized outside employment or outside overtime.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Outside secondary employment - Duties or services performed by members of this department for another employer, organization or individual who is not affiliated directly with this department when wages, compensation or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products or benefits rendered. Outside secondary employment shall be organized through a representative from the Fraternal Order of Police in accordance with the collective bargaining agreement. All secondary employment opportunities must be approved by the Chief of Police.

Outside overtime - Duties or services performed by members of this department for a private organization, entity or individual, that are requested and scheduled directly through the Department. Member compensation, benefits and costs for such outside services are reimbursed to the Department.

1016.2 POLICY

The local FOP representative assigned as the Secondary Employment coordinator must be a member of the Goshen Police Department and shall obtain approval from the Chief of Police or the authorized designee prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment, or engaging in outside employment or unapproved overtime that is prohibited by this policy, may lead to disciplinary action.

1016.3 OUTSIDE EMPLOYMENT

1016.3.1 REQUEST AND APPROVAL

When members learn of outside employment opportunities, they must submit the designated outside employment request form to their FOP secondary employment representative. The request form will then be forwarded through the chain of command to the Chief of Police for consideration.

1016.3.2 DENIAL

If the Goshen representative for the FOP's secondary employment program receives a request denial for outside employment, the representative may request written notification of the reason the request was denied at the time of the denial.

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1016.3.3 REVOCATION OR SUSPENSION

Any member whose approval for outside employment is revoked or suspended should be provided with a written notification if requested, of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the member's performance is failing to meet standards and the outside employment may be related to the deficient performance.
 - 1. Approval for the outside employment may be reestablished when the member's performance has reached a satisfactory level and with his/her supervisor's authorization.
- (b) When a member's conduct or outside employment conflicts with department policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the Department or City.

1016.4 REQUIREMENTS

1016.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The Department reserves the right to deny any request for outside employment that involves:

- (a) The use of department time, facilities, equipment or supplies.
- (b) The use of the Goshen Police Department badge, uniform or influence for private gain or advantage.
- (c) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that he/she would be required or expected to render in the course or hours of his/her employment or appointment or as a part of his/her regular duties.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this department.
- (e) Demands upon the member's time that would render the performance of his/her duties for this department deficient or substandard.
- (f) Activities that may conflict with any other policy or rule of the Department.
- (g) Activities or events where officers will be providing security and alcohol is being served.

1016.4.2 DEPARTMENT RESOURCES

Members are prohibited from using any department equipment or resources in the course of, or for the benefit of, any outside employment unless authorized by the Chief of Police. This shall include the prohibition against any member using his/her position with this department to gain access to official records or databases of this department or other agencies.

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1016.4.3 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates his/her outside employment, the member shall promptly submit written notification of such termination to the Chief of Police through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit in writing to the Chief of Police any material changes in outside employment, including any change in the number of hours, type of duties or the demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

1016.4.4 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Chief of Police regarding whether such employment should continue.

In the event that the Chief of Police determines that the outside employment should be discontinued, or if the member fails to promptly notify his/her supervisor of his/her intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the member and a copy attached to the original outside employment request form.

Criteria for revoking approval due to leave or restricted duty status include, but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's medical professional advisers.
- (b) The outside employment requires performance of the same or similar physical ability as would be required of an on-duty member.
- (c) The member's failure to make timely notice of his/her intention to the supervisor.

When the member returns to full duty with the Goshen Police Department, a written request may be submitted to the Chief of Police to approve the outside employment request.

1016.5 OUTSIDE OVERTIME

1016.5.1 REQUESTS FOR SPECIAL SERVICES

Any private organization, entity or individual seeking special services (e.g., security, traffic control) from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such services will be assigned, monitored and compensated through the Department as outside overtime assignments.

- (a) A request for special services during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute will not be approved.

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- (b) The requester may be required to enter into an agreement that includes indemnification with the Department prior to approval.
- (c) The requester will be required to reimburse the Department for the members' compensation, benefits and costs (e.g., court time) associated with such outside services.
- (d) Should such a request be approved, any member working outside overtime shall be subject to the following conditions:
 - 1. The member shall wear the department uniform and carry department identification.
 - 2. The member shall be subject to the rules and regulations of this department.
 - 3. Compensation for such approved outside overtime shall be pursuant to normal overtime procedures (see the Overtime Compensation Policy).

Outside overtime shall be assigned at the discretion of the Chief of Police or the authorized designee.

1016.5.2 ARREST AND REPORTING PROCEDURE

Any officer making an arrest or taking other official law enforcement action while working in an outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy. Time spent on the completion of such reports shall be considered part of the outside overtime assignment.

1016.5.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Chief, undercover officers or officers assigned to covert operations shall not be eligible to work outside overtime in a uniformed or other capacity that could reasonably disclose the officer's law enforcement status.

Work-Related Illness and Injury Reporting

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related injuries and occupational illnesses.

1017.1.1 DEFINITIONS

Definitions related to this policy include:

Work-related illness or injury - An injury or a disease arising out of and in the course of employment. This includes a disease that is a result of a work-related injury (I.C. § 22-3-6-1; I.C. § 22-3-7-10).

1017.2 POLICY

The Goshen Police Department will address work-related injuries and occupational illnesses appropriately, and will comply with applicable state worker's compensation requirements.

1017.3 RESPONSIBILITIES

1017.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational illness or work-related injury shall report such event in writing as soon as practicable, but within 24 hours, to a supervisor and shall seek medical care when appropriate (I.C. § 22-3-3-1).

1017.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational illness should ensure the member receives medical care as appropriate.

Supervisors shall contact the appropriate Division Chief to ensure that required documents regarding worker's compensation are completed and forwarded promptly. Any related City-wide injury- or illness-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1017.3.3 DIVISION CHIEF RESPONSIBILITIES

The Division Chief who receives a report of an occupational illness or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the City Human Resource Department and the Assist Chief or designee to ensure any required Indiana Occupational Safety and Health Act (IOSHA) reporting is made as required in the Illness and Injury Prevention Policy.

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1017.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or designee shall review and forward copies of the report to the Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1017.4 OTHER ILLNESS OR INJURY

Illnesses and injuries caused or occurring on-duty that do not qualify for worker's compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Chief through the chain of command and a copy sent to the Support Staff for documentation.

1017.5 SETTLEMENT OFFERS

When a member sustains an occupational illness or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1017.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational illness or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the illness or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Personal Appearance Standards

1018.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Goshen Police Department.

Requirements for department uniforms and civilian attire are addressed in the Uniforms and Civilian Attire Policy.

1018.2 POLICY

Goshen Police Department members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this department and for their assignments. Department personal appearance standards are primarily based on safety requirements, appearance conformity and the social norms of the community served, while considering matters important to members of the Department.

1018.3 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignments would deem them not applicable, and where the Chief of Police has granted an exception.

1018.3.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include, but are not limited to, dirty fingernails, bad breath, body odor and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., race, physical disability) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Chief of Police.

1018.3.2 HAIR

Hair shall be clean, neatly trimmed or arranged, and of a natural hair color. Hairstyles with shaved designs in the scalp are prohibited. Hair adornments shall be primarily for the purpose of securing the hair and must present a professional image.

Hairstyles for male department members must not extend below the top edge of a uniform or dress shirt collar while assuming a normal stance. Bangs shall not extend past the eyebrows and shall remain neatly trimmed on the sides not extending past the top of the ear.

When working a field assignment, hairstyles for female department members must not extend below the bottom edge of a uniform or dress shirt collar while assuming a normal stance. Longer hair shall be worn up or in a tightly wrapped braid or ponytail that is secured to the head above the bottom edge of the shirt collar.

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1018.3.3 MUSTACHES

Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip and shall be short and neatly trimmed.

1018.3.4 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1018.3.5 FACIAL HAIR / BEARDS

Facial hair, other than sideburns, mustaches and eyebrows, is allowed for sworn officers. A beard shall be neatly trimmed at all times and shall not grow any longer than one-half inch, unless authorized by the Chief of Police or the authorized designee.

1018.3.6 FINGERNAILS

Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image.

1018.4 APPEARANCE

1018.4.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe unless authorization has been obtained from the Chief of Police.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1018.4.2 TATTOOS

While on-duty or representing the Goshen Police Department in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit

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or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1018.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the Goshen Police Department in any official capacity, that is a deviation from normal anatomical features and that is not medically required, is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).
- (c) Abnormal shaping of the ears, eyes, nose or teeth (i.e., enlarged or stretched out holes in the earlobes).
- (d) Branding, scarification or burning to create a design or pattern.

1018.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Goshen Police Department in any official capacity. Such ornamentation includes, but is not limited to:

- (a) Objects that are bonded to front teeth.
- (b) Gold, platinum or other veneers or caps used for decorative purposes.
- (c) Orthodontic appliances that are colored for decorative purposes.

1018.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Goshen Police Department in any official capacity.

1018.4.6 COSMETICS AND FRAGRANCES

Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion and other items used for body fragrance shall be kept to a minimum.

1018.4.7 UNDERGARMENTS

Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

1018.5 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of department members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to

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ensure security or safety. The Chief of Police should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings or certain hairstyles or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

Uniforms and Civilian Attire

1019.1 PURPOSE AND SCOPE

This policy provides guidelines for Goshen Police Department-authorized uniforms and civilian attire regulations. It is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of department uniforms, and that the appearance of members who wear civilian attire reflects favorably on the Department.

This policy addresses the wearing and maintenance of department uniforms, accessories, insignia, patches and badge; the requirements for members who wear civilian attire; and the authorized use of optional equipment and accessories by members of the Department.

Other related topics are addressed in the Badges, Patches and Identification, Department-Owned and Personal Property, and Personal Appearance Standards policies.

1019.2 POLICY

The Goshen Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement. The Department may provide other department members with uniforms at the direction of the Chief of Police.

All uniforms and equipment issued to department members shall be returned to the Department upon termination or resignation.

1019.3 UNIFORMS

The Chief of Police or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by all members as needed. Uniforms shall be worn as described therein and as specified in this policy.

The following shall apply to those assigned to wear department-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.
- (b) Officers in a non-uniformed assignment shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Uniforms shall be worn in compliance with any applicable department specifications.
- (d) Members shall wear only the uniforms specified for their ranks and assignments.
- (e) Civilian attire shall not be worn in combination with any distinguishable part of a uniform.
- (f) Uniforms are only to be worn while on-duty, for court, at official department functions or events, while in transit to or from work, or when authorized by the Chief of Police or the authorized designee.

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1. A class A uniform shall be worn for all special events and ceremonies, except on-duty officers who have the option to remain in a class B Uniform. A class A uniform or business suit shall be worn for all court appearances with the exception of Goshen City Court, officers are allowed to wear a class B uniform.
- (g) Members are not to purchase or drink alcoholic beverages while wearing any part of department-issued uniforms, including the uniform pants.
- (h) All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.

[See attachment: Uniforms](#)

1019.3.1 ACCESSORIES

Members shall adhere to the following when wearing department uniforms:

- (a) Jewelry shall be in accordance with the specifications in the Personal Appearance Standards Policy. Unless specifically authorized by the Chief of Police or the authorized designee, only the following jewelry may be worn with the uniform:
 1. Earrings shall be stud-style and only one earring may be worn in each ear unless approved by the Chief of Police.
 2. Necklaces must be worn inside the uniform shirt and must not be able to fall out.
 3. Rings
 4. Wristwatch
 5. Medical alert bracelet

1019.3.2 INSIGNIA, PATCHES AND BADGE

Only the following elements may be affixed to department uniforms unless an exception is authorized by the Chief of Police:

- (a) Shoulder patch - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets.
- (b) Badge - The department-issued badge, or an authorized sewn-on cloth replica, or Velcro attachment, must be worn and visible at all times while in uniform.
- (c) Nameplate - The regulation nameplate, or an authorized sewn-on cloth nameplate, or Velcro attachment, shall be worn at all times while in uniform.
 1. When a jacket is worn, the nameplate, or an authorized sewn-on cloth nameplate, shall be affixed to the jacket in the same manner as the uniform.
- (d) Rank insignia - The designated insignia indicating the member's rank must be worn at all times while in uniform.
- (e) Service insignia - Shall be represented on the dress uniform by metal stars
- (f) Assignment insignias - Assignment insignias (e.g., Elkhart County Regional SWAT Team (SWAT), School Resource Officer (SRO)) may be worn as designated by the Chief of Police.

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- (g) American flag pin - An American flag pin may be worn, centered above the nameplate.

1019.3.3 MOURNING BAND

Uniformed members shall wear a black mourning band across the department badge whenever a law enforcement officer is killed in the line of duty or as directed by the Chief of Police. The following mourning periods will be observed:

- (a) Goshen Police Department officer - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.
- (d) As directed by the Chief of Police.

1019.4 UNIFORM CLASSES

The Chief of Police or the authorized designee shall determine the uniform to be worn by each department member or any deviations that may be authorized.

Uniforms are classified as follows:

- (a) Class A - Full dress uniform to be worn by designated department members on special occasions, such as funerals, graduations, ceremonies, or as directed by the Chief of Police or the authorized designee.
- (b) Class B - Standard issue uniform to be worn daily by designated department members.
- (c) Class C - General utility uniform to be worn by designated Department members.
- (d) Specialized assignment - Specific uniforms to be worn by members in special assignments or divisions.

1019.4.1 CLASS A UNIFORM

The Class A uniform consists of the following:

- (a) Long-sleeve or short sleeve shirt
- (b) Tie tack or tie bar when wearing a long sleeve uniform and tie
- (c) Trousers
- (d) Black basket weave belt
 - 1. Belts shall be equipped as needed for the member's assignment.
- (e) Dark blue or black socks
- (f) Black polished dress shoes or boots
- (g) White gloves during formal functions

1019.4.2 CLASS B UNIFORM

The Class B uniform consists of the following:

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- (a) Long- or short-sleeve shirt with the collar open and no tie
 - 1. A crew neck t-shirt must be worn under the uniform shirt.
 - 2. All shirt buttons must remain buttoned except for the top button at the neck.
 - 3. Long sleeves must be buttoned at the cuff.
- (b) Trousers
- (c) Black nylon belt
 - 1. Belts shall be equipped as needed for the member's assignment.
- (d) Dark blue or black socks
- (e) Black polished dress shoes or boots
 - 1. Approved black unpolished shoes may be worn.
 - 2. Decorative stitching or adornment is not permitted.
- (f) Weather-appropriate items
 - 1. Dark blue or black mock turtleneck may be worn under the long-sleeve uniform shirt
 - 2. Jacket
 - 3. Rain gear

1019.4.3 CLASS C UNIFORM

The Chief of Police or the authorized designee will establish the specifications, regulations and conditions for wearing the Class C uniform. This section applies to Special Police Officers, Civilians and Ordinance Officers.

1019.4.4 SPECIALIZED ASSIGNMENT UNIFORM

The Chief of Police or the authorized designee may authorize certain uniforms to be worn by members in specialized assignments, such as canine handlers, the SWAT, bicycle patrol, motor officers and other specific assignments.

1019.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require a uniform because recognition and authority are not essential to their functions. There are also assignments for which civilian attire is necessary.

- (a) Civilian attire shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- (b) Members assigned to administrative, investigative and support positions shall wear business-appropriate clothing that is conservative in style.
- (c) Variations from this policy are allowed at the discretion of the Chief of Police or the authorized designee when the member's assignment or current task is not conducive to wearing such clothing.

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- (d) No item of civilian attire may be worn while on-duty that would adversely affect the reputation of the Goshen Police Department or the morale of the members.
- (e) The following items shall not be worn while on-duty or when representing the Department in any official capacity:
 - 1. Clothing that reveals cleavage, the back, chest, stomach or buttocks
 - 2. T-shirt alone or exposed undergarments
 - 3. Swimsuits, tank tops, tube tops or halter tops
 - 4. Sweatshirts, sweatpants or similar exercise clothing
 - 5. Spandex-type pants or transparent clothing
 - 6. Denim pants of any color
 - 7. Shorts
 - 8. Clothing, buttons or pins displaying racial, sexual, discriminatory, gang-related or obscene language

1019.6 OPTIONAL EQUIPMENT

Any items that are allowed by the Goshen Police Department but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the department.

Maintenance of optional items shall be the financial responsibility of the purchasing member (e.g., repairs due to normal wear and tear).

Replacement of items listed in this policy as optional shall be managed as follows:

- (a) When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.
- (b) When the item is no longer functional because of damage in the course of the member's duties, it shall be replaced in accordance with the Department-Owned and Personal Property Policy.

1019.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Goshen Police Department members may not wear any uniform item, accessory or attachment unless specifically authorized by the Chief of Police or the authorized designee.

Department members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Chief of Police or the authorized designee.

1019.8 TRANSITION DATES (SHORT AND LONG SLEEVE)

- (a) Class A Uniforms (Dress Uniform)

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1. Officers have the choice to wear either the short sleeve or the long sleeve Class A uniform during the months of March and October except for inspections. Inspections will require the wearing of the long sleeve uniform.
 - (a) Short Sleeve - The Class A short sleeve uniform is worn from April 1st, through October 31st.
 - (b) Long Sleeve –The Class A long sleeve uniform is worn from November 1st through April 1st.
- (b) Class B Uniforms (Work Uniform)
 1. Officers are allowed to wear either the short sleeve or long sleeve Class B uniform anytime of the year.

1019.9 UNIFORMS

[See attachment: Uniforms](#)

DRESS UNIFORM

The dress uniform shall be worn at any event or duty, which the Chief of Police or his/her designate requires. Unless specified there are no options to the dress uniforms as described below.

- (a) Winter Dress Uniform
 1. Jacket - A finger length or hip length navy blue duty jacket, with or without fur collar, with two shoulder patches, cloth or metal badge over left breast, and metal buttons. (The black leather police jacket is also acceptable which must support the two shoulder patches, cloth or metal badge and metal buttons or zipper.)
 2. Shirt - Navy blue long sleeve shirt with two (2) shoulder patches and appropriate hardware. If the officer has a specialty unit patch approved by the Chief of Police, the specialty patch will be placed on the right shoulder and the maple leaf on the left shoulder. The hardware shall consist of:
 - (a) Gold colored buttons for Sergeants and above, silver colored buttons for Patrolman and Detectives.
 - (b) Gold colored collar brass appropriate for the rank for Sergeants and above, silver colored collar brass for Patrolman and Detectives. The bottom edge of the brass shall run parallel to the bottom corner of the collar.
 - (c) Badge located on left breast above the pocket.
 - (d) Nameplate and serving since plaque. The nameplate/serving since should be centered on the pocket flap, the top edge of the nameplate should be immediately below the upper seam of the left breast pocket flap.
 - (e) American flag pin- optional placed on crease above right pocket or service stars.
 - (f) Service stars centered immediately above top edge of right pocket or above all pins.

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- (g) Academy pin centered on right crease below service stars and above department award pins.
 - (h) Goshen Police Department awards pins centered on right pocket flap adding on top of the pocket if necessary.
 - (i) Whistle Chain right lapel button to right pocket.
 - 3. Necktie – Inspections or when instructed by the Executive Staff.
 - (a) Navy blue in color with department issued shoulder patch design tie tack or tie bar.
 - 4. Trousers
 - (a) Light blue with navy blue leg stripe in either multi-season or winter weight.
 - 5. Socks
 - (a) Shall be dark blue, or black. White if not visible.
 - 6. Shoes
 - (a) Shall be black plain toe or no more than one seam across toe.
 - 7. Leather accessories
 - (a) Shall be black basket weave Velcro fastened style. All belts shall have no buckles.
 - 8. Miscellaneous.
 - (a) Gloves if required shall be white cotton dress gloves.
- (b) Summer Dress Uniform
- 1. Jacket - A finger length or hip length navy blue duty jacket, with or without fur collar, with two shoulder patches, cloth or metal badge over left breast, and metal buttons.
 - 2. Shirt - Navy blue long sleeve shirt with two (2) shoulder patches and appropriate hardware. The hardware shall consist of:
 - (a) Gold colored buttons for Sergeants and above, silver colored buttons for Patrolman and Detectives.
 - (b) Gold colored collar brass appropriate for the rank for Sergeants and above, silver colored collar brass for Patrolman and Detectives. (the bottom edge of the brass shall run parallel to the bottom corner of the collar)
 - (c) Badge (located on left breast above the pocket)
 - (d) Nameplate and serving since plaque (the nameplate/serving since should be centered on the pocket flap, the top edge of the nameplate should be immediately below the upper seam of the left breast pocket flap)
 - (e) American flag pin- optional (placed on crease above right pocket)
 - (f) Service stars (centered immediately above top edge of right pocket)

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- (g) Academy Pin (centered on right crease below service stars and above department award pins)
 - (h) Goshen Police Department awards pins (centered on right pocket flap with top edge of pins immediately above pocket flap seam)
 - (i) Whistle Chain (right lapel button to right pocket)
3. Trousers
 - (a) Light blue with navy blue leg stripe in either multi-season or summer weight.
 4. Socks
 - (a) Shall be dark blue, or black. White if not visible.
 5. Shoes
 - (a) Shall be black plain toe or no more than one seam across toe.
 6. Leather accessories
 - (a) Shall be black basket weave Velcro fastened style. All belts shall have no buckles.
 7. Miscellaneous.
 - (a) Gloves if required shall be white cotton dress gloves.
 - (b) T-shirts shall be white (if visible). They shall be either V-neck or crew neck.

DUTY UNIFORM

The duty uniform may be worn for any law enforcement activity, which requires a uniform outside of the previously specified formal functions or under the direction of the Executive Staff.

- (a) Winter Duty Uniform.
 1. Head covering
 - (a) Navy Blue baseball style hat with the gold colored cloth badge.
 - (b) Navy blue stocking cap with a gold colored cloth badge or "G.P.D." embroidered in gold stitching.
 - (c) Navy blue colored "fur" trimmed "mukluk" style hat, with appropriate metal hat badge.
 - (d) (All are optional but the only ones approved)
 2. Jacket (Outerwear)
 - (a) A finger length or hip length navy blue duty jacket, with or without fur collar, with two shoulder patches, cloth or metal badge over left breast, and metal buttons. (The black leather police jacket is also acceptable which must support the two shoulder patches, cloth or metal badge and metal buttons or zipper.)

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- (a) In the case of winter storm emergencies a dark blue snowmobile suit with the word "POLICE" in white letters across the back shoulder and gold colored gold badge over left breast may be worn.
- 3. Shirt
 - (a) Navy blue long or short sleeve shirt with two (2) shoulder patches along with a gold colored cloth badge over left breast. The nametag shall be of navy blue with gold embroidery and shall be positioned over the right pocket. This duty shirt shall be tactical twill. Cloth collar insignia appropriate for the ranks of Sergeant and above.
 - i. (The tee shirt shall be navy blue or white in color and may be a mock neck type shirt. This may be long sleeved or short sleeved.)
 - 4. Trousers
 - (a) Navy blue tactical twill trousers.
 - 5. Socks
 - (a) Shall be dark blue, or black. White may be worn if not visible and is permitted for foot health related reasons.
 - 6. Shoes
 - (a) Black plain toe or no more than one seam across toe. All black low or medium or high athletic style.
 - 7. Duty Belt And Belt Equipment
 - (a) Shall be black Bianchi or similar nylon accumulold gear.
 - 8. Outer vest carriers are allowed but must be navy blue in color. The vest may consist of molle loops for holding various holsters and equipment. All outer vest carriers must have a flex badge in the appropriate rank color with unit number; flex nameplate, and gold colored insignia if appropriate. The vest may have "Police" across the back for identification as law enforcement in only gold or white colored lettering.
- (b) Summer Duty Uniform (Shall be the same as the winter uniform except the long sleeve duty shirt is replaced with the short sleeve.)
 - 1. The under shirt shall be navy blue or white.

MOTORCYCLE OFFICER UNIFORM

- (a) Duty Uniform (Summer)
 - 1. The pants shall be navy riding breeches.
 - 2. The shirt shall be white or navy short-sleeved dress uniform shirt. (This shirt shall use the metal badge along with the metal nameplate. All other shirt decorations shall be optional during normal patrol duties.
 - 3. The duty coat shall be leather or a material that will withstand weather.
 - 4. The coat shall be black if leather, or navy blue if not leather.

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5. Rain gear shall be carried on motorcycle and shall be of a color suitable for policing and all motorcycle officers shall carry the same type and color of raingear.
 6. Motorcycle helmet shall be approved by Chief of Police and shall be the same for each motor officer.
 7. Riding boots will also be approved by the Chief of Police and shall be the same for each motor officer.
- (b) Duty Uniform (Winter)
1. The pants shall be the same as summer uniform.
 2. The shirt shall be the dress long sleeve winter shirt, navy blue in color.
 3. During cold weather any other under garments, which allow for warmth shall be allowed
 4. During months were the motorcycles cannot be ridden, motor officers uniforms shall be that of normal duty uniforms

K-9 OFFICERS DUTY UNIFORMS

- (a) The K-9 Officers uniforms shall be the same as the Class B patrol uniforms listed above. Equipment shall be the responsibility of the lead K-9 officer along with the approval of the Executive Staff.

ERT UNIFORMS

- (a) ERT uniforms and equipment shall be the responsibility of the ERT Commander along with the approval of the Executive Staff.

HONOR GUARD

- (a) Honor Guard uniforms and equipment shall be the responsibility of the Honor Guard Commander along with the approval of the Chief of Police.

BICYCLE PATROL UNIFORM

- (a) Shirt shall be a white knit polo style short sleeve shirt with cloth badge over left breast. The word "POLICE" shall be silk screened in black across shoulders on back of shirt.
- (b) The trousers shall be regular duty tactical pants or solid navy blue colored walking shorts.
- (c) Socks shall be solid white or black.
- (d) Shoes shall be all black style running shoes or similar.
- (e) The leather or nylon accessories shall be duty equipment.

CIVILIAN SUPPORT / EVIDENCE STAFF

- (a) Class A Uniform
1. Is similar to the fulltime officers except for the colors. The trousers will be dark blue in color and the shirt will be light blue in color.

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2. Necktie – Inspections or when instructed by the Executive Staff.
 - (a) Navy blue in color with department issued shoulder patch design tie tack or tie bar.
 3. Trousers
 - (a) Light blue with navy blue leg stripe in either multi-season or winter weight.
 4. Socks
 - (a) Shall be dark blue, or black. White if not visible.
 5. Shoes
 - (a) Shall be black plain toe or no more than one seam across toe.
 6. Leather accessories
 - (a) Shall be black basket weave Velcro fastened style. All belts shall have no buckles.
 7. Miscellaneous.
 - (a) Gloves if required shall be white cotton dress gloves. •
- (b) Class B Uniform
1. Trousers
 - (a) Shall be tactical twill and can be in the colors of navy blue, black, or tan.
 2. Shirts
 - (a) Shall be polo style with a gold colored badge with the civilians name embroidered. The shirts can be white, yellow, navy blue, gray or light blue in color.
 3. Socks
 - (a) Shall be dark blue, or black. White may be worn if not visible and is permitted for foot health related reasons.
 4. Shoes
 - (a) Black plain toe or no more than one seam across toe. All black low or medium or high athletic style.

SPECIAL POLICE OFFICER

- (a) Class B Uniform
 1. Trousers
 - (a) Shall be tactical twill and gray in color worn with a black shirt or gray in color if worn with a black shirt.
 2. Shirts
 - (a) Shall be polo style with a gold colored badge with the name embroidered. The shirts shall be black in color worn with gray trousers.

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3. Socks
 - (a) Shall be dark blue, or black. White may be worn if not visible and is permitted for foot health related reasons.
4. Shoes
 - (a) Black plain toe or no more than one seam across toe. All black low or medium or high athletic style. Outer vest carrier
5. Outer vest carriers are allowed but must be black in color. The vest may consist of molle loops for holding various holsters and equipment. All outer vest carriers must have a flex badge with unit number and flex nameplate.

ORDINANCE OFFICER

- (a) Trousers
 1. Shall be cargo style pants in the colors of tan, black or navy blue.
- (b) Shirts
 1. Florescent Yellow polo style shirt with bade and name on the front. Ordinance Officers shall also wear their ID and badge with them while performing their duties.
- (c) Badges
 1. Official Department Badge
 - (a) Class A department badges are metal and consist of a shield design. The badges are color-coded and state the rank and unit number of the officer.
 - (b) Class B department badges are a "flex" material and consist of a shield design. The badges are color-coded and state the rank and unit number of the officer.
 - (c) Polo shirt badges, under shirt badges, and hat badges, will consist of a gold colored cloth badge.
 2. Badge Color Combinations
 - (a) Civilians, Reserve Patrol Officers, Patrol Officers and Detectives
 - i. Silver in color
 - (b) Sergeants, Lieutenants, and Captains
 - i. Silver in color with gold banners
 - (c) Division Chiefs
 - i. Gold in color with silver banners
 - (d) Assistant Chief and Chief
 - i. Gold in color

Conflict of Interest

1020.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the Goshen Police Department.

1020.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived or potential conflict, in which it reasonably appears that a member's action, inaction or decisions are or may be influenced by a personal or business relationship.

1020.2 POLICY

Members of the Goshen Police Department are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of department members and the public, and thereby maintain the trust of the public and department members.

1020.3 PROHIBITIONS

The Department prohibits the following types of personal or business relationships among members:

- (a) Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship (I.C. § 36-1-20.2-10).
 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any member to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, field training officers (FTOs) and other trainers will not be assigned to train relatives. Department FTOs and other trainers are prohibited from

Conflict of Interest

entering into or maintaining personal or business relationships with any member they are assigned to train until such time as the training has been successfully completed and the person is off probation.

1020.4 MEMBER RESPONSIBILITIES

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

Whenever any member is placed in circumstances that would require him/her to take enforcement action or to provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the member shall promptly notify the communications operator to have another uninvolved member either relieve the involved member or, minimally, remain present to witness the action.

1020.5 SUPERVISOR RESPONSIBILITIES

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

Badges, Patches and Identification

1021.1 PURPOSE AND SCOPE

The Goshen Police Department (GPD) badge, patch and identification card, as well as the likeness of these items and the name of the Department, are property of the Department. Their use shall be restricted as set forth in this policy.

1021.2 POLICY

The Goshen Police Department issues each member appropriate identification, which may include a badge, patch and/or identification card, depending on the member's position within the Department.

1021.3 MEMBER RESPONSIBILITIES

Members of the Goshen Police Department will use the GPD badge, patch and identification card, as well as the likeness of these items, appropriately and professionally. The GPD badge, patch and identification card shall only be displayed or used by a member when acting in an official or authorized capacity.

Department members shall not:

- (a) Display or use the GPD badge, patch or identification card for personal gain or benefit.
- (b) Loan the GPD badge, patch or identification card to others or permit these items to be reproduced or duplicated.
- (c) Use images of the GPD badge, patch or identification card, or the likeness thereof, or the Goshen Police Department name, for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as email, blogs, social networking or websites.

1021.4 BADGES

The Chief of Police shall determine the number and form of badges authorized for use by department members.

Only badges issued by this department are authorized to be used, displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1021.4.1 RETIREE BADGES

The Chief of Police may establish rules for allowing honorably retired members to keep their badges in some form or possess a retirement badge upon retirement.

1021.4.2 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the GPD badge shall not be used for any purpose without the express authorization of the Chief of Police and shall be subject to the following:

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Badges, Patches and Identification

- (a) An authorized employee group may use the likeness of the GPD badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the Goshen Police Department. The following modification shall be included:
 - 1. Any text identifying the Goshen Police Department is replaced with the name of the employee group.
 - 2. A badge number is not included. That portion of the badge may display the acronym of the employee group.

1021.5 IDENTIFICATION CARDS

All members will be issued an official GPD identification card bearing the member's name, full-face photograph and signature of the Chief of Police or the official seal of the Department. All members shall be in possession of their department-issued identification cards at all times while on-duty or in department facilities.

- (a) Whenever on-duty or acting in an official capacity representing the Department, members shall display their department-issued identification cards in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers or other members working specialized assignments may be excused from the possession and display requirements when directed by their Division Chiefs.

1021.6 BUSINESS CARDS

The Department will supply business cards to those members whose assignments involve frequent interaction with the public or who may require the use of a business card. The only authorized business cards are those issued or approved by the Department and should contain identifying information including, but not limited to, the member's name, division, badge or other identification number and contact information (e.g., telephone number, email address).

Members should provide a business card to any member of the public who requests one.

1021.7 LOST BADGE, PATCH OR IDENTIFICATION CARD

Department members shall promptly notify their supervisors whenever their GPD badges, patches or identification cards are lost, damaged or are otherwise removed from their control.

1021.8 PATCHES

The Chief of Police shall determine the form of patches authorized for use by the Department. Any request to modify the authorized patches for specialty divisions (e.g., K-9, SWAT) should be submitted to the Chief of Police in writing.

Only patches issued by this department are authorized to be displayed or worn by members while on-duty or otherwise acting in an official or authorized capacity.

Members, with the written approval of the Chief of Police, may request additional patches.

Temporary Modified-Duty Assignments

1022.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or current collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1022.2 POLICY

Subject to operational considerations, the Goshen Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1022.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Indiana Civil Rights Act shall be treated equally, without regard to any preference for a work-related injury.

No position in the Goshen Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their law enforcement officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1022.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Division Chiefs or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Chief will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Human Resources or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Captain or Division Chief. In cases involving reassignment due to an injury, approval shall be sought with the Chief of Police.

1022.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Chief.

1022.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Chief that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

Temporary Modified-Duty Assignments

1022.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified-duty.

The responsibilities of supervisors shall include, but are not limited to:

- (a) Periodically apprising the Division Chief of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Chief and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1022.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1022.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1022.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1022.8 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Speech, Expression and Social Networking

1023.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Goshen Police Department.

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech and use of all Internet services, including the Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1023.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Goshen Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1023.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Goshen Police Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.

Speech, Expression and Social Networking

- Disclosing the address of a fellow department member.
- Otherwise disclosing where another officer can be located off-duty.

1023.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the safety, performance and public-trust needs of the Goshen Police Department, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
 2. Expression that demonstrates support for criminal activity.
 3. Participation in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Goshen

Speech, Expression and Social Networking

Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1023.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Goshen Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative
- (b) Endorse, support, oppose or contradict any social issue, cause or religion
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video or public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Goshen Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1023.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

Speech, Expression and Social Networking

1023.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1023.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression and use of social networking to all members of the Department.

Line-of-Duty Deaths

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Goshen Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1024.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1024.2 POLICY

It is the policy of the Goshen Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1024.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Officer in Charge, Shift Captain and the Elkhart County 911 Center.
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Shift Captain should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Shift Captain or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

Line-of-Duty Deaths

- (d) Upon notification, the Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1024.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Shift Captain, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.

Goshen Police Department

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Line-of-Duty Deaths

- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Goshen Police Department members may be apprised that survivor notifications are complete.

1024.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1024.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

Line-of-Duty Deaths

1024.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1024.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Chief or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.

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Line-of-Duty Deaths

- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1024.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. Department members and friends of the deceased member.
 - 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Goshen Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1024.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Chief. The following should be considered when selecting the Survivor Support Liaison:

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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

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- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1024.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.
 - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.
- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

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- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

1024.6.5 FUNERAL LIAISON

The Commander of the Goshen Honor Guard will act as the Funeral Liaison. He/She should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 2. Bagpipers/bugler
 3. Uniform for burial
 4. Flag presentation
 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1024.6.6 MUTUAL AID COORDINATOR, INDIANA STATE POLICE CRITICAL INCIDENT TEAM

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Goshen Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

Line-of-Duty Deaths

[See attachment: Critical Incident Memorial Committee PPT](#)

1024.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of worker's compensation claims and related paperwork (see the Work-Related Illness and Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
 - 1. Public Safety Officers' Educational Assistance (PSOEA) Program.
 - 2. Social Security Administration.
 - 3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 - 1. Survivor monthly benefit and health insurance coverage (I.C. § 36-8-8-14.1).
 - 2. Lump sum death benefit (I.C. § 36-8-8-16).
 - 3. Special lump sum death benefit for line of duty death (I.C. § 36-8-8-20).
 - 4. Tuition and fee exemptions for eligible survivors of a public safety officer killed in the line of duty (I.C. § 21-14-4-1).
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

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1024.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.
 - 2. Transportation costs for the deceased.
 - 3. Funeral and memorial costs.
 - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1024.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

Line-of-Duty Deaths

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

1024.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1024.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1024.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1024.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

Attachments

Disciplinary Documentation 021121 .pdf



GOSHEN POLICE DEPARTMENT

Jose' Miller, Chief of Police

It is the belief of the Goshen Police Department Administrative Staff that you are in violation of the following Policies and/or Directives:

List of Violations, Policy or Directive # with section #'s, Title of violation

For the violations listed above, you will be disciplined by one of the following options. Should behavior such as this occur in the future, more severe punishment could be sanctioned up to and including demotion or termination.

1. _____ Suspended for a period of _____ hours. In lieu of being suspended without pay, the Chief of Police is allowing you the opportunity to voluntarily surrender _____ hours of Time Coming Leave.
2. _____ Suspended for a period of _____ hours. In lieu of being suspended without pay, the Chief of Police is allowing you the opportunity to voluntarily surrender _____ hours of Vacation Time Leave.
3. _____ Suspended for a period of _____ hours. In lieu of being suspended without pay, the Chief of Police is allowing you the opportunity to voluntarily surrender _____ hours of Personal Time Leave.
4. _____ I choose none of the above options and understand that I am suspended for _____ hours without pay starting my next tour of duty. I understand by choosing this option, my anniversary date for pension purposes will be extended for the amount of time which I am suspended.

Officer Signature & Unit #

Date

Division Chief Signature & Unit #

Date

Assistant Chief of Police

Date

Chief of Police

Date

LEOSA Waiver GPD.pdf



GOSHEN POLICE DEPARTMENT

111 East Jefferson Street, Goshen IN 46528 (574) 533-8661

www.goshencitypolice.com

LAW ENFORCEMENT OFFICERS SAFETY ACT Retired Officers Application and Certification to Carry a Concealed Firearm under Federal Law

Date of Application:

Application for:

Original ID Card

Duplicate ID Card

Requesting Qualified Retired Officer

Name: (Last, First, Middle)

Driver's License #/State:

Date of Retirement:

Home Address: (number, street, city, state, zip code)

Home Phone #:

Cell Phone #:

E-mail Address:

Current Endorsement Expiration Date:

Sex:

Race:

Height:

Weight:

Eye Color:

Hair Color:

Date of Birth:

Purpose of Form

Qualified active officers and qualified peace officers separated from service with this department are authorized to carry a concealed firearm in all other states subject conditions enumerated in the Law Enforcement Officers Safety Act (18 United States Code 926B and C). Completion of the application/certification process as documented on this form satisfies the requirements of 18 United States Code 926B and C.

Waiver and Release

(READ AND INITIAL NEXT TO THE FOLLOWING DECLARATIONS AND SIGN BELOW)

(INITIAL)

- _____ I swear or affirm the information on this application is true and accurate.
- _____ I am separated from service in good standing with the Goshen Police Department, and I am eligible to carry a concealed firearm pursuant to the Law Enforcement Officers Safety Act (18 USC 926C) as defined on the following page of this form.
- _____ I recognize the Goshen Police Department is not legally required to provide me with handgun instruction or a firearms qualification course. I also recognize nothing in this application or process creates a property right to carry a concealed firearm.
- _____ I understand I will be required to fire my weapon under the direct supervision of a law enforcement firearms instructor.
- _____ I agree to indemnify and hold harmless the City of Goshen and the Goshen Police Department, and/or its agents and employees, for any injury suffered by me or caused by my participation in this qualification process.
- _____ I recognize it is my responsibility to review and become familiar with the laws of outside states on the carrying of a firearm before traveling.
- _____ Further, I hereby specifically agree to indemnify and hold harmless the City of Goshen and the Goshen Police Department and/or its officers and employees from any and all liability resulting from my carrying and/or use of any weapon allowed under the Law Enforcement Officers Safety Act.
- _____ I specifically authorize the City of Goshen and the Goshen Police Department to release any and all protected information including medical information they may possess, as it may relate to my application under 18 USC 926C as a qualified retired law enforcement officer. Further, I agree to hold harmless those agencies and individuals that may release information about me.

I have read and understand the Waiver and Release

Applicant Name (Print):

Applicant Signature :

Date:

Declaration of Eligibility and Certification of Qualification
(READ AND INITIAL NEXT TO THE FOLLOWING DECLARATIONS AND SIGN BELOW)

18 USC 926C DEFINES A "QUALIFIED RETIRED LAW ENFORCEMENT OFFICER" AS AN INDIVIDUAL WHO:

(INITIAL)

- _____ Separated from service in good standing with a public agency as a law enforcement officer, other than for reason of mental disability.
- _____ Before such separation from service, was authorized by law to engage in or supervise the prevention, detention, investigation, or prosecution of; or the incarceration of any person for any violation of law; and had statutory powers of arrest.
- _____ Before such separation was regularly employed as a law enforcement officer for an aggregate of 10 years or more, or separated from service with such agency after completing any applicable probationary period of such service due to a service-connected disability, as determined by such agency.
- _____ Has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health.
- _____ Has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health.
- _____ Will not be under the influence of alcohol or another intoxicating or hallucinatory drug or substance at any time while carrying a firearm and is not a habitual user of same.
- _____ IS NOT PROHIBITED BY STATE LAW OR FEDERAL LAW FROM RECEIVING OR POSSESSING A FIREARM.

CERTIFICATION OF FIREARMS QUALIFICATION REQUIREMENT:

- _____ During the most recent 12-month period the qualified retired law enforcement officer has met either:
- The standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, or
 - The standards for qualification in firearms training for active law enforcement officers, as determined by the state in which the individual resides, or
 - If the state has not established such standards, either:
 - The standards of law enforcement agency within the state in which the individual resides, or
 - The standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that state.

IF CARRYING A CONCEALED FIREARM, YOU MUST BE IN POSSESSION OF:

- _____ A photographic identification issued by the Goshen Police Department stating you separated from service in good standing as a law enforcement officer, and
- _____ A certification that, during the most recent 12-month period, you have met the applicable standards for qualification in firearms training for active law enforcement officers.

GOSHEN POLICE DEPARTMENT QUALIFICATION STANDARDS:

The *Goshen Police Department Retiree Handgun Qualification Form* outlines the Department's standards for qualification in firearms training. Applicants may complete the qualification process at the Goshen Police Department at no charge. The Goshen Police Department will only issue the certification of firearms qualification for examinations conducted by a *Department Approved Firearms Instructor*. The certification issued by the Department is valid for 12-months from the date of firearms qualification.

DEPARTMENT APPROVED FIREARMS INSTRUCTOR DEFINED:

A "Department Approved Firearms Instructor" must meet at least one of the following criteria:

1. A person currently employed by a Indiana law enforcement agency as a Firearms Instructor or Range master who has completed a Firearms Instructor Course certified by the State of Indiana, Indiana Law Enforcement Academy (ILEA).
2. A person currently employed by a law enforcement agency as a Firearms Instructor or Range master for a law enforcement agency within the state in which the qualified retiree resides, who has completed a Firearms Instructor Course certified by the entity responsible for the regulation of peace officer training in that state.
3. A person certified by the National Rifle Association (NRA) as a Law Enforcement Instructor, Range master, or Training Counselor who is currently employed in that capacity.

OBTAINING REQUIRED FORMS:

In addition to this form, the following forms may be obtained by contacting the Administrative Secretary at (574)533-8661.

1. **Goshen Police Department Retiree Handgun Qualification Form:** For qualified retired officers applying for a LEOSA certification (includes GPD course-of-fire).

Applicants qualifying at the Goshen Police Department must bring a supply of ammunition for each firearm used.

I have read and understand the information above

Applicant Name (Print):	Applicant Signature:	Date:
--------------------------------	-----------------------------	--------------

Certification by Qualified Firearms Instructor

Name: (Last, First, M.)	Title/Occupation:	<input type="checkbox"/> Law Enforcement Firearms Instructor <input type="checkbox"/> Law Enforcement Range master <input type="checkbox"/> NRA Certified Instructor/Range master/Training Counselor
Agency/Company Name:	Agency/Company Address:	Agency/Company Phone: () Ext.
Location of Qualification:	Date of Qualification:	<input type="checkbox"/> Pass <input type="checkbox"/> Fail Signature of Approved Firearms Instructor

Certification of Qualified Retired Officer by Goshen Police Department

- The applicant's retirement file has been reviewed and **IS** a qualified retired law enforcement officer as defined by 18 USC 926C.
- The applicant has met the requirements for certification of firearms qualification and **IS** certified to carry a concealed firearm pursuant to 18 USC 926C.
- The applicant's retirement file has been reviewed and **IS NOT** a qualified retired law enforcement officer as defined by 18 USC 926C.
- The applicant **HAS NOT** met the requirements for certification of firearms qualification pursuant to 18 USC 926C.

Chief of Police or Authorized Designee (Print):	Title:	Signature:	Date:
Certification of Firearms Qualification Endorsement Issued? Yes ___ No ___		Endorsement Expiration Date: N/A ___	<input type="checkbox"/> In person <input type="checkbox"/> By mail
Reason/Comments:			

The requesting officer must complete the "Requesting Retired Employee" section, read and sign the "Waiver and Release" and read initial and sign the "Declaration of Eligibility" before proceeding with a qualification. The requesting retired officer must then successfully complete the qualification course prior to certification. The Agency will complete the "Certification of Qualified Retired Officer" only upon verification of eligibility and qualification.

Article 27 Bill of Rights.pdf

ARTICLE XXVII Bill of Rights

All police officers within the bargaining unit shall be entitled to the protection of what shall hereafter be termed as the "Police Officers' Bill of Rights." The wide-ranging powers and duties given to police officers on or off duty involve them in all manner of contacts and relationships with the public. Of these contacts come many questions concerning the actions of police officers. These questions often require investigation by superior officers. In an effort to ensure these investigations are conducted in a manner which is conducive to good order and discipline, the following rules are promulgated:

Section 1. Internal Affairs Investigations

The procedures contained in this Section apply only to Police Department internal affairs investigations.

(A) Advance Notice. Prior to being interviewed regarding an internal affairs investigation for any reason which could lead to disciplinary action, an officer shall be:

- (1) Informed in writing of the nature of the investigation and whether the officer is a witness or a suspect, if and when known;
- (2) Informed of other information necessary to reasonably apprise him/her of the nature of the allegations of the complaint, including the date, time, and location of the occurrence;
- (3) Afforded an opportunity and facilities to contact and consult privately with an attorney of his/her choosing and/or representative of the Lodge;
- (4) Whenever a delay in conducting the interview will not jeopardize the successful accomplishment of the investigation or when criminal culpability is not an issue, advance notice shall be given to the officer not less than twenty-four (24) hours before the initial interview commences or written reports are required from the officer.

(B) Interview Safeguards. Any interview of an officer shall be when the officer is on duty unless the seriousness of the complaint dictates otherwise.

- (1) If prior to or at any time during the interview of a police officer it is determined that he/she may be charged with a criminal offense, he/she shall be immediately informed of his/her constitutional rights and the interview shall be terminated unless the officer chooses to waive his/her constitutional rights of self-incrimination.
- (2) Interviews shall take place at the department police station facility, or elsewhere if mutually agreed, unless the emergency of the situation necessitates otherwise.
- (3) An attorney or representative chosen by the officer must be, depending on the seriousness of the criminal matter under investigation and the need for immediate action, available within a reasonable period of time, and if any interview session is delayed more than twenty-four (24) hours because of the unavailability of the attorney or representative chosen by the officer, the officer may be subjected to disciplinary action up to and including suspended from duty without pay until the interview occurs. However, no matter how extreme an emergency exists, no interview shall take place until the officer shall be given a minimum of three (3) hours to obtain the services of a representative and/or attorney.

- (4) The officer being interviewed shall be informed of the name, rank, and command of the officer in charge of the investigation and the interviewing officer.
 - (5) Interviews shall be done under circumstances free of intimidation or coercion and shall not otherwise violate the officer's constitutional rights. The officer shall not be subjected to offensive or abusive language. No promise or reward shall be made as an inducement to answer questions unless the promise or reward is reduced to writing.
 - (6) Interviews shall not be overly long. The officer shall be entitled to reasonable intermissions as he/she shall request for personal necessities, telephone calls, and rest periods, with one (1) ten (10) minute intermission every hour if he/she requests.
 - (7) All interviews shall be limited in scope to activities, circumstances, events, conduct, or acts which pertain to the subject of investigation.
 - (8) Investigations shall be concluded without delay.
- (C) Investigations that Result in Charges Being Filed.
- (1) The officer will be furnished with a copy of the summary report of the internal investigation which will contain all material facts of the matter.
 - (2) The officer will be furnished with the names of all witnesses and complainants who will appear against him/her and/or whose statements will be used against him/her.
- (D) When Disciplinary Action Results.
- (1) When the investigation results in a determination of a sustained complaint and disciplinary action, only the findings and the disciplinary order will be placed in the officer's personnel file unless the officer requests inclusion of the complete record.
 - (2) No dismissal, demotion, or other punitive measures shall be taken against an officer unless he/she is notified of the action and a reason for such action prior to the effective date of such action.

Section 2. Personal Privileges

- (A) No officer shall be required for purposes of assignment or other personnel action to disclose any item of his/her property, income assets, source of income, or personal or domestic expenditures, including those of any member of his/her family, unless such information is obtained pursuant to proper legal process or tends to indicate a conflict of interest with respect to the performance of his/her official duties.
- (B) No officer shall have his/her residence, private place of business, if any, private vehicle or locker space assigned to him/her by the Police Department searched unless a valid search warrant is obtained or he/she voluntarily agrees to such search.
- (C) No member of the immediate family of the officer shall be required to give a statement to the investigator or be interviewed by the investigator unless the immediate family member is first notified that a formal investigation is being conducted.

Section 3. Lodge Representation

- (A) Any employee questioned by any superior with respect to any matter which might involve disciplinary action shall have the right to have a representative of the Lodge present during such questioning.
- (B) The representative is only there as a witness and in a nonparticipating capacity. In the event such questioning is being recorded by either party, the other party shall be informed prior to any such recording and shall be furnished with a copy of the recording and given the opportunity to make a transcription of the recording.

Section 4. Political Activities

Except when on duty or in uniform, no officer shall be prohibited from engaging in political activities.

Section 5. Polygraph Examinations

Any police officer under investigation shall not be required to take a polygraph examination or certified voice stress analyzer against his/her will.

Section 6. Blood, Breath, and Urine Tests

Blood, breath, and urine tests for controlled substances are mandatory for any member of the department who is suspected of being under the influence of alcohol or any drug while on duty; provided, however, that the officer shall not be required to submit to any such tests in regards to any occurrence at a time when he/she, while off duty, was compelled to take immediate police action in response to an emergency situation except in the event of a property damage accident or personal injury accident.

Section 7. Maintenance of Records

- (A) Complaints investigated by the department shall be handled in the following manner by classification and designation:
 - (1) Unfounded, exonerated and non-sustained complaints shall be destroyed upon the lapse of three (3) months from the date of complaint with the officer whom the complaint was made having a right to be present during the destruction if he/she desires. Said officer shall be informed of the proposed destruction before it takes place.
 - (2) Sustained complaints may be kept in the personnel file for a period of two (2) years, at the end of which time they shall be destroyed in the presence of the law enforcement officer who is the subject thereof if he/she so desires; provided, however, the personnel file shall nevertheless contain a summary record of the discipline setting forth the appropriate dates, charges, findings, and penalty imposed.
- (B) A police officer shall have the opportunity, at a reasonable time during office hours, to review his/her active personnel file and any closed investigative file in which he/she was the accused. In the event there is any comment adverse to his/her interests in his/her personnel file, the officer shall have the right to file a written response thereto, which written response shall be attached to said adverse comments, and additionally, he/she shall have the right to file a grievance in regard to any such matter which is of such gravity that it could affect his/her promotional opportunities, which grievance shall then be processed in accordance with the grievance procedures.

- (C) Any officer who is reprimanded in any way, either orally, in writing, by suspension, deprivation of overtime or any other benefits, or disciplinary action in any way, shall have the right of appeal as provided by law.

Section 8. Discipline Up to Forty (40) Working Hours

- (A) The Chief of Police shall have the authority to issue oral and written reprimands, as well as suspensions, up to and including forty (40) working hours, of police officers without reporting such action to the City of Goshen Board of Public Works and Safety, unless the police officer receiving the disciplinary action (other than an oral reprimand) within seventy-two (72) hours after receiving notice of the written reprimand or suspension, requests that the Board review the Chief of Police's disciplinary action. There is no right to request a review of an oral reprimand.
- (B) If a request for review is timely filed with the Board by the police officer, the Chief of Police shall provide the Board with the disciplinary action taken by the Chief of Police and the reasons for such action. The Board shall review the action taken by the Chief of Police. The Board may elect to hold a hearing on the police officer's review request. If the Board elects to hold a hearing, the Board shall issue written notice of the hearing to the police officer in person or by a copy left at the police officer's last and usual place of residence at least fourteen (14) days before the date set for the hearing.

Ordinance Officer.pdf

Updated Team PP 1-22-16.pdf



Indiana State Fraternal Order of Police

CRITICAL INCIDENT
MEMORIAL COMMITTEE

Introduction

◆ Joe Hamer, Chairman

- ◆ Gary, IN, Police Department, Retired
- ◆ Line of Duty Disability
- ◆ Member - 2003

◆ Danny Overley, Chairman Emeritus

- ◆ Deputy Chief, Retired – Indianapolis, IN, PD

◆ Molly Winters-Carrie

- ◆ Past National C.O.P.S. President
- ◆ Executive Director Emeritus, IN C.O.P.S.

Team History

- ◆ Need for team recognized by Indianapolis PD
- ◆ Officers killed in line of duty
- ◆ 1992 the team became part of Indiana history
- ◆ Indiana FOP and COPS join – common goal
- ◆ 82 Line of Duty Deaths - 1991
- ◆ Governors/Firefighters/Racing Profession/assist other states

Under the State FOP Umbrella

◆ Critical Incident Stress Management Support

- ◆ Peer Counseling Support
- ◆ Defusing and Debriefing Support

◆ Memorial Team

- ◆ Line of Duty Death Response
- ◆ Technical Assistance for Non Line of Duty Deaths

Team Background

◆ Team Membership

- ◆ Active and Retired Police Officers
- ◆ Surviving Family Members

◆ Purpose and Goals

- ◆ Memorials and Funerals
- ◆ Peer Support and Counseling



*Let every nation know
whether it wishes us well or ill
that we will pay any price,
bear any burden,
meet any hardship, support
any friend,
oppose any foe to assure the
survival
and success of liberty...*

John F. Kennedy, 1961



Patrolman Gregg Wm Winters
E.O.W January 8, 1991

INDIANA FOP STATE LODGE



Critical Incident Memorial
Team

What The Team Offers

- ◆ Assistance to Family
- ◆ Assistance to Agency
- ◆ Assistance to Community
- ◆ Assistance to Funeral Director

What The Team Offers

- ◆ Experience
- ◆ Resources
- ◆ Coordination and cooperation
 - ◆ Family
 - ◆ Agency
 - ◆ Community
- ◆ Duties
- ◆ Additional staffing
- ◆ Successful partnerships

Assistance Rendered

- ◆ Law Enforcement funerals
- ◆ Department Head – active funerals
- ◆ Military funerals
- ◆ Firefighter funerals
- ◆ Dignitary funerals and memorial services

Assistance To Agencies

◆ Critical Incident Responses

- ◆ Officer involved incidents
- ◆ Police action shootings
- ◆ Disasters / Large Community Incidents
- ◆ Line of Duty Deaths

Assistance To Agencies

- ◆ Assist with drafting policies:
 - ◆ Line of Duty Death
 - ◆ Active Officer Death
 - ◆ Funeral Honors Protocols
 - ◆ Critical Incident Stress Management

CISM / CISD

◆ Critical Incident Stress Management

- ◆ Peer Support

- ◆ Defusings

- ◆ Debriefings

- ◆ Follow-up

Cost To Agency

- ◆ There is no cost to your agency for the services of the Critical Incident Memorial Team.
- ◆ Costs are underwritten by the Indiana Fraternal Order of Police State Lodge.
- ◆ The Team assists agencies and their members regardless of FOP membership.

Honors



Classifications For Honors

- ◆ Line of Duty Death
 - ◆ Felonious
 - ◆ Accidental
- ◆ Active Duty Death (non line of duty)
 - ◆ Natural/Illness
 - ◆ Accidental
- ◆ Retired Officer Death
- ◆ Suicide



Guiding Principle

- ◆ Based on death classification and departmental policy, offer the family the options authorized by the policy, then...

Let the family make the final decision on which honors to include...

Suggested Honors

◆ Line of Duty Death

- ◆ Family Liaison Officer

- ◆ Draped Patrol Car

- ◆ Flags Flown at Half Staff

- ◆ Individual Officer Acknowledgement

 - ◆ Black Badge Covers

 - ◆ Black Flags on Patrol Cars

Suggested Honors

◆ Line of Duty Death

◆ Funeral Home

- ◆ Two Officer Casket Watch
- ◆ Formal Flag Presentation
- ◆ Escorted Movement of Officer's Body

◆ Funeral Services

- ◆ Two Officer Casket Watch Prior to Service
- ◆ Various Levels of Officer Participation in Services
- ◆ Color Guard / Honor Guard
- ◆ Formation of Officers During Transfer to Hearse

Suggested Honors

◆ Line of Duty Death

◆ Cemetery Honors

- ◆ Walking Guard

- ◆ Rider-less Horse

- ◆ Color Guard

- ◆ Pipe/Drum Band

Suggested Honors

◆ Line of Duty Death

◆ Cemetery Honors (continued)

- ◆ Firing Party

- ◆ Bugler

- ◆ Flag Folding (6-8 man) and Presentation

- ◆ Carnation Presentation

- ◆ Aircraft Salute

- Include only if officer has direct connection with aviation



Suggested Honors

- ◆ Active Duty Death (Non Line of Duty)
 - ◆ Funeral Home
 - ◆ One Officer Casket Watch
 - ◆ Escorted Movement of Officer's Body
 - ◆ Funeral Services
 - ◆ Various Levels of Officer Participation in Services
 - ◆ Color Guard / Honor Guard
 - ◆ Formation of Officers During Transfer to Hearse

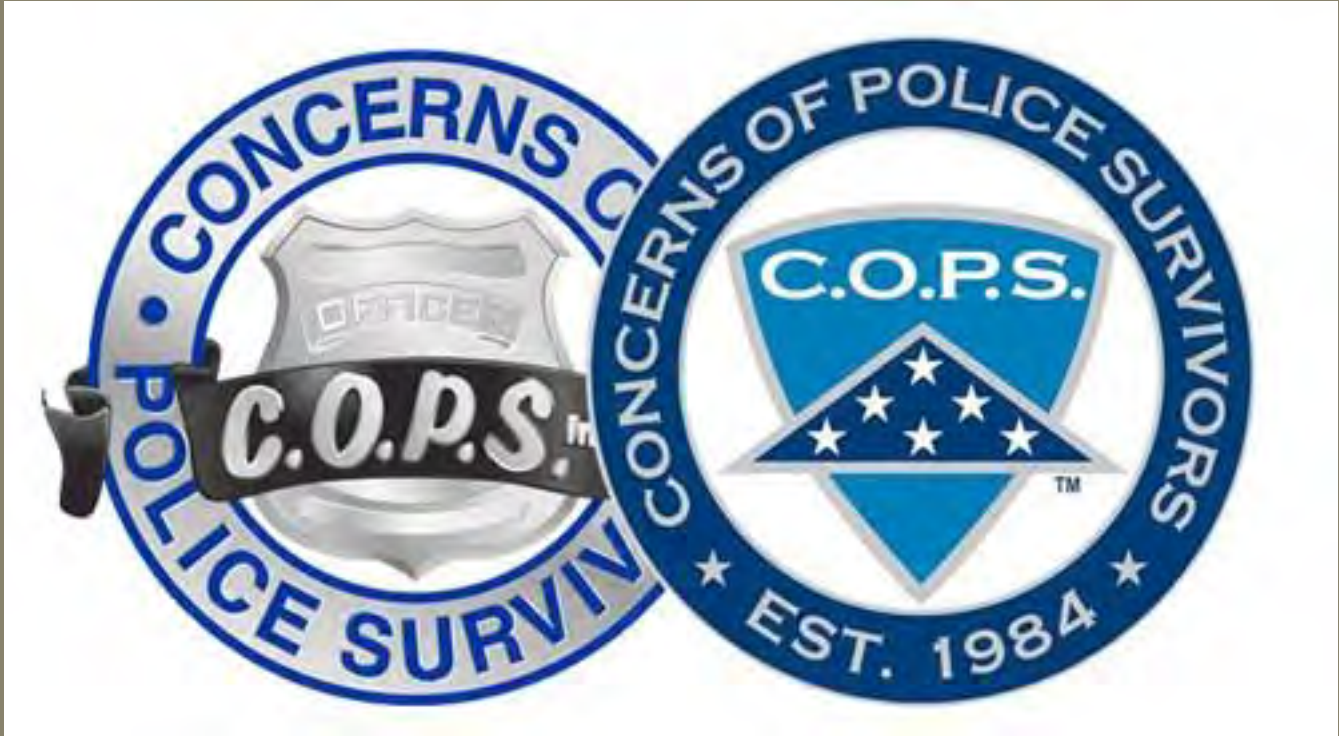
Considerations In Planning

- ◆ Venue for visitation
- ◆ Venue for funeral service
- ◆ Equipment
- ◆ Staffing
- ◆ Parking
- ◆ Cemetery arrangements



**Not to speak
of the deceased...
denies their existence**

**Speaking of the deceased, affirms
their life and the fact that they
were loved**



A survivor's level of distress is affected by the police department's response to the tragedy

Elements of the department's response that affect the distress are:

- ◆ The way survivors are notified of the death
- ◆ The emotional support provided by the department
- ◆ The information the department gives on insurance and benefits

Indiana Cops Involvement

- ◆ Executive Board advised immediately of a LODD
 - ◆ Personal notification made to survivors in the affected area
 - ◆ E-mail notification made to all survivors

IN COPS Response

- ◆ An Executive Board Member or their designee responds to the LODD
 - ◆ Actively involved in all meetings with the family
 - ◆ Actively involved in all planning aspects of the LODD
 - ◆ One representative designated as the family contact/liaison

Planning...

- ◆ Stays in contact with the family and their liaison
- ◆ Makes sure all the family's desires for the visitation and funeral are accounted for, and that they are consulted about the arrangements
 - ◆ Assists team in balancing the departments and family's wishes

Assist...

- ◆ In meeting with the funeral home to assist the family and director in understanding all aspects of a full LODD funeral and any special needs that need to be accounted for
- ◆ In the meetings with the department to help them understand the survivor's view and the need to be included
- ◆ Assist in the set up and planning of the visitation and funeral
- ◆ Assists the FOP team with the family dynamics

Responsibilities

◆ Visitation

- ◆ Assists family through out the visitation
- ◆ Assist with issues that may arise
- ◆ Be aware of special needs
- ◆ Survivors are brought forward to meet family

Responsibilities

◆ Funeral

- ◆ Survivors/Auxiliary/Cadets assist in the staging area to ensure officers get registered and receive their carnation
- ◆ Designate area for seasoned survivors to stage
- ◆ Organize transportation for survivors attending burial
- ◆ Survivors transported in core group in police cars

Responsibilities

◆ C.O.P.S. Liaison

- ◆ assists with seating the family.
- ◆ assists family to view honors before funeral procession begins
- ◆ assists family to limos
- ◆ assists the family with the grave side services

Memorial Team



Memorial Team Job Descriptions

- ◆ Chairman
- ◆ Document Coordinator/Memorial Coordinator
- ◆ Honor Guard Coordinator
- ◆ Honor Guard Scheduling/Planning Coordinator (Visitation)
- ◆ Funeral Route Coordinator
- ◆ Funeral Parking Coordinator
- ◆ Memorial Coordinator
- ◆ Seating-Usher Coordinator
- ◆ CISM Coordinator

Documentation

- ◆ Deceased Officer Document
- ◆ Flag Presentation
- ◆ Final Call/Dispatch
- ◆ Funeral Program
- ◆ Computer Death Notifications
- ◆ Badge Retirement
- ◆ Sign In Forms

Media

- ◆ Important element to paying tribute to our fallen and/or injured Hero.
- ◆ Establish Public Information Officer (PIO)
– should be appointed by agency head..
- ◆ Official media release from agency.
- ◆ FOP Chairman, PIO, Agency Head, and COPS Representative meet with all media

Media

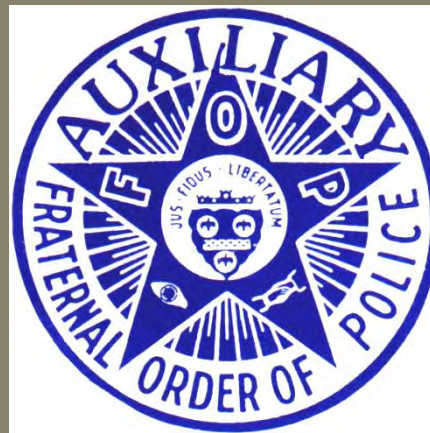
- ◆ Organize a media meeting – give them information to assist the community in paying tribute to the fallen officer
- ◆ Have them involved in documenting with family approval
- ◆ Obtain copies of all documentation for the family

Media

- ◆ As we are aware: Media can be our best friends or our worst enemy.
- ◆ Give them the information in a positive manner – remember to respect the family's wishes – use Department PIO
- ◆ FOP Chairman is Spokesman for the Fraternal Order of Police.

◆ Resources available to assist:

- ◆ FOP
- ◆ FOP Auxiliary
- ◆ C.O.P.S.



Line of Duty Death Benefits

- ◆ The FOP and Indiana COPS actively watches and pursues legislation to make sure all police officers in Indiana are covered
 - ◆ Assisting the family and the department with required paperwork and filings.

Resources

- ◆ Indiana Fraternal Order of Police

 - ◆ 800-793-6746

 - ◆ www.instatefop.org

- ◆ National Concerns of Police Survivors

 - ◆ 800-784-2677

 - ◆ www.nationalcops.org

- ◆ Indiana Concerns of Police Survivors

 - ◆ www.indianacops.org

Contact Information

◆ Joe Hamer, Indiana F.O.P.

- ◆ Critical Incident/Memorial Committee Chairman

- ◆ 219-712-5413 Cell, j_hamer1420@sbcglobal.net

◆ Danny Overley, Indiana F.O.P.

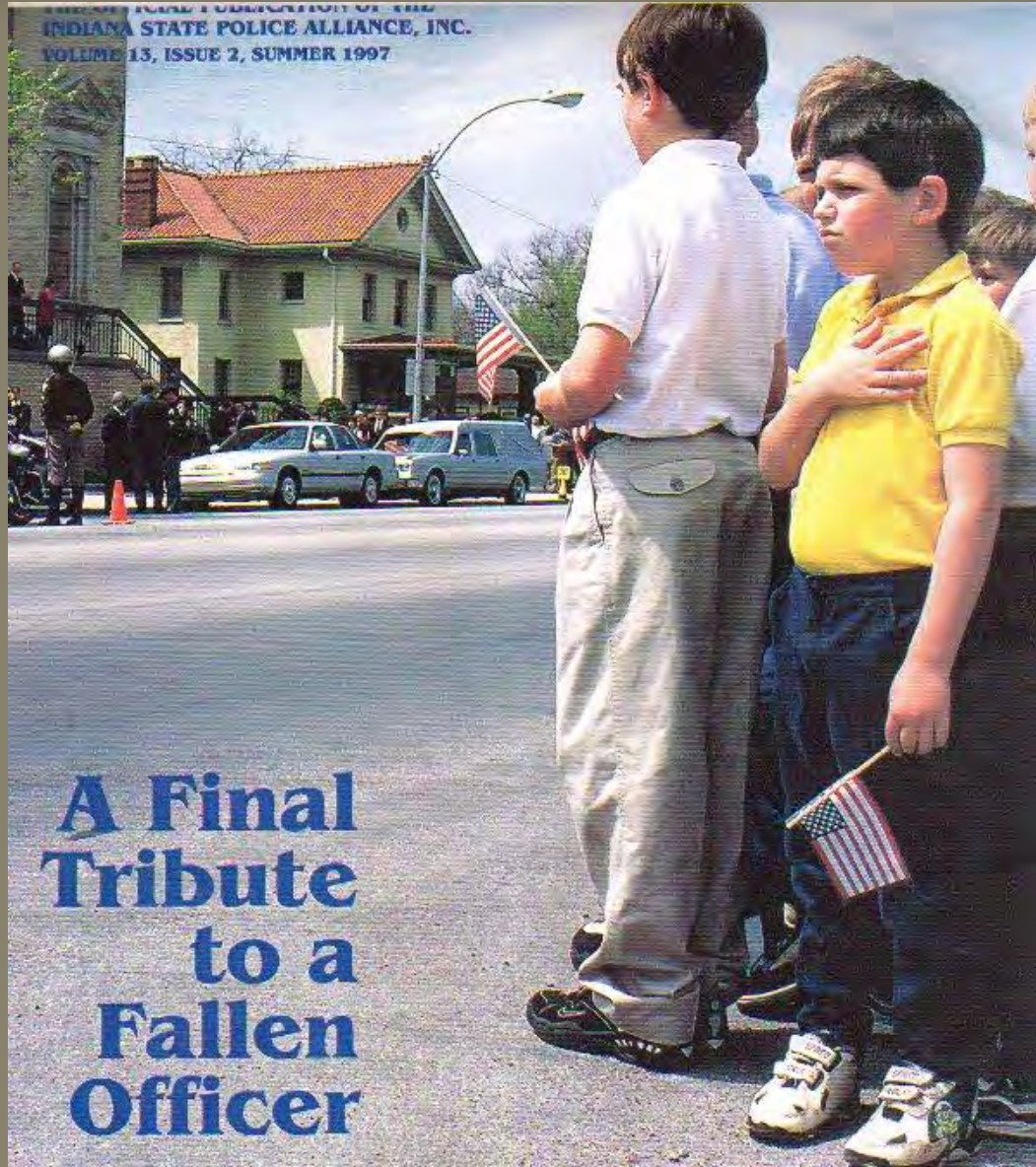
- ◆ Critical Incident/Memorial Chairman Emeritus

- ◆ 317-714-1893 Cell, overley@iquest.net

◆ Molly Winters-Carie, C.O.P.S

- ◆ Critical Incident/Memorial Committee

- ◆ 765-749-1067 Cell, mwinters@fop86.org



THE OFFICIAL PUBLICATION OF THE
INDIANA STATE POLICE ALLIANCE, INC.
VOLUME 13, ISSUE 2, SUMMER 1997

A Final Tribute to a Fallen Officer

LOD

**Form_Filler Juvenile Detention_Intake
Center Screening Call Questionnaire.pdf**

ELKHART COUNTY
Juvenile Detention/Intake Center
Screening Call Questionnaire

Referral Time: _____ Referral Date: _____

Name of Officer: _____ Dept: _____ Call back #: _____

Name of Juvenile: _____ DOB: _____ Sex: _____ Race: _____ Ethnicity: _____

Charge/Violation: _____ Charge Level: _____ IC Code: _____

Charge/Violation: _____ Charge Level: _____ IC Code: _____

Charge/Violation: _____ Charge Level: _____ IC Code: _____

Any other pertinent information (i.e. combative, suicidal, under the influence, etc.): _____

Does the juvenile have any warrants or body attachments? (Yes or No)

If YES, the juvenile will not need to be assessed by an Intake Probation Officer and staff should inform the officer to bring the juvenile directly to secure detention.

Is Juvenile Injured or under the Influence of Drugs or Alcohol? (Yes or No)

If YES, juvenile must be medically cleared at the hospital before being eligible to come to JDC.

Let the officer know this information will be forwarded to the Intake Probation Officer who will be giving him/her a call back.

Contact the Intake Probation Officer via radio (or phone if they do not answer their radio) and inform them of the call. The Intake Probation Officer will come into the Control Room to receive this form and prepare for the juvenile's arrival.

Confidential Source Information Form.pdf

**Goshen Police Department Proactive Investigation Team
Confidential Source Information Form**

Name: _____

AKA: _____

Address: _____ City: _____

Employer & Address: _____

Home TX: _____ Work TX: _____ Cell TX: _____

Race: _____ Sex: _____ DOB: _____ Soc: _____

Hair: _____ Eyes: _____ Height: _____ Weight: _____

Scars/marks/tattoos: _____

Military service branch: _____ Discharge status: _____

Marital status: _____ Spouse/significant other: _____

Significant other address: _____

Children names/addresses: _____

Parent name/address: _____

Friends/associates: _____

Vehicle make: _____ Model: _____ Year: _____ Color: _____

Plate #: _____ State: _____ OLN: _____ State: _____

Criminal record: Charge: _____

Date: _____ Agency: _____

Confidential Source Code of Conduct

I, _____, the undersigned understand that while I am cooperating with and assisting the Goshen Police Department, I agree to the following:

1. I may never search any suspect, person, house, papers or physical effects. I also understand that I may **not** affect **any** physical arrests for violations during my association with the investigating agency.
2. I understand that I am **not** an employee of the Goshen Police Department, Elkhart County Office of the Prosecuting Attorney, or any law enforcement agency, and that I may **not** use any documents or equipment that would identify me with a law enforcement agency. I fully understand that I am **not** a law enforcement officer and that I am **not** to use my association with the Goshen Police Department.
3. I further understand that I am **not** to carry a firearm or weapon of any type while working with the Goshen Police Department.
4. I further agree to keep in constant contact with the Goshen Police Department while assisting them.
5. I further understand that I may be required to testify in court in cases that I am involved with. I agree to tell the whole truth when testifying. I agree to inform the court and the Goshen Police Department of any change in my address for subpoena service, and to make myself available for court, depositions, or any other action that the court may require.
6. I understand that I am not being asked to create crime. I further understand that I am only working to interrupt ongoing criminal activity.
7. I will not ask anyone to commit crimes that they are not already doing, or are capable of doing.
8. I understand that I am **not** to use sexual enticement or promises of future sexual acts to get someone to commit a criminal act.
9. I understand that I will not be allowed to beg, pressure, lure, or threaten anyone to commit a criminal act they ordinarily would not do.
10. I completely understand that the Goshen Police Department is not interested in investigating innocent people. They are only interested in people that I know are committing crimes and intend to commit crimes in the future.
11. I further understand that I may not engage in any illegal or improper conduct so long as I am working with the Goshen Police Department.
12. I understand that I may receive expense money only. The amount and frequency of expense money that I receive will be determined only by a supervisor and **not** by my case agent. Expense money does not include any reward monies or profit of any kind for my participation in this program.
13. If an investigation in which I take part results in a seizure and/or asset forfeiture of property or money, I understand that I will **not** receive any money or property based on a percentage of the property or money seized or forfeited.
14. Further, I understand that any violations arising from my actions in violation of the aforementioned circumstances will result in an investigation of the matter. If the charges are substantiated, appropriate action to include the possibility of criminal prosecution will be taken.
15. I agree to cooperate with the Goshen Police Department of my own free will, and not as a result of any intimidation or threats.
16. I agree not to simultaneously act as a confidential source for any agency other than the Goshen Police Department without prior permission of the Goshen Police Department.
17. I understand that I may be requested during any investigation, to submit to a drug screen, urinalysis, polygraph, stress analysis test or other test designed to ensure my effectiveness and credibility as a confidential source. I agree to submit to any such examination immediately upon request.
18. I understand that I may be subject to search during any meeting with an investigator. I further consent to search of my belongings and vehicle. I fully understand that any illegal contraband found subsequent to the search may be used as evidence against me in court.
19. I understand that if lodging is provided by the Goshen Police Department or Elkhart County ICE Unit, I am consenting to search of the premises and my person by an investigator at any time.
20. I agree to allow investigators to monitor and/or record conversations either by telephone or over a body microphone.
21. I hereby release the Goshen Police Department Elkhart County ICE Unit, City of Goshen, County of Elkhart, State of Indiana, its officers, agents, affiliates, and any other cooperating law enforcement agency from any liability or injury that may arise as a result of this agreement.
22. I hereby give my permission to any officer of the Goshen Police Department or Elkhart County Interdiction/Covert Enforcement Unit to install an electronic listening/recording device or any other device designated for the purpose of monitoring and/or recording conversations on or about my person, for the purpose of conducting a criminal investigation and to record those conversations for evidentiary purposes.

My permission is given voluntarily and freely.

Confidential Source

Date

Investigator

Date

Investigator

Date

Response to Resistance Report Policy 300.pdf

Uniforms.pdf

Gold Color Buttons for Sergeant and above.



Gold Colored Collar Brass for Sergeant and above.



Name Plate and Serving Since Pin



Whistle Chain



Outer Vest Carrier



Poly Shirt



Ordinance Officer



Outter Vest Carrier 1.pdf



B. KNOWLES



MOTOROLA

Whistle Chain.pdf

**Form_Filler TRANSPORTING
OFFICER QUESTIONNAIRE.pdf**

09 Response to Resistance Form (2022).pdf

Response to Resistance Report

Date/Time: _____ / _____ Nature of Call/Incident: _____ Incident #: _____

Incident Type:

Civil Disturbance Suicidal Suicide by Cop Violent Suspect
 Barricaded Warrant Other

Location: Indoor Outdoor Jail Other _____ Human Animal

Person Affected: _____ Date of Birth: _____ Age: _____

Address: _____

Sex: _____ Race: _____ Height: _____ Weight: _____

On Scene Supervisor: _____ Officer(s) Involved: _____

Charges(s): _____ Booked: (Y/N) _____ Photos: (Y/N) _____

If No Photos, Explain: _____

Response Used: (Check All That Apply)

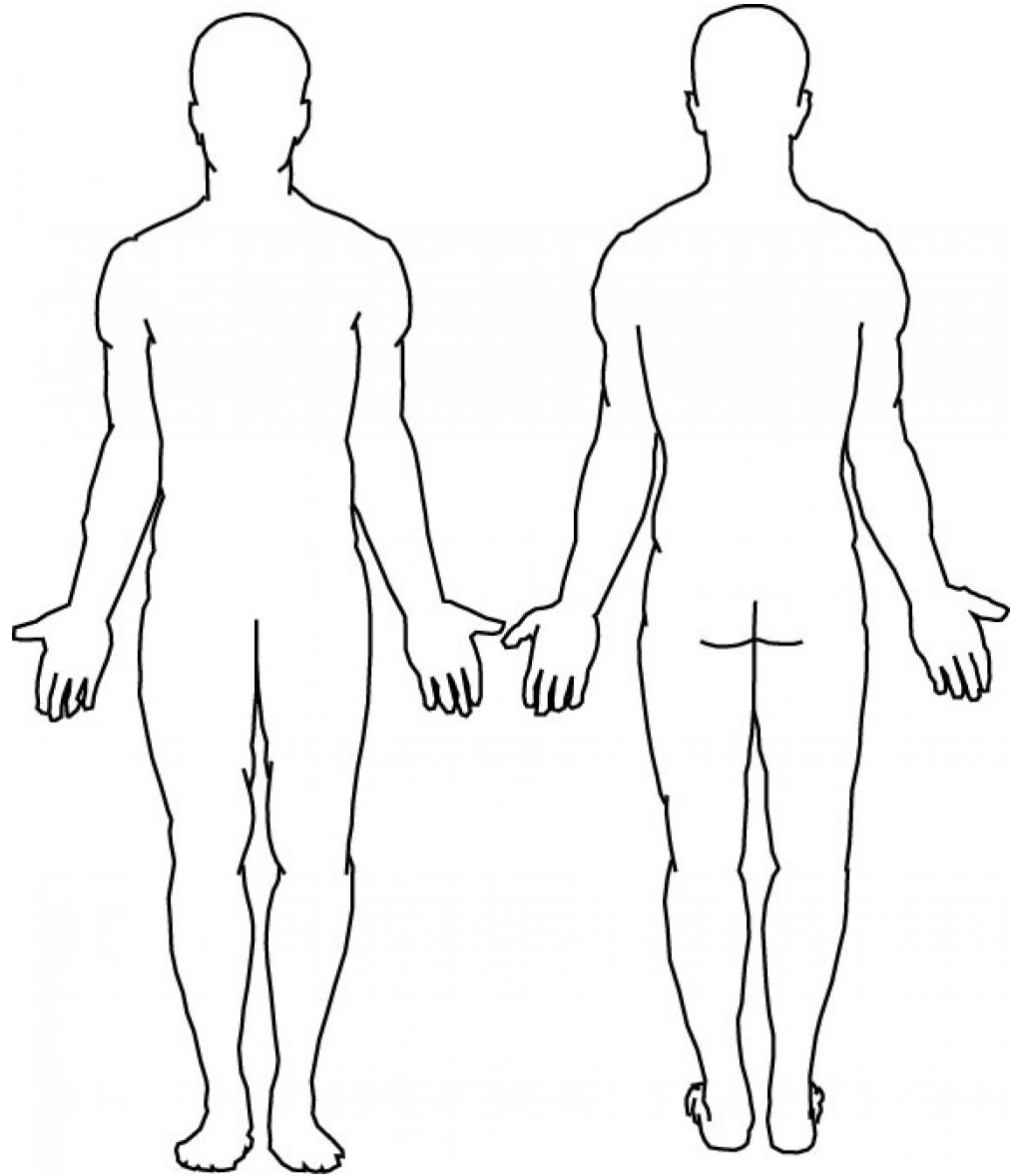
Physical Less-Lethal Firearm Chemical
 Taser Impact Weapon K-9 Other

Explain Other: _____

Legend Options

Place Check(s) for General Areas of Application

Physical Tactics	(PT)
Taser (Probes)	(TP)
Taser (stun)	(TS)
K-9	(K9)
Impact Weapons	(IW)
Other	(O)
The Wrap	(TW)



Nature of the Injuries and Medical Treatment Required (Be Specific):

Medical Facility: _____ Admitted: (Y/N) _____ Doctor: _____ Medical Exam: (Y/N) _____

Admitted for Psychiatric: (Y/N) _____ Suspect Under the Influence of: _____

Was an Officer, Police Employee, Volunteer, or Citizen Injured: (Y/N)____ If yes, Describe Below:

Complete the Following Portion if a Taser was Used:

TASER: Dart Probe Contact: (Y/N)____ Drive Stun Contact: (Y/N)____ TASER Serial #:_____

TASER use: _ Success / _ Failure Suspect Wearing Heavy Clothes: (Y/N)____

Number of Cartridges Fired:____ Number of Cycles Applied:____ Need for Additional Shot (Y/N)____

Cartridge Serial Number:_____ If TASER Cartridge Unsuccessful, was Drive Stun Used: (Y/N)____

Usage: _ Arc Display Only _ Laser Display Only _ TASER Application _ Verbal

Approximate Target Distance at Time of Launch: _____ Feet

Dart Contact Penetration Subject's Skin: (Y/N) _____ Probes Removed on Scene: (Y/N) _____

Taser Application Cause Injury: (Y/N) _____ If Yes, was Subject Treated for Injury: (Y/N) _____

Describe Subject Demeanor After Device Used or Displayed:

Synopsis:

Officer Completing Report

Unit #

Approving OIC

Unit #

Internal Affairs Investigation Checklist 021121.pdf



GOSHEN POLICE DEPARTMENT

Jose' Miller, Chief of Police

Internal Affairs Checklist

IA Case Number:

GPD Case Number:

Subject Member(s):

Allegation(s):

Assigned to:

Date Assigned:

Assigned Completion Date:

Review Complaint and coordinate with case management for release of all notices

Documentation Needed/Obtained

Offense/incident reports

Booking Photo(s)

Jail Logs

Medical Reports

CAD screens

Response to Resistance reports

ICACS/NCIC

Other:

Subject Members notified of investigation in writing. Date:

Subject members given copy of Garrity warning & Police Officer's Bill of Rights. Date:

Develop a list of Questions and answers needed to establish preponderance of evidence

Identify/Interview all Complainant(s)

Identify/Interview all agency members

Identify/Interview all witnesses

Schedule/Interview Subject officer(s) using interview appointment form. Date:

Schedule additional investigative aids/methods

Polygraph

medical tests

financial reports

photo lineup(s)

Other

Reviewed by Division Chief. Date Reviewed:

File returned to investigator for additional investigation on:

Extension approved by:

Final Completion Date:

Goshen City Police Department, 111 E. Jefferson Street, Goshen, IN 46528

Phone: (574)533-8661

www.goshencitypolice.com

Fax: (574)533-1826



GOSHEN POLICE DEPARTMENT

Jose' Miller, Chief of Police

Final Report Submitted – Date:

Final report Approved – Date:

By:

Agency Members notified in writing of conclusion(s) of fact – date:

Complainants/victims notified in writing of conclusion(s) of fact – date:



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**CITY COURT INSTRUCTIONS
INF AND ORD VIOLATIONS.pdf**

GOSHEN CITY COURT
CITY POLICE & COURT BUILDING
111 E. JEFFERSON STREET, Suite 2
Goshen, Indiana 46528
(574) 533-9365

INFRACTION AND ORDINANCE VIOLATION TICKETS ONLY

1. **To ADMIT to the charge or plead NO CONTEST:** You may pay ONLINE at mycase.in.gov OR you may pay in person at Goshen City Court with CASH or MONEY ORDER. No checks will be accepted. Clerk's Office hours are **Monday -Friday, 8:00 a.m. - 4:00 p.m.** You may also mail in a MONEY ORDER or CASHIER'S CHECK with the WAIVER (below) to GOSHEN CITY COURT (or use the Drop Box located inside the front door.) **DO NOT MAIL CASH or put cash in the Drop Box.**
2. **TO DENY the charge,** you must appear at City Court on the date designated at the bottom of your Ticket to speak with the Deputy Prosecuting Attorney (Infractions) or City Attorney (Ordinance). If an agreement is not reached, a Trial date will be assigned and your case will go before the Judge. If your case is set for a Trial and you **Fail To Appear at your Trial,** a Judgment may be entered against you in your absence.
3. If you **FAIL TO PAY YOUR TICKET or FAIL TO APPEAR FOR TRAFFIC COURT on the date designated on your ticket,** YOUR DRIVER'S LICENSE WILL BE SUSPENDED until you appear and/or pay the fines and court costs.

THE INDIANA BUREAU OF MOTOR VEHICLES may ACCESS POINTS against your license if you ADMIT, Plead NO CONTEST, or are FOUND IN VIOLATION of an Infraction or Ordinance ticket. The Indiana Bureau of Motor Vehicles may also SUSPEND YOUR LICENSE if you accumulate enough points in a designated period of time. To determine your driver's license and/or accumulated points status, contact the BMV by telephone or online at <https://in.gov/bmv/index.htm> . The Court staff will NOT have this information.

TO FIND THE AMOUNT OF YOUR TICKET: You may check online at mycase.in.gov or call Goshen City Court Clerk's Office at (574) 533-9365.

If you have not received a ticket within the last 12 months, you may be eligible for the Infraction DEFERRAL Program. This program is through the Elkhart County Prosecutor's Office. To learn more about this program, you will need to contact them at 574-296-1888.

WAIVER

If you choose to ADMIT or plead NO CONTEST to the Infraction or Ordinance Violation issued against you, it is not mandatory for you to appear in Court. You may complete this WAIVER and submit it with your payment:

BY SIGNING BELOW I ACKNOWLEDGE THAT I HAVE REVIEWED MY INFRACTION/ORDINANCE VIOLATION RIGHTS (on the reverse side) AND I UNDERSTAND THAT A JUDGMENT ENTERED AGAINST ME WILL BECOME A PART OF MY DRIVING RECORD. I HEREBY ENTER MY APPEARANCE ON THE CHARGE(S) CONTAINED IN THE UNIFORM TRAFFIC CITATION. I WAIVE MY INITIAL HEARING AND ANSWER THE CHARGE(S) AS FOLLOWS:

____ **ADMIT:** I ADMIT TO THE CHARGE(S) AND ENCLOSE A MONEY ORDER IN THE AMOUNT OF \$ _____.

____ **NO CONTEST:** I plead NO CONTEST. I consent to the entry of Judgment against me without admitting to the violation. I HAVE ENCLOSED A MONEY ORDER IN THE AMOUNT OF \$ _____.

****TO RECEIVE A RECEIPT FOR THIS PAYMENT, PLEASE ENCLOSE A SELF-ADDRESSED, STAMPED ENVELOPE WITH YOUR PAYMENT****

TICKET # _____ DATE: _____ X _____

Signature

TELEPHONE NUMBER: (_____) _____

(ADDRESS)

EXPLANATION OF RIGHTS FOR INFRACTION AND ORDINANCE VIOLATIONS

1. You have been charged with an infraction or ordinance violation. You are presumed to have not committed the violation unless you admit to the violation or until the State of Indiana or the City Prosecutor proves by a preponderance of the evidence that you committed the violation.
2. You have the right to ADMIT or DENY the violation or to plead NO CONTEST.
3. You have the right to the assistance of counsel during a proceeding involving an Infraction or Ordinance Violation and you may retain an attorney at your own expense to represent you.
4. You have the right to call witnesses on your behalf.
5. You have the right to confront and cross-examine any witness who testifies against you.
6. You have the right to a Bench Trial with the Judge hearing the evidence and deciding the case, or you can have a Trial by Jury. If you request a Jury Trial, you must do so provided under the Indiana Rules of Trial Procedure.
7. You have the right to appeal any decision of this Court.
8. If you are found to have committed a traffic violation, that violation will be reported to the Indiana Bureau of Motor Vehicles and become part of your permanent driving record. The Bureau will assess certain points against your driving record and, if you accumulate enough points in a given period of time, your license can be suspended by the BMV.
9. If you admit to the Infraction or Ordinance Violation, you are admitting the truth of all material facts alleged in the charge, and the court shall proceed with judgment of conviction and assess fine and costs. Further, you will be waiving the rights explained above.

EXPLICACION DE LOS DERECHOS POR INFRACCIONES Y VIOLACIONES DE ORDENANZAS

1. A usted se le ha formulado un cargo por una infracción o violación de una ordenanza. Se presume que usted no ha cometido la violación a menos que usted admita la violación o hasta que el Estado de Indiana o el Fiscal de la Ciudad haya probado, por preponderancia de la evidencia que usted cometió la violación.
2. Usted tiene el derecho de admitir o negar la violación o alegar no disputado.
3. Usted tiene el derecho a recibir la asistencia de un abogado durante un procedimiento que involucre una infracción o violación de la ordenanza y usted puede retener un abogado pagado por usted para que le represente.
4. Usted tiene el derecho a citar a testigos de su parte.
5. Usted tiene el derecho de carear y contra interrogar a cualquier testigo que testifique en su contra.
6. Usted tiene el derecho a tener un juicio ante el Juez y que el Juez escuche la evidencia y decida el caso o usted puede tener un juicio ante un jurado. Si usted quiere solicitar un juicio ante un jurado, usted debe hacerlo conforme a las Reglas de Indiana con respecto al Procedimiento de Juicio.
7. Usted tiene el derecho de apelar cualquier decisión que tome este Juez.
8. Si se ha determinado que usted ha cometido una violación de tránsito, la violación será reportada a la Agencia de Vehículos de Motor y permanecerá como parte de su récord de manejo y, si usted acumula suficientes puntos dentro de un período determinado de tiempo, la Agencia podría suspender su licencia.
9. Si usted admite la infracción o la violación de la ordenanza, usted está admitiendo la verdad de todos los hechos materiales que se alegan en el cargo, y el Juez podrá proceder con fallo de convicción e imponer multas y costos. Además, usted estaría renunciando a los derechos explicados anteriormente.

Policy 404 - RISK ASSESSMENT MATRIX.pdf

Intake Center Protocol for Police.pdf

ELKHART COUNTY COURT SERVICES JUVENILE PROBATION

INTAKE CENTER PROTOCOL FOR POLICE

After much build up, Juvenile Probation will be opening the Intake Center at the new Juvenile Detention Center.

Intake Center

1. The Intake Center will be open to assess juveniles who are arrested by police for any JD offense and runaways.
2. To allow for staff to prepare for the arrival of the juvenile officers should contact Juvenile Detention Control at (574) 891-2254 to let Detention staff know that a juvenile is enroute.
 - a. In order to help staff prepare for the juvenile, please be prepared to give the Detention Staff the following information:
 - i. Juvenile Name
 - ii. DOB
 - iii. Race, Sex, Ethnicity
 - iv. Alleged Offense
 - v. Name of LE Agency
 - vi. Name & Contact information for Arresting officer
 - vii. Estimated Time of Arrival
 - viii. Any other important information (i.e. combative, suicidal, under the influence. Etc.)
 - b. Detention Staff should do a preliminary check for warrants before ending the call. If the Juvenile has a warrant they will be detained without needing to be further screened.
 - c. Detention Staff should also warn/remind the officer that juveniles under influence of substances may need to be medically cleared *prior* to being brought to the center. This is designed to keep from having to turn officers away with juveniles who have not been medically screened.
3. Transport Juvenile to JDC
4. Complete Transporting Officer Questionnaire while staff searches the juvenile
5. Discuss information Probation staff and answer any questions
 - a. Ensure Probation has the correct information for juvenile and parent/guardian
 - b. Probable Cause statement:
 - i. To ensure Probation has enough information to create narrative and complete Detention Screening Tool. (ie. The who, what, where, when, why of your investigation.)
6. When Probation has all the needed the LEO is free to leave JDC and Probation will use the information to complete the Detention Screening Tool and make a decision on release, placement on ATD, or placement in secure detention. LEO will be free to leave even if the juvenile qualifies for release as the juvenile will wait with Probation/Detention staff until parents arrive to take custody of the juvenile.

Outter Vest Carrier 2.pdf

Name Plate.pdf

EXCEPTION TO USE OF BODY ARMOR.pdf

EXCEPTION TO USE OF BODY ARMOR

Officer: _____

Pursuant to Body Armor Policy 10 (2019), the use of body armor is optional by the above-named Officer on the following date(s) and for the following reason(s):

Date(s): _____

Reason(s): _____

APPROVED this ____ day of _____, 20__.

Signature: _____

Investigation Disposition 021121.pdf



GOSHEN POLICE DEPARTMENT

Jose' Miller, Chief of Police

Investigation Disposition

IA Case Number:

GPD Case Number:

Division Level

Internal Affairs

Law Enforcement Service Related

Off Duty

Employee Personnel Conduct Related

Off Duty

Complainant Name:

Race:

Sex:

Date of Birth:

SSN:

Address:

Telephone Number:

Alternative Number:

Email:

Date Complaint Received:

In Person

Telephone

Letter

other

Alleged Policy/Procedure Violations:

Person Receiving Complaint:

Investigation Division:

Location of incident:

Day of Incident:

Time:

Personnel Involved

Full Name:

Full Name:

Nature of Complaint (list all Witnesses):

Follow Up Assigned to:

Investigation Division:

By:

Date Follow-up Assigned:

Results Due By:

Disposition:

Unfounded

Complainant admits to a false allegation; the charges were false, or the employee was not involved in the incident.

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GOSHEN POLICE DEPARTMENT

Jose' Miller, Chief of Police

Exonerated

An act occurred, but the actions were justified, legal and proper.

Not Sustained

Investigation produced insufficient facts to prove or disprove the allegations.

Sustained

The allegation is supported by sufficient facts to indicate that the accused employee committed one or more of the alleged acts of employee misconduct.

Policy Failure

The investigation determined a policy failure contributed to or caused the incident.

Division Chief:

Date:

Comments:

Reviewed by (if applicable):

Captain: _____

Date: _____

Division Chief: _____

Date: _____

Assistant Chief: _____

Date: _____

Chief of Police: _____

Date: _____

Gold Color Collar Brass.pdf

Records Request with translation.pdf



Records Request

Phone: 574.533.8661 Fax: 574.533.1826

Email: police@goshencity.com

111 E Jefferson St, Goshen IN 46528

Date and Time of Request: _____ Case/Incident# _____

Your Information:

Name: _____ Phone #: _____ Fax#: _____

Address: _____

Email: _____

Signature Required: _____ Date: _____

Complete Appropriate Section for Records Requested: Case/Incident # _____

Case Report: Incident Date/Time: _____ Incident Location: _____

Nature of Incident: _____

Person Involved: _____ DOB: _____ Address: _____

Other: _____

Please Mark Type of Records Requested:

Case or Incident Reports, Other Records (does not include digital media)

Digital Media (photos, dispatch recordings, videos, etc.)

For GPD Use Only: Total Cost \$ _____

Received by: _____

Request Approved Denied by: _____

Comments: _____

Date Mailed: _____ Initials: _____

Date Called for Pickup: _____ Initials: _____

Fecha y Hora de la Solicitud: _____ **Caso/Incidente#** _____

Tu Informacion:

Nombre: _____ Numero de Telefono: _____ Fax#: _____

Direccion: _____

Correo Electronico: _____

Firma Requerida: _____ **Fecha:** _____

Completar la Seccion Apropriada para los Registros Solicitados: Caso/Incidente # _____

Reporte de Caso: Fecha/Hora del Incidente: _____ Ubicacion del Incidente: _____

Tipo de Incidente: _____

Persona Involucrada: _____ Fecha de Nacimiento: _____ Direccion: _____

Mas Informacion:

Por Favor Marque el Tipo de Registros Solicitados:

Informe de Caso o Incidente, Otro Registros (no incluye medios digitales)

Medios Digitales (fotos, grabaciones de despachar, videos, etc.)

Article 26 Grievance Procedure and Binding Arbitration.pdf

ARTICLE XXVI Grievance Procedure and Binding Arbitration

Section 1.

A "grievance" is defined to mean any difference that may arise between the parties or between the City and a Police Department employee covered by this agreement as to any matter involving interpretation, meaning, application, or violation of any of the provisions of this contract. A "grievant" is defined as any employee covered by this contract, group of employees, or the Lodge.

- (A) It shall first be the responsibility of the grievant to reduce the grievance into writing within sixty (60) days after it arises and present it to the Chief.
- (B) If the grievance is not resolved after a period of seven (7) days after being presented to the Chief, the written grievance shall be presented to the City's Board of Public Works and Safety.
- (C) If the matter is not resolved by the Board of Public Works and Safety within fourteen (14) days to the satisfaction of the grievant, the matter may be submitted to arbitration in accordance with the terms and conditions set forth below.

Section 2.

The grievant may send written notice of a demand for arbitration to the City. If within ten (10) days after the notice of the demand for arbitration the parties are unable to agree upon an arbitrator, then the grievant may request the Goshen Bar Association President to submit a panel of three (3) practicing attorneys. Upon submission of the panel, the City shall strike one (1) name within two (2) business days at which time the grievant shall strike one (1) of the remaining two (2) names within two (2) business days, and the name then remaining shall be the arbitrator. The impartial arbitrator shall hold hearings upon the issues, make such investigations as shall be deemed necessary to a proper decision, and render such decision in writing. A decision of the arbitrator shall be final and binding upon the parties. The arbitrator is authorized to conduct a hearing in an informal manner and without recourse to the technical, common-law rules of evidence required in judicial proceedings. Every person who is a party to such proceeding shall have the right to submit evidence in open hearing and shall have the right of cross-examination. Hearings may be held at any place in the county agreed to by the parties, or in the absence of agreement, as determined by the arbitrator.

Section 3.

The arbitrator's fees and necessary expenses of arbitration shall be borne by the losing party. However, it is agreed that such fees and expenses shall not include the attorney fees of either party.

Formal Complaint 020221.pdf

GOSHEN POLICE DEPARTMENT

FORMAL COMPLAINT FORM

Complaint: _____ Home Phone: _____
Address: _____ Alternative Phone: _____
City: _____ State: _____ Zip Code: _____

Complaint/Allegation made against: _____
(Employee's Name & unit #)

Summary of the Complaint/Allegations:

Location of occurrence: _____

Date of Occurrence: _____ Time of Occurrence: _____

Witness (if any): _____ Phone: _____
Address: _____ Alternative Phone: _____
City: _____ State: _____ Zip: _____

I, _____, the complainant or witness to the offense as related above do swear, or affirm, under penalty for perjury, as specified by IC 35-44-2-1, that the foregoing representations are true. Any false statement you make and that you do not believe to be true may subject you to criminal prosecution as a Class B Misdemeanor.

Complainant or Witness Signature

Officer Receiving Complaint Signature

Received by: _____ Date: _____ Time: _____











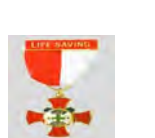




Reviewed by: _____ Date: _____ Time: _____









GOSHEN POLICE DEPARTMENT
FORMAL COMPLAINT FORM

Additional Narrative

Complainant or Witness Signature

Awards.pdf

	<p>Combat cross</p>	<p>Awarded for an individual act of heroism</p>	
	<p>Drug Buster citation</p>	<p>Award for participation in a Significant Narcotics arrest</p>	
	<p>Honorable Service Medal</p>	<p>Awarded for creditable act in the line of duty</p>	
	<p>Educational Achievement medal</p>	<p>Educational Achievement- 4 year degree, non degree, SPI, FBI, 2 year Associate</p>	
	<p>Exceptional Duty Medal</p>	<p>Officer of the Year</p>	
	<p>Gallantry Star award</p>	<p>Awarded for the prevention/arrest of a person who is a major threat to the community</p>	
	<p>Grade Promotion</p>	<p>Personal Achievement- tested and achieved rank within the department</p>	
	<p>Life Saving Award</p>	<p>Actions diverted significant injury or saved the life of person(s)</p>	
	<p>Medal of Honor</p>	<p>Medal of Honor awarded for an outstanding act in the line of duty with risk involved.</p>	
	<p>Ready Commendation</p>	<p>20 consecutive years of service</p>	
	<p>Reserves Academy Graduate</p>	<p>Completion of training to become "Road Ready" by a reserve officer</p>	

	Queen's Honor	10 consecutive years of service	
	Triumphant Citation	Awarded for performance as Best of the best in competition. Including educational achievement)	
	Unit Citation	Awarded by Chief of Police to a unit within the department for exceptional performance	
	Wounded in combat	Awarded for wounds received in the line of duty	
	Civilian Citation	Awarded for individual extraordinary assistance to department or person	
	Meritorious Service Citation	Awarded for high accomplishment under adverse conditions where serious injury or death was prevented	
	K-9 Assisting Citation	Awarded for overcoming dangerous encounters through coordinated team between dog and handler	

BODY ARMOR WAIVER.pdf

BODY ARMOR WAIVER

Pursuant to Indiana Code § 36-8-4-4.5 and Department policy, the Goshen Police Department will provide an active member of the Goshen Police Department (hereinafter referred to as “Officer”) body armor for the torso and replace the body armor in accordance with Indiana Code § 36-8-4-4.5 at no cost to the Officer.

The undersigned Officer acknowledges that the Goshen Police Department will provide the Officer with body armor for the torso and periodically replace the body armor at no cost to the Officer. The undersigned Officer elects not to have the Goshen Police Department provide the Officer with body armor for the torso.

The undersigned Officer knowingly, freely and voluntarily agrees to and does release and hold harmless the City of Goshen and the Goshen Police Department, its officers, agents, officials and employees from and against any liability for any damage, illness, injury, death or other cause of action arising from or by reason of the undersigned Officer's failure or refusal to wear body armor for the torso.

The undersigned Officer understands that this waiver will be placed in the Officer's personnel file and will remain effective until revoked in writing by the Officer.

Signature: _____

Printed: _____

Date: _____

Elkhart County Regional SWAT MOU.pdf

**ELKHART COUNTY
REGIONAL SWAT TEAM
MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding (MOU) is entered by the below-listed “participating agencies” to establish their understanding regarding participation in an Elkhart County Regional Special Weapons and Tactics Team (Team):

- Elkhart County Sheriff’s Department (ECSD),
- Goshen City Police Department (GPD),
- Elkhart City Police Department (EPD)
- Goshen Fire Department (GFD).

The goal is to provide a specially equipped and trained team for response to situations, both active and potential, which might require additional manpower, equipment, skills, or teamwork capabilities outside the regular resources and training of line officers. The participating agencies anticipate that the Team will function in accordance with the protocols below.

OPERATIONAL PROTOCOLS

A. COMPOSITION AND COMMAND

The Team will be comprised of specially trained operators, negotiators, paramedics, marksmen, K-9 support officers, team leaders, assistant team leaders, tactical resource officer, an assistant team commander, and a Team Commander. The Team Commander will be agreed upon by the Joint SWAT oversight committee, which consists of the Sheriff, the Chief of Elkhart City Police, the Chief of Goshen City Police, the Chief of the Goshen Fire Department, and/or the designee of each. The Team Commander or his/her designee will command the Team and will direct designated SWAT operations until concluded or until scenes are released.

The Team Commander will maintain a cohesive communication network between command staffs of each participating agency. Meetings to review specific incidents, call-outs, investigations, or other specific concerns can be called by any participating agency’s command staff or supervisor.

Each participating law enforcement agency anticipates assigning at least eight officers (except when agency staffing shortages prevent such) to the Team to serve as operators, negotiators, snipers, or team leaders. The Goshen Fire Department anticipates assigning three paramedics (except when agency staffing shortages prevent such) to the Team to serve in a paramedic capacity. This count does not include Team Command personnel.

Individual personnel from each participating agency that want to join the Team must have written approval of their respective Chief or Sheriff to participate in the formal selection process. Formal selection and dismissal of personnel from the Team will be conducted per standard operating procedures. Each participating agency may change its personnel assigned to the Team at any time.

B. POLICIES, PROCEDURES, AND DIRECTION

The policies, standard operating procedures, and direction of the Team will be set forth by the Joint SWAT oversight committee. Team officers will understand and comply with such while performing their duties. The participating agencies understand that Team activity will be joint to the extent possible, with no participating agency acting independently of the other participating agencies.

C. SCENE SUPERVISION

Initial command of a situation will be the responsibility of the on-scene commander from the jurisdiction where the event occurs or is occurring. Upon arrival, the Team Commander may assume command over the operation or tactical aspects thereof, as he/she deems necessary. While the Team Commander retains command of the Team, the law enforcement agency in whose jurisdiction the incident occurs retains authority to terminate the SWAT operation or request additional support.

Due to the dynamics of large situations, SWAT supervisors will not be tasked with commanding aspects of situations not directly related to the mission of the Team. As proper focus must be maintained for successful tactical resolution, command of the Team and its resources rests with the Team Commander.

D. SCENE PROCESSING

After the Team has responded and secured an incident, the agency with jurisdiction will be responsible for processing the crime scene. The Team will assist when requested to the extent possible and appropriate.

E. CALL-OUT PROCEDURES

Any participating agency that believes a situation exists requiring the response of the SWAT Team will follow this procedure:

1. Unless not possible due to the urgency of an active event, top leadership of the requesting agency, or their designee, will give their authorization before a formal request is made to activate the Team.
2. A formal request for the Team must be made by the requesting

agency to the Team Commander.

3. For purposes of officer safety and public safety, the Team Commander, upon request, should consider activation of the Team immediately. Undue delay in activating the Team will be avoided.

4. Once authorized, the requesting agency's on-scene supervisor will be put in contact with the Team Commander as soon as possible.

5. Once authorized for activation, all Team members will be paged with their orders via Elkhart City, Elkhart County Dispatch or Active911.

F. TYPES OF TEAM-RESPONSE INCIDENTS ANTICIPATED

The Team may be authorized, at the ultimate discretion of the Team Commander or his designee, for use in these incidents:

- Barricaded Subjects
- Hostage Situations
- High Risk Warrant Service
- Suicidal Subjects
- Dignitary (VIP) Protection
- Special Events
- Coverage of Disasters
- Coverage of Civil Defense Disorders
- Other events deemed necessary by a participating agency

G. OPERATIONAL PROBLEMS

Operational problems will be mutually addressed and resolved by the participants from each agency. Resolution of operational problems will be conducted at the lowest level possible. Problems not resolved at lower levels will be referred to the Joint SWAT oversight committee.

H. FIREARMS, VEHICLES, AND OTHER EQUIPMENT

Handguns, rifles, and ammunition carried by Team members during a SWAT tactical

operation will comply with standard operating procedures. Team members will use the equipment and vehicles of their own participating agency employer.

I. TRAINING

Each Team member will attend a weeklong SWAT Officers Immersion School as a new member. Each Team member must also attend all monthly Team trainings unless excused by the Team Commander or a team leader. Monthly training is generally conducted two times per month, 4-6 hours each day. Each participating agency will be responsible for costs of its own Team members' training.

J. PERSONNEL MATTERS

Each participating agency remains responsible for the conduct of its own personnel; for their medical expenses; for their benefits and wages, including overtime; and for worker's compensation. Each participating agency will determine whether to authorize or require its own personnel to work overtime hours. Each participating agency will be responsible for personnel actions related to its own personnel.

K. PRESS RELEASES

Regarding press releases for Team responses to situations:

- For events that take place in the City of Elkhart, EPD will make press releases.
- For events that take place in the City of Goshen, GPD will make press releases.
- For events that take place elsewhere within Elkhart County, ECSD will make press releases.
- For events that take place outside of Elkhart County, the participating agencies will jointly decide which participating agency will issue a press release on a case-by-case basis.

For all press releases regarding the Team's response to situations or otherwise regarding the Team, all participating agencies will approve the press release before the issuing participating agency issues it.

Nothing in this section alters the rules applicable to the participating agencies under Public Records and Public Meetings Laws of Indiana Code 5-14.

L. NON-PARTICIPATING-AGENCY REQUESTS

If non-participating law enforcement agencies request assistance from a participating agency, the above call-out procedures apply. If the decision is made to assist a non-

participating agency, the Team Commander or his/her designee will provide notice to the non-participating agency about the operational protocols under which the Team would be operating, and the non-participating agency must acknowledge and agree to such protocols.

When the Team operates within another law enforcement agency's jurisdiction, the head of the non-participating agency may designate a command-level officer to participate in the Team Command process. The Team Commander has final authority for command decisions.

M. TEAM EVALUATION

The Team will be evaluated on an annual basis by supervisors from the participating agencies who may make recommendations for improving Team performance.

N. TERM

This MOU will remain in effect until jointly terminated by the participating agencies or, as to each participating agency, until that participating agency has withdrawn. Each participating agency may withdraw from this MOU at any time and for any reason. If a participating agency elects to withdraw from participation, that agency will deliver written notice of withdrawal, effective immediately, to the other participating agencies.

SIGNATURES

This MOU is effective on the date last signed below:

/s/ Jeff A. Siegel
/s/ Jeff A. Siegel (Dec 17, 2020 07:12 EST)

Jeff Siegel, Sheriff
Elkhart County Sheriff's Department

Dec 17, 2020

Date: _____

Jose' D. Miller
Jose' D. Miller (Dec 9, 2020 05:33 EST)

Jose Miller, Chief
City of Goshen Police Department

Dec 9, 2020

Date: _____


Kris Seymore (Dec 16, 2020 11:05 EST)

Dec 16, 2020

Date: _____

Kris Seymore, Chief
City of Elkhart Police Department


Dan Sink (Dec 16, 2020 07:51 EST)

Dec 16, 2020

Date: _____

Dan Sink, Chief
City of Goshen Fire Department

**Juvenile Detention_Intake Center
Screening Call Questionnaire.pdf**

ELKHART COUNTY
Juvenile Detention/Intake Center
Screening Call Questionnaire

Referral Time: _____ Referral Date: _____

Name of Officer: _____ Dept: _____ Call back #: _____

Name of Juvenile: _____ DOB: _____ Sex: _____ Race: _____ Ethnicity: _____

Charge/Violation: _____ Charge Level: _____ IC Code: _____

Charge/Violation: _____ Charge Level: _____ IC Code: _____

Charge/Violation: _____ Charge Level: _____ IC Code: _____

Any other pertinent information (i.e. combative, suicidal, under the influence, etc.): _____

Does the juvenile have any warrants or body attachments? (Yes or No)

If YES, the juvenile will not need to be assessed by an Intake Probation Officer and staff should inform the officer to bring the juvenile directly to secure detention.

Is Juvenile Injured or under the Influence of Drugs or Alcohol? (Yes or No)

If YES, juvenile must be medically cleared at the hospital before being eligible to come to JDC.

Let the officer know this information will be forwarded to the Intake Probation Officer who will be giving him/her a call back.

Contact the Intake Probation Officer via radio (or phone if they do not answer their radio) and inform them of the call. The Intake Probation Officer will come into the Control Room to receive this form and prepare for the juvenile's arrival.

24 hour admonishment 021121.pdf



Jose D. Miller, Chief of Police

GOSHEN POLICE DEPARTMENT

GOSHEN POLICE DEPARTMENT

NOTIFICATION OF INTERNAL INVESTIGATION, BILL OF RIGHTS, AND INTERVIEW

To:
From:
Subject:
Date:

In accordance with the collective bargaining agreement and contract between the city of Goshen, Board of Public Works and Safety, and the Fraternal Order of Police with respect to Article XXVII, Police Officers Bill of Rights, this now being written notice of the following:

Section 1. Internal Affairs Investigations

The procedures contained in this Section apply only to Police Department internal affairs investigations.

- 1) **Advance Notice.** Prior to being interviewed regarding an internal affairs investigation for any reason which could lead to disciplinary action, an officer shall be:
 - a) Informed in writing of the nature of the investigation and whether the officer is a witness or a suspect, if and when known;
 - b) Informed of other information necessary to reasonably apprise him/her of the nature of the allegations of the complaint, including the date, time, and location of the occurrence;
 - c) Afforded an opportunity and facilities to contact and consult privately with an attorney of his/her choosing and/or representative of the Lodge;
 - d) Whenever a delay in conducting the interview will not jeopardize the successful accomplishment of the investigation or when criminal culpability is not an issue, advance notice shall be given to the officer not less than twenty-four (24) hours before the initial interview commences or written reports are required from the officer.
- 2) **Interview Safeguards.** Any interview of an officer shall be when the officer is on duty unless the seriousness of the complaint dictates otherwise.
 - a) If prior to or at any time during the interview of a police officer it is determined that he/she may be charged with a criminal offense, he/she shall be immediately informed of his/her constitutional rights and the interview shall be terminated unless the officer chooses to waive his/her constitutional rights of self-incrimination.
 - b) Interviews shall take place at the department police station facility, or elsewhere if mutually agreed, unless the emergency of the situation necessitates otherwise.
 - c) An attorney or representative chosen by the officer must be, depending on the seriousness of the criminal matter under investigation and the need for immediate action, available within a reasonable period of time, and if any interview session is delayed more than twenty-four (24) hours because of the unavailability of the attorney or representative chosen by the officer, the officer may be subjected to disciplinary action up to and including suspended from duty without pay until the interview occurs. However, no matter how extreme an emergency exists, no interview shall take place until the officer shall be given a minimum of three (3) hours to obtain the services of a representative and/or attorney.
 - d) The officer being interviewed shall be informed of the name, rank, and command of the officer in charge of the investigation and the interviewing officer.
 - e) Interviews shall be done under circumstances free of intimidation or coercion and shall not otherwise violate the officer's constitutional rights. The officer shall not be subjected to offensive or abusive

Goshen City Police Department, 111 E. Jefferson Street, Goshen, IN 46528

Phone: (574)533-8661

www.goshencitypolice.com

Fax: (574)533-1826



GOSHEN POLICE DEPARTMENT

Jose D. Miller, Chief of Police

- language. No promise or reward shall be made as an inducement to answer questions unless the promise or reward is reduced to writing.
- f) Interviews shall not be overly long. The officer shall be entitled to reasonable intermissions as he/she shall request for personal necessities, telephone calls, and rest periods, with one (1) ten (10) minute intermission every hour if he/she requests.
 - g) All interviews shall be limited in scope to activities, circumstances, events, conduct, or acts which pertain to the subject of investigation.
 - h) Investigations shall be concluded without delay.
- 3) Investigations that Result in Charges Being Filed.
- a) The officer will be furnished with a copy of the summary report of the internal investigation which will contain all material facts of the matter.
 - b) The officer will be furnished with the names of all witnesses and complainants who will appear against him/her and/or whose statements will be used against him/her.
- 4) When Disciplinary Action Results.
- a) When the investigation results in a determination of a sustained complaint and disciplinary action, only the findings and the disciplinary order will be placed in the officer's personnel file unless the officer requests inclusion of the complete record.
 - b) No dismissal, demotion, or other punitive measures shall be taken against an officer unless he/she is notified of the action and a reason for such action prior to the effective date of such action.

Section 2. Personal Privileges

- 1) No officer shall be required for purposes of assignment or other personnel action to disclose any item of his/her property, income assets, source of income, or personal or domestic expenditures, including those of any member of his/her family, unless such information is obtained pursuant to proper legal process or tends to indicate a conflict of interest with respect to the performance of his/her official duties.
- 2) No officer shall have his/her residence, private place of business, if any, private vehicle or locker space assigned to him/her by the Police Department searched unless a valid search warrant is obtained or he/she voluntarily agrees to such search.
- 3) No member of the immediate family of the officer shall be required to give a statement to the investigator or be interviewed by the investigator unless the immediate family member is first notified that a formal investigation is being conducted.

Section 3. Lodge Representation

- 1) Any employee questioned by any superior with respect to any matter which might involve disciplinary action shall have the right to have a representative of the Lodge present during such questioning.
- 2) The representative is only there as a witness and in a nonparticipating capacity. In the event such questioning is being recorded by either party, the other party shall be informed prior to any such recording and shall be furnished with a copy of the recording and given the opportunity to make a transcription of the recording.

Investigation of possible violations of Department Policies and/or Directives for allegations:



GOSHEN POLICE DEPARTMENT

Jose D. Miller, Chief of Police

This notification indicates that you have been informed in writing of the allegations, nature of the allegations, that you are the suspect in the allegations and that you have been informed of the identity of the investigating officers and your right to have lodge representative present.

Should there be a criminal investigation due to the above allegations, that investigation will be separate from the internal investigation.

This notification is your advance notice and that you will have at least 24 hours before you will have to respond to be interviewed which will take place at the Goshen City Police Department.

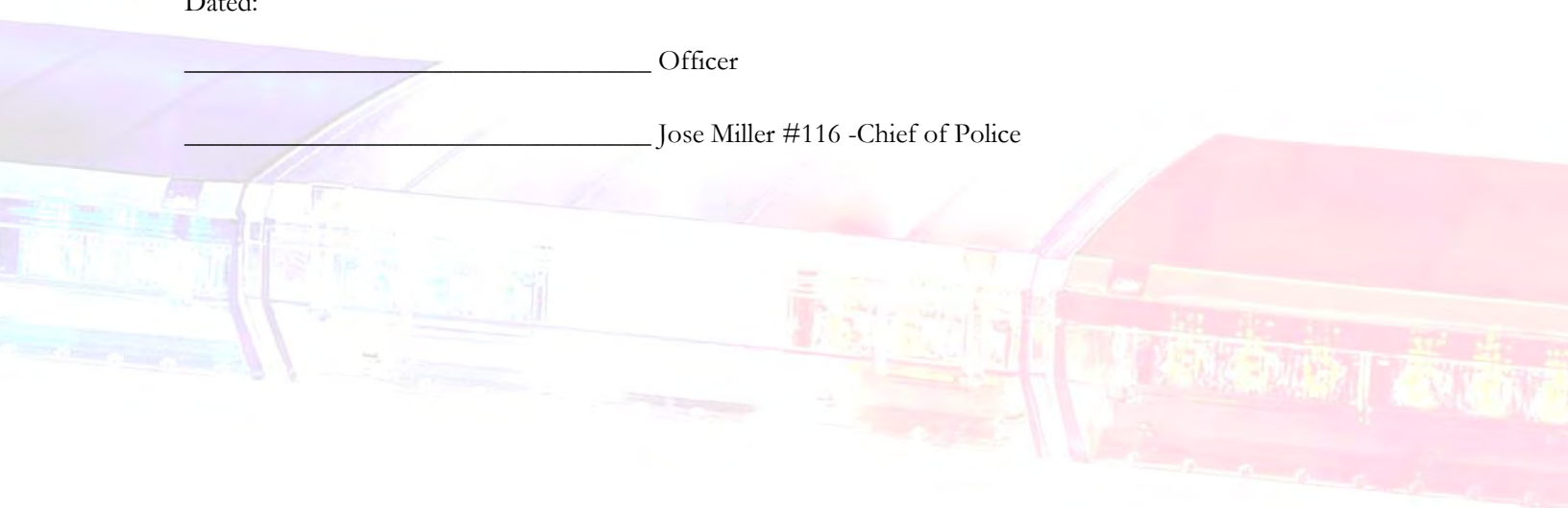
Investigators on this case will be: _____, and one other Investigator if

so designates. You will remain on active duty status unless otherwise notified in writing.

Dated:

_____ Officer

_____ Jose Miller #116 -Chief of Police



28 CFR Part 23.pdf

28 CFR Part 23

CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Executive Order 12291

1998 Policy Clarification

1993 Revision and Commentary

means an intelligence system which involves two or more participating agencies representing different governmental units or jurisdictions; (3) Criminal Intelligence Information means data which has been evaluated to determine that it: (i) is relevant to the identification of and the criminal activity engaged in by an individual who or organization which is reasonably suspected of involvement in criminal activity, and (ii) meets criminal intelligence system submission criteria; (4) Participating Agency means an agency of local, county, State, Federal, or other governmental unit which exercises law enforcement or criminal investigation authority and which is authorized to submit and receive criminal intelligence information through an interjurisdictional intelligence system. A participating agency may be a member or a nonmember of an interjurisdictional intelligence system; (5) Intelligence Project or Project means the organizational unit which operates an intelligence system on behalf of and for the benefit of a single agency or the organization which operates an interjurisdictional intelligence system on behalf of a group of participating agencies; and (6) Validation of Information means the procedures governing the periodic review of criminal intelligence information to assure its continuing compliance with system submission criteria established by regulation or program policy.

§ 23.20 Operating principles.

(a) A project shall collect and maintain criminal intelligence information concerning an individual only if there is reasonable suspicion that the individual is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity.

(b) A project shall not collect or maintain criminal intelligence information about the political, religious or social views, associations, or activities of any individual or any group, association, corporation, business, partnership, or other organization unless such information directly relates to criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity.

(c) Reasonable Suspicion or Criminal Predicate is established when information exists which establishes sufficient facts to give a trained law enforcement or criminal investigative agency officer, investigator, or employee a basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise. In an interjurisdictional intelligence system, the project is responsible for establishing the existence of reasonable suspicion of criminal activity either through examination of supporting information submitted by a participating agency or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the project.

(d) A project shall not include in any criminal intelligence system information which has been obtained in violation of any applicable Federal, State, or local law or ordinance. In an interjurisdictional intelligence system, the project is responsible for establishing that no information is entered in violation of Federal, State, or local laws, either through examination of supporting information submitted by a participating agency or by delegation of this responsibility to a properly trained participating agency which is subject to routine inspection and audit procedures established by the project.

(e) A project or authorized recipient shall disseminate criminal intelligence information only where there is a need to know and a right to know the information in the performance of a law enforcement activity.

(f) (1) Except as noted in paragraph (f)(2) of this section, a project shall disseminate criminal intelligence information only to law enforcement authorities who shall agree to follow procedures regarding information receipt, maintenance, security, and dissemination which are consistent with these principles.

(2) Paragraph (f)(1) of this section shall not limit the dissemination of an assessment of criminal intelligence information to a government official or to any other individual, when necessary, to avoid imminent danger to life or property.

(g) A project maintaining criminal intelligence information shall ensure that administrative, technical, and physical safeguards (including audit trails) are adopted to insure against unauthorized access and against intentional or unintentional damage. A record indicating who has been given information, the reason for release of the information, and the date of each dissemination outside the project shall be kept. Information shall be labeled to indicate levels of sensitivity, levels of confidence, and the identity of submitting agencies and control officials. Each project must establish written definitions for the need to know and right to know standards for dissemination to other agencies as provided in paragraph (e) of this section. The project is responsible for establishing the existence of an inquirer's need to know and right to know the information being requested either through inquiry or by delegation of this responsibility to a properly trained

participating agency which is subject to routine inspection and audit procedures established by the project. Each intelligence project shall assure that the following security requirements are implemented:

- (1) Where appropriate, projects must adopt effective and technologically advanced computer software and hardware designs to prevent unauthorized access to the information contained in the system;
 - (2) The project must restrict access to its facilities, operating environment and documentation to organizations and personnel authorized by the project;
 - (3) The project must store information in the system in a manner such that it cannot be modified, destroyed, accessed, or purged without authorization;
 - (4) The project must institute procedures to protect criminal intelligence information from unauthorized access, theft, sabotage, fire, flood, or other natural or manmade disaster;
 - (5) The project must promulgate rules and regulations based on good cause for implementing its authority to screen, reject for employment, transfer, or remove personnel authorized to have direct access to the system; and
 - (6) A project may authorize and utilize remote (off-premises) system data bases to the extent that they comply with these security requirements.
- (h) All projects shall adopt procedures to assure that all information which is retained by a project has relevancy and importance. Such procedures shall provide for the periodic review of information and the destruction of any information which is misleading, obsolete or otherwise unreliable and shall require that any recipient agencies be advised of such changes which involve errors or corrections. All information retained as a result of this review must reflect the name of the reviewer, date of review and explanation of decision to retain. Information retained in the system must be reviewed and validated for continuing compliance with system submission criteria before the expiration of its retention period, which in no event shall be longer than five (5) years.
- (i) If funds awarded under the Act are used to support the operation of an intelligence system, then:
- (1) No project shall make direct remote terminal access to intelligence information available to system participants, except as specifically approved by the Office of Justice Programs (OJP) based on a determination that the system has adequate policies and procedures in place to insure that it is accessible only to authorized systems users; and
 - (2) A project shall undertake no major modifications to system design without prior grantor agency approval.
- (j) A project shall notify the grantor agency prior to initiation of formal information exchange procedures with any Federal, State, regional, or other information systems not indicated in the grant documents as initially approved at time of award.
- (k) A project shall make assurances that there will be no purchase or use in the course of the project of any electronic, mechanical, or other device for surveillance purposes that is in violation of the provisions of the Electronic Communications Privacy Act of 1986, Public Law 99-508, 18 U.S.C. 2510-2520, 2701-2709 and 3121-3125, or any applicable State statute related to wiretapping and surveillance.
- (l) A project shall make assurances that there will be no harassment or interference with any lawful political activities as part of the intelligence operation.
- (m) A project shall adopt sanctions for unauthorized access, utilization, or disclosure of information contained in the system.
- (n) A participating agency of an interjurisdictional intelligence system must maintain in its agency files information which documents each submission to the system and supports compliance with project entry criteria. Participating agency files supporting system submissions must be made available for reasonable audit and inspection by project representatives. Project representatives will conduct participating agency inspection and audit in such a manner so as to protect the confidentiality and sensitivity of participating agency intelligence records.

Garrity Statement.pdf

Goshen Police Department

The officer(s) conducting the internal investigation will provide the officer with the Garrity Warning which includes the following statement:

GARRITY STATEMENT

On _____ (date) _____ (time) at _____ (location), I, _____ (name), was ordered to submit this report by _____ (name and rank). I submit this report at his/her order as a condition of my employment. In view of possible job forfeiture, I have no alternative but to abide by this order.

It is my belief and understanding that the department requires this report solely and exclusively for internal purposes and will not release it to any other agency. It is further my belief that this report will not and cannot be used against me in any subsequent proceedings. I retain the right to amend or change this statement upon reflection to correct any unintended mistake without subjecting myself to a charge of untruthfulness.

For any and all other purposes, I hereby reserve my constitutional right to remain silent under the Fifth and Fourteenth amendments to the US Constitution and any other rights prescribed by law. Further, I rely specifically upon the protection afforded me under the doctrines set forth in Garrity v. New Jersey, 385 U.S. 493 (1967) and Spevack v. Klien, 385 U.S. 551 (1956), should this report be used for any other purpose of whatsoever kind or description.

Gold Buttons.pdf

Class B Polo.pdf

REVOCATION OF BODY ARMOR WAIVER.pdf

REVOCATION OF BODY ARMOR WAIVER

The undersigned Officer previously executed a Body Armor Waiver electing not to have the Goshen Police Department provide the Officer with body armor for the torso pursuant to Indiana Code § 36-8-4-4.5 and Department policy.

The undersigned Officer revokes this waiver and requests the Goshen Police Department to provide the Officer with body armor for the torso pursuant to Indiana Code § 36-8-4-4.5 and Department policy. The undersigned Officer acknowledges and understands that upon receiving the body armor after submitting this revocation, all requirements of Body Armor Policy 10 (2019) shall apply to the Officer.

Signature: _____

Printed: _____

Date: _____

TRANSPORTING OFFICER QUESTIONNAIRE 2020.pdf

TRANSPORTING OFFICER QUESTIONNAIRE

TO BE COMPLETED BEFORE TRANSPORTING OFFICER LEAVES DETENTION

Recent statistics indicate that more teens die from suicide than cancer, heart disease, AIDS, birth defects, stroke, pneumonia, influenza, and chorionic lung disease combined. Additionally, there is a high rate of suicidal behavior among incarcerated youths. In order to attempt to prevent juvenile suicidal behavior in the Juvenile Detention Center or Juvenile Intake Center, you are being asked to complete this questionnaire. Your assistance is appreciated.

Juveniles under the influence of alcohol will not be admitted into the facility with a Blood Alcohol Content higher than 0.08. Anything higher they must be medically cleared by the hospital prior to admission.

Please read each item and check the appropriate box

Juvenile's Name: _____

		YES	NO
1. Does juvenile appear to be under the influence of substance or is known to have used substances recently?	1.		
2. Has the juvenile made comments such as "I'm going to kill myself," or "I want to die," or "I have nothing to live for," or "Everyone would be better off without me around" or a similar comment?	2.		
3. Has another person with knowledge of the juvenile informed or made comments to you that suggest the juvenile is suicidal, under the influence of substances, or has mental health problems?	3.		
4. Does the juvenile appear to be overly ashamed, embarrassed, scared, and/or depressed?	4.		
5. Do you have information that suggests the juvenile has mental health problems, has made a previous suicide attempt, or could be suicidal?	5.		
6. Does the juvenile exhibit UNUSUAL behavior?	6.		
7. Does the juvenile report being choked or strangled?	7.		

Completed by: _____ Agency/Dept: _____ Date: _____ Time: _____
Officer's Printed Name

STAFF USE ONLY			
Has the juvenile been using alcohol?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	If Yes, B.A.C./When? _____
Has the juvenile taken any legal and/or illegal drugs?	<input type="checkbox"/>	<input type="checkbox"/>	If Yes, When? _____
<i>**If both answers are YES, notify the Supervisor on duty. The juvenile must be taken by the police officer to the hospital for clearance.**</i>			
Receiving Staff:	_____	_____	_____
	Printed Name	Signature	Date Time

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**Department of Community Development
CITY OF GOSHEN**

204 East Jefferson Street, Suite 2 • Goshen, IN 46528-3405

Phone (574) 537-3824 • Fax (574) 533-8626 • TDD (574) 534-3185
communitydevelopment@goshencity.com • www.goshenindiana.org

Memorandum

TO: Board of Public Works & Safety

FROM: Becky Hutsell, Redevelopment Director

RE: Request for Approval of a Brownfield Revolving Loan Fund Grant Agreement with Goshen Interfaith Hospitality Network & Goshen Community Schools

DATE: March 7, 2022

Goshen Interfaith Hospitality Network (GIHN) has entered into a long-term lease agreement with Goshen Community Schools to utilize the property at 801 W. Wilkinson Street, Goshen, as their new shelter location. An asbestos assessment has been conducted for the building and there are areas that will need to have asbestos-containing materials (ACMs) abated prior to utilizing the space for housing. The City has received an application for the Brownfield Revolving Loan Fund (BRLF) Program from GIHN and they are requesting grant assistance to cover the costs associated with the asbestos abatement. GIHN has obtained quotes for the required remediation work and is requesting a grant for \$74,258.00.

As detailed in the Policy & Procedure Manual approved by the Board of Works in March 2019, all Brownfield RLF applications must meet the guidelines and are reviewed by the members of an appointed Advisory Committee. **Our committee has reviewed this request and is recommending approval of a grant to GIHN for \$74,258.00 to fund the asbestos abatement work. A copy of a grant agreement is attached and we are requesting the Board's approval to proceed along with a copy of GIHN's selected quotes for the scope of work.**

**BROWNFIELD REVOLVING LOAN FUND GRANT AGREEMENT
WITH GOSHEN INTERFAITH HOSPITALITY NETWORK AND
GOSHEN COMMUNITY SCHOOLS**

This Agreement is made and entered into this _____ day of March, 2022, by and between the City of Goshen, a municipal corporation and political subdivision of the State of Indiana (“City”) and Goshen Interfaith Hospitality Network (“GIHN”) and Goshen Community Schools (“GCS”).

WHEREAS, GIHN has an executed a fifteen (15) year lease agreement with GCS to occupy the building at 801 W. Wilkinson Street, Goshen, Indiana; and

WHEREAS, GCS has completed as asbestos assessment for the property and asbestos-containing materials (ACMs) were identified; and

WHEREAS, GIHN’s use of the space as a shelter requires the abatement of the ACMs prior to occupation of the building and quotes have been obtained to complete the required abatement activities; and

WHEREAS, GIHN seeks a grant to fund the abatements of the identified ACMs to assist in the development of a permanent shelter space in Goshen for a not-to-exceed total of Fifty-Nine Thousand and Fifty Dollars (\$74,258.00) and has applied to the City’s Brownfield Revolving Loan Fund (“BRLF”) program to provide the funding for the required abatement work; and

WHEREAS the BRLF Advisory Committee has reviewed GIHN’s application and determined that GIHN’s request meets all BRLF program requirements and it has recommended that a grant be awarded to pay for the asbestos abatement to be conducted for the real estate at 801 W. Wilkinson Street, Goshen, Indiana.

NOW, THEREFORE City and GIHN agree as follows:

GRANT FUNDS

City agrees to grant to GIHN an amount not to exceed the sum of Fifty-Nine Thousand and Fifty Dollars (\$74,258.00) from City’s Brownfield Revolving Loan Fund to pay for asbestos abatement at 801 W. Wilkinson Street, Goshen, Indiana (subject real estate) under the terms and conditions set forth in this Agreement.¹

EXPENDITURE OF GRANT FUNDS

Each of the following items need to be completed as conditions precedent before any grant funds may be expended:

¹ The City of Goshen reserves the right to pay directly any contractors who performed work on the subject real estate, rather than paying the grant funds to GIHN.

1. GIHN must establish and City must determine that the subject real estate meets the applicable definition of a brownfield site and otherwise determine that the subject real estate is qualified for funding consideration.
2. GIHN must establish and City must determine that neither the City nor GIHN is a potential responsible party under CERCLA for the subject real estate.
3. GIHN must submit to City information regarding GIHN's overall environmental compliance history including any penalties resulting from environmental non-compliance at the subject real estate.
4. GIHN must be able to obtain and maintain status as either a bona fide prospective purchaser (BFPP) or an innocent landowner.

COMPLIANCE WITH ALL LAWS

GIHN shall generally comply with, and carry out the environmental assessment and/or remediation activities in accordance with, all applicable state, local and federal laws, including, but not limited to, the following:

1. The Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 USC. §9601 *et seq.*) ("CERCLA");
2. Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments or for Nonprofits and Educational Institutions, 40 CFR Part 31 or Part 30;
3. The National Oil and Hazardous Substances Contingency Plan (NC), 40 CFR Part 300;
4. Executive Order 11246, Equal Employment Opportunity;
5. Implementing regulations at 41 CFR 60-4 relating to federally-assisted construction contracts;
6. The Davis-Bacon Act of 1931 (CERCLA § 104(g)(1), 40 USC § 276a to 276a-5 and 42 USC § 3222 as set forth in CERCLA § 104(g));
7. All applicable "cross-cutting requirements" described in this section, including those federal requirements agreed between the EPA and the Cooperative Agreement Recipient;
8. MBE/WBE requirements found at 40 CFR 31.36(e) or 40 CFR 30.44(b);
9. OSHA Worker Health & Safety Standard 29 CFR 1910.120;
10. The Uniform Relocation Act; Historic Preservation Act;
11. Endangered Species Act; and Permit required by Section 404 of the Clean Water Act;
12. Executive Order 11246, Equal Employment Opportunity;
13. Implementing regulations at 41 CFR 60-4 relating to federally assisted construction contracts;
14. Contract Work Hours and Safety Standards Act, as amended (40 USC 327-333);
15. The Anti-Kickback Act (40 USC 276c); and
16. Section 504 of the Rehabilitation Act of 1973 as implemented by Executive Orders 11914 and 11250.

NON-DISCRIMINATION AND EQUAL OPPORTUNITY

GIHN agrees to comply with all statutes, regulations, or other laws prohibiting discrimination on the grounds of race, color, national origin, religion, sex, age, and disability, including but not limited to: the Equal Credit Opportunity Act; the Americans with Disabilities Act; Title VII of the Civil Rights Act of 1964; the Civil Rights Act of 1866; the Pregnancy Discrimination Act; the Equal Pay Act; the

Fair Labor Standards Act; the Family and Medical Leave Act; the Indiana Civil Rights Act; Vietnam Veterans Reemployment Act; the Occupational Safety and Health Act; the Employee Polygraph and Protection Act. In addition, GIHN shall undertake good faith efforts to comply with 40 CFR §35.6580 to give opportunities to qualified Small Business Enterprises, Minority Business Enterprises and Women Owned Business Enterprises to the extent applicable, and to submit proposals and bids to provide services on contracts and subcontracts for services and supplies. GIHN shall submit a report of such efforts at the request of the City.

DEBARMENT AND SUSPENSION

GIHN certifies that GIHN and, to its knowledge, any of its Contractors(s):

1. Are not presently or proposed to be debarred or suspended, declared ineligible, or voluntarily excluded from federal, state or local (hereinafter “public”) transactions;
2. Have not, within a three (3) year period preceding this Agreement, been convicted of or had a civil judgment rendered against them for (i) fraud or commission of a criminal offense in connection with obtaining, attempting to obtain or performing a public transaction or a contract under a public transaction, (ii) violation of federal or state antitrust laws, or (iii) embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a public entity with commission of any of the offenses enumerated under section 2 above; and
4. Have not, within the preceding three (3) years, had a public transaction terminated for cause or default.

GIHN agrees to include such certification in any contract executed between GIHN and any Contractor and to require such certification between any Contractor and its subcontractor.

ENVIRONMENTAL COMPLIANCE

GIHN certifies that it is not now, and has not in the past, been subject to any penalties resulting from environmental non-compliance at the subject real estate. GIHN certifies that it will conduct all remediation activities in accordance with the City’s BRLF Program Policy & Procedures Manual and the City’s Cooperative Agreement with the USEPA, copies of which GIHN hereby acknowledges it has reviewed.

RECORD RETENTION

GIHN agrees to maintain financial and programmatic records pertaining to all matters relative to this grant in accordance with generally accepted accounting principles and procedures. All such records and supporting documents shall be made available, upon request, for inspection or audit by City or its representatives. GIHN shall retain all records and supporting documentation applicable to this grant for a period of three (3) years, except records that are subject to audit findings, which shall be retained for three (3) years after such audit findings have been resolved. GIHN shall obtain approval from the City prior to destroying such documents.

INDEMNIFICATION

GIHN shall indemnify and hold the City harmless for any claims and causes of action, including but not limited to negligence of any employee, agent, or contractor of GIHN, including attorney fees incurred by the City, which may arise out of work funded with funds granted under this Agreement.

MISCELLANEOUS

1. Amendment. This Agreement may be amended only by the execution of a written agreement amendment by the parties.
2. No Other Agreement. Except as otherwise expressly provided, this Agreement supersedes all prior agreements, negotiations, and discussions relative to the subject matter and is a full integration of the agreement of the parties.
3. Severability. If any provision, covenant, agreement or portion of this Agreement or its application to any person, entity or property is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants, agreements or portions of this Agreement, and to that end, any provisions, covenants, agreements or portions of this Agreement are declared to be severable.
4. Supplemental Documents. The City and GIHN agree to execute any and all supplementary documents and to take any and all supplementary steps as are reasonable and appropriate to accomplish the purposes and provisions of this Agreement.
5. Indiana Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Indiana.
6. Notice. Any notices required or permitted under this Agreement shall be given to the parties at their respective mailing addresses provided below by deposit in the United States mail, with proper postage, and which notices shall be effective three (3) days after date of mailing.

City: Richard Aguirre, Goshen Clerk-Treasurer
 City Hall
 202 S. 5th Street
 Goshen, IN 46528-3714

GIHN: Mindy Morehead
 P.O. Box 137
 Goshen, IN 45627-0137

The parties may change their respective mailing addresses by providing written notice of the new address in accordance with the terms and provisions of this paragraph.

7. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns; provided, however, that this Agreement may not be assigned without the express written consent of the non-assigning party.

8. Counterparts. This Agreement may be executed in multiple counterparts and with multiple but separate signature pages with the multiple counterparts and multiple and separate signature pages constituting one signed and unified agreement when combined.
9. No Third-Party Beneficiary. This Agreement shall not be construed to create in any person or entity not a party hereto, or specifically named herein, any right, claim, benefit or defense with respect to the parties, or in any party claiming by through or under either of them, with respect to any loss, cost, damage, claim or cause of action arising under or pursuant to the terms of this Agreement.
10. Authority. Each individual executing this Agreement on behalf of a party to this Agreement warrants that he or she is authorized to do so and that this Agreement will constitute the binding obligation of the party on whose behalf the individual executes this Agreement.

IN WITNESS WHEREOF, the parties have duly executed this Agreement pursuant to all requisite authorizations on this ____ of March, 2022.

**City of Goshen
Board of Public Works and Safety**

Jeremy Stutsman, Mayor

Member

Member

Member

Member

Goshen Interfaith Hospitality Network

Mindy Morehead, Director

Goshen Community Schools

Stephen Hope, Superintendent

CLEAN AIR

Environmental Services, Inc.
 PO Box 314
 North Liberty, IN 46554

Phone # 574-232-6607 rlcavinder@gmail.com
 Fax # 574-516-6654

Estimate

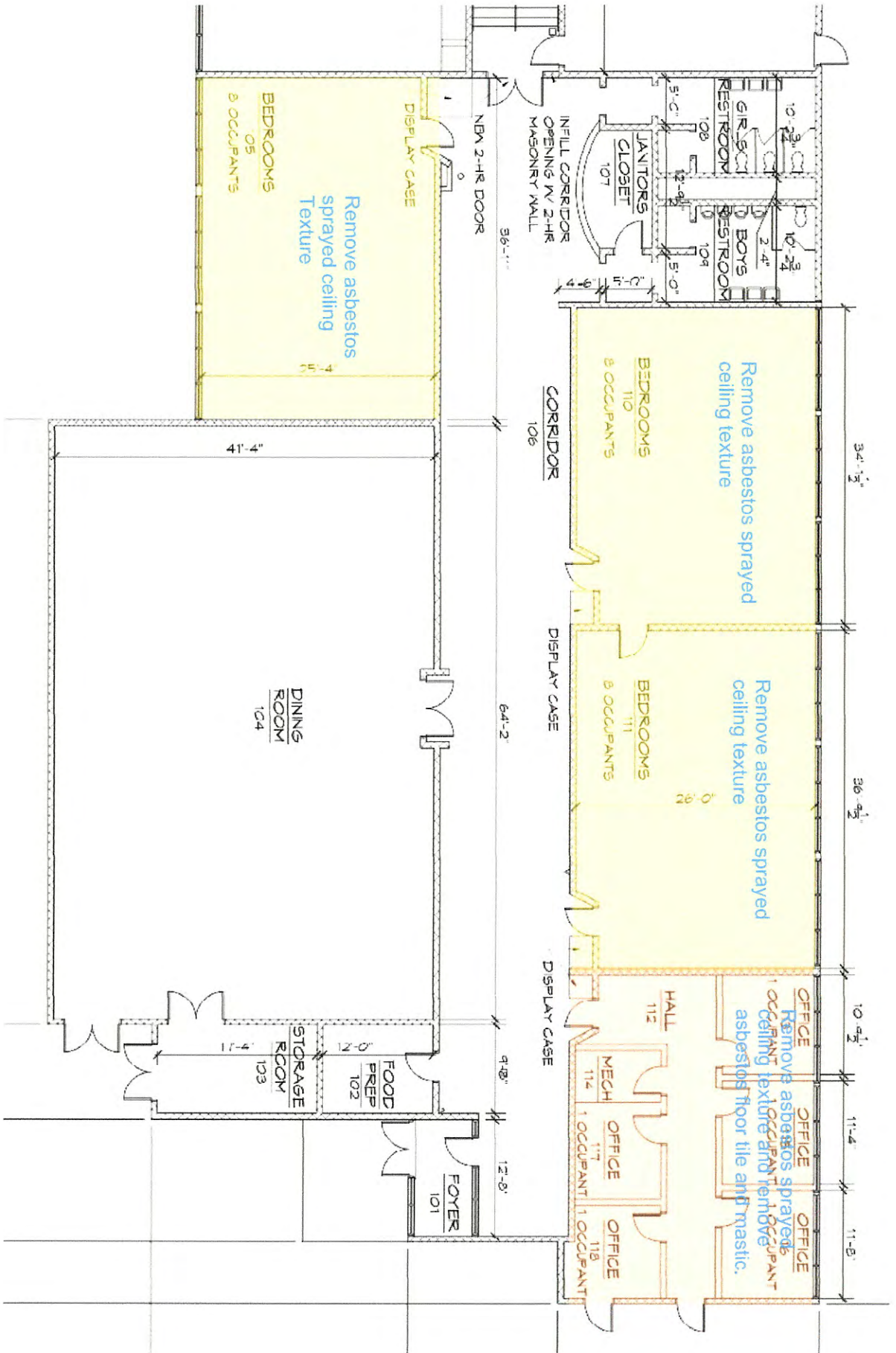
Date	Estimate #
2/24/2022	10205677-R

Name / Address
Nuway Construction 2119 Carmen Ct. Goshen, IN 46526 Jan Oostland

Project	Terms
Merit LC	Net 30

Description	Total
We propose to furnish materials and labor for the removal and disposal of the asbestos containing sprayed acoustical ceiling at Merit Learning Center as outlined below. All work under this proposal will follow all rules and regulations pertaining to asbestos abatement in schools. SCOPE OF WORK: 1. Remove sprayed asbestos ceiling texture from the plaster substrate. 2. Removal in four rooms per attached drawing 3. Removal in full containment per ACM specifications. 4. Disposal in an Indiana approved landfill. 5. Work will be completed using Indiana licensed asbestos workers. 6. All rooms to be completely cleared out of moveable debris by owner. 7. Work will be completed in three separate containments. 8. We will file the IDEM notification prior to removal. 9. Remove asbestos floor tile and mastic in future office area per attached drawing.	41,256.00
Respectfully Submitted Rick Cavinder	Total \$41,256.00

Signature _____





ENGINEERING &
ENVIRONMENTAL
SERVICES

ACM ENGINEERING & ENVIRONMENTAL SERVICES

SOUTH BEND, INDIANA • FORT WAYNE, INDIANA • ELMHURST, ILLINOIS
TAMPA, FLORIDA • FORT LAUDERDALE, FLORIDA

February 28, 2022

Attn: Mr. Joe Tinervia
Nuway Construction
2119 Carmen Court
Goshen, Indiana 46526

RE: *Revised Proposal #211201 for AHERA Required Asbestos Abatement Project Design, On-site Asbestos Abatement Project Management, PCM Air Sampling, PCM Air Sample Analysis, and AHERA Required TEM Final Clearance Air Sampling and Analysis for Planned Asbestos Abatement at GIHN at Merit Learning Center, Goshen, Indiana*

Dear Mr. Tinervia,

ACM Environmental, Inc. agrees to provide all labor, materials, and necessary services to perform AHERA required asbestos abatement project design, on-site asbestos abatement project management, PCM air sampling, PCM air sample analysis, and AHERA required TEM final clearance air sampling and analysis for the planned asbestos abatement project at GIHN at Merit Learning Center as follows:

1) ASBESTOS ABATEMENT PROJECT DESIGN:

ACM Environmental, Inc. Asbestos Abatement Project Design includes the following:

- A project designer accredited by the State of Indiana and the U.S. Environmental Agency
- Consultation to determine the scope of work
- Development of asbestos abatement specifications relative to the type of asbestos removal required
- Cost estimating, if requested
- Asbestos abatement contractor screening, if requested
- Review of all documentation by a registered Professional Engineer

Project design involves extensive consultation with the building owner to determine the scope of the abatement project. Once information is gathered, our Project Designer will develop a detailed asbestos abatement specification.

The total fee for our asbestos project design will be Two Thousand Five Hundred dollars (\$2,500.00).

2) ASBESTOS ABATEMENT PROJECT MANAGEMENT AND PCM AIR SAMPLING SERVICES:

ACM Engineering & Environmental Services, Inc. asbestos abatement project management and PCM air sampling services include the following:

- Background air sampling to establish baseline fiber levels
- Enforcement of the State of Indiana Asbestos Abatement regulations
- Enforcement of the U.S. Environmental Protection Agency and the Occupational Safety and Health Administration regulations
- Enforcement of contract specifications / project design
- On-site observation of all abatement activities
- Attend meetings with the abatement contractor and owner
- PCM air sampling will be utilized and include up to ten (10) air samples per shift (air sample analysis will be performed on-site)
- Conduct air sampling in accordance with the National Institute of Occupational Safety and Health (NIOSH) Standard Analytical Method for Asbestos in Air, Method 7400
- Microscopists are certified by the NIOSH 582 Course, "Fiber Counting"
- Follow air sampling schedule as defined prior to the start asbestos abatement work activities
- Perform final visual inspection to verify that all specified asbestos containing material has been removed prior to final clearance air sampling
- Perform AHERA required final clearance air sampling in all removal areas
- Written results of all air samples taken for the duration of the abatement project will be submitted to the owner upon completion of the project
- Final report documenting the completion of the project

Our project management services are comprehensive and complete. Each Project Manager will document all pre-abatement, abatement, and post-abatement activities of the contractor. Our detailed project shift logs ensure that the abatement project is supervised continuously.

The fee for the asbestos abatement project management and PCM air sampling services is based upon an all-inclusive daily rate as follows:

Eight (8) Hour Work Shift:

One Thousand Thirty dollars (\$ 1,030.00), per shift, based on an eight (8) hour work shift (all inclusive). Weekend, holiday, or labor hours in excess of forty (40) hours per week will be charged at a rate of 1.5 times the normal rate.

Ten (10) Hour Work Shift:

Eight Hundred Thirty dollars (\$ 1,206.00), per shift, based on a ten (10) hour work shift (all inclusive). Weekend, holiday, or labor hours in excess of forty (40) hours per week will be charged at a rate of 1.5 times the normal rate.

3) AHERA REQUIRED TEM FINAL CLEARANCE AIR SAMPLE SET:

AHERA TEM Final Clearance Air Sampling is required for all friable removal greater than 160 square feet and 260 linear feet per project.

Two Thousand dollars (\$2,500.00), per TEM set based on a twenty-four (24) hour turn around (all inclusive).

The total estimated fee for the planned asbestos abatement project at GIHN at Merit Learning Center is Thirty-Three Thousand Two dollars (\$33,002.00) based on one (1) asbestos abatement project design, project management and PCM air sampling services for the contractor estimated seventeen (17) ten (10) hour work shifts, and four (4) AHERA required TEM final clearance air sample sets.

Any additional work which may be required will be invoiced at the following unit rates:

- | | |
|---------------------------------------|--|
| 1) Technical time | \$88/hr. |
| 2) PCM air sample analysis | \$15/ea. |
| 3) PLM bulk asbestos analysis | \$15/ea. |
| 4) TEM final clearance air sample set | \$2,500.00/set (twenty-four-hour turnaround) |

If you have any questions or require any additional information, please contact me at (260) 483-9795. Thank you.

Sincerely,



Michael A. Dials
Vice President of Operations
ACM Engineering & Environmental Services, Inc.



CITY OF GOSHEN LEGAL DEPARTMENT

City Annex
204 East Jefferson Street, Suite 2
Goshen, Indiana 46528-3405

Phone (574) 537-3820 • Fax (574) 537-3817 • TDD (574) 534-3185
www.goshenindiana.org

To: Board of Public Works and Safety

From: Bodie J. Stegelmann

Date: March 7, 2022

Subject: Agreement with Donohue & Associates, Inc for Lift Station Cellular Telemetry Project

On November 8, 2021, the Board approved an agreement with Donohue & Associates, Inc. for work on the City's lift station cellular telemetry system. Donohue & Associates, Inc. requested revisions to the agreement and with this memorandum, the board will find a revised copy of the agreement with language reviewed and accepted by the Legal Department. The payment amount of \$28,000 for the services will not change, and the work will take approximately 120 days to complete.

Suggested Motion:

Move to approve and execute the revised agreement with Donohue & Associates, Inc. for work on the City's lift station cellular telemetry system at a cost of \$28,000 with an approximate completion time of 120 days.

AGREEMENT

Lift Station Cellular Telemetry Project

THIS AGREEMENT is entered into on _____, 2022, which is the last signature date set forth below, by and between **Donohue & Associates, Inc.** (“Contractor”), whose mailing address is 101 West Ohio Street, Suite 1650, Indianapolis, IN 46204, and **City of Goshen, Indiana**, a municipal corporation and political subdivision of the State of Indiana acting through the Goshen Board of Public Works and Safety (“City”).

In consideration of the terms, conditions and mutual covenants contained in this agreement, the parties agree as follows:

Section 1. Contractor Duties

Contractor shall provide City the services for the lift station cellular telemetry, which services are more particularly described in Contractor’s September 30, 2021 proposal attached as Exhibit A (hereinafter referred to as “Duties”). Services shall be performed in accordance with the standard of professional practice ordinarily exercised by the applicable profession under similar circumstances at the same time and in the locality where the Services are performed.

In the event of any conflict between the terms of this agreement and the terms contained in the proposal attached as Exhibit A, the terms set forth in this agreement shall prevail.

Section 2. Effective Date; Term

- (A) The agreement shall become effective on the day of execution and approval by both parties.
- (B) Contractor shall commence the Duties as soon as practical after receiving a notice to proceed from City.

Section 3. Compensation

- (A) City agrees to compensate Contractor the sum of \$28,000 for performing all Duties.

Section 4. Payment

- (A) City shall pay Contractor for each phase of Duties satisfactorily completed under this agreement as Duties progress.
- (B) Payment shall be upon City’s receipt of a detailed invoice from Contractor. The invoice shall be sent to the following address, or at such other address as City may designate in writing.

City of Goshen
c/o Goshen Wastewater Department
308 North 5th Street
Goshen, IN 46528

- (C) Payment will be made within forty-five (45) days following City's receipt of the invoice. If any dispute arises, the undisputed amount will be paid. Payment is deemed to be made on the date of mailing the check.
- (D) Contractor is required to have a current W-9 form on file with the Goshen Clerk-Treasurer's Office before City will issue payment.

Section 5. Ownership of Documents

All documents, records, applications, plans, drawings, specifications, reports, and other materials, regardless of the medium in which they are fixed, (collectively "Documents") prepared by Contractor or Contractor's employees, agents or subcontractors under this agreement, shall become and remain the property of and may be used by City. Contractor may retain a copy of the Documents for its records. Use of final documents on other projects shall be at City's sole risk.

Section 6. Licensing/Certification Standards

Contractor certifies that Contractor possesses and agrees to maintain any and all licenses, certifications, or accreditations as required for the services provided and work performed by Contractor pursuant to this agreement.

Section 7. Independent Contractor

- (A) Contractor shall operate as a separate entity and independent contractor of the City of Goshen. Any employees, agents or subcontractors of Contractor shall be under the sole and exclusive direction and control of Contractor and shall not be considered employees, agents or subcontractors of City. City shall not be responsible for injury, including death, to any persons or damages to any property arising out of the acts or omissions of Contractor and/or Contractor's employees, agents or subcontractors.
- (B) Contractor understands that City will not carry worker's compensation or any other insurance on Contractor and/or Contractor's employees or subcontractors.
- (C) Contractor is solely responsible for compliance with all federal, state and local laws regarding reporting of compensation earned and payment of taxes. City will not withhold federal, state or local income taxes or any other payroll taxes.

Section 8. Non-Discrimination

Contractor agrees to comply with all federal and Indiana civil rights laws, including, but not limited to Indiana Code 22-9-1-10. Contractor or any subcontractors, or any other person acting on behalf of Contractor or a subcontractor, shall not discriminate against any employee or applicant for employment to be employed in the performance of this agreement, with respect to the employee's hire, tenure, terms, conditions, or privileges of employment or any other matter directly or indirectly related to employment, because of the employee's or applicant's race, religion, color, sex, disability, national origin, or ancestry. Breach of this covenant may be regarded as a material breach of contract.

Section 9. Employment Eligibility Verification

- (A) Contractor shall enroll in and verify the work eligibility status of all Contractor's newly hired employees through the E-Verify program as defined in Indiana Code § 22-5-1.7-3. Contractor is not required to participate in the E-Verify program should the program cease to exist. Contractor is not required to participate in the E-Verify program if Contractor is self-employed and does not employ any employees.
- (B) Contractor shall not knowingly employ or contract with an unauthorized alien, and contractor shall not retain an employee or continue to contract with a person that the Contractor subsequently learns is an unauthorized alien.
- (C) Contractor shall require their subcontractors, who perform work under this contract, to certify to the Contractor that the subcontractor does not knowingly employ or contract with an unauthorized alien and that the subcontractor has enrolled and is participating in the E-Verify program. Contractor agrees to maintain this certification throughout the duration of the term of a contract with a subcontractor.
- (D) City may terminate the contract if Contractor fails to cure a breach of this provision no later than thirty (30) days after being notified by City of a breach.

Section 10. Contracting with Relatives

Pursuant to Indiana Code § 36-1-21, if the Contractor is a relative of a City of Goshen elected official or a business entity that is wholly or partially owned by a relative of a City of Goshen elected official, the Contractor certifies that Contractor has notified both the City of Goshen elected official and the City of Goshen Legal Department of the relationship prior to entering into this agreement.

Section 11. No Investment Activities in Iran

In accordance with Indiana Code § 5-22-16.5, Contractor certifies that Contractor does not engage in investment activities in Iran as defined by Indiana Code § 5-22-16.5-8.

Section 12. Indemnification

Contractor shall indemnify and hold harmless the City of Goshen and City's agents, officers, and employees from and against any and all liability, obligations, claims, actions, causes of action, judgments, liens, damages, penalties or injuries arising out of any intentional, reckless or negligent act or omission by Contractor or any of Contractor's agents, officers and employees during the performance of services under this agreement. Such indemnity shall include reasonable attorney's fees and all reasonable litigation costs and other expenses incurred by City only if Contractor is determined liable to the City for any intentional, reckless or negligent act or omission in a judicial proceeding, and shall not exceed the proceeds available from Contractor's professional liability insurance policy for a maximum of \$1,000,000 per claim and \$1,000,000 aggregate.

Section 13. Insurance

- (A) Prior to commencing work, the Contractor shall furnish City a certificate of insurance in accordance with the following minimum requirements, shall maintain the insurance in full force and effect, and shall keep on deposit at all times during the term of the contract with City the certificates of proof issued by the insurance carrier that such insurance is in full force and effect. Contractor shall specifically include coverage for the City of Goshen as an additional insured for Employer's Liability, General Liability and Automobile Liability.
- (B) Each certificate shall require that written notice be given to the City at least thirty (30) days prior to the cancellation or a material change in the policy.
- (C) Contractor shall at least include the following types of insurance with the following minimum limits of liability:
 - (1) Workers Compensation and Employer's Liability - Statutory Limits
 - (2) General Liability - Combined Bodily Injury and Property Damage, \$1,000,000 each occurrence and aggregate
 - (3) Automobile Liability - Combined Bodily Injury and Property Damage, \$1,000,000 each occurrence and aggregate
 - (4) Professional Liability - Combined Bodily Injury and Property Damage, \$1,000,000 each occurrence and aggregate
 - (5) Excess Umbrella Coverage - \$1,000,000 each occurrence

Section 14. Force Majeure

- (A) Except for payment of sums due, neither party shall be liable to the other or deemed in default under this contract if and to the extent that such party's performance under this contract is prevented by reason of force majeure. The term "force majeure" means an occurrence that is beyond the control of the party and could not have been avoided by exercising reasonable diligence. Examples of force majeure are natural disasters or decrees of governmental bodies not the fault of the affected party.
- (B) If either party is delayed by force majeure, the party affected shall provide written notice to the other party immediately. The notice shall provide evidence of the force majeure event to the satisfaction of the other party. The party shall do everything possible to resume performance. If the period of non-performance exceeds thirty (30) calendar days, the party whose ability to perform has not been affected may, by giving written notice, terminate the contract and the other party shall have no recourse.

Section 15. Default

- (A) If Contractor fails to perform the services or comply with the provisions of this agreement, then Contractor may be considered in default.
- (B) It shall be mutually agreed that if Contractor fails to perform the services or comply with the provisions of this contract, City may issue a written notice of default and provide a period of time that shall not be less than fifteen (15) days in which Contractor shall have the opportunity to cure. If the default is not cured within the time period allowed, the contract may be terminated by the City. In the event of default and failure to satisfactorily remedy the default after receipt of written

notice, the City may otherwise secure similar services in any manner deemed proper by the City, and Contractor shall be liable to the City for any excess costs incurred

- (C) Contractor may also be considered in default by the City if any of the following occur:
- (1) There is a substantive breach by Contractor of any obligation or duty owed under the provisions of this contract.
 - (2) Contractor is adjudged bankrupt or makes an assignment for the benefit of creditors.
 - (3) Contractor becomes insolvent or in an unsound financial condition so as to endanger performance under the contract.
 - (4) Contractor becomes the subject of any proceeding under law relating to bankruptcy, insolvency or reorganization, or relief from creditors and/or debtors.
 - (5) A receiver, trustee, or similar official is appointed for Contractor or any of Contractor's property.
 - (6) Contractor is determined to be in violation of federal, state, or local laws or regulations and that such determination renders Contractor unable to perform the services described under these Specification Documents.
 - (7) The contract or any right, monies or claims are assigned by Contractor without the consent of the City.

Section 16. Termination

- (A) The agreement may be terminated in whole or in part, at any time, by mutual written consent of both parties. Contractor shall be paid for all services performed and expenses reasonably incurred prior to notice of termination.
- (B) City may terminate this agreement, in whole or in part, in the event of default by Contractor.
- (C) The rights and remedies of the parties under this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this agreement.

Section 17. Notice

Any notice required or desired to be given under this agreement shall be deemed sufficient if it is made in writing and delivered personally or sent by regular first-class mail to the parties at the following addresses, or at such other place as either party may designate in writing from time to time. Notice will be considered given three (3) days after the notice is deposited in the US mail or when received at the appropriate address.

City: City of Goshen, Indiana
Attention: Goshen Legal Department
204 East Jefferson St., Suite 2
Goshen, IN 46528

Contractor: Donohue & Associates, Inc
101 W. Ohio Street, Suite 1650
Indianapolis, IN 46204

Section 18. Subcontracting or Assignment

Contractor shall not subcontract or assign any right or interest under the agreement, including the right to payment, without having prior written approval from City. Any attempt by Contractor to subcontract or assign any portion of the agreement shall not be construed to relieve Contractor from any responsibility to fulfill all contractual obligations.

Section 19. Amendments

Any modification or amendment to the terms and conditions of the agreement shall not be binding unless made in writing and signed by both parties. Any verbal representations or modifications concerning the agreement shall be of no force and effect.

Section 20. Waiver of Rights

No right conferred on either party under this agreement shall be deemed waived and no breach of this agreement excused unless such waiver or excuse shall be in writing and signed by the party claimed to have waived such right.

Section 21. Applicable Laws

- (A) Contractor agrees to comply with all applicable federal, state, and local laws, rules, regulations, or ordinances. All contractual provisions legally required to be included are incorporated by reference.
- (B) Contractor agrees to obtain and maintain all required permits, licenses, registrations, and approvals, and shall comply with all health, safety, and environmental rules or regulations in the performance of the services. Failure to do so maybe deemed a material breach of agreement.

Section 22. Miscellaneous

- (A) Any provision of this agreement or incorporated documents shall be interpreted in such a way that they are consistent with all provisions required by law to be inserted into the agreement. In the event of a conflict between these documents and applicable laws, rules, regulations or ordinances, the most stringent or legally binding requirement shall govern.
- (B) This agreement shall be construed in accordance with and governed by the laws of the State of Indiana and any suit must be brought in a court of competent jurisdiction in Elkhart County, Indiana.
- (C) In the event legal action is brought to enforce or interpret the terms and conditions of this agreement, the prevailing party of such action shall be entitled to recover all costs of that action, including reasonable attorneys' fees.

Section 23. Severability

In the event that any provision of the agreement is found to be invalid or unenforceable, then such provision shall be reformed in accordance with applicable law. The invalidity or unenforceability of any provision of the agreement shall not affect the validity or enforceability of any other provision of the agreement.

Section 24. Binding Effect

All provisions, covenants, terms and conditions of this agreement apply to and bind the parties and their legal heirs, representatives, successors and assigns.

Section 25. Entire Agreement

This agreement constitutes the entire agreement between the parties and supersedes all other agreements or understandings between City and Contractor.

Section 26. Authority to Bind Contractor

The undersigned affirm that all steps have been taken to authorize execution of this agreement, and upon the undersigned's execution, bind their respective organizations to the terms of the agreement.

IN WITNESS WHEREOF, the parties have executed this agreement on the dates as set forth below.

City of Goshen, Indiana
Goshen Board of Public Works and Safety

Donohue & Associates, Inc.

Jeremy P. Stutsman, Mayor

Printed: _____

Michael A. Landis, Member

Title: _____

Mary Nichols, Member

Date Signed: _____

Barb Swartley, Member

DeWayne Rouse, Member

Date Signed: _____



Donohue & Associates, Inc.
100 N. Michigan Street, Suite 510 | Indianapolis, IN 46601
574.288.4580 | donohue-associates.com

September 30, 2021

Mr. Marvin Shepherd
Water Quality Manager
City of Goshen
308 North 5th St
Goshen, IN 46528

Re: Lift Station Cellular Telemetry Proposal

Dear Mr. Shepherd:

The intent of this letter is to provide a draft scope of services for the following improvements:

- Lift Station Cellular Telemetry
- Chemical Feed Building PLC Upgrade

The total cost to complete the project designs and provide bidding services is a not-to-exceed fee of **\$28,000**. Donohue will begin work on this project immediately upon receipt of approval from the City. We anticipate up to 120 calendar days to completion following receipt of an approved agreement. The Verizon machine to machine VPN service could take over 90 days to be activated.

PROJECT DESCRIPTION

The City of Goshen wastewater collection system includes more than 30 sanitary lift stations that convey flow to the wastewater treatment plant. The primary means of communication to these lift stations is licensed radio. There are several lift station sites where licensed radio communications has been problematic. These sites include East Goshen, CR28, and 12th Street. The East Goshen site also includes pressure monitoring for the water utility. Additions to the licensed radio network can be costly depending upon the antenna height requirement.

This project establishes a cellular telemetry network. The cellular network will initially be utilized to service East Goshen, CR28, and 12th Street Lift Stations, and will provide an alternative for future remote sites. This project also provides an upgraded PLC for the master polling PLC in the Chemical Feed Building at the Goshen Wastewater Treatment Plant (WWTP).

DONOHUE SCOPE OF WORK

Services to be provided by Donohue for this Project under this Agreement are as follows:

1. Cellular Modems
 - a. Provide cellular modems and related hardware for the following sites:

- i. WWTP Chemical Feed Building
 - ii. East Goshen Lift Station
 - iii. CR28 Lift Station
 - iv. 12th St Lift Station
 - b. Coordinate with Verizon and the City to establish the Verizon machine to machine virtual private network.
2. Chemical Feed Building PLC Upgrade
 - a. Provide a new PLC processor for the Chemical Feed Building with integrated Ethernet port. The additional Ethernet port is required for the cellular network.
3. Installation
 - a. Install cell modem and power supply in the control panels.
 - b. Install antenna on the exterior of the control panel at three sites.
 - c. Electrical subcontractor to install antenna on the exterior of the building at 12th St.
 - d. Test connectivity.
4. Programming
 - a. Modify the PLC program and SCADA configuration to utilize the new PLC processor Ethernet port for plant communications.
 - b. Configure the existing Ethernet module for cellular communications on the Verizon VPN.
 - c. Configure the cellular modems and test offline.
 - d. Update the WWTP Chemical Feed PLC program for compatibility with the new PLC and firmware.
 - e. Prepare a new cellular polling routine.
 - f. Provide startup and testing of the new cellular telemetry system.

PROJECT SCOPE ASSUMPTIONS

The scope of services, timing of services, and compensation for services set forth in this proposal are based on the following assumptions:

- A. The City will contract with Verizon for unlimited cellular service at the three remote sites and the wastewater treatment plant.
- B. Reliable cellular service will be at all sites. This applies to antennas mounted to the control panel exterior at WWTP, East Goshen, CR28, and antenna mounted on the side of the building at 12th St.

CITY RESPONSIBILITIES

In addition to other responsibilities of City set forth in this proposed scope of services, specific city responsibilities to support the Project are as follows:

- A. Identify a person authorized to act as the City's representative to respond to questions and make decisions on behalf of City, accept completed documents, approve invoice payments to Engineer, attend project meetings, and serve as liaison with Engineer as necessary for Engineer to complete its services.
- B. Furnish to Engineer copies of existing documents and data pertinent to Donohue's Scope of Services.
- C. City shall be responsible for all requirements and instructions that it furnishes to Engineer pursuant to this Agreement, and for the accuracy and completeness of all reports, data, programs, and other information furnished by City to Engineer pursuant to this Agreement. Engineer may use and rely upon such requirements, instructions, reports, data, programs, and information in performing or furnishing services under this Agreement, subject to any express limitations or reservations provided by City applicable to the furnished items.
- D. Provide to Engineer existing information regarding the existence and locations of utilities and underground facilities.
- E. Provide Engineer safe access to premises necessary for Donohue to provide the Services.
- F. Inform Engineer whenever City observes or becomes aware of a Hazardous Environmental Conditions that may affect Donohue's Scope of Services or time for performance.

COMPENSATION, BILLING AND PAYMENT

- A. Compensation for the work as defined in proposed scope of services of this proposal letter shall be in accordance with Engineer's standard charge-out rates in effect at the time the services are performed. Routine expenses and materials will be billed at cost and subconsultant costs will include a 10% markup. The Total cost for these services and expenses will not exceed \$28,000.
- B. Engineer will bill City monthly, with net payment due in 30 days.
- C. Engineer will notify City if project scope changes require modifications to the above-stated fee. Services relative to scope changes will not be initiated without written authorization from the City.

Please do not hesitate to call if you have any questions. We appreciate the opportunity to submit this proposal, and look forward to continuing our working relationship with you on this important project.

Very truly yours,



Mr. Marvin Shepherd
Lift Station Cellular Telemetry Proposal
Page 4 | September 30, 2021

Steven P. Gress, P.E.
Vice President

Copy: Dustin Sailor, Director of Public Works – City of Goshen
Bryce Gast, Engineer – City of Goshen

Goshen Cellular Telemetry



Phase Number	Phase Name	Person Assigned	Hours	Rate	Labor	Electrical	Materials	Subtotal	
	Task 1 – Telemetry Programming								
100	Project Management	Koehl/Bell	6	195	\$ 1,170			\$ 1,170	
101	Verizon VPN Coordination & Testing	Koehl/Bell	6	195	\$ 1,170			\$ 1,170	
102	PLC Processor with Ethernet	Koehl/Bell			\$ -		\$ 6,028	\$ 6,028	
103	Cell Modem - WPC Chem Feed Building	Koehl/Bell			\$ -		\$ 990	\$ 990	
104	Cell Modem - East Goshen Lift Station	Koehl/Bell			\$ -		\$ 990	\$ 990	
105	Cell Modem - CR28 Lift Station	Koehl/Bell			\$ -		\$ 990	\$ 990	
106	Cell Modem - 12th St Lift Station	Koehl/Bell			\$ -		\$ 1,240	\$ 1,240	
107	Installation - WPC Chem Feed Building	Koehl/Bell	4	195	\$ 780			\$ 780	
108	Installation - East Goshen Lift Station	Koehl/Bell	4	195	\$ 780			\$ 780	
109	Installation - CR28 Lift Station	Koehl/Bell	4	195	\$ 780			\$ 780	
110	Installation - 12th St Lift Station	Koehl/Bell	4	195	\$ 780	\$ 2,500		\$ 3,280	
111	Expenses	Koehl/Bell			\$ 500			\$ 500	
112	Offline Programming	Koehl/Bell	24	195	\$ 4,680			\$ 4,680	
113	On-Site Programming & Testing	Koehl/Bell	24	195	\$ 4,680			\$ 4,680	
Total						\$ 15,320	\$ 2,500	\$ 10,238	\$ 28,058



CITY OF GOSHEN LEGAL DEPARTMENT

City Annex
204 East Jefferson Street, Suite 2
Goshen, Indiana 46528-3405

Phone (574) 537-3820 • Fax (574) 537-3817 • TDD (574) 534-3185
www.goshenindiana.org

To: Board of Public Works and Safety
From: Bodie J. Stegelmann
Date: March 7, 2022
Subject: Low Income Household Water Assistance Program

I have provided the Board a copy of a Memorandum of Agreement proposed by the Indiana Housing and Community Development Authority (“IHCDA”). The IHCDA seeks to assist low-income households in maintaining or re-connecting to drinking water and wastewater services through its Low-Income Household Water Assistance Program, which is funded through the Consolidated Appropriations Act of 2021 and the American Rescue Plan Act of 2021

Suggested Motion:

Move to approve the Memorandum of Agreement with the Indiana Housing and Community Development Authority to implement its Low-Income Household Water Assistance Program to assist low-income customers of City of Goshen Utilities, and authorize Mayor Stutsman to sign on behalf of the Board.

LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM
MEMORANDUM OF AGREEMENT (MOA)

PURPOSE

- 1) As authorized by the Consolidated Appropriations Act of 2021 and the American Rescue Plan Act of 2021, Indiana's Low-Income Household Water Assistance Program ("LIHWAP")("Water Program") will assist low-income households in maintaining or re-connecting to drinking water and wastewater services. Funds from this program will be used to cover and/or reduce arrearages, rates, and fees associated with reconnection, or prevent service disconnection of service for eligible households at or below 60% of the state median income (SMI). All funds distributed as part of this program will be paid directly to the water or wastewater utility on behalf of an eligible household.

This MOA governs the relationship between the Indiana Housing and Community Development Authority ("IHCDA") and the Water and Wastewater Vendors that accept payments as part of the Water Program.

TERM

- 2) This Agreement is a contract between the Indiana Housing and Community Development Authority ("IHCDA"), ("Agency"), and City of Goshen-Utilities, ("Vendor"). This MOA covers the term between October 1, 2021 and September 30, 2023.

VENDOR RESPONSIBILITIES

- 3) **Cooperation.** The Vendor will cooperate with IHCDA and any Local Service Provider that subcontracts with IHCDA to administer the Water Program. This cooperation includes making information available regarding applicant's water consumption and cost data, payment frequency, disconnection prevention, restoration of Services and arrearage amounts, account status and other data related to LIHWAP, including but not limited to client billing statements. IHCDA and the Local Service Provider have obtained consent from the client/applicant to receive this information.
- 4) **Responsibility for Multiple Locations.** The Vendor understands that if it is a parent company it will be considered the fiscal agent for its "other location(s)" defined as: a company that is owned or controlled by the Vendor, for which the Vendor is normally referred to as the parent company, parent, or holding company for that location. As such, the Vendor will assume primary responsibility for the receipt and distribution of payments under this MOA to any location(s) identified in "Attachment B," attached to this MOA, and made a part hereof.

- a. the Vendor will be required to identify all other location(s) under its umbrella structure that will be providing Services in Attachment B, if and only if the deposit information and W-9 are the same for all locations. Separate MOAs must be completed for each location if the deposit information and/or W-9 differ from the Vendor's information.

The Vendor will be liable for the obligations of its other location(s) under this MOA. Therefore, the Vendor must approve financial transactions and request that payments associated with the Services provided under this MOA be distributed to a centralized location. The W9 and the payment method must be the same for each location under the Vendor's umbrella.

- 5) **Notification of Change.** If any location under the Vendor's fiscal umbrella is sold or discontinues using the Vendor as its fiscal agent, then both the other location and the Vendor must immediately notify IHCDA of this change. The other location must execute its own MOA and become a primary vendor and fiscal agent for LIHWAP funds. The Vendor must update its Attachment B and execute an updated MOA that reflects this change. This is required each time this type of change occurs so that payments can be deposited into the proper bank account.

If the Vendor acquires a new location(s), then the Vendor must update Attachment B and execute an amended MOA to include the new company, each time this type of change occurs so that payments can be deposited into the proper bank account.

- 6) **Breach of Contract.** Failure to comply with any directive or request outlined in this MOA may result in the IHCDA determining the Vendor is in breach of this MOA. Vendor will have 30 days to remedy any breach of this MOA. Failure to correct, to IHCDA's satisfaction, any breach of this MOA will result in payments to Vendor being suspended.

If Vendor is making a good faith effort to remedy any breach of this MOA but has not successfully cured the breach within 30 days, IHCDA may, at its sole discretion, approve an extension to the 30-day period.

CONSUMER PROTECTIONS

- 7) **Application of Funds to the Household.** The Vendor will apply funds provided by the Water Program to the household on behalf of which the funds were provided. The Vendor will then charge the eligible household, in the normal billing process, any difference between the actual amount due and the amount of the payment made by IHCDA.
- 8) **Reconciliation.** The Vendor will provide written reconciliation and confirmation to IHCDA upon request that benefits have been credited appropriately to households and their services have been restored on a timely basis or disconnection status has been removed if applicable.

- 9) **No Adverse Treatment.** No household receiving assistance under this MOA will be treated adversely or charged service fees because of such assistance under applicable provisions of state, territorial or tribal law or public regulatory requirements.
- 10) **Restoration of Service.** The vendor must restore any disconnected services for an approved applicant within **three (3) calendar** days of receipt of payment from IHCDA on behalf of said applicant.

FINANCIAL PROCESS

- 11) **Eligibility Determination.** The Local Service Provider will send a transmittal (or batch of transmittals) to the Vendor for verification of the applicant's name, address, account number, account balance, and service status.
 - a. The Vendor must validate the information, sign the transmittal, and return to the Local Service Provider promptly for payment.
 - b. The Vendor must remove all inactive accounts from transmittals prior to returning the signed form to the Local Service Provider.
 - c. The Vendor agrees that a signed transmittal form indicates that all accounts included on the transmittal are active on that date and benefits will be applied to these accounts.
- 12) **Acceptance of Payment.** All payments shall be made in arrears in conformance with State fiscal policies and procedures, and as required by IC 4-13-2-14.8, by electronic funds transfer to the financial institution designated by the Vendor on "**Attachment C**", which is attached to this MOA and made a part hereof. In order to be paid by check, a specific waiver form must be approved by the IHCDA Controller or its designee. The Request for Waiver form is made available upon request to IHCDA.

Within thirty (30) days of the Local Service Provider's receipt of the transmittal signed by the Vendor, IHCDA shall submit to Vendor a single aggregate payment for all individuals listed on the approved transmittals. IHCDA will notify Vendors via e-mail upon submission of the ACH payment to Vendor's account or the submission of the check. Such notifications will only advise the Vendor of the approved transmittals being paid and will not contain full client or account details. It is the Vendor's responsibility to retain copies of approved transmittals to ensure correct accounting of the payments.

- 13) **Application of Taxes.** The client must receive credit for the full amount of its Water Program benefit in accordance with Indiana Department of Revenue Advisory Guidance issued on April 3, 2013. The Vendor shall not deduct sales taxes from the Water Program benefit.

- 14) **Unallowable Expenses.** Water Program funds may not be applied to the following types of expenses: garbage, electricity, gas, cable, service plans, repayment of fraud/theft losses, or any other expenses that are not associated with water or wastewater utility service.
- 15) **Payment Disputes.** As this MOA exists between the Vendor and IHCDA, the Vendor shall direct any questions, disputes, or issues regarding payment to IHCDA, and not to the Local Service Provider nor to the client. Furthermore, because the payment is being issued by IHCDA, and in accordance with the Consumer Protections Section of this MOA, the Vendor shall not subject the client to any adverse actions due to any delay in IHCDA issuing Water Program payments to the Vendor. This includes, but is not limited to, assessing late fees or interest charges against client accounts, and engaging in collection activities against clients for disputed Water Program benefit payments.
- 16) **Overpayments.** An overpayment occurs when an LIHWAP benefit is awarded that exceeds the amount the applicant household qualified for, or when an LIHWAP benefit is awarded to a household that does not meet qualification criteria. The Local Service Provider must identify overpayments and notify the Vendor of the overpayment within sixty (60) days of the initial benefit award determination. The Local Service Provider will submit an overpayment remittance notice to the Vendor as notification of the excess amount to be recovered. The Vendor shall return these funds to IHCDA within thirty (30) days of receipt of this notice. The Vendor may reverse the credits on the client account up to the amount of the required overpayment.
- a. When returning funds as a result of an overpayment, the Vendor shall issue a check to IHCDA in the amount of the overpayment along with the following information: the name of the Local Service Provider, the client's name, the client's account number, and the original transmittal number. The Vendor should include the Overpayment Remittance Form.

DATA COLLECTION/MONITORING

- 17) **Client Confidentiality.** The Vendor acknowledges that the Services to be performed by the Vendor pursuant to this MOA may require or allow access to data, materials, and information containing Social Security numbers or other personal information or other records. The Vendor agrees to comply with the provisions of IC 4-1-10 and IC 4-1-11 regarding the release of Social Security number provisions and the notice of security breach. The Vendor agrees that notwithstanding this section, Sections Cooperation, Water Consumption Data, and Vendor Monitoring are mandatory.
- 18) **Water Consumption Data (Also Known as Performance Measures).** The Vendor agrees to make available to IHCDA ~~energy~~ **WATER/WASTEWATER** consumption data and billing information for LIHWAP clients for a period of the previous twelve (12) consecutive months of usage (This data includes all required client payments, such as monthly service charge, usage charge, and taxes. However, expenditures should exclude optional charges such as appliance repair contracts, equipment purchases, and other special Services), upon request

and at no charge. To "make available" means to provide data through a data transfer or a secure web portal within 60 (sixty) days of request. IHCDCA has obtained consent from the client to receive this information. This information will be used to report performance measures.

- 19) **Vendor Monitoring.** IHCDCA may perform Vendor monitoring and review records that relate to the LIHWAP Program, including but not limited to, verification of benefit being applied to client accounts, timely return of LIHWAP funds due to overpayments or client no longer having an open account. Vendor shall cooperate with any IHCDCA request and supply requested documentation within 30 (thirty) days of initial request. Vendor monitoring is required as part of the LIHWAP Grant.
- 20) **Record Keeping.** Vendor agrees to maintain an adequate accounting system to allow verification and auditing of the amount of Services delivered to eligible households. Records must be retained for three years after the close of each program year. LIHWAP program years begin October 1 and end September 30.

OTHER PROVISIONS

- 21) **Non-Discrimination.** Vendor agrees to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), the Drug Abuse Prevention and Treatment Amendments of 1978 (21 U.S.C. § 1101 et seq.), the Public Health Service Act of 1944 (42 U.S.C. §§ 290dd through 290dd-2), and all other non-discrimination regulations of the United States Government to ensure that no person shall, on the grounds of race, age, color, religion, sex, disability, national origin, ancestry, or status as a veteran, be excluded from participating in or denied the benefit of Vendor's services under the Water Program.
- 22) **Equal Treatment.** Vendor shall not treat any household receiving Water Program benefits adversely because of such Water Program assistance, including but not limited to charging different or additional fees, costs, rates, or other such charges on the basis of a household's qualification for or receipt of Water Program benefits.
- 23) **Registration with the Indiana Secretary of State.** Vendor affirms that, if it is an entity described in IC Title 23, it is properly registered and owes no outstanding reports to the Indiana Secretary of State.
- 24) **Fraud.** Vendor must notify the Local Service Provider if it determines that any client has misrepresented information or failed to disclose information pertinent to determining the eligibility of Water Program benefits for that client. Such notification may result in the termination and revocation of Water Program benefits from the client's account. Also, the Vendor must notify IHCDCA immediately if Vendor identifies fraud on the part of the Local

Service Provider and/or in the Vendor's own company as it relates to the use of Water Program benefits, funding, or the provision of services.

25) **Indemnification.** Vendor shall indemnify, defend, and hold harmless IHCDA, and its employees, agents, and officials, against any and all actions, liabilities, losses, damages, costs, or expenses which they may sustain, incur, or be required to pay by reason of any person suffering bodily injury, death, or property loss or damage as a result of any act or omission of Vendor, or any officer, agent, employee, or subcontractor thereof, in carrying out activities under this Agreement. Vendor shall require any subcontractor to indemnify Vendor and IHCDA, and their employees, agents, and officials, as part of any subcontract issued pursuant to this Agreement. The IHCDA shall not provide such indemnification to Vendor. The obligations set forth in this section shall survive the termination or expiration of this Agreement.

26) **Choice of Law.** The terms and provisions of this MOA shall be governed by and interpreted under the laws of the State of Indiana and any and all disputes hereunder shall be litigated in courts located in Marion County in the State of Indiana.

27) **Notice to Parties.** Whenever any notice, statement or other communication is required under this MOA, it shall be sent to the following addresses, unless otherwise specifically advised.

a. **Notices to IHCDA shall be sent to:**

Community Programs – Water Assistance Program
Indiana Housing and Community Development Authority
30 South Meridian Street, Suite 900
Indianapolis, Indiana 46204

or

via e-mail: water@ihcda.in.gov

b. **Notices to the Vendor shall be sent to:**

This should be a corporate contact, the person who will receive confirmation of transmittals or changes to the program:

Name: Kelly Saenz, Office Manager

Address: 203 S 5th Street

City, State, Zip: Goshen In 46526

Email Address (required): kellysaenz@goshencity.com

Phone Number: 574-534-1706

c. **Vendor Point of Contact**

Point of contact for all data collection for Water Consumption Data and vendor monitoring shall be stated below. Upon changes, IHCD A must be notified within 30 (thirty) days with a new contact person and all information below.

Name: Kelly Saenz

Address: 203 S 5th Street

City, State, Zip: Coshen In 46526

Email Address (required): kellysaenz@goshencity.com

Phone Number: 574-534-1706

28) **Funding Cancellation and Termination for Convenience.** When the Executive Director of IHCD A makes a written determination that funds are not appropriated or otherwise available to support continuation of performance of this MOA, it shall be canceled. Such determination shall be final and conclusive. This MOA may be terminated, in whole or in part, by the IHCD A whenever, for any reason, IHCD A determines that such termination is in the best interest of IHCD A by notice in writing.

29) **Termination of Agreement.** If this MOA is terminated by either party and the Vendor has accepted and received any Water Program payments prior to the termination of the MOA, the Vendor may also still be accountable for compliance with Sections 14, 15, 18, 19, 22, and 25 of this MOA.

NON-COLLUSION ACCEPTANCE

The undersigned attests, subject to the penalties for perjury, that the undersigned is the Vendor, or that the undersigned is the properly authorized representative, agent, member or officer of the Vendor. Further, to the undersigned's knowledge, neither the undersigned nor any other member, employee, representative, agent or officer of the Vendor, directly or indirectly, has entered into or been offered any sum of money or other consideration for the execution of this MOA other than that which appears upon the face hereof. Furthermore, if the undersigned has knowledge that a state officer, employee, or special state appointee, as those terms are defined in IC 4-2-6-1, has a financial interest in the MOA, the Vendor attests to compliance with the disclosure requirements in IC 4-2-6-10.5.

In Witness Whereof, Vendor and IHCDA have, through their duly authorized representatives, entered into this MOA. The parties, having read and understood the foregoing terms of this MOA, do by their respective signatures dated below hereby agree to the terms thereof.

AGREEMENT TO USE ELECTRONIC SIGNATURES

I agree, and it is my intent, to sign this Agreement by accessing the electronic signature tool in Adobe to electronically submit this Agreement to IHCDA. I understand that my signing and submitting this Agreement in this fashion is the legal equivalent of having placed my handwritten signature on the submitted Agreement and this affirmation. I understand and agree that by electronically signing and submitting this Agreement in this fashion I am affirming to the truth of the information contained therein and my authority to bind the Subgrantee. I also understand that if I decide not to sign this Agreement electronically, I must notify IHCDA so that this Agreement may be re-submitted to me and I may sign it and return it to IHCDA in the traditional manner.

AUTHORITY TO BIND

The signatory for the Subgrantee represents that he/she has been duly authorized to execute this Agreement on behalf of the Subgrantee and has obtained all necessary or applicable approvals to make this Agreement fully binding upon the Subgrantee when his/her signature is affixed and accepted by IHCDA.

Vendor

Company Name: City of Goshen- Utilities

Signed By: _____

Printed Name: _____

Title: _____

Date: _____

Indiana Housing and Community Development Authority

Signed By: _____

Printed Name: S. Kyleen Welling

Title: Chief of Staff and Chief Operating Officer

Date: _____

ATTACHMENT A

LIST OF LOCAL SERVICE PROVIDERS

Check All that Apply	Agency		Counties Served
<input type="checkbox"/>	AREA IV	Area IV Agency on Aging and Community Action Programs, Inc.	Boone, Carroll, Clinton, Hamilton, Hendricks, Tippecanoe, White
<input type="checkbox"/>	AREA V	Area V Agency on Aging and Community Services, Inc.	Cass, Howard, Miami, Tipton, Wabash
<input type="checkbox"/>	CANI	Community Action of Northeast Indiana, Inc.	Allen, LaGrange, Noble, Whitley, Steuben, DeKalb
<input type="checkbox"/>	CAPE	Community Action Program of Evansville and Vanderburgh County, Inc.	Gibson, Posey, Vanderburgh
<input type="checkbox"/>	CASI	Community Action of Southern Indiana, Inc.	Clark, Floyd, Harrison
<input type="checkbox"/>	CFS	Community and Family Services, Inc.	Adams, Blackford, Huntington, Jay, Randolph, Wells
<input type="checkbox"/>	CAPWI	Community Action Program, Inc. of Western Indiana	Benton, Fountain, Montgomery, Parke, Vermillion, Warren
<input type="checkbox"/>	HSI	Human Services, Inc.	Bartholomew, Decatur, Jackson, Johnson, Shelby
<input type="checkbox"/>	HUEDC	Hoosier Uplands Economic Development Corp.	Lawrence, Martin, Orange, Washington
<input type="checkbox"/>	ICAP	Interlocal Community Action Program, Inc.	Delaware, Grant, Hancock, Henry, Madison, Rush, Fayette, Wayne
<input type="checkbox"/>	JBNC	John H. Boner Community Centers, Inc.	Marion
<input type="checkbox"/>	LHDC	Lincoln Hills Development Corporation	Crawford, Perry, Spencer
<input type="checkbox"/>	NCCAA	North Central Community Action Agencies, Inc.	LaPorte, Pulaski, Starke
<input type="checkbox"/>	NWICA	Northwest Community Action Agency, Inc.	Jasper, Lake, Newton, Porter
<input type="checkbox"/>	OVO	Ohio Valley Opportunities Inc.	Jefferson, Jennings, Scott
<input type="checkbox"/>	PACE	PACE Community Action Agency, Inc.	Daviess, Greene, Knox, Sullivan
<input checked="" type="checkbox"/>	REAL	REAL Services, Inc.	Elkhart, Fulton, Kosciusko, Marshall, St. Joseph
<input type="checkbox"/>	SCCAP	South Central Community Action Program, Inc.	Brown, Monroe, Morgan, Owen
<input type="checkbox"/>	SIBOC	Southeastern Indiana Economic Opportunity Corp.	Dearborn, Franklin, Ohio, Ripley, Switzerland, Union
<input type="checkbox"/>	TRICAP	Dubois-Pike-Warrick Economic Opportunity	Dubois, Pike, Warrick
<input type="checkbox"/>	WICAA	Western Indiana Community Action Agency, Inc.	Clay, Putnam, Vigo

ATTACHMENT B

MANDATORY LIST OF VENDOR'S OTHER LOCATIONS

**Subsidiaries must have the same deposit location and W-9 as the parent company,
otherwise separate MOAs must be filled out for each location.**

(Please add additional pages if needed)

Other Location(s) Legal Name	Other Location(s) Address (number and street, city, state, zip)	Other Location(s) Contact	Other Location(s) Phone #

ATTACHMENT C

Vendor ACH Authorization Form (Direct Deposit)

As required by IC 4-13-2-14.8, all payments shall be made in arrears in conformance with State fiscal policies and procedures, and by electronic funds transfer to the financial institution designated by the Vendor. If a buy-out or merger occurs, this form must be updated within 30 (thirty) days.

Please complete all areas and sign prior to returning. A voided check may be attached to this form.

(Name) (Title)

(Address) Funds Information

(Name of Financial Institution)

(Address of Financial Institution)

Checking or Savings (Circle the Account Type)

Financial Institution Routing Number: (9 Digits) _____

Checking/Savings Account Number: _____

These numbers are located on the bottom of your check as follows:

⑆ 1 2 3 4 5 6 7 8 9 ⑆ 1 2 3 4 5 6 7 8 9 0 1 2 3 ⑆
Routing Number Account Number

I hereby authorize the Indiana Housing and Community Development Authority ("IHCDA") to remit payments to and initiate entries to:

_____’s checking/savings accounts at the financial institution listed above, and, if necessary, initiate adjustments for any transactions credited/debited in error. This authority will remain in effect until IHCDA is notified by an authorized individual in writing to cancel it in such time as to afford IHCDA and the financial institution a reasonable opportunity to act on it. In addition, I certify that I have full authority to execute this authorization and grant the rights to IHCDA contained herein.

(Authorized Signature) (Date)



Stormwater Department

CITY OF GOSHEN

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626

stormwater@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Board of Public Works and Safety

FROM: Stormwater Department

RE: **AGREEMENT FOR THE COMPLETION OF THE CONSTRUCTION PROJECT
1931 WHISPERING PINES
(JN: 2017-2035)**

DATE: March 4, 2022

The unit at 1931 Whispering Pines (Greencroft) has passed its final building inspection and the project is substantially complete except for seeding and otherwise stabilizing disturbed areas. These final requirements cannot be completed at this time due to weather conditions.

The Stormwater Department thus submits an Agreement for the Completion of the Construction Project for approval and authorization for the Mayor to execute.

The property owner, Greencroft Goshen, Inc. agrees to stabilize 5,400 square feet with seed and a temporary stabilization measure by June 15, 2022. The expected cost of work is under \$2,000 and no hard surface needs installed. Thus, no surety amount is required.

Requested Motion:

Approve and authorize the Mayor to execute the Agreement with Greencroft Goshen, Inc. for the Completion of the Construction Project at 1931 Whispering Pines.

**AGREEMENT FOR THE COMPLETION
OF THE CONSTRUCTION PROJECT**

THIS AGREEMENT is entered into on _____, 20 22, between the City of Goshen, Indiana, by and through the Goshen Board of Public Works and Safety, hereinafter referred to as "Goshen," and

Property Owner: Greencroft Goshen, Inc.

and, if the builder is responsible for completing the remaining work,

Builder: _____

No Builder

hereinafter referred to individually or collectively, if applicable, as "Permittee."

Permittee obtained a building permit for the construction of a building on the real estate at

Site: 1931 Whispering Pines Court, Goshen, Indiana, hereinafter referred to as "Site."

The construction project is substantially complete except for:

certain exterior work that cannot be completed due to weather conditions.

the installation of certain parts or equipment which are not currently available.

In consideration of the terms, conditions and mutual covenants contained in this agreement, the parties agree as follows:

1. **WORK.** Permittee agrees to complete the following remaining item(s) of work, hereinafter referred to as "Work," as soon as conditions permit, but no later than June 15, 20 22, unless an earlier date is specified below:

Permanently stabilize the Site which shall include grading, adding topsoil where needed, seeding and mulching of the grounds. This shall specifically include stabilization of approximately 5,400 square feet of disturbed area with seed and a temporary stabilization measure such as anchored mulch, hydromulch, or erosion control blankets. In addition, all adjacent and/or affected inlets shall be kept covered until the Site has been completely and permanently stabilized.

Plant all required landscaping at the Site according to the plan submitted to the Goshen Planning and Zoning Department. This shall include planting: _____

Install the hard surface driveway for the Site.

- Permittee agrees to install a temporary gravel driveway, and Goshen will permit the installation of the temporary gravel driveway until such time as the permanent hard surface driveway can be installed. The temporary gravel driveway shall be installed prior to occupancy of the building, but no later than _____, 20_____.
- Install the hard surface parking lot for the Site.
- Permittee agrees to install a temporary gravel parking lot, and Goshen will permit the installation of the temporary gravel parking lot until such time as the permanent hard surface parking lot can be installed. The temporary gravel parking lot shall be installed prior to occupancy of the building, but no later than _____, 20_____.
- Install all required parking lot striping for parking spaces at the Site.
- Install approximately _____ square feet of concrete sidewalk and/or curbing at or adjacent to the Site parallel to the following public street: _____
- Install approximately _____ of concrete sidewalk at the Site to the building entrance.
- Install the following certain parts or equipment at the Site: _____
- Other: _____

2. **SURETY.** Permittee is required to provide Goshen a surety to guarantee the timely and proper completion of the Work if the cost of the Work is estimated by Goshen to be at least Two Thousand Dollars (\$2,000), or if the Work includes the installation of a driveway, parking lot, sidewalk, curbing or other hard surface improvement, regardless of cost.

Permittee agrees to provide Goshen a surety in the amount of _____ Dollars (\$ _____) to guarantee the timely and proper completion of the Work under the terms of this agreement. The surety may be in the form of a surety bond, letter of credit, or cash bond, including a cashier's check or corporate check (which City Clerk-Treasurer will cash). The surety is to guarantee the timely and proper completion of the obligations under this agreement and is not intended for the benefit of any third party, including Permittee's contractors or subcontractors. Upon satisfactory completion of the Work, Goshen will release the surety. If the surety is in the form of cash or a check, the Permittee must have a current W-9 on file with the City Clerk-Treasurer so a check may be issued to refund the surety.

Permittee is not required to provide Goshen a surety to guarantee the timely and proper completion of the Work.

3. **CERTIFICATE OF OCCUPANCY.** Except for the Work yet to be completed as set forth in Section 1 above, once the construction project complies with all applicable City ordinances and requirements, Goshen will issue a Certificate of Occupancy for the Site on the condition that Permittee complies with the terms of this agreement. **It is Permittee's obligation to contact the Goshen Building Department to obtain the Certificate of Occupancy prior to occupying the building.**
4. **FORCE MAJEURE.** If Permittee's performance under this agreement is prevented because of an occurrence that is beyond the control of the Permittee which could not have been avoided by exercising reasonable diligence, Permittee's time for performance will be extended. Such extension shall be for no longer than necessary given the nature of the occurrence which causes the delay. Examples of such occurrences are tornadoes, floods, or more than a typical number of days where rainfall prohibits the performance required of the Permittee.

If Permittee is delayed, Permittee shall immediately notify Goshen in writing describing the nature of the event delaying performance. Permittee shall make every effort to resume performance as soon as possible.

5. **DEFAULT.** It is mutually agreed that if Permittee fails to perform or comply with the terms of this agreement, Goshen may declare the agreement to be in default without notice to Permittee.

Upon declaration of default, Goshen may take such action as is necessary to complete Permittee's obligations although Goshen is not obligated to do so. If Surety is provided under this agreement, Goshen may use the Surety to pay for the completion of any of Permittee's obligations. Goshen may seek any other remedy available at law or equity in addition to or instead of any remedy provided for in this agreement.

Goshen shall have the right to correct any defect in the Work, and Goshen shall have the right to stabilize the Site in accordance with the Goshen City Construction Site Stormwater Runoff Control Ordinance. The Surety, if required, and/or Permittee shall pay all of Goshen's costs and expenses incurred in taking such actions including, but not limited to engineering, legal and other costs, together with any damages either direct or consequential which Goshen may sustain on account of Permittee's failure to fulfill Permittee's obligations under this agreement.

6. **SUBCONTRACTING OR ASSIGNMENT OF CONTRACT.** Permittee shall not subcontract or assign any right or interest under the agreement without having prior written approval from the Goshen Board of Public Works and Safety, provided, however, that Permittee shall be permitted to independently engage any contractors, subcontractors, or laborers to perform the Work, and such engagement shall not be considered to be an impermissible subcontracting or assignment by Permittee of any right or interest under this agreement. Except as provided herein, any attempt by Permittee to subcontract or assign any portion of the agreement shall not be construed to relieve Permittee from any responsibility to fulfill Permittee's obligations.
7. **AMENDMENTS.** Any modification or amendment to the terms and conditions of the agreement shall not be binding unless made in writing and signed by both parties and such modification is approved by the Goshen Board of Public Works and Safety. Any verbal representations or modifications concerning the agreement shall be of no force and effect.

- 8. **WAIVER OF RIGHTS.** No right conferred on either party under this agreement shall be deemed waived and no breach of this agreement excused unless such waiver or excuse shall be in writing and signed by the party claimed to have waived such right.
- 9. **NOTICES.** All written notices, properly addressed and sent by U.S. mail or delivered personally to the address provided below shall constitute sufficient notice whenever written notice is required for any purpose in this agreement. Notice will be considered given five (5) days after the notice is deposited in the U.S. mail or when received at the appropriate address.

Address for Goshen: City of Goshen, Indiana
 Attention: Goshen Legal Department
 204 East Jefferson Street, Suite 2
 Goshen, IN 46528

Address for Permittee:

Property Owner: Greencroft Goshen, Inc.
 Attention: Troy Handrich
 1721 Greencroft Blvd., P.O. Box 819
 Goshen, IN 46527-0819

Builder: _____

No Builder

- 10. **APPLICABLE LAWS.** Permittee agrees to comply with all applicable federal, state, and local laws, rules, regulations, or ordinances.

In the event of a conflict between this agreement and applicable laws, rules, regulations or ordinances, the most stringent or legally binding requirement shall govern.

This agreement shall be construed in accordance with and governed by the laws of the State of Indiana, and suit, if any, must be brought in a court of competent jurisdiction in Elkhart County, Indiana.

- 11. **ATTORNEY FEES.** In the event legal action is brought to enforce or interpret the terms and conditions of this agreement, the non-prevailing party will pay all costs and expenses expended or incurred by the prevailing party, including reasonable attorneys' fees.
- 12. **SEVERABILITY.** In the event that any provision of the agreement is found to be invalid or unenforceable, then such provision shall be reformed in accordance with applicable law. The invalidity or unenforceability of any provision of the agreement shall not affect the validity or enforceability of any other provision of the agreement.
- 13. **BINDING EFFECT.** All provisions, covenants, terms and conditions of the agreement apply to bind the parties and their legal heirs, representatives, successors and assigns.

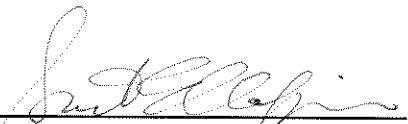
14. **ENTIRE AGREEMENT.** This agreement constitutes the entire agreement between the parties and supersedes all other agreements or understandings between Goshen and Permittee.

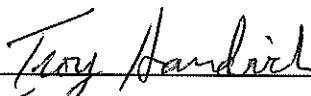
15. **AUTHORITY TO EXECUTE.** Each person executing this agreement represents that he or she is duly authorized and has legal authority to execute and deliver this agreement on behalf of the respective party, and upon execution and delivery of this agreement, bind the respective party to the terms and conditions of the agreement.

IN WITNESS WHEREOF, the parties have executed this agreement on the dates as set forth below.

Permittee:¹

Property Owner:

Signature: 
Printed: Brent E. Natzeiger
Title (if any): VP of Operations
Date: 1.12.2022

Signature: 
Printed: Troy Handrich
Title (if any): DOM
Date: 1/11/22

Builder:

Signature: _____
Printed: _____
Title: _____
Date: _____

Goshen:

Jeremy P. Stutsman, Mayor
Date: _____

¹ The Property Owner is required to execute the agreement. If the Builder is responsible for completing the remaining work or if the Builder is providing the surety under the agreement (if required), the Builder is also required to execute the agreement.



Stormwater Department

CITY OF GOSHEN

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626

stormwater@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: Board of Public Works and Safety

FROM: Stormwater Department

RE: **AGREEMENT FOR THE COMPLETION OF THE CONSTRUCTION PROJECT
AT 2093 WHISPERING PINES
(JN: 2020-2017)**

DATE: March 4, 2022

The unit at 2093 Whispering Pines (Greencroft) has passed its final building inspection and the project is substantially complete except for planting the required tree and seeding and otherwise stabilizing disturbed areas. These final requirements cannot be completed at this time due to weather conditions.

The Stormwater Department thus submits an Agreement for the Completion of the Construction Project for approval and authorization for the Mayor to execute.

The property owner, Greencroft Goshen, Inc. agrees to stabilize 3,000 square feet with seed and a temporary stabilization measure by June 15, 2022. The expected cost of work for is under \$2,000 and no hard surface needs installed. Thus, no surety amount is required.

Requested Motion:

Approve and authorize the Mayor to execute the Agreement with Greencroft Goshen, Inc. for the Completion of the Construction Project at 2093 Whispering Pines.

**AGREEMENT FOR THE COMPLETION
OF THE CONSTRUCTION PROJECT**

THIS AGREEMENT is entered into on _____, 20 22, between the City of Goshen, Indiana, by and through the Goshen Board of Public Works and Safety, hereinafter referred to as "Goshen," and

Property Owner: Greencroft Goshen, Inc.

and, if the builder is responsible for completing the remaining work,

Builder: _____

No Builder

hereinafter referred to individually or collectively, if applicable, as "Permittee."

Permittee obtained a building permit for the construction of a building on the real estate at

Site: 2093 Whispering Pines, Goshen, Indiana, hereinafter referred to as "Site."

The construction project is substantially complete except for:

certain exterior work that cannot be completed due to weather conditions.

the installation of certain parts or equipment which are not currently available.

In consideration of the terms, conditions and mutual covenants contained in this agreement, the parties agree as follows:

1. **WORK.** Permittee agrees to complete the following remaining item(s) of work, hereinafter referred to as "Work," as soon as conditions permit, but no later than June 15, 20 22, unless an earlier date is specified below:

Permanently stabilize the Site which shall include grading, adding topsoil where needed, seeding and mulching of the grounds. This shall specifically include stabilization of approximately 3,000 square feet of disturbed area with seed and a temporary stabilization measure such as anchored mulch, hydromulch, or erosion control blankets. In addition, all adjacent and/or affected inlets shall be kept covered until the Site has been completely and permanently stabilized.

Plant all required landscaping at the Site according to the plan submitted to the Goshen Planning and Zoning Department. This shall include planting: one large tree

Install the hard surface driveway for the Site.

- Permittee agrees to install a temporary gravel driveway, and Goshen will permit the installation of the temporary gravel driveway until such time as the permanent hard surface driveway can be installed. The temporary gravel driveway shall be installed prior to occupancy of the building, but no later than _____, 20_____.
- Install the hard surface parking lot for the Site.
- Permittee agrees to install a temporary gravel parking lot, and Goshen will permit the installation of the temporary gravel parking lot until such time as the permanent hard surface parking lot can be installed. The temporary gravel parking lot shall be installed prior to occupancy of the building, but no later than _____, 20_____.
- Install all required parking lot striping for parking spaces at the Site.
- Install approximately _____ square feet of concrete sidewalk and/or curbing at or adjacent to the Site parallel to the following public street: _____
- Install approximately _____ of concrete sidewalk at the Site to the building entrance.
- Install the following certain parts or equipment at the Site: _____
- Other: _____

2. **SURETY.** Permittee is required to provide Goshen a surety to guarantee the timely and proper completion of the Work if the cost of the Work is estimated by Goshen to be at least Two Thousand Dollars (\$2,000), or if the Work includes the installation of a driveway, parking lot, sidewalk, curbing or other hard surface improvement, regardless of cost.

Permittee agrees to provide Goshen a surety in the amount of _____ Dollars (\$ _____) to guarantee the timely and proper completion of the Work under the terms of this agreement. The surety may be in the form of a surety bond, letter of credit, or cash bond, including a cashier's check or corporate check (which City Clerk-Treasurer will cash). The surety is to guarantee the timely and proper completion of the obligations under this agreement and is not intended for the benefit of any third party, including Permittee's contractors or subcontractors. Upon satisfactory completion of the Work, Goshen will release the surety. If the surety is in the form of cash or a check, the Permittee must have a current W-9 on file with the City Clerk-Treasurer so a check may be issued to refund the surety.

Permittee is not required to provide Goshen a surety to guarantee the timely and proper completion of the Work.

3. **CERTIFICATE OF OCCUPANCY.** Except for the Work yet to be completed as set forth in Section 1 above, once the construction project complies with all applicable City ordinances and requirements, Goshen will issue a Certificate of Occupancy for the Site on the condition that Permittee complies with the terms of this agreement. **It is Permittee's obligation to contact the Goshen Building Department to obtain the Certificate of Occupancy prior to occupying the building.**
4. **FORCE MAJEURE.** If Permittee's performance under this agreement is prevented because of an occurrence that is beyond the control of the Permittee which could not have been avoided by exercising reasonable diligence, Permittee's time for performance will be extended. Such extension shall be for no longer than necessary given the nature of the occurrence which causes the delay. Examples of such occurrences are tornadoes, floods, or more than a typical number of days where rainfall prohibits the performance required of the Permittee.

If Permittee is delayed, Permittee shall immediately notify Goshen in writing describing the nature of the event delaying performance. Permittee shall make every effort to resume performance as soon as possible.

5. **DEFAULT.** It is mutually agreed that if Permittee fails to perform or comply with the terms of this agreement, Goshen may declare the agreement to be in default without notice to Permittee.

Upon declaration of default, Goshen may take such action as is necessary to complete Permittee's obligations although Goshen is not obligated to do so. If Surety is provided under this agreement, Goshen may use the Surety to pay for the completion of any of Permittee's obligations. Goshen may seek any other remedy available at law or equity in addition to or instead of any remedy provided for in this agreement.

Goshen shall have the right to correct any defect in the Work, and Goshen shall have the right to stabilize the Site in accordance with the Goshen City Construction Site Stormwater Runoff Control Ordinance. The Surety, if required, and/or Permittee shall pay all of Goshen's costs and expenses incurred in taking such actions including, but not limited to engineering, legal and other costs, together with any damages either direct or consequential which Goshen may sustain on account of Permittee's failure to fulfill Permittee's obligations under this agreement.

6. **SUBCONTRACTING OR ASSIGNMENT OF CONTRACT.** Permittee shall not subcontract or assign any right or interest under the agreement without having prior written approval from the Goshen Board of Public Works and Safety, provided, however, that Permittee shall be permitted to independently engage any contractors, subcontractors, or laborers to perform the Work, and such engagement shall not be considered to be an impermissible subcontracting or assignment by Permittee of any right or interest under this agreement. Except as provided herein, any attempt by Permittee to subcontract or assign any portion of the agreement shall not be construed to relieve Permittee from any responsibility to fulfill Permittee's obligations.
7. **AMENDMENTS.** Any modification or amendment to the terms and conditions of the agreement shall not be binding unless made in writing and signed by both parties and such modification is approved by the Goshen Board of Public Works and Safety. Any verbal representations or modifications concerning the agreement shall be of no force and effect.

- 8. **WAIVER OF RIGHTS.** No right conferred on either party under this agreement shall be deemed waived and no breach of this agreement excused unless such waiver or excuse shall be in writing and signed by the party claimed to have waived such right.
- 9. **NOTICES.** All written notices, properly addressed and sent by U.S. mail or delivered personally to the address provided below shall constitute sufficient notice whenever written notice is required for any purpose in this agreement. Notice will be considered given five (5) days after the notice is deposited in the U.S. mail or when received at the appropriate address.

Address for Goshen: City of Goshen, Indiana
 Attention: Goshen Legal Department
 204 East Jefferson Street, Suite 2
 Goshen, IN 46528

Address for Permittee:

Property Owner: Greencroft Goshen, Inc.
 Attention: Troy Handrich
 1721 Greencroft Blvd., P.O. Box 819
 Goshen, IN 46527-0819

Builder: _____

No Builder

- 10. **APPLICABLE LAWS.** Permittee agrees to comply with all applicable federal, state, and local laws, rules, regulations, or ordinances.

In the event of a conflict between this agreement and applicable laws, rules, regulations or ordinances, the most stringent or legally binding requirement shall govern.

This agreement shall be construed in accordance with and governed by the laws of the State of Indiana, and suit, if any, must be brought in a court of competent jurisdiction in Elkhart County, Indiana.

- 11. **ATTORNEY FEES.** In the event legal action is brought to enforce or interpret the terms and conditions of this agreement, the non-prevailing party will pay all costs and expenses expended or incurred by the prevailing party, including reasonable attorneys' fees.
- 12. **SEVERABILITY.** In the event that any provision of the agreement is found to be invalid or unenforceable, then such provision shall be reformed in accordance with applicable law. The invalidity or unenforceability of any provision of the agreement shall not affect the validity or enforceability of any other provision of the agreement.
- 13. **BINDING EFFECT.** All provisions, covenants, terms and conditions of the agreement apply to bind the parties and their legal heirs, representatives, successors and assigns.

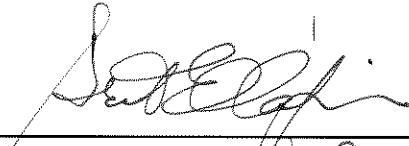
14. **ENTIRE AGREEMENT.** This agreement constitutes the entire agreement between the parties and supersedes all other agreements or understandings between Goshen and Permittee.


15. **AUTHORITY TO EXECUTE.** Each person executing this agreement represents that he or she is duly authorized and has legal authority to execute and deliver this agreement on behalf of the respective party, and upon execution and delivery of this agreement, bind the respective party to the terms and conditions of the agreement.

IN WITNESS WHEREOF, the parties have executed this agreement on the dates as set forth below.

Permittee:¹

Property Owner:

Signature: 
Printed: Brant E. Nafziger
Title (if any): VP of Operations
Date: 2.23.2022

Signature: 
Printed: Troy Handrich
Title (if any): Director of Maintenance
Date: 2-22-2022

Builder:

Signature: _____
Printed: _____
Title: _____
Date: _____

Goshen:

Jeremy P. Stutsman, Mayor
Date: _____

¹ The Property Owner is required to execute the agreement. If the Builder is responsible for completing the remaining work or if the Builder is providing the surety under the agreement (if required), the Builder is also required to execute the agreement.



**STORMWATER DEPARTMENT
CITY OF GOSHEN**

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626

stormwater@goshencity.com • www.goshenindiana.org

MEMORANDUM

TO: City of Goshen Stormwater Board

FROM: Stormwater Department

RE: **POST-CONSTRUCTION PLAN APPROVAL
GOSHEN HOSPITAL BED TOWER, CARRIAGE HOUSE, & PARKING
(JN: 2018-2058)
GOSHEN HEALTH LOADING DOCK REPLACEMENT (JN: 2018-2040)**

DATE: March 7, 2022

The developer of Goshen Health Bed Tower, Carriage House, & Parking and Goshen Health Loading Dock Replacement, affecting one (1) or more acres of land and located at 200 High Park Avenue, has submitted a sufficient post-construction plan that is compliant with Ordinance 4329, "Uniform Requirements for Post-Construction Stormwater Management."

The Stormwater Department requests the Stormwater Board's acceptance of the plan.

Full document available upon request.

Requested Motion: Accept the post-construction stormwater management plan for both the Goshen Hospital Bed Tower, Carriage House, & Parking and Goshen Health Loading Dock Replacement projects as they have been found to meet the requirements of City Ordinance 4329.
