



## **Board of Public Works & Safety and Stormwater Board**

Regular Meeting Agenda

**2:00 p.m., May 9, 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: May 2, 2022**

### **Approval of Agenda**

### **1) OPENING OF BIDS (all due 1:45 p.m. on May 9, 2022):**

#### **East College Avenue Industrial Park – Contract 1 project**

(Water Main Loop – This project includes the installation of new 12" water main, 8" sanitary sewer force main, three bore and jack casing pipes under the Norfolk Southern railroad tracks, and pavement restoration.)

#### **East College Avenue Industrial Park – Contract 2 project**

(Earthwork and Drainage Ponds – The work involved is the excavation for the proposed retention/detention basins, the excavation of the flood routing swales, grading of a portion of the building sites, installation of drainage culverts, rip-rap placement and seeding.)

#### **East College Avenue Industrial Park – Contract 3 project**

(The project includes a new asphalt street with concrete curb & gutter, the installation of new 12" water main, 8" sanitary sewer force main, 8" sanitary sewer, storm sewer, pavement markings, and concrete drive approaches.)

#### **East College Avenue Industrial Park –No. 53 Aggregate Bid**

(Aggregate material related to the East College Avenue Industrial Park project.)

**2) Resident request:** Michael Sommer request to place moving container in the parking spaces in front of 1011 South 7th Street,

**3) Police Department:** Approval of revised police policies and repeal of certain policies



**4) Utilities Office:** James Warble request for relief from \$500 illegal water connection fee

**5) Redevelopment Department:** Request for permission to place eight (8) sculptures within the public right-of-way

**6) Engineering Department:** Approve Resolution 2022-15 and agreement with Niblock Excavating for the College Avenue Bridge #410 Utility Relocation Project for \$1,685,277.50

**7) Engineering Department:** Request for partial sidewalk closures for storm drain mural art painting

**8) Engineering Department:** Approve lane restrictions for concrete paving project in Terrace Green, between May 16-Sept. 1, 2022 (JN 2022-0002B)

**9) Building Department:** Mechanical license request for John Cabral of Pro Comfort Heating & Cooling, LLC., Fort Wayne

**Privilege of the Floor**

**Approval of Civil City and Utility Claims**

***Adjournment***



## BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD

### MINUTES OF THE May 2, 2022 REGULAR MEETING

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

**Present:** Mayor Jeremy Stutsman, Mary Nichols, DeWayne Riouse and Barb Swartley

**Absent:** Mike Landis

**CALL TO ORDER:** Mayor Stutsman called the meeting to order at 2:00 p.m.

**REVIEW/APPROVE MINUTES:** Minutes of the April 25, 2022 meeting of the Board of Works & Safety & Stormwater Board were presented. Board member Barb Swartley moved to approve the minutes as presented and the motion was seconded by Board member Mary Nichols. Motion passed 4-0.

**REVIEW/APPROVE AGENDA:** Mayor Stutsman presented the day's agenda. Board member Swartley moved to approve the agenda as presented. Board member Nichols seconded the motion. Motion passed 4-0.

#### 1) Goshen Fire Department: Promotion of Patrick J. Martin to Fire Sergeant

Goshen Fire Chief Danny Sink asked the Board to approve the promotion of Patrick J. Martin to the rank of Fire Sergeant for the Goshen Fire Department effective today, May 2, 2022. Chief Sink said Sergeant Martin has passed all of the tests and standards required for the promotion.

Swartley/Nichols moved to approve the promotion of Patrick J. Martin to the rank of Fire Sergeant for the Goshen Fire Department effective today, May 2, 2022. Motion passed 4-0. After the promotion was approved, Mayor Stutsman swore Fire Sergeant Patrick J. Martin into office.

#### 2) Goshen Fire Department: Promotion of Shane D. McKerchie to Fire Lieutenant

Goshen Fire Chief Danny Sink asked the Board to approve the promotion of Shane D. McKerchie to the rank of Fire Lieutenant for the Goshen Fire Department effective today, May 2, 2022. Chief Sink said Lieutenant McKerchie has passed all of the tests and standards required for the promotion.

Swartley/Nichols moved to approve the promotion of Shane D. McKerchie to the rank of Fire Lieutenant for the Goshen Fire Department effective today, May 2, 2022. Motion passed 4-0. After the promotion was approved, Mayor Stutsman swore Fire Lieutenant Shane D. McKerchie into office.

#### 3) OPENING OF CITY OF GOSHEN BIDS:

- College Avenue Bridge #410 Utility Relocations (due at 1:45 p.m. on Monday, April 25, 2022)

Mayor Stutsman opened the bids received to relocate existing water, sanitary sewer, and storm sewer lines, as well as the rebuilding of the Starcraft lift station to prepare for the County's Bridge #410 replacement over Horn Ditch.

These were the results of the bids: Niblock Excavating of Bristol, Indiana in the amount of \$1,685,277.50 and HRP Construction, Inc. of South Bend, Indiana, in the amount of \$2,097,878.50.

Mayor Stutsman/Nichols moved to refer the bids to the Legal Department for review. Motion passed 4-0.



- **Municipal solid waste collection, recyclable materials collection and related services (bids due at 1:45 p.m. on May 2, 2022)**

Mayor Stutsman opened the bids received for municipal solid waste collection, recyclable materials collection, and related services. These were the results of the bids:

**Borden Waste-Away Service of Elkhart, Indiana for the following categories and amounts:**

**Bid Item #1**, Cost per month for eligible residents, \$14.96; Alternate 1A, Included; Alternate 1B, \$10.98; **Bid Item #2** per 20 cubic yard container, \$455; per 30 cubic yard container, \$455; per 40 cubic yard container, \$455; **Bid Item #3**, City-owned roll-off transport to landfill, \$365; **Bid Item #4** (Optional), Electronic wastes collection per 20 cubic yard container, \$455; per 30 cubic yard container, \$455; per 40 cubic yard container, \$455; per ton electronic waste disposal, \$600; **Bid Item #5** (Optional), Expanded polystyrene foam collection per 20 cubic yard container, \$455; per 30 cubic yard container, \$455; per 40 cubic yard container, \$455; per ton, \$0; **Bid Item #6** (Optional), Confidential document collection, destruction and disposal (per size containers per month, various categories), per monthly collection, destruction and disposal, \$0; per bi-weekly collection, destruction and disposal, \$25; per monthly collection, destruction and disposal, \$25; per on-call collection, destruction and disposal, \$25; **Bid Item #7** (Optional), Residential Brush collection, per month per eligible residence from April through September, \$2.75; **Bid Item #8**, Extra Service 8A, Extra service to provide one additional waste cart and service, per month, \$8; for 96-gallon cart; \$8 for 65-gallon cart; \$8 for 48-gallon cart; **Extra Service 8B**, Services for the collection and disposal of each additional bag of solid waste, \$2; **Extra Service 8C** for one additional recycle cart and service per month for 96-gallon cart, \$5; per month for 65-gallon cart, \$5; **Extra Service 8D**, Collection and disposal of one additional large item in excess of the monthly maximum, per item, (separate list); **Extra Service 8E**, Collection and disposal of one item of electronic waste, per item, \$50.

**Waste Management of Indiana, LLC., of South Bend, Indiana for the following categories and amounts:**

**Bid Item #1**, Cost per month for eligible residents, \$21.75; Alternate 1A, \$21.75; Alternate 1B, \$15.25; **Bid Item #2** per 20 cubic yard container, \$315; per 30 cubic yard container, \$360; per 40 cubic yard container, \$415; **Bid Item #3**. City-owned roll-off transport to landfill, \$315; **Bid Item #4** (Optional), Electronic wastes collection per 20 cubic yard container, per 30 cubic yard container, per 40 cubic yard container, and per ton electronic waste disposal, no bids in any category; **Bid Item #5** (Optional), Expanded polystyrene foam collection per 20 cubic yard container, per 30 cubic yard container, per 40 cubic yard container, per ton, no bids in any category; **Bid Item #6** (Optional), Confidential document collection, destruction and disposal (per size containers per month, various categories), no bids in any categories; **Bid Item #7** (Optional), Residential Brush collection, per month per eligible residence from April through September, no bid; **Bid Item #8**, Extra Service 8A, Extra service to provide one additional waste cart and service, per month, \$9.25 (no other bids in this category); **Extra Service 8B**, Services for the collection and disposal of each additional bag of solid waste, \$9.25; **Extra Service 8C** for one additional recycle cart and service per month for 96-gallon cart, \$9.25 (only bid); **Extra Service 8D**, Collection and disposal of one additional large item in excess of the monthly maximum, per item, \$25; **Extra Service 8E**, Collection and disposal of one item of electronic waste, per item, \$75.





In addition, Republic Services of Phoenix, Arizona submitted a letter stating that it would not be submitting a bid, citing an inability to obtain new trucks.

**Mayor Stutsman/Nichols moved to refer the bids to the Legal Department for review. Motion passed 4-0.**

**4) Fire Department: Memorial Day Parade and request for closure of streets**

On behalf of the VFW and the DAV, Goshen Fire Chief Danny Sink asked the Board to approve the annual Memorial Day Parade on Monday, May 30, 2022, beginning between 10 and 10:15 a.m., and for the closures of the 100 and 200 blocks of East Jefferson Street and the 200 and 300 blocks of South 5th Street for the staging of vehicles and apparatus for the parade. Chief Sink indicated the parade route will be the usual; starting on Jefferson Street at the Goshen Police Department to Main Street, Pike Street, North First Street and to the Oakridge Cemetery. **Swartley/Nichols moved to approve the annual Memorial Day Parade on Monday, May 30, 2022, beginning at 10 or 10:15 a.m., and the closures of the 100 and 200 blocks of East Jefferson Street and the 200 and 300 blocks of South 5th Street. Motion passed 4-0.**

**5) Non-profit organization request: City parking lot use by Center for Healing & Hope event, July 9, 2022**

Daniel Tackett, the Director of Marketing and Development for the Center for Healing & Hope in Goshen, asked the Board to approve the use of the eastern portion of the City parking lot located just north of Goshen Brewing Company, 315 W. Washington Street, for the Center's Festival of Hope on July 9, 2022.

Tackett said the Center wants to utilize the space adjacent to the clinic and incorporate neighboring businesses to create a community block party style event. He provided the Board with a map showing the portion of the lot requested. The event will take place 12 p.m.-7 p.m. on July 9 and the Center would like to lot area reserved for the Center's use on Friday, July 8 after Goshen Brewing Company closes at 10 p.m. until Saturday, July 9 at 8 p.m. The parking lot space will be used to allow neighboring businesses and nonprofit partners to set up 10 foot x10 foot tents to engage with families and display resources and products, to set up kids' activities, including a bounce house, and to set up a corn hole tournament, and to allow people to walk through the area. Tackett said Goshen Brewing Company and Interra are supporting the event. He also has communicated with the Goshen Farmers Market staff. Tackett requested City barricades for the coned-off areas in the lot to be put up and taken down per the closure start/end time frames. He also said the Center would like to plug a bounce house blower into the City-owned electrical outlets at the north of the lot.

**Clerk-Treasurer Aguirre** said Street Department staff did not oppose the request and offered to provide the requested barricades.

**Swartley/Nichols moved to approve the use of the eastern portion of the City parking lot located just north of Goshen Brewing Company, at 315 W. Washington Street, for the Center's Festival of Hope on July 9, 2022, with appropriate barricades, and permission to use the City's electrical power. Motion passed 4-0.**

**6) Resident request: Richard Miller request for brick driveway at 924 E. Plymouth Avenue**

Richard Miller, who lives in Goshen, asked the Board to approve the installation of a brick driveway at his home at 924 East Plymouth Avenue, off 13th Street. He said the approximate position of the proposed driveway was indicated on a color map included in the Board's agenda packet. Miller checked with the Planning & Zoning and Engineering departments before submitting this request to the Board.



**City Planning & Zoning Administrator: Rhonda Yoder** said the request for a second driveway would require an application to the Board of Zoning Appeals to allow front yard parking. Yoder said the City also would need to know the type of brick pavers being used, because if designed properly, they do not require approval by the Board of Works. She said the Board of Works approval could be contingent on the Board of Zoning Appeals approving a variance. **City Civil Traffic Engineer Josh Corwin** affirmed the materials would need to meet the City's standards. He also commented on related matters.

In response to questions by **Mayor Stutsman**, **City Attorney Bodie Stegelmann** said the Board of Works approval should be contingent on the appropriate use of materials and Board of Works approval.

**Swartley/Nichols moved to approve the installation of a brick driveway at 924 East Plymouth Avenue contingent on the approval of a City developmental variance and of the materials used. Motion passed 4-0.**

#### **7) Legal Department: Agreement with Traffic Control Specialties for road striping**

**Brandy Henderson**, a paralegal with the Legal Department, asked the Board to enter into, and authorize Mayor Stutsman to execute, an agreement with Traffic Control Specialists, Inc. to provide road striping of certain City streets at an approximate cost of \$45,854.22 with all work to be completed by Aug. 31, 2022.

In a memorandum to the Board, Henderson indicated that the City of Goshen wants Traffic Control Specialists, Inc. to provide road striping, including center, fog and divider line striping on multiple City streets. The City would pay the contractor \$45,854.22. The final amount is subject to the actual material quantities used on the project, although it is believed to be a fairly accurate assessment of costs.

**Swartley/Nichols moved to enter into, and authorize Mayor Stutsman to execute, an agreement with Traffic Control Specialists, Inc. to provide road striping of certain City streets at an approximate cost of \$45,854.22 with all work to be completed by Aug. 31, 2022. Motion passed 4-0.**

#### **8) Building Department: City of Goshen electrical license requests**

Before consideration of these requests, **Mayor Stutsman** said he was working with **City Attorney Stegelmann** and **Clerk-Treasurer Aguirre** on an ordinance to eventually allow the City Building Commissioner to approve electrical and mechanical license requests. The requests no longer would have to come before the Board of Works and Safety. **Clerk-Treasurer Aguirre** said that for today, the Board could make single motions to approve the multiple requests.

**City Building Commissioner/Commercial Building Inspector Myron Grise** asked the Board to approve City of Goshen electrical licenses for the following:

- **Christopher J. James of James Electric, Inc., Fort Wayne**
- **Fred G. Jones of Special Graphics and Maintenance, Inc., Crestwood, Illinois**
- **Myran D. McKnight of Southside Remodel & Repair, Elkhart**
- **Daniel D. Pohl of Consolidated Electrical Contractors, Lansing, Michigan**

**Grise** said **James** has met the requirements for a City of Goshen electrical license. James took the required Prometric exam on Jan. 6, 2021, and received a passing score. Grise said James holds a valid electrical license with Allen County, and is requesting a reciprocal license with the City of Goshen.

**Grise** said **Jones** has met the requirements for a City of Goshen electrical license. Jones holds a valid electrical license with City of Elkhart, and is requesting a reciprocal license with the City of Goshen.



Grise said McKnight has met the requirements for a City of Goshen electrical license. McKnight took the required Prometric exam on April 10, 2017, and received a passing score of 86%. McKnight holds a valid electrical license with City of Elkhart, and is requesting a reciprocal license with the City of Goshen.

Grise said Pohl has met the requirements for a City of Goshen electrical license. Pohl took the required Prometric exam on Nov. 12, 2016, and received a passing score of 79%. Pohl holds a valid electrical license with St. Joseph County, and is requesting a reciprocal license with the City of Goshen.

Swartley/Nichols moved to approve City of Goshen electrical licenses for Christopher J. James of James Electric, Inc., Fort Wayne, Fred G. Jones of Special Graphics and Maintenance, Inc., Crestwood, Illinois, Myran D. McKnight of Southside Remodel & Repair, Elkhart and Daniel D. Pohl of Consolidated Electrical Contractors, Lansing, Michigan. Motion passed 4-0.

#### 9) Building Department: City of Goshen mechanical license requests

City Building Commissioner/Commercial Building Inspector Myron Grise asked the Board to approve City of Goshen mechanical licenses for the following:

- Frederick P. Nichols of Godby Heating & Air Conditioning LLC, Indianapolis
- Andrew J. Reed of Henry Smith Plumbing, Heating & Cooling, Elkhart
- Tyler D. Smith of Affordable Heating & Air, Geneva, IN

Grise said Nichols has met the requirements for a City of Goshen mechanical license. Nichols took the required Prometric exam on Oct. 11, 2014, and received a passing score of 79%. Nichols holds a valid mechanical license with Marion County, and is requesting a reciprocal license with the City of Goshen.

Grise said Reed has met the requirements for a City of Goshen mechanical license. Reed took the required Prometric exam on July 8, 2019, and received a passing score of 75%. Reed holds a valid mechanical license with the City of Elkhart, and is requesting a reciprocal license with the City of Goshen.

Grise said Smith has met the requirements for a City of Goshen mechanical license. Smith took the required Prometric exam on July 20, 2019, and received a passing score of 75%. Smith holds a valid mechanical license, and is requesting a reciprocal license with the City of Goshen.

Swartley/Nichols moved to approve City of Goshen mechanical licenses for Frederick P. Nichols of Godby Heating & Air Conditioning LLC, Indianapolis, Andrew J. Reed of Henry Smith Plumbing, Heating & Cooling, Elkhart, and Tyler D. Smith of Affordable Heating & Air, Geneva, Indiana. Motion passed 4-0.

#### Privilege of the Floor (opportunity for public comment for matters not on the agenda):

Mayor Stutsman opened Privilege of the Floor at 2:27 p.m. There were no public comments, so the Mayor closed the public comment period at 2:27 p.m.

#### 10) Board of Public Works and Safety Order: Continued hearing for 214 E. Clinton Street (Ron Davidhizar, property owner)

At 2:27 p.m., Mayor Stutsman convened a continued hearing on Board of Public Works and Safety Order: Continued hearing for 214 E. Clinton Street (Ron Davidhizar, property owner) to determine whether the property owner was in compliance with the Board order of Jan. 28, 2022. Mr. Davidhizar was present along with his attorney, William Davis. Also present was City Code Enforcement Officer Travis Eash.



*(Note: For the full background of this Public Safety Order, see the minutes of the Board of Works & Safety meeting of April 18, 2022, which was when the matter was last before the Board.)*

In summary, at the April 18, 2022 meeting of the Board of Works & Safety:

- City Code Enforcement Officer Travis Eash gave an update on the condition of the property.
- William Davis, Davidhizar's attorney, advised the Board that according to Indiana's Building Laws, there is an equivalence of architects and engineers for state building law purposes. He said certification by an architect was essentially the same as certification by an engineer. Davis said both architects and engineers are able to attest to the structural integrity of buildings in Indiana, so that Davidhizar's report by an architect about 214 E. Clinton Street should be accepted by the Board.
- Ron Davidhizar discussed steps he has taken to secure the home as requested by the Board.
- Davidhizar said that based on his attorney's research, an architect's assessment is as good as that of an engineer, so he would like to get a City permit to complete repairs and remodeling. He also stated that the back unit was already being remodeled and sustained little damage in the fire.
- Davidhizar said it would take about 30 days to completely close off the home if the City issued a permit today. He said it would take about 60 days to improve the exterior appearance, including improving the siding. And Davidhizar said it would take about a year to completely renovate the home.
- City Attorney Bodie Stegelmann requested two weeks to research legal authorities and to confirm William Davis' assessment that a report from an architect was equivalent to a report from a structural engineer in state building law.
- Board members discussed with Davidhizar the condition of the home and what should happen next.
- Ultimately Mayor Stutsman made a motion, seconded by Board member Landis, to continue the hearing on the Board of Public Works and Safety Order for 214 E. Clinton Street (Ron Davidhizar, property owner) to May 2, 2022. The motion passed 5-0.

After convening the continued hearing on May 2, Mayor Stutsman asked City Attorney Bodie Stegelmann to report on research about William Davis' assessment that a report from an architect was equivalent to a report from a structural engineer in state building law.

City Attorney Stegelmann reviewed and discussed the results of his research – a one-page memorandum to the Board (EXHIBIT #1) dated May 2, 2022 and titled, "Whether an Architect is Considered an Engineer."

In his memorandum, Stegelmann provided the background of the public safety order for 214 E. Clinton Street and the Board's order for the property owner (Ron Davidhizar) to hire a structural engineer to inspect the premises and determine whether or not the dwelling was structurally sound and to provide a report to the Board from an engineer at a hearing to be held on Jan. 24, 2022. The Board had not received a report by Jan. 24, 2022 and the property owner did not appear before the Board on that date. On Jan. 28, the Board issued an order for the demolition of the premises on or before March 31, 2022.

Stegelmann further reported that on Feb. 16, 2022, a local architect (Maust Architectural Services of Goshen) provided a report to City Building Commissioner Myron Grise) that described the condition of the buildings and premises of 214 E. Clinton Street.



**City Attorney Stegelmann** further reported that at a continued Board hearing conducted April 18, 2022, Board members discussed the matter and asked the City Attorney to determine whether the opinion of an architect qualified as an opinion of a structural engineer, and continued the hearing to May 2. Stegelmann reported that he researched the issue and William Davis' contention that the opinion of an architect has the same effect as the opinion of a structural engineer, as stated in Indiana Code Section 25-4-1-11.

**Stegelmann provided the following written conclusion in his memorandum to the Board:**

"While not stating that an architect is treated the same as a professional engineer, this code section states that an architect does not need to register as an engineer or obtain a separate license to practice engineering. Other provisions of Indiana law generally treat architects similar to professional engineers. No Indiana authority I could find allows me to conclude that the opinion of an architect carries the same effect as the opinion of an engineer (architects do not need a separate license to practice engineering). However, I cannot conclude that the opinion of an architect does not carry the same effect as an opinion of an engineer."

In comments to the Board, **Stegelmann** said there is no clear answer to the question. While Indiana law treats architects and engineers the same, he said he cannot conclude the issue either way, adding, "And I don't think that distinction is grounds for excluding the opinion given by an architect." Stegelmann noted that the architect's report arrived after the Jan. 24, 2022 deadline set by the Board.

**Mayor Stutsman** swore in **City Code Enforcement Officer Travis Eash** to provide truthful information. Eash reported the following:

"This morning (May 2), I inspected the property at 214 Clinton Street and the photos I took at that inspection are attached to this memo. This property had a fire on May 15, 2021 and the property was determined to be unsafe by this Board on December 6, 2021. At that hearing, the owner was ordered to provide a detailed report from a structural engineer by January 24, 2022. The Building Commissioner received a report from an architect on February 18, which was two weeks late.

"The Building Department finds that the report provided by the architect is incomplete due to that the architect stated in his report that he wasn't able to do a complete inspection of the basement due to it being full of debris that wasn't fire related. The photos I took today demonstrate the foundation and basement's current condition.

"In the last hearing on this property on April 18, 2022 the dwelling unit in the rear of the property had also been subject to a fire which occurred on January 13, 2018. The owner stated in the last hearing that the unit had been occupied since the fire in 2018.

"Attached in my packet today along with current photos of the rear apartment is an inspection report from the City's rental inspector, which was conducted on January 4, 2019. That inspection states that the unit was still heavily damaged by fire and that the unit is not to be occupied. That is the last rental inspection done on the back apartment, so if it was occupied in the meantime, it was against our do not occupy order.

"I bring this to your attention for the reason that we as the Building Department feel that if he is allowed the opportunity to rehab this property, it will be another four years before this property is even close to being in habitable condition. The owner has shown evidence of that before. The Building Department's recommendation remains demolition due to the extent of fire damage and overall deterioration of the property."

Eash also said that when he visited the property earlier on May 2, 2022, two neighbors spoke to him. One was picking up trash near 214 E. Clinton Street and voiced frustration about the poor condition of the property.





**Travis Eash** said the second neighbor said he was afraid to have his children play outside because of the unsecured condition of the home. The neighbor said people have continued entering the home illegally. The second neighbor also expressed frustration about the situation.

At 2:34 p.m., **Mayor Stutsman** swore in **Ron Davidhizar** to provide truthful information. He asked Davidhizar to respond to the report from Travis Eash.

**Davidhizar** said there was a misunderstanding about the back housing unit. He said substantial work has been done on it, but it has yet to be occupied. He said more work still needs to be done. Davidhizar said the front of the home was occupied at the time of the fire.

Noting the report by his architect, **Davidhizar** said he agreed with the findings. He discussed the work that would need to be done to repair the fire damage and make the home habitable. Davidhizar said he would like the Board to grant him a City permit to make the repairs.

**Board member Swartley** asked Davidhizar the amount of time needed to secure the home and make its exterior presentable to neighbors. **Davidhizar** said that it would be difficult to make repairs without electricity on the site and he has been unable to purchase a necessary exterior electrical panel. In response to a question from **Mayor Stutsman**, **Davidhizar** said he has ordered the part, but doesn't know when it will arrive.

**Swartley** again asked Davidhizar how long it would take to make exterior repairs so that its appearance would make neighbors proud of their neighborhood. **Davidhizar** said it would take about two months, but that would require some replacement windows being available and delivered.

**Board member Riouse** noted that the architect reported that he could not inspect the basement because its entry was blocked by debris. **Riouse** asked why the debris had not been removed. **Davidhizar** said he didn't have a permit to make repairs. **Riouse** asked why a lack of a permit precluded cleaning up the debris. Davidhizar said much debris was removed. And he said it would be nice if there was electricity so one could see inside the basement.

**Riouse** asked why other trash and debris in the home, presumably left by illegal occupants, as well as broken glass had not been removed. **Davidhizar** said he didn't realize removing the broken glass was so urgent. Davidhizar also said the debris was present because he could not get the police to keep out squatters.

**Mayor Stutsman** began a Board discussion by stating that the property could be cleaned without a permit. The Mayor said he spoke to a neighbor who said other neighbors were tired of the home and wanted it gone.

**Mayor Stutsman** said the architect's report was incomplete because it did not assess the condition of the basement and the report also arrived two weeks late.

**The Mayor** said Davidhizar consistently misses deadlines, and he didn't feel good about allowing more time to repair the property. **Swartley** said she agreed. **Riouse** said delays and missed deadlines have been a consistent problem and also agreed with the Mayor. **Riouse** also said Davidhizar should have cleaned up the broken glass.

In response to questions from **Swartley**, **City Code Enforcement Officer Eash** discussed the debris in the home. **Swartley** said she was frustrated by the missed deadlines, and that Davidhizar was blaming police for the home break-ins and that neighbors have had to put up with the poor condition of the home. **Eash** said Davidhizar has consistently missed deadlines.

**Riouse** said the photos of the trash in the home seem to suggest that people have been living in the home illegally fairly recently. **Eash** said neighbors stated that people have continued to break into and stay in the home.

**Mayor Stutsman** asked City Attorney to clarify the options before the Board.



**City Attorney Stegelmann** said that on Jan. 24, 2022, the Board ordered the demolition of the premises at 214 E. Clinton Street and gave Davidhizar time to dispute that finding. He said the required report on the condition of the property was delivered late and according to the Board was incomplete.

**Mayor Stutsman** asked property owner Ron Davidhizar if he had any closing statements.

**Davidhizar** read the architect's findings regarding the condition of the basement and the work needed to repair it. He described the work that would be necessary to make additional repairs. Davidhizar agreed it was urgent to keep people out, but said he has called police for help and nothing has happened. He added that taking squatters to court was not a viable option.

**Davidhizar** said he could make the repairs need to seal the home, could remove the debris in the basement, could make other needed repairs and has cleaned up the exterior of the home considerably since the May 2021 fire. And he again requested the permits to make the needed repairs.

In response to a question from **Mayor Stutsman**, **Stegelmann** said that in its Jan. 24, 2022 order, the Board gave 60 days of notice. That time has passed, so Stegelmann suggested an additional 30 days be given.

**Mayor Stutsman** asked if any Board members wanted to grant Davidhizar a permit to repair 214 E. Clinton Street. No members responded.

**Mayor Stutsman** made a motion that the Board uphold its Jan. 24, 2022 order to demolish the premises at 214 E. Clinton Street in 30 days. Board member Nichols seconded the motion. The motion passed 4-0. At 2:56 p.m., Mayor Stutsman closed the hearing on the public safety order for 214 E, Clinton Street.

As all matters before the Board of Public Works & Safety & Stormwater Board were concluded, Mayor Stutsman/Nichols moved to approve Civil City and Utility claims and adjourn the meeting. Motion passed 4-0.

Mayor Stutsman adjourned the meeting at 2:56 p.m.

*EXHIBIT #1: Memorandum by City Attorney Stegelmann to the Board of Works & Safety dated May 2, 2022 and titled, "Whether an Architect is Considered an Engineer." The memo was a summary of Stegelmann's research of an issue raised by Ron Davidhizar's attorney, William Davis.*

*EXHIBIT #2: Memorandum by City Code Enforcement Officer Travis Eash to the Board of Works & Safety dated May 2, 2022 on the present condition of 214 E. Clinton Street (Ron Davidhizar, property owner). The memorandum included a past Board order, a report on the property by Maust Architectural Services, a Jan. 4, 2019 City of Goshen Rental Inspection report, and new photos showing the present condition of the 214 E. Clinton Street.*





APPROVED

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Jeremy Stutsman, Chair

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Michael Landis, Member

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Mary Nichols, Member

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Barb Swartley, Member

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DeWayne Riouse, Member

ATTEST

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Richard R. Aguirre, Clerk-Treasurer



**Engineering Department  
CITY OF GOSHEN**

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626 • TDD (574) 534-3185  
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## MEMORANDUM

TO: Board of Public Works and Safety

FROM: Goshen Engineering

RE: **EAST COLLEGE AVENUE INDUSTRIAL PARK – CONTRACT 1  
PROJECT NO. 2020-0036-1**

DATE: May 9, 2022

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The Clerk-Treasurer's Office has received bids from contractors today for the East College Avenue Industrial Park – Contract 1 project and we are requesting that the Board of Public Works and Safety open these bids at today's meeting.

**Requested Motion: Open bids received from Contractors for the East College Avenue Industrial Park – Contract 1 project and read the Total Amount of Base Bid.**



**Engineering Department  
CITY OF GOSHEN**

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

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

## MEMORANDUM

TO: Board of Public Works and Safety

FROM: Goshen Engineering

RE: **EAST COLLEGE AVENUE INDUSTRIAL PARK – CONTRACT 2  
PROJECT NO. 2020-0036-2**

DATE: May 9, 2022

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The Clerk-Treasurer's Office has received bids from contractors today for the East College Avenue Industrial Park – Contract 2 project and we are requesting that the Board of Public Works and Safety open these bids at today's meeting.

**Requested Motion: Open bids received from Contractors for the East College Avenue Industrial Park – Contract 2 project and read the Total Amount of Base Bid.**



**Engineering Department  
CITY OF GOSHEN**

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engineering@goshencity.com • www.goshenindiana.org

## MEMORANDUM

TO: Board of Public Works and Safety

FROM: Goshen Engineering

RE: **EAST COLLEGE AVENUE INDUSTRIAL PARK – CONTRACT 3  
PROJECT NO. 2020-0036-3**

DATE: May 9, 2022

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The Clerk-Treasurer's Office has received bids from contractors today for the East College Avenue Industrial Park – Contract 3 project and we are requesting that the Board of Public Works and Safety open these bids at today's meeting.

**Requested Motion: Open bids received from Contractors for the East College Avenue Industrial Park – Contract 3 project and read the Total Amount of Base Bid.**



**Engineering Department  
CITY OF GOSHEN**

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## MEMORANDUM

TO: Board of Public Works and Safety

FROM: Goshen Engineering

RE: **NO. 53 AGGREGATE BID FOR EAST COLLEGE AVENUE PROJECT  
PROJECT NO. 2020-0036-5**

DATE: May 9, 2022

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The Clerk-Treasurer's Office has received bids from contractors today for the No. 53 Aggregate Bid for East College Avenue Industrial Park project and we are requesting that the Board of Public Works and Safety open these bids at today's meeting.

**Requested Motion: Open bids received from Contractors for the No. 53 Aggregate for East College Avenue Industrial Park project and read the Total Amount of Bid.**



**City Clerk-Treasurer  
CITY OF GOSHEN**

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

Phone (574) 533-8625 • Fax (574) 533-9740

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**To:** Board of Works & Safety  
**From:** Clerk-Treasurer Richard R. Aguirre  
**Date:** May 9, 2022  
**Subject:** Mike Sommer request to place a 16-foot moving/storage container in the parking spaces in front 1011 South 7th Street, May 26-31, 2022

Mike Sommer of 1011 South 7<sup>th</sup> Street, is seeking permission from the Board of Works & Safety to place a 16-foot moving/storage container in the parking spaces in front his home from May 26 to May 31, 2022. The following was Mr. Sommer's written request, sent via email:

I am preparing to move my household furniture and belongings prior to closing the sale of my home scheduled for June 2nd by Echo Title Corp Goshen. However, my next residence will not be available for me to move in until mid-July. So, I need to use a portable 16-foot moving/storage container to properly transport and store my belongings efficiently.

Since my house does not have a driveway, the portable 16-foot moving/storage container will need to be staged for loading at the curb in front of my house. The empty container will temporarily occupy the space of 1-1/2 parked cars. Doing this will still leave room in front of my house for another 2 cars in a space that is normally occupied by my car alone.

Seventh Street is a wide street that is posted to allow parking on both sides of the street with two-way traffic. Therefore, staging a moving container at the curb and occupying the space of a couple of parked cars would not impede normal traffic or present a hazard to pedestrians or motorists in the area.

Since I maintain good relationships with my neighbors, I certainly will communicate this plan and timing to my neighbors across the street and on each side of my house.

**Moving/ Storage Container service by:** Go-Mini's South Bend- Elkhart, 53664 CR 9, Elkhart, IN 46514.  
Phone: (574) 295-6464

Mike Sommer, 1011 S. 7th Street, Goshen. IN 46527  
[msommer1011@gmail.com](mailto:msommer1011@gmail.com) (574) 202-8632

Recommended motion: Approve the request by Mike Sommer of 1011 South 7th Street to place a 16-foot moving/storage container in the parking spaces in front of his home from May 26- 31, 2022 with any appropriate safety recommendations from City of Goshen staff.



## CITY OF GOSHEN LEGAL DEPARTMENT

City Annex  
204 East Jefferson Street, Suite 2  
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Phone (574) 537-3820 • Fax (574) 537-3817 • TDD (574) 534-3185  
[www.goshenindiana.org](http://www.goshenindiana.org)

**To:** Board of Public Works and Safety  
**From:** Bodie J. Stegelmann  
**Date:** May 9, 2022  
**Subject:** Resolution 2022-16 – Approving Certain Revised City of Goshen Police Department Policies and Repealing Certain Policies

The Board of Public Works and Safety previously adopted a resolution approving City of Goshen Police Department Policies and Repealing Certain Policies, effective May 16, 2022. The Police Department administration introduced the new policies to its Department and discovered some necessary, minor revisions that needed to be made to the policies to match Police Department operations.

**Suggested Motion:** Move to approve Resolution 2022-16 - Approving Certain Revised City of Goshen Police Department Policies and Repealing Various Policies.



## RESOLUTION 2022-16

### **Approving Certain Revised City of Goshen Police Department Policies and Repealing Certain Policies**

WHEREAS, on December 7<sup>th</sup>, 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 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 Board approved Resolution 2022-10, later re-numbered Resolution 2022-13, which approved new Police Department developed by Lexipol;

WHEREAS, the Police Department administration introduced the new policies to its Department and discovered some necessary, minor revisions that needed to be made to the policies to match Police Department operations; and

WHEREAS, the Goshen Board of Public Works and Safety finds that it is appropriate to approve the revised policies identified below, and attached hereto for reference, for the reasons stated, and to repeal policies previously approved, also identified below.

NOW, THEREFORE, BE IT RESOLVED by the Goshen Board of Public Works and Safety that the following revised City of Goshen Police Department Policies, copies of which are attached hereto and made a part hereof, are hereby approved, as amended May 9, 2022, effective May 16, 2022:

- 200 - Organizational Structure and Responsibility
- 304 - Electronic Control Device
- 307 - Vehicle Pursuits
- 426 - Homeless Persons
- 501 - Traffic Accidents
- 504 - Operating While Intoxicated
- 901 - Temporary Custody of Juveniles
- 1008 - Personnel Complaints
- 1010 - Personnel Records
- 1017 - Work-Related Illness and Injury Reporting
- 1018 - Personal Appearance Standards
- 1019 - Uniforms and Civilian Attire

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 May 9, 2022:

- 200 - Organizational Structure and Responsibility
- 304 - Electronic Control Device
- 307 - Vehicle Pursuits
- 426 - Homeless Persons
- 501 - Traffic Accidents
- 504 - Operating While Intoxicated
- 901 - Temporary Custody of Juveniles
- 1007 - Smoking and Tobacco Use
- 1008 - Personnel Complaints
- 1010 - Personnel Records
- 1017 - Work-Related Illness and Injury Reporting
- 1018 - Personal Appearance Standards
- 1019 - Uniforms and Civilian Attire

PASSED and ADOPTED by the Goshen Board of Public Works and Safety on May 9, 2022.

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Jeremy P. Stutsman, Mayor

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Mary Nichols, Member

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DeWayne Riouse, Member

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Michael A. Landis, Member

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Barb Swartley, Member

## Organizational Structure and Responsibility

### 200.1 PURPOSE AND SCOPE

**Discretionary**

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

### 200.2 POLICY

**Discretionary**

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

**Discretionary** **MODIFIED**

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

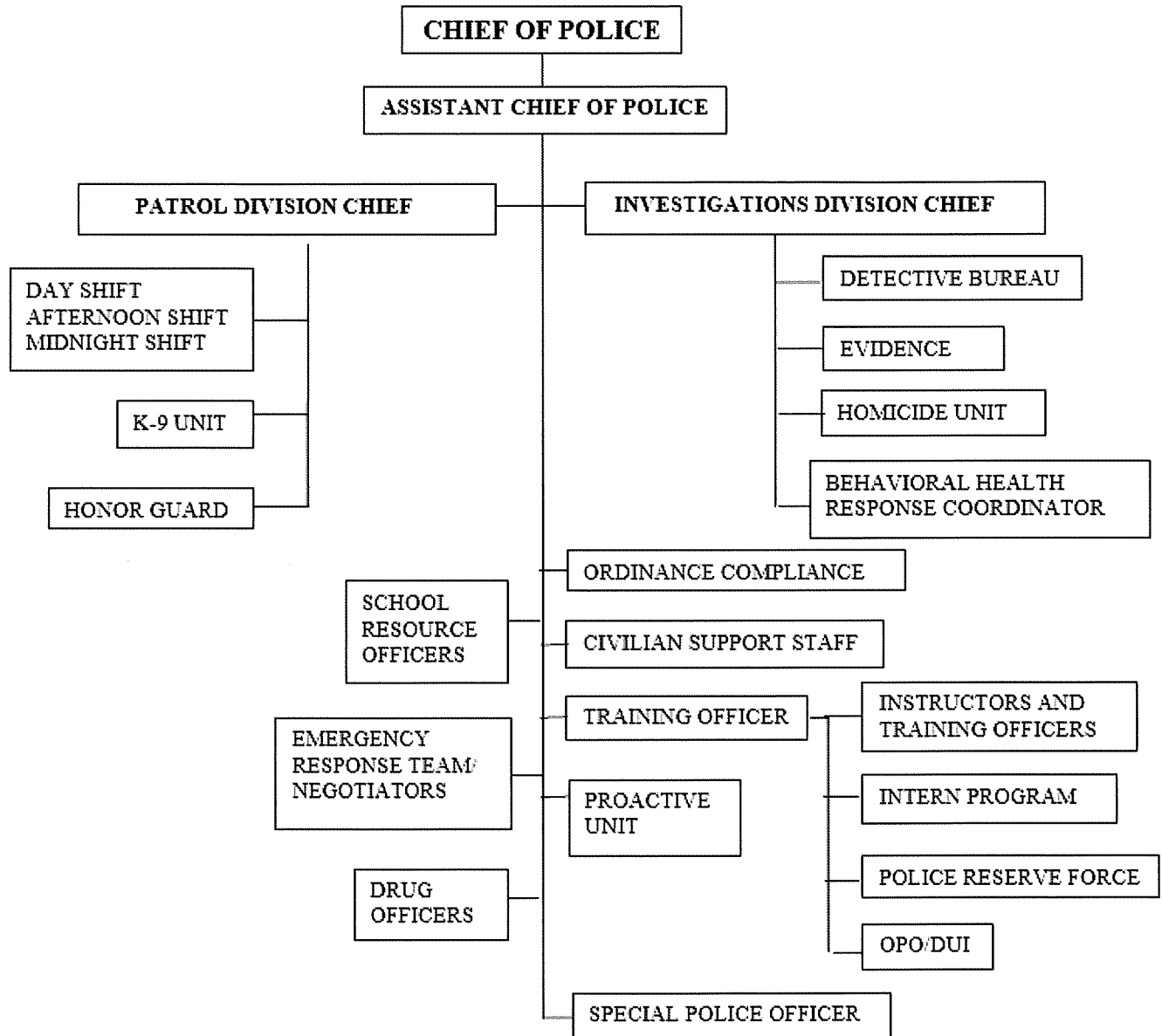
**Discretionary** **MODIFIED**

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.

# Goshen Police Department

Policy Manual

## Organizational Structure and Responsibility



### 200.3.2 ADMINISTRATION DIVISION

Discretionary **MODIFIED**

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.

# Goshen Police Department

## Policy Manual

### Organizational Structure and Responsibility

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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-9, ( Unit, and Honor Guard, and School Resource Officers.

#### 200.3.4 INVESTIGATION DIVISION

**Discretionary** **MODIFIED**

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

**Best Practice** **MODIFIED**

##### 200.4.1 SUCCESSION OF COMMAND

**Best Practice** **MODIFIED**

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

# Goshen Police Department

## Policy Manual

### *Organizational Structure and Responsibility*

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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.

#### 200.4.2 UNITY OF COMMAND

##### **Best Practice**

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

##### **Discretionary**

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

##### **Best Practice**

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.



## Electronic Control Device

### 304.1 PURPOSE AND SCOPE

**Best Practice**

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

### 304.2 POLICY

**Best Practice**

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

**Best Practice** **MODIFIED**

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 position as to not be confused with a firearm. ~~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

**Best Practice**

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.



# Goshen Police Department

## Policy Manual

### *Electronic Control Device*

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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.

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**

##### **Best Practice**

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**

###### **Best Practice**

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**

###### **Best Practice** **MODIFIED**

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.

# Goshen Police Department

## Policy Manual

### Electronic Control Device

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- (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 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

##### **Best Practice**

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

##### **Best Practice**

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

##### **Best Practice** **MODIFIED**

# Goshen Police Department

## Policy Manual

### Electronic Control Device

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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

**Best Practice**

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.

#### 304.5.7 OFF-DUTY CONSIDERATIONS

**Best Practice** **MODIFIED**

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

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

**Best Practice** **MODIFIED**

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

**Best Practice** **MODIFIED**

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.

# Goshen Police Department

## Policy Manual

### Electronic Control Device

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- (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

##### **Best Practice**

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
- (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

##### **Best Practice** **MODIFIED**

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).

# Goshen Police Department

## Policy Manual

### Electronic Control Device

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- (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**

Best Practice MODIFIED

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

### **304.9 TRAINING**

Best Practice MODIFIED

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.

# Goshen Police Department

## Policy Manual

### Electronic Control Device

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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.

## Vehicle Pursuits

### 307.1 PURPOSE AND SCOPE

Best Practice

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

Best Practice MODIFIED

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

Best Practice

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

State



# Goshen Police Department

## Policy Manual

### *Vehicle Pursuits*

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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)).

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

##### **State**

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.

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- (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, 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

**Best Practice** **MODIFIED**

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 [working off the authority of the supervisor](#), 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.

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

#### 307.4 PURSUIT VEHICLES

**Best Practice** **MODIFIED**

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

**Best Practice** **MODIFIED**

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

**State**

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

**Best Practice**

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.

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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.
- (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

##### **Best Practice**

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

##### **Best Practice**

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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.
  - 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

##### **Best Practice**

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

##### **Best Practice**

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

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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**

**Best Practice** **MODIFIED**

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

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**

**Best Practice** **MODIFIED**

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



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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**

**Best Practice** **MODIFIED**

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**

**Best Practice** **MODIFIED**

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.
- (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**

**Best Practice**

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**

**Best Practice** **MODIFIED**

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.

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#### 307.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

##### Best Practice

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.

#### 307.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

##### Best Practice MODIFIED

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.

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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

**State** **MODIFIED**

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

**Best Practice**

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.

##### 307.10.2 USE OF FIREARMS

**Best Practice**

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

**State**

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:

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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 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.

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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**

##### **Best Practice**

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.

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**

##### **Best Practice** **MODIFIED**

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.

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#### **307.13 REGULAR AND PERIODIC PURSUIT TRAINING**

##### **Best Practice**

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.



## Death Investigation

### 328.1 PURPOSE AND SCOPE

**Best Practice**

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

**Best Practice**

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

**Best Practice** **MODIFIED**

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

**Best Practice**

All incidents involving a death shall be documented on the appropriate form.

#### 328.3.2 ELKHART COUNTY HOMICIDE UNIT REQUEST

**State** **MODIFIED**

Officers are not authorized to pronounce death unless they are also Coroners ~~or doctors.~~, ~~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 reporting 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.

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- (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.
- (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

**Best Practice** **MODIFIED**

- (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

**Best Practice** **MODIFIED**

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.

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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.

#### 328.3.5 EMPLOYMENT-RELATED DEATHS OR INJURIES

##### Best Practice

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

##### Best Practice

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

##### Best Practice MODIFIED

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.



# Homeless Persons

## 426.1 PURPOSE AND SCOPE

**Best Practice** **MODIFIED**

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, [Behavioral Health Response Coordinator](#), 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

**Best Practice**

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

**Best Practice** **MODIFIED**

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 [Investigations](#) 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.

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### *Homeless Persons*

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#### **426.4 FIELD CONTACTS**

##### **Best Practice**

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**

##### **Best Practice**

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**

##### **Best Practice**

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).

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### *Homeless Persons*

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#### **426.6 PERSONAL PROPERTY**

##### **Best Practice**

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**

##### **Best Practice**

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.



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## Traffic Accidents

### 501.1 PURPOSE AND SCOPE

**Best Practice**

This policy provides guidelines for responding to and investigating traffic accidents.

### 501.2 POLICY

**Best Practice**

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

**Best Practice**

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

**Best Practice**

Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Traffic direction and control.

# Goshen Police Department

## Policy Manual

### Traffic Accidents

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- (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.
- (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

**Best Practice** **MODIFIED**

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 if it is believed the cause of the crash was intentional in accordance with the Major Incident Notification Policy.

##### 501.4.1 NOTIFICATION OF FAMILY

**Best Practice**

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

**State**

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).

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## Policy Manual

### Traffic Accidents

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- (i) Prosecution or follow-up investigation is contemplated.
- (j) Directed by a supervisor.

#### 501.5.1 PRIVATE PROPERTY

##### State

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).

#### 501.5.2 CITY VEHICLE INVOLVED

##### Best Practice

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

##### Best Practice

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 INVOLVING DEPARTMENT OWNED VEHICLES

##### Agency Content

- (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.

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## Policy Manual

### Traffic Accidents

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- (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.
  - (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 know 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:

# Goshen Police Department

## Policy Manual

### Traffic Accidents

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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**

##### **Best Practice**

When a traffic accident meets minimum reporting requirements the investigation should include, at a minimum:

- (a) Identification and interview of all involved parties.
- (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**

##### **Best Practice** **MODIFIED**

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**

##### **Discretionary**

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.

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## Policy Manual

### *Traffic Accidents*

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#### **501.7 ENFORCEMENT ACTION**

**Best Practice**

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**

**State**

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**

**Best Practice** **MODIFIED**

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 supplemental report. A written supplemental report may be made by any authorized member with approval from a supervisor.



## Operating While Intoxicated

### 504.1 PURPOSE AND SCOPE

Best Practice

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

Best Practice

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

Best Practice MODIFIED

~~should not enforce OWI laws to the exclusion of their other duties unless specifically assigned to OWI enforcement. All 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

Best Practice

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

State

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### Operating While Intoxicated

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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):

- (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

##### **State**

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

##### **Best Practice**

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

##### **Best Practice**

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.

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### *Operating While Intoxicated*

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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.

#### 504.5.4 PORTABLE BREATH TEST

**State** **MODIFIED**

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

**State**

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

**State**

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

**State**

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

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### Operating While Intoxicated

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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

**Best Practice** **MODIFIED**

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.
- (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 **other 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

**State**



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### *Operating While Intoxicated*

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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

State **MODIFIED**

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

State

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).

#### 504.8 RECORDS SECTION RESPONSIBILITIES

Best Practice

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.

# Temporary Custody of Juveniles

## 901.1 PURPOSE AND SCOPE

**Federal**

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

**State** **MODIFIED**

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.



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### Temporary Custody of Juveniles

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- (e) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

**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

Agency Content

[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

Best Practice MODIFIED

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

Best Practice

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.

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### Temporary Custody of Juveniles

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- (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 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**

##### **Federal**

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**

###### **Federal**

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**

###### **Federal**

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**

###### **State**

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.

# Goshen Police Department

## Policy Manual

### Temporary Custody of Juveniles

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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**

**State** **MODIFIED**

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 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). [A School Resource Officer can assist with making the proper notifications.](#)

#### **901.7 JUVENILE CUSTODY LOGS**

**Best Practice** **MODIFIED**

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**

**Federal**

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.



# Goshen Police Department

## Policy Manual

### Temporary Custody of Juveniles

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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**

**Best Practice** **MODIFIED**

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.
- (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).

# Goshen Police Department

## Policy Manual

### *Temporary Custody of Juveniles*

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- (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**

**Best Practice** **MODIFIED**

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.

##### 901.10.1 PREGNANT JUVENILES

**Best Practice**

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

#### **901.11 SECURE CUSTODY**

**Best Practice** **MODIFIED**

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

**Best Practice**

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.

# Goshen Police Department

## Policy Manual

### Temporary Custody of Juveniles

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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.
  - 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**

**Best Practice** **MODIFIED**

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

# Goshen Police Department

## Policy Manual

### Temporary Custody of Juveniles

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#### **901.13 INTERVIEWING OR INTERROGATING**

**State**

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**

**State** **MODIFIED**

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**

**State**

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 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**

**Best Practice**

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.



## Attachments

## 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.

## 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			
	Yes	No	
Has the juvenile been using alcohol?	<input type="checkbox"/>	<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? _____
<b>**If both answers are YES, notify the Supervisor on duty. The juvenile must be taken by the police officer to the hospital for clearance.**</b>			
Receiving Staff:	_____	_____	_____
	<small>Printed Name</small>	<small>Signature</small>	<small>Date</small> <small>Time</small>

## 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.*

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**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.**



## 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).

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## Personnel Complaints

### 1008.1 PURPOSE AND SCOPE

**Best Practice**

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

**Best Practice**

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

**Best Practice**

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

**Best Practice** **MODIFIED**

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.

# Goshen Police Department

## Policy Manual

### Personnel Complaints

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**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.

#### 1008.3.2 SOURCES OF COMPLAINTS

**Best Practice**

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

**Discretionary**

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

**Best Practice** **MODIFIED**

##### 1008.4.1 COMPLAINT FORMS

**Best Practice** **MODIFIED**

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](#)

# Goshen Police Department

## Policy Manual

### *Personnel Complaints*

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#### 1008.4.2 ACCEPTANCE

**Best Practice** **MODIFIED**

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.

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

**Best Practice** **MODIFIED**

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

**Best Practice**

Allegations of misconduct will be administratively investigated as follows.

##### 1008.6.1 SUPERVISOR RESPONSIBILITIES

**Best Practice** **MODIFIED**

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.



# Goshen Police Department

## Policy Manual

### Personnel Complaints

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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.
    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

State **MODIFIED**

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

# Goshen Police Department

## Policy Manual

### Personnel Complaints

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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.
  - (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

##### **Best Practice**

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

##### **Best Practice**

# Goshen Police Department

## Policy Manual

### Personnel Complaints

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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.

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

**Best Practice** **MODIFIED**

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

**Best Practice**

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

#### 1008.7 ADMINISTRATIVE SEARCHES

**Best Practice** **MODIFIED**

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 **accessed 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

**Best Practice**

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:



# Goshen Police Department

## Policy Manual

### Personnel Complaints

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- (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

Best Practice MODIFIED

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.

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

Best Practice MODIFIED

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

Best Practice MODIFIED

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.

# Goshen Police Department

## Policy Manual

### *Personnel Complaints*

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#### 1008.10.2 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES TIMELINES

**Discretionary** **MODIFIED**

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

**Best Practice** **MODIFIED**

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

**Discretionary**

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**

**Best Practice** **MODIFIED**

#### 1008.11.0 REVIEW AND HEARING

**State**

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 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**

**Best Practice**

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**

**State**

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**

**Best Practice** **MODIFIED**

# Goshen Police Department

## Policy Manual

### *Personnel Complaints*

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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**

**State**

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**

**State**

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.

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).

## Attachments

## 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:

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Fax: (574)533-1826





# **GOSHEN POLICE DEPARTMENT**

Jose' Miller, Chief of Police

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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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## Disciplinary Documentation 021121 .pdf



Jose' Miller, Chief of Police

# GOSHEN POLICE DEPARTMENT

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

## Formal Complaint 020221.pdf

# GOSHEN POLICE DEPARTMENT

## FORMAL COMPLAINT FORM

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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

[Empty rectangular box for Additional Narrative]

**Complainant or Witness Signature**



## Investigation Disposition 021121.pdf



# GOSHEN POLICE DEPARTMENT

Jose' Miller, Chief of Police

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## 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: \_\_\_\_\_

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## 24 hour admonishment 021121.pdf



# GOSHEN POLICE DEPARTMENT

Jose D. Miller, Chief of Police

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## GOSHEN POLICE DEPARTMENT NOTIFICATION OF INTERNAL INVESTIGATION, BILL OF RIGHTS, AND INTERVIEW

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**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

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# 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

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## Article 27 Bill of Rights.pdf

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**ARTICLE XXVII Bill of Rights**

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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.

## 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.

## Personnel Records

### 1010.1 PURPOSE AND SCOPE

**Best Practice**

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

### 1010.2 POLICY

**State**

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

**Best Practice** **MODIFIED**

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.~~

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#### 1010.4 DIVISION FILE

**Best Practice**

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, 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

**Best Practice** **MODIFIED**

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

**Best Practice** **MODIFIED**

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

**Best Practice**

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.

# Goshen Police Department

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- (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.

#### 1010.8 SECURITY

**Best Practice** **MODIFIED**

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

**Best Practice** **MODIFIED**

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

**State**

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

**State**

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).

# Goshen Police Department

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#### 1010.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

State MODIFIED

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.
- (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

Best Practice MODIFIED

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](#)

## Attachments



## Article 27 Bill of Rights.pdf

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## **ARTICLE XXVII      Bill of Rights**

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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.

# Work-Related Illness and Injury Reporting

## 1017.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to provide guidance regarding timely reporting of work-related injuries and occupational illnesses.

### 1017.1.1 DEFINITIONS

Best Practice

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

State

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

Best Practice

### 1017.3.1 MEMBER RESPONSIBILITIES

State MODIFIED

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

State MODIFIED

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

Best Practice MODIFIED

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



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### *Work-Related Illness and Injury Reporting*

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shall then be forwarded to the City Human Resource Department and the Assistant 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.

#### 1017.3.4 CHIEF OF POLICE RESPONSIBILITIES

Federal MODIFIED

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

Best Practice MODIFIED

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

Best Practice

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

Best Practice

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.

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# Personal Appearance Standards

## 1018.1 PURPOSE AND SCOPE

**Discretionary**

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

**Discretionary**

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

**Discretionary**

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

**Discretionary**

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

**Discretionary** **MODIFIED**

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.

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### *Personal Appearance Standards*

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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.

#### 1018.3.3 MUSTACHES

**Discretionary**

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

**Discretionary**

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

**Discretionary** **MODIFIED**

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

**Discretionary**

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

**Discretionary**

#### 1018.4.1 JEWELRY

**Discretionary** **MODIFIED**

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) The wearing of earrings while on-duty by anyone other than civilian staff or drug unit officers must be approved by the Chief of Police. ~~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.

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### *Personal Appearance Standards*

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- (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

Discretionary MODIFIED

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 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

Discretionary

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

Discretionary

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

Discretionary

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



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required are prohibited while on-duty or while representing the Goshen Police Department in any official capacity.

#### 1018.4.6 COSMETICS AND FRAGRANCES

##### **Discretionary**

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

##### **Discretionary**

Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

#### 1018.5 RELIGIOUS ACCOMMODATION

##### **Best Practice**

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 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.

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## Uniforms and Civilian Attire

### 1019.1 PURPOSE AND SCOPE

**Discretionary**

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

**Best Practice**

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

**Discretionary** **MODIFIED**

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.

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### *Uniforms and Civilian Attire*

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- (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.
  - 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

**Best Practice** **MODIFIED**

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

**Discretionary** **MODIFIED**

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.



# Goshen Police Department

## Policy Manual

### *Uniforms and Civilian Attire*

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- (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.
- (g) American flag pin - An American flag pin may be worn, centered above the nameplate.

#### 1019.3.3 MOURNING BAND

**Best Practice** **MODIFIED**

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

**Discretionary**

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

**Discretionary** **MODIFIED**

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

# Goshen Police Department

## Policy Manual

### *Uniforms and Civilian Attire*

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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

Discretionary MODIFIED

The Class B uniform consists of the following:

- (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

Discretionary MODIFIED

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

Discretionary

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.

# Goshen Police Department

## Policy Manual

### *Uniforms and Civilian Attire*

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#### **1019.5 CIVILIAN ATTIRE**

**Discretionary** **MODIFIED**

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.
- (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**

**Discretionary**

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.

# Goshen Police Department

## Policy Manual

### Uniforms and Civilian Attire

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- (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**

##### **Discretionary**

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)**

##### **Agency Content**

- (a) Class A Uniforms (Dress Uniform)
  - 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 **March April 1st**, through **September 30th** ~~October - 31st~~.
    - (b) Long Sleeve - The Class A long sleeve uniform is worn from November 1st through **the end of February 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**

##### **Agency Content**

[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,

# Goshen Police Department

## Policy Manual

### Uniforms and Civilian Attire

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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.
  - (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) **Dark 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



# Goshen Police Department

## Policy Manual

### Uniforms and Civilian Attire

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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)
  - (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) **Dark 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



# Goshen Police Department

## Policy Manual

### *Uniforms and Civilian Attire*

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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.)
  - (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.

# Goshen Police Department

## Policy Manual

### *Uniforms and Civilian Attire*

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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.
  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.

#### S.W.A.T. ERT UNIFORMS

# Goshen Police Department

## Policy Manual

### Uniforms and Civilian Attire

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- (a) S.W.A.T. **ERT** uniforms and equipment shall be the responsibility of the **ERT** S.W.A.T. 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.
  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) Dark 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.

# Goshen Police Department

## Policy Manual

### Uniforms and Civilian Attire

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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.
  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

# Goshen Police Department

## Policy Manual

### *Uniforms and Civilian Attire*

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- (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

## Attachments



## 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





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

May 3, 2022

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

From: Kelly Saenz

Re: Request for Relief from Charges- Jim Warble 123 Blackport Dr

On April 11, 2022, Goshen Water and Sewer Department was notified of an illegal water connection at 123 Blackport Dr, Goshen. This type of connection is against City Ordinance 4290 Section 1. L. "Unauthorized Connection" which states: *A person connecting a location of the Water Utility's water system without the knowledge and consent of the Water Utility shall be charged a fee of Five Hundred Dollars (\$500.00) unless the Water Utility can establish that a greater fee should be charged by applying the schedule of rates and charges.*

A billing statement for said fee was mailed to the homeowner, James Warble on April 13, 2022. A copy of the billing statement with supporting documentation is included.

Mr. Warble has contacted the Goshen Water & Sewer office and now seeks relief from the Board of Works in the amount of \$500.00. Mr. Warble's statement is hereby attached.

**Requested Motion: Mr. James Warble at 123 Blackport Dr seeks relief to an illegal water connection fee of \$500.00 from April 11, 2022.**



123 Blackport Dr

To Whom this may concern:

I have been notified, that I am being charged \$500.00 for a water line hook-up that was deemed illegal. I had NO knowledge of this kind of activity. I bought my home in 2014 and have remained current or ahead in payments ever since. At the time of purchase, a contractor hooked up my waterline and everything needed to receive water services. Per these pictures that were submitted by Board of Works on Goshen water, this appears to be the work of a professional installer.

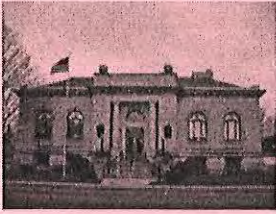
I called the city water department to report a leak that was pooling in my front yard and had to be being charged to my account. If I had known about this illegal activity, I would have never called the city to come investigate the leak. This is when I was notified that an illegal hook-up that is not being metered through the city. If it is NOT being metered, then how is my bill being calculated to know my amount due? I do NOT feel responsible for this charge and should not pay bc this burden is on the shoulders of the contractor and ~~he~~ should be held ~~responsible~~ accountable. I have lived in the same area

for my entire life, now retired  
and on a fixed income. I simply  
could not afford this fix even  
if it was charged to me due to  
no extra money. I'm sorry  
for whomever tampered with  
the line as it is illegal but it  
surely was not me.

Thank you  
~~Jim Warbal~~  
Jim Warbal  
5.2.22

574-304-3893





Please make payment to:  
**Goshen Utilities**

203 S 5th Street  
 P.O. Box 238  
 Goshen, IN 46527-0238  
 Tel: 574-533-9399

ACCOUNT NUMBER	BILL DATE	DUE DATE
01-0487	4/13/2022	5/13/2022

## INVOICE

INVOICE NUMBER	AMOUNT DUE	AMOUNT ENCLOSED
202204131227	\$520.00	

JIM WARBLE  
 123 BLACKPORT DR  
 GOSHEN IN 46526

----- Important: Return this portion -----

----- Retain this portion for your records -----

## Goshen Utilities

203 S 5th Street  
 P.O. Box 238  
 Goshen, IN 46527-0238  
 Tel: 574-533-9399

INVOICE NUMBER
202204131227

ACCOUNT NUMBER	BILL DATE	DUE DATE
01-0487	4/13/2022	5/13/2022

ITEM DESCRIPTION	UNITS	TYPE	PRICE	AMOUNT
UNAUTHORIZED USE OF WATER	N/A		N/A	500.00
ADMIN. FEE	N/A		N/A	20.00

UNAUTHORIZED CONNECTION- 123 BLACKPORT DRIVE GOSHEN

TOTAL PAYMENT DUE IN 30 DAYS.

*****THANK YOU*****	<b>TOTAL DUE</b>	\$520.00
---------------------	------------------	----------



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

Jim A Warble  
123 Blackport Dr.  
Goshen, In 46526

April 12, 2022

Re: Illegal Connection at 123 Blackport Dr.

To whom it may concern,

This letter is to advise you that on April 11, 2022 the City of Goshen Water & Sewer Department was notified of an illegal water connection at the property address 123 Blackport Dr, Goshen In.

At the time of a site visit to the residence, the City of Goshen Utilities Supervisor observed a PVC line connected to the domestic water line bypassing the utility water meter. This water source was confirmed as a private connection to an outside water spigot. While at the site, the water line was disconnected and the customer was told the private line could no longer be used. Photos were taken at the time of the incident and are enclosed.

Please note this type of connection is against the City of Goshen local Ordinance **4290 Section, L. Unauthorized Connection**; which states the following:

*-A person connecting a location to the Water Utility's water system without the knowledge and consent of the Water Utility shall be charged a fee of Five Hundred Dollars (\$500.00) unless the Water Utility can establish that a greater fee should be charged by applying the schedule of rates and charges.*

We have enclosed a billing statement for charges based upon the unauthorized connection at 123 Blackport Dr. Goshen, IN along with pictures of the described incident. It should be noted that you are responsible for this fine due the ownership status of this property.

If you should have any questions, please feel free to contact our office.

Regards,

Kelly Saenz  
Utility Office Manager

Enclosures: 3











**ORDINANCE 4290**

**AN ORDINANCE TO AMEND ORDINANCE 4232  
ESTABLISHING A SCHEDULE OF RATES AND CHARGES FOR SERVICES  
OF THE GOSHEN WATER UTILITY AND  
ESTABLISHING OTHER REGULATIONS GOVERNING SUCH SERVICES**

WHEREAS, Ordinance 4232, "An Ordinance to Establish a Schedule of Rates and Charges for Services of the Goshen Water Utility and to Establish Other Regulations Governing Such Services," was passed and adopted on August 3, 2004.

WHEREAS, the rates and charges for services of the Goshen Water Utility must produce an income sufficient to maintain the Water Utility in a sound physical and financial condition to render adequate and efficient services to its customers.

WHEREAS, the production, storage, transmission, sale and delivery, or furnishing of water for public fire protection purposes is provided by the Goshen Water Utility.

WHEREAS, public fire protection is a service provided to all residents of the City of Goshen, including residents whose real estate is not connected to the Goshen Water Utility's system.

WHEREAS, the rates and charges for services of the Goshen Water Utility must be nondiscriminatory, reasonable, and just.

WHEREAS, the Board of Public Works and Safety and the Common Council of the City of Goshen find it necessary to amend certain rates and charges for public fire protection.

WHEREAS, the Board of Public Works and Safety and the Common Council of the City of Goshen find it necessary to amend other regulations governing the services of the Goshen Water Utility.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Goshen, Indiana, that Ordinance 4232 establishing a schedule of rates and charges for services of the Goshen Water Utility and establishing other regulations governing such services is amended to read as follows:

**Section 1. RIGHT TO CONNECT AND CONNECTION CHARGES**

- A. A person shall have the right to connect a building located within the Goshen corporate limits to the Water Utility's water system upon payment of a connection charge in accordance with the schedule of rates set forth in Section 1, paragraph 1.
- B. A building located outside the Goshen corporate limits may not connect to the Water Utility's water system unless the owner of the affected real estate executes an Agreement with the City of Goshen and the Agreement has been approved by the Common Council.
- C. A customer or developer shall pay a connection charge for each connection made to the Water Utility's water system. The connection fee is required for each connection, regardless if the

connection is made to a public water main or to a privately-owned water line. A connection charge may be waived in whole or in part only upon the approval of the Common Council.

- D. Each new metered water service, except a residential metered sprinkling water service, must be connected directly to a public water main.
- E. Each building used for residential, commercial or industrial purposes connected to the Water Utility's water system must be connected directly to a public water main unless otherwise approved in writing by the Board of Public Works and Safety pursuant to paragraph F.
- F. The Board of Public Works and Safety may approve, in writing, water service to a second building on a single zoning lot to be connected through the primary building's water service if the Board of Public Works and Safety finds that the two buildings have the same ownership and that one of the buildings is subordinate and serves the principal building on the zoning lot. The Board of Public Works and Safety must condition the approval upon a requirement for the second building to connect its water service directly to the public water main if the zoning lot is divided so that the two buildings are not on the same zoning lot and the ownership of the two buildings does not remain the same. The water service for the two buildings may not be separately metered.

**G. Connections to a Public Water Main.**

- 1. Effective January 1, 2005, the Goshen Water Department shall make all connections to a public water main in which the connection is twelve inches (12") or smaller in size unless the Board of Public Works and Safety gives a customer or developer the express prior written authorization to make the connection. All connections to a public water main in which the connection is greater than twelve inches (12") in size shall be made by a private contractor at the expense of the customer or developer. All such connections shall be inspected and approved by the Water Department.
- 2. A public water main must be located in right-of-way dedicated to the city by the owner of the real estate for such purposes. Any water line on private real estate shall be deemed a privately-owned water line unless clear intent to the contrary is shown by prior written dedication of the water line to the City of Goshen accepted by the Board of Public Works and Safety.

**H. Connections to a Privately-Owned Water Line.**

- 1. Upon recommendation of the Goshen Engineering Department and with the express prior written approval of the Board of Public Works and Safety, a privately-owned water line may be installed to service multiple buildings located on a single zoning lot as set forth in Section 1, paragraph F.
- 2. All connections to a privately-owned water line shall be made by a private contractor at the expense of the customer or developer.

**I. Schedule of Connection Charges.**

**1. Connections Made by the Goshen Water Department.**

The schedule below is applicable to all connections to a public water main in which the connection is made by the Goshen Water Department. The connection charge includes the right to connect to the water system, the city's cost to furnish and install the water service pipe from the public water main to the lot line, and the installation of a curb stop or valve. The

connection charge does not include the cost to furnish and install the building line from the building to the curb stop or valve, the cost of the meter or meter horn, or the inspection charge.

<u>Connection Size</u>	<u>Connection Charge</u>
¾" to 1"	\$1,348
1½"	\$1,670
2"	\$1,760
4"	\$2,646
6"	\$2,837
8"	\$3,277
10"	\$4,114
12"	\$4,893

In the event that a connection was previously made to the public main and a curb stop or valve was installed as part of another project, however, a building which would be serviced by the connection was not connected to the Water Utility's water system at that time, then the connection charge will be Seven Hundred Fifty Dollars (\$750) for the right to connect to the water system. The connection charge does not include the cost to furnish and install the building line from the building to the curb stop or valve, the cost of the meter or meter horn, or the inspection charge.

**2. Connections Made by a Private Contractor.**

In the event that the Goshen Water Department is unable to make the connection to a public water main requiring the customer or developer to hire a private contractor to make the connection, or in the event the connection is to a privately-owned water line, the connection charge will be Seven Hundred Fifty Dollars (\$750) for the right to connect to the water system. The connection charge does not include the cost to furnish and install the water service pipe from the public water main or privately-owned water line to the building, the curb stop or valve, the cost of the meter or meter horn, or the inspection charge.

**J. Inspection.**

1. Each customer or developer, prior to making a connection to the Water Utility's water system shall pay an inspection fee of Eighty-five Dollars (\$85). If a reinspection is required due to the improper installation of the water main or water line, the customer or developer shall pay a reinspection fee of Eighty-five Dollars (\$85).
2. In the event that more than one (1) water main or water line are inspected on a single parcel of real estate at the same time, the Water Utility may elect to charge a single inspection fee.
3. If at the time of the inspection, the water main or water line to be inspected is not sufficiently exposed to allow inspection, the customer or developer will uncover the water main or water line to allow for an adequate inspection. A reinspection fee of One Hundred Fifty Dollars (\$150) will be assessed to the customer or developer.

**B. Temporary Customers.**

Each temporary customer consuming water on an unmetered basis shall pay a monthly usage charge consistent with the schedule set forth in Section 2, paragraph A, and based on the cubic feet of water used as estimated by the Utilities Superintendent. In addition, each temporary customer shall pay an administrative fee of Twenty Dollars (\$20) per month.

**C. Billing Cycle.**

For the purposes of billing and collecting the rates and charges for water use, the Goshen Water Utility will bill customers on a monthly basis.

**D. Fifth Street Water Fill Station.**

A customer may dispense water into the person's own tank or other container from the water fill station located at the Water and Sewer Department at 308 North Fifth Street. The customer shall be charged Twenty-five Cents (25¢) per one hundred (100) gallons of water.

**E. Unauthorized Use of Water.**

Except as provided in Section 2, paragraph D, a person taking water from any public or private fire hydrant, faucet or in any way using water for private use which is supplied by the Water Utility without the knowledge and consent of the Water Utility shall be charged a fee of Five Hundred Dollars (\$500) unless the Water Utility can establish that a greater fee should be charged by applying the schedule of rates and charges.

**Section 3. FIRE PROTECTION SERVICES**

The following rates and charges are established for the production, storage, transmission, sale and delivery, or furnishing of water for public fire protection purposes by the Goshen Water Utility:

**A. Public Fire Hydrants.**

1. The City of Goshen adopts the provisions of Indiana Code 8-1-2-103(d). The Common Council provides that costs for the production, storage, transmission, sale and delivery, or furnishing of water for public fire protection purposes shall be recovered and included in the basic rates for all customers of the Goshen Water Utility and/or Sewer Utility.
2. Effective January 1, 2005, the construction cost of any fire hydrant installed at the request of the city shall be paid for by the city or the developer if required by the city. The schedule of rates set forth in Section 2, paragraph A shall eliminate the fire protection charges billed directly to the City of Goshen, other than charges for the construction cost for new hydrants installed on or after January 1, 2005.
3. Each customer of the Water Utility and/or Sewer Utility shall pay a monthly public fire protection charge as follows.

**a. Water Utility Customers.**

Customers of the Water Utility will be charged a monthly public fire protection charge which is included in the monthly service charges set forth in Section 2, paragraph A, based on

the applicable size of water meter installed. Sprinkling meters for lawn watering purposes shall be excluded from this charge.

**b. Sewer Utility Customers.**

Customers of the Sewer Utility within the Goshen corporate limits whose real estate is not connected to the Water Utility's water system will be charged a monthly public fire protection charge in accordance with the following schedule based on the applicable size of meter installed. Customers of the Sewer Utility who do not have a meter installed will be charged a monthly public fire protection charge in accordance with the rate for a five-eighths inch (5/8") meter. This amount will be included on the customer's monthly sewer utility bill.

<b>Monthly Charge</b>			
<b>Meter Size</b>	<b>Effective July 1, 2005</b>	<b>Effective July 1, 2006</b>	<b>Effective July 1, 2007</b>
5/8" Meter	\$2.89	\$3.01	\$3.13
3/4" Meter	\$4.34	\$4.52	\$4.70
1" Meter	\$6.96	\$7.53	\$7.83
1 1/2" Meter	\$14.47	\$15.05	\$15.65
2" Meter	\$23.15	\$24.08	\$25.04
3" Meter	\$43.42	\$45.15	\$46.96
4" Meter	\$72.36	\$75.25	\$78.26
6" Meter	\$144.72	\$150.51	\$156.53
8" Meter	\$231.55	\$240.81	\$250.44

**B. Private Fire Hydrants.**

- Each customer of the Water Utility with a private fire hydrant serving the customer's location shall pay an annual fire protection charge for private fire protection services in accordance with the following schedule for each private fire hydrant. The Water Utility billing office reserves the right to bill all customers for the charge on a monthly basis.

<b>Annual Charge</b>		
<b>Effective July 1, 2005</b>	<b>Effective July 1, 2006</b>	<b>Effective July 1, 2007</b>
\$401.80	\$417.87	\$434.58

- Upon payment of this fire protection charge, the Goshen Water Department will provide periodic maintenance, flushing, and replacement parts for any outside private fire hydrant. The city will provide maintenance and flushing upon the condition that the Water Department is granted access to the private fire hydrant for such purposes upon the Water Department's request during regular business hours. Such maintenance and flushing will be provided at similar intervals as to what city now provides to the city's public fire hydrants. The replacement of a private fire hydrant is not covered by this charge.



**C. Private Fire Sprinkler Line Connections.**

Each customer of the Water Utility with a private fire sprinkler line connection serving the customer's location shall pay an annual fire protection charge for private fire protection services in accordance with the following schedule based on the size of sprinkler line connection for each private fire sprinkler line connection. The Water Utility billing office reserves the right to bill all customers for the charge on a monthly basis.

<b>Annual Charge</b>			
<b><u>Connection Size</u></b>	<b><u>Effective July 1, 2005</u></b>	<b><u>Effective July 1, 2006</u></b>	<b><u>Effective July 1, 2007</u></b>
1½"	\$25.11	\$26.11	\$27.15
2"	\$44.65	\$46.44	\$48.30
3"	\$100.45	\$104.47	\$108.65
4"	\$178.59	\$185.73	\$193.16
6"	\$401.80	\$417.87	\$434.58
8"	\$714.25	\$742.82	\$772.53
10"	\$1,118.02	\$1,162.74	\$1,209.25
12"	\$1,607.16	\$1,671.45	\$1,738.31

**Section 4. NON-RECURRING CHARGES**

**A. Service Deposit.**

**1. Residential Customers.**

- a. A residential customer who is not the legal owner of the real estate serviced by the Water Utility shall pay a service deposit of Forty Dollars (\$40) when applying for service.
- b. A residential customer who is the legal owner of the real estate serviced by the Water Utility shall pay a service deposit of Forty Dollars (\$40) when applying for service, unless the residential customer had an account with the Water Utility in the customer's name for at least six (6) consecutive months prior, and all payments under the account are current and paid by their respective due dates during that six (6) month period.

**2. Non-Residential Customers.**

- a. A commercial, industrial, or other non-residential customer who is not the legal owner of the real estate serviced by the Water Utility shall pay a service deposit equal to one-sixth (1/6) of the estimated annual billing for that location or Forty Dollars (\$40), whichever is greater, when applying for service.
- b. A commercial, industrial, or other non-residential customer who is the legal owner of the real estate serviced by the Water Utility shall also be required to pay a service deposit equal to one-sixth (1/6) of the estimated annual billing for that location or Forty Dollars

(\$40), whichever is greater, unless the customer had an account with the Water Utility in the customer's name for at least six (6) consecutive months prior, and all payments under the account are current and paid by their respective due dates during that six (6) month period.

3. The service deposit may be applied to any outstanding charges of the customer following the disconnection of service due to non-payment or when the is account is closed. Any surplus balance will be refunded to the customer by mail within thirty (30) days after payment of the final bill. Should a balance exist on the account after application of the service deposit, the city reserves the right to collect any such balance as provided by law.

**B. Late Payment Charge.**

A customer who has not paid all charges on an account on or before the due date stated on the bill, which due date will be at least fifteen (15) days after the bill is rendered, shall be assessed a late payment charge of ten percent (10%) on any outstanding balance.

**C. Service Call Charge.**

A customer shall pay a service call charge in accordance with the following schedule for any service calls requiring action before the next business day, whether or not the customer requests such service.

<u>Time</u>	<u>Service Call Charge</u>
During Regular Business Hours	No Charge
After Regular Business Hours and Saturdays	\$60.00
Sundays and Holidays	\$90.00

**D. Reconnection Charge.**

When water service is disconnected at any location for any reason, including the non-payment of a bill, a customer must pay a reconnection fee in accordance with the following schedule before the service will be restored. Furthermore, if the service was disconnected due to the non-payment of a bill, the customer must also pay all delinquent charges and a service deposit as authorized by Section 4, paragraph A before service will be restored.

<u>Time</u>	<u>Reconnection Charge</u>
During Regular Business Hours	\$30.00
After Regular Business Hours and Saturdays	\$60.00
Sundays and Holidays	\$90.00

**E. Surcharge for a Dishonored Check, Draft, Order, or Like Instrument.**

If a check, draft, order or like instrument tendered to the City of Goshen is dishonored or returned unpaid for any reason, the city may charge and collect from the maker or drawer, or the person for whose benefit the instrument was given, an amount not to exceed Thirty Dollars (\$30) plus an amount

equal to the actual charge by the depository institution for each returned or dishonored instrument. The charge shall not be considered an interest charge, a finance charge, a time-price differential, or any charge of a similar nature.

**F. Additional Water Utility Products.**

Any water utility product needed by a customer of the Goshen Water Utility may be furnished by the Water Utility and billed to the customer at the city's actual cost for the product plus an administrative fee of Twenty Dollars (\$20).

**G. Recalculation Charge.**

A customer or developer shall pay an administrative fee of Twenty Dollars (\$20) if, due to no fault of the Water Utility, any charge is required to be recalculated due to a change in the size of meter or size of line connection.

**Section 5. MISCELLANEOUS**

**A. Payment Obligation.**

Any customer over the age of 18 who occupies a location serviced by the Water Utility and who makes application to the city to have utility charges billed to him or her may be billed those charges directly from the date of application. The person making application to have the utility charges billed to him or her personally is obligated to pay all proper charges made to the account until the customer informs the city in writing of his or her intent to remove his or her name from the account.

**B. Owner's Right to Examine Records.**

The owner of a location in which the utility bill is sent to a person other than the owner shall have the right to examine the collection records of the Water Utility during regular business hours for the purpose of determining whether charges have been paid.

**Section 6. REASONABLE RETURN**

In accordance with Indiana Code 8-1.5-3-8, it is the intent of the Common Council that the rates and charges for the use of services rendered by the Goshen Water Utility produce an income sufficient to maintain the utility property in sound physical and financial condition to render adequate and efficient services. Further, the rates and charges shall be sufficient to include a reasonable return on the Goshen Water Utility plant.

**Section 7. PAYMENT IN LIEU OF PROPERTY TAXES**

In accordance with Indiana Code 8-1.5-3-8(g), the Common Council elects to transfer to the city's general fund a payment in lieu of taxes from the rates and charges of the Goshen Water Utility in an amount sufficient to compensate the city for taxes that would be due the city on the Goshen Water Utility property if the property were privately owned.

**Section 8. SEVERABILITY**

The provisions of this ordinance are severable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

**Section 9. OTHER ORDINANCES**

- A. All ordinances and parts of ordinances inconsistent or in conflict with the terms of this ordinance are repealed to the extent of such inconsistency or conflict.
- B. This ordinance specifically amends and replaces the schedule of rates and charges set forth in Ordinance 4232.

**Section 10. EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and adoption, but in no event before July 1, 2005.

This ordinance is duly passed by the Common Council of the City of Goshen, Indiana on the 3<sup>rd</sup> day of May, 2005.

Allan Kauffman  
Allan Kauffman, Presiding Officer

Attest:

Tina M. Bontrager  
Tina M. Bontrager, Clerk-Treasurer

This ordinance, having been passed by the Common Council, is presented by me to the Mayor for his approval on the 3<sup>rd</sup> day of May, 2005.

Tina M. Bontrager  
Tina M. Bontrager, Clerk-Treasurer

This ordinance, having been passed by the Common Council and presented to me is approved by me and duly adopted on the 3<sup>rd</sup> day of May, 2005.

Allan Kauffman  
Allan Kauffman, Mayor

4. The inspection shall be scheduled with the Water Utility at least two (2) working days in advance.

**K. Other Requirements.**

**1. Water Meter.**

Each unit in a building will be separately metered unless the Board of Public Works and Safety gives the owner of the building express prior written approval to permit multiple units in the building to be serviced by a single meter. Such approval may not be given unless the owner of the real estate registers the water and sewer services in the owner's name and the owner pays all charges for the water and sewer services for that real estate.

**2. Curb Stop or Valve.**

- a. Each building connected to the Water Utility's water system after September 1, 2004 and every new connection must have installed an outside curb stop or valve.
- b. Each unit in a multi-unit building that is separately metered must have an outside curb stop or valve for each water meter installed so that utility services to a unit can be independently shut off without disrupting utility services to other units in the building.

**3. Building Water Line.**

Each customer shall maintain the building water line from the curb stop or valve to any building on the customer's real estate in good working order at the customer's expense. In the event that there is no curb stop or valve, the customer shall maintain the building water line from the edge of the city's right-of-way to any building on the customer's real estate at the customer's expense.

**L. Unauthorized Connection.**

A person connecting a location to the Water Utility's water system without the knowledge and consent of the Water Utility shall be charged a fee of Five Hundred Dollars (\$500) unless the Water Utility can establish that a greater fee should be charged by applying the schedule of rates and charges.

**Section 2. WATER USAGE SCHEDULE**

The following rates and charges are established for the use of and services rendered by the Goshen Water Utility:

**A. Monthly Usage Charge and Monthly Service Charge.**

[Continued on next page.]

1. **Effective July 1, 2005.**

Effective July 1, 2005, each customer shall pay a monthly usage charge and monthly service charge in accordance with the schedules set forth below.

a. **Monthly Usage Charge.**

Each customer shall pay a monthly usage charge in accordance with the following schedule based on the metered cubic feet of water supplied:

<b><u>Monthly Usage</u></b>	<b><u>Rate per 100 Cubic Feet</u></b>
First 3,000 Cubic Feet	\$1.45
Next 97,000 Cubic Feet	\$1.25
Over 100,000 Cubic Feet	\$0.70

b. **Monthly Service Charge.**

Each customer shall pay a monthly service charge in accordance with the following schedule based on the applicable size of water meter installed. This service charge is in addition to the monthly usage charge.

<b><u>Meter Size</u></b>	<b><u>Billing Charge</u></b>	<b><u>Meter Charge</u></b>	<b><u>Public Fire Protection Charge</u></b>	<b><u>Total Charge</u></b>
5/8" Meter	\$3.10	\$1.53	\$2.89	\$7.52
3/4" Meter	\$3.10	\$1.67	\$4.34	\$9.11
1" Meter	\$3.10	\$2.15	\$6.96	\$12.21
1½" Meter	\$3.10	\$2.74	\$14.47	\$20.31
2" Meter	\$3.10	\$4.45	\$23.15	\$30.70
3" Meter	\$3.10	\$16.83	\$43.42	\$63.35
4" Meter	\$3.10	\$21.43	\$72.36	\$96.89
6" Meter	\$3.10	\$32.14	\$144.72	\$179.96
8" Meter	\$3.10	\$44.39	\$231.55	\$279.04

[Continued on next page.]



2. **Effective July 1, 2006.**

Effective July 1, 2006, each customer shall pay a monthly usage charge and monthly service charge in accordance with the schedules set forth below.

a. **Monthly Usage Charge.**

Each customer shall pay a monthly usage charge in accordance with the following schedule based on the metered cubic feet of water supplied:

<u>Monthly Usage</u>	<u>Rate per 100 Cubic Feet</u>
First 3,000 Cubic Feet	\$1.51
Next 97,000 Cubic Feet	\$1.30
Over 100,000 Cubic Feet	\$0.76

b. **Monthly Service Charge.**

Each customer shall pay a monthly service charge in accordance with the following schedule based on the applicable size of water meter installed. This service charge is in addition to the monthly usage charge.

<u>Meter Size</u>	<u>Billing Charge</u>	<u>Meter Charge</u>	<u>Public Fire Protection Charge</u>	<u>Total Charge</u>
5/8" Meter	\$3.22	\$1.60	\$3.01	\$7.83
3/4" Meter	\$3.22	\$1.74	\$4.52	\$9.48
1" Meter	\$3.22	\$2.24	\$7.53	\$12.99
1 1/2" Meter	\$3.22	\$2.85	\$15.05	\$21.12
2" Meter	\$3.22	\$4.63	\$24.08	\$31.93
3" Meter	\$3.22	\$17.51	\$45.15	\$65.88
4" Meter	\$3.22	\$22.29	\$75.25	\$100.76
6" Meter	\$3.22	\$33.43	\$150.51	\$187.16
8" Meter	\$3.22	\$46.17	\$240.81	\$290.20

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3. **Effective July 1, 2007.**

Effective July 1, 2007, each customer shall pay a monthly usage charge and monthly service charge in accordance with the schedules set forth below.

a. **Monthly Usage Charge.**

Each customer shall pay a monthly usage charge in accordance with the following schedule based on the metered cubic feet of water supplied:

<u>Monthly Usage</u>	<u>Rate per 100 Cubic Feet</u>
First 3,000 Cubic Feet	\$1.57
Next 97,000 Cubic Feet	\$1.35
Over 100,000 Cubic Feet	\$0.79

b. **Monthly Service Charge.**

Each customer shall pay a monthly service charge in accordance with the following schedule based on the applicable size of water meter installed. This service charge is in addition to the monthly usage charge.

<u>Meter Size</u>	<u>Billing Charge</u>	<u>Meter Charge</u>	<u>Public Fire Protection Charge</u>	<u>Total Charge</u>
5/8" Meter	\$3.35	\$1.66	\$3.13	\$8.14
3/4" Meter	\$3.35	\$1.81	\$4.70	\$9.86
1" Meter	\$3.35	\$2.33	\$7.83	\$13.51
1½" Meter	\$3.35	\$2.96	\$15.65	\$21.96
2" Meter	\$3.35	\$4.81	\$25.04	\$33.20
3" Meter	\$3.35	\$18.21	\$46.96	\$68.52
4" Meter	\$3.35	\$23.18	\$78.26	\$104.79
6" Meter	\$3.35	\$34.77	\$156.53	\$194.65
8" Meter	\$3.35	\$48.02	\$250.44	\$301.81

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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

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TO: Board of Public Works & Safety

FROM: Becky Hutsell, Redevelopment Director

RE: Request for Permission to Place Eight (8) Sculptures within the Public Right-of-Way

DATE: May 9, 2022






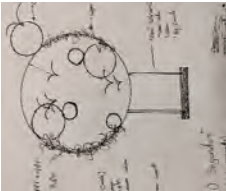
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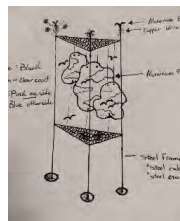
This year marks the 15<sup>th</sup> anniversary of the Elkhart County Convention & Visitors Bureau's Quilt Garden Tour. To commemorate the anniversary, they will once again be bringing back a limited number of Seward Johnson sculptures to have placed at each of the garden locations and, in support of local artists, they're also sponsoring locally-created sculptures to cities and towns in our County if so desired.

The ECCVB has offered to fund 4 local pieces and Goshen has agreed to sponsor 4 additional sculptures. All 8 pieces are created by Goshen artists, including several Goshen College students, and we're requesting permission to place them downtown within the right-of-way. Similar to the Seward Johnson sculptures we hosted 5 years ago, we will ensure that they're placed outside of the walking path and to avoid any conflicts with utilities. In addition, we're requesting that they be allowed to remain for a period of 12 months, beginning this month.

Detail regarding sculpture descriptions and proposed locations are included on the attached spreadsheet.

**Requested Motion:** Approval of the request to place 8 locally-created sculptures within the public right-of-way for a period of 12 months at the approximate locations detailed on the provided spreadsheet

INSTALL ORDER	Name	Sculpture	Retail Value	Artist	Dimensions	Weight	Artist/Address Contact
	Los Mariachis		\$150,000	Courthouse Quilt Garden	5.8 x 6 x 3.3, 71x80x40 in	1000	Seward Johnson, <i>Los Mariachis</i> , ©1994 The Seward Johnson Atelier, Inc.
	Cowgirl		\$160,000	Fairgrounds Quilt Garden	86x 32x 20	500	Seward Johnson, <i>Keep Life in Balance</i> , ©2022 The Seward Johnson Atelier, Inc
	Keep Life in Balance		\$160,000	Abshire Park Quilt Garden	68x70x36 in	440	Seward Johnson, <i>Keep Life in Balance</i> , ©2019 The Seward Johnson Atelier, Inc., Photo by Ken Ek
	No Mommy, That One		\$100,000	Old Bag Factory Quilt Garden	3.75' x 4' x 4', 88.9x101.6x91.4 cm	550	Seward Johnson, <i>No, Mommy, That One</i> , ©1992 The Seward Johnson Atelier, Inc., Photo by Ken Ek
109 N 3rd St Goshen, IN (across from Courthouse)	Pipe Dreams		\$2,500	Steven Lerma	9 ft H x 4 ft W x 15 ft D	350	Steven Lerma, 1219 Canton St, Elkhart, IN 46514, M: 574-612-4242, cruzlerma@aol.com
Edward Jones, 118 S Main St, Goshen	Tu reflejo		\$1,218	Joel Lara	7 ft H x 4 ft W	65-80	

<p><b>Imagination Spot, 111 E Washington St, Goshen, IN 46526</b></p>	<p>Doc the Robot</p>		<p>TBD</p>	<p>Benji Wall</p>	<p>6 ft H x 2 ft W</p>	<p>100</p>	
<p><b>Merino Law Firm, 102 N Main St, Goshen</b></p>	<p>Ofrenda</p>		<p>\$200</p>	<p>Brandon Jimenez</p>	<p>6 ft H x 2 ft W</p>		
<p><b>Goshen Historical Museum, 124 S Main St, Goshen, IN 46526</b></p>	<p>Spiraling</p>		<p>TBD</p>	<p>Olivia Krall</p>	<p>7 ft H x 2 ft W</p>	<p>150</p>	
<p><b>Goshen College, 1700 S Main St, Goshen, IN 46526</b></p>	<p>Conduit to Jupiter</p>		<p>TBD</p>	<p>Orion Blaha</p>	<p>96" H x 48" W</p>	<p>300</p>	
<p><b>Corner Lot of 233 Jefferson St, Corner of Jefferson St &amp; Main St, Goshen</b></p>	<p>Arrow Keeper</p>		<p>\$7,500</p>	<p>John Mishler</p>	<p>10 ft H x 3 ft W</p>	<p>100</p>	
<p><b>Op1Vet, 117 S Main St, Goshen, IN 46526</b></p>	<p>la Historia del Manana</p>		<p>\$1,187</p>	<p>Joel Lara</p>	<p>9 ft H x 1'10" D</p>	<p>50-65</p>	

**Irwin Arts  
Center, 113 E  
Lincoln Ave,  
Goshen**

Rain Dance



TBD

Sunday Mahaja

8 ft H x 3 ft W

150





**Engineering Department  
CITY OF GOSHEN**

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## MEMORANDUM

TO: Goshen Board of Public Works & Safety

FROM: Goshen Engineering

RE: **COLLEGE AVENUE BRIDGE #410 UTILITY RELOCATION  
PROJECT NO. 2018-0022**

DATE: May 9, 2022

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On May 2, 2022, the City received proposals for the above referenced project. Following are the results:

Niblock Excavating - \$1,685,277.50  
HRP Construction \$2,097,878.50

The itemized bid tab is attached for your reference.

Due to the current material shortage and inflationary pressure in the construction industry, both owners and contractors find it challenging to navigate project bidding and delivery. To assist with pricing risk reduction for both the owner and the contractor, *Line Item No. 36 – Construction Allowance* in the amount of \$120,000.00 was added to the contract. This allowance permits the contractor to make claims for material price increases between issuing a purchase order (P.O.) and the delivery of the material. The inclusion of this line item effectively makes this a cost-reimbursement contract, as defined by Indiana Code 5-22-17-2. The reason for the inclusion of *Line Item No. 36* is that it has become impracticable to obtain the supplies required except under such a contract, as contractors increasingly refuse to commit to pricing for supplies as the market for construction supplies has become volatile with frequent and significant price changes.

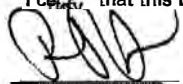
The Goshen Engineering Department requests the Board of Public Works and Safety award the contract for \$1,685,277.50 to Niblock Excavating as the lowest responsive and responsible bidder.

**Requested Motion: Move to approve the Agreement with Niblock Excavating for the College Avenue Bridge #410 Utility Relocation project in the amount of \$1,685,277.50 and Resolution 2022-15.**

**COLLEGE AVENUE BRIDGE #410 UTILITY RELOCATION - JN: 2018-0022**  
**MATERIAL BID TAB**  
**BID DUE DATE - May 2, 2022**

BASE BID				Niblock Excavating		HRP Construction	
Item No.	Est. Quantity	Unit	Description	Unit Price	Amount	Unit Price	Amount
1	1	LSUM	Construction Notice Board	\$1,150.00	\$1,150.00	\$2,000.00	\$2,000.00
2	1	LSUM	Mobilization & Demobilization	\$80,000.00	\$80,000.00	\$95,000.00	\$95,000.00
3	1	LSUM	Construction Engineering	\$15,000.00	\$15,000.00	\$10,000.00	\$10,000.00
4A	1	LSUM	Maintaining Traffic	\$15,000.00	\$15,000.00	\$10,000.00	\$10,000.00
4B	48	LFT	Barricade, III-A	\$30.00	\$1,440.00	\$20.85	\$1,000.80
4C	32	LFT	Barricade, III-B	\$30.00	\$960.00	\$20.85	\$667.20
4D	4	EA	Road Closure Sign Assembly	\$500.00	\$2,000.00	\$312.00	\$1,248.00
4E	14	EA	Detour Route Marker Assembly	\$200.00	\$2,800.00	\$185.00	\$2,590.00
4F	4	EA	Construction Sign, A	\$295.00	\$1,180.00	\$260.00	\$1,040.00
5	1	LSUM	Temporary Erosion & Sediment Control	\$25,000.00	\$25,000.00	\$20,000.00	\$20,000.00
6	1	LSUM	Clearing of Right-of-Way	\$35,000.00	\$35,000.00	\$20,000.00	\$20,000.00
7	370	CYD	Common Excavation	\$50.00	\$18,500.00	\$50.00	\$18,500.00
8A	5	EA	Storm and Sanitary Structure, Remove	\$1,550.00	\$7,750.00	\$3,000.00	\$15,000.00
8B	2	EA	Storm and Sanitary Structure, Abandon	\$2,950.00	\$5,900.00	\$6,500.00	\$13,000.00
8C	700	LFT	Pipe, Remove	\$22.50	\$15,750.00	\$35.00	\$24,500.00
8D	400	LFT	Pipe, Abandon	\$26.50	\$10,600.00	\$40.00	\$16,000.00
8E	1	LSUM	Lift Station Decommissioning	\$37,500.00	\$37,500.00	\$40,000.00	\$40,000.00
9A	30	LFT	Water Main, DI, 6 in.	\$100.00	\$3,000.00	\$110.00	\$3,300.00
9B	190	LFT	Water Main, DI, 12 in.	\$125.00	\$23,750.00	\$200.00	\$38,000.00
9C	60	LFT	Sanitary Force Main, DI, 8 in.	\$200.00	\$12,000.00	\$280.00	\$16,800.00
10	150	LFT	Water Main, 12 in. DI, Directionally Drilled	\$265.00	\$39,750.00	\$575.00	\$86,250.00
11	150	LFT	San. Sewer Pipe, HDPE, Circ., 14 in., Dir.	\$165.00	\$24,750.00	\$550.00	\$82,500.00
12A	1	EA	Water Main Tee, 12 in. x 6 in.	\$1,900.00	\$1,900.00	\$2,000.00	\$2,000.00
12B	1	EA	Water Main Elbow, 45°, 6 in.	\$535.00	\$535.00	\$750.00	\$750.00
12C	8	EA	Water Main Elbow, 45°, 12 in.	\$1,450.00	\$11,600.00	\$1,500.00	\$12,000.00
12D	1	EA	Water Main Solid Sleeve, 6 in.	\$675.00	\$675.00	\$750.00	\$750.00
12E	3	EA	Water Main Solid Sleeve, 12 in.	\$1,285.00	\$3,855.00	\$1,500.00	\$4,500.00
12F	1	EA	Water Main Tee, 12 in.	\$2,350.00	\$2,350.00	\$2,750.00	\$2,750.00
12G	4	EA	Sanitary Force Main Elbow, 45°, 8 in.	\$1,650.00	\$6,600.00	\$1,250.00	\$5,000.00
12H	1	EA	Sanitary Force Main WYE, 8 in.	\$2,750.00	\$2,750.00	\$2,500.00	\$2,500.00
13A	1	EA	Gate Valve, 6 in.	\$1,950.00	\$1,950.00	\$2,500.00	\$2,500.00
13B	4	EA	Butterfly Valve, 12 in.	\$3,875.00	\$15,500.00	\$4,000.00	\$16,000.00
13C	3	EA	Insertion Valve, 12 in.	\$19,350.00	\$58,050.00	\$25,000.00	\$75,000.00
13D	2	EA	Sanitary Force Main Gate Valve, 8 in.	\$2,575.00	\$5,150.00	\$2,750.00	\$5,500.00
14	1	EA	Fire Hydrant Assembly	\$9,000.00	\$9,000.00	\$8,000.00	\$8,000.00
15A	90	LFT	Sanitary Sewer Pipe, PVC SDR 35, 8 in.	\$57.00	\$5,130.00	\$140.00	\$12,600.00
15B	175	LFT	Sanitary Sewer Pipe, PVC SDR 26, 12 in.	\$105.00	\$18,375.00	\$200.00	\$35,000.00
16A	4	EA	Standard Sanitary Sewer Manhole, 48 in.	\$5,400.00	\$21,600.00	\$9,000.00	\$36,000.00
16B	3	EA	Sanitary Drip Manhole, 60 in., Epoxv Coated	\$20,000.00	\$60,000.00	\$17,000.00	\$51,000.00
17A	10	LFT	Storm Sewer Pipe, Circular, RCP, 12 in.	\$215.00	\$2,150.00	\$100.00	\$1,000.00
17B	115	LFT	Storm Sewer Pipe, Circular, RCP, 24 in.	\$100.00	\$11,500.00	\$150.00	\$17,250.00
18A	1	EA	Storm Sewer Manhole, 48 in.	\$4,850.00	\$4,850.00	\$5,000.00	\$5,000.00
18B	1	EA	Storm Sewer Manhole, 72 in.	\$7,500.00	\$7,500.00	\$8,000.00	\$8,000.00
19	1	EA	Pipe End Section, 24 in.	\$3,065.00	\$3,065.00	\$2,750.00	\$2,750.00
20	350	CYD	B Borrow	\$30.00	\$10,500.00	\$30.00	\$10,500.00
21A	700	TON	Compacted Aggregate for Base, No. 53	\$35.00	\$24,500.00	\$50.00	\$35,000.00
21B	125	TON	Compacted Aggregate for Surface, No. 53	\$43.50	\$5,437.50	\$40.00	\$5,000.00
22A	100	TON	HMA Surface, 9.5 mm, Type B	\$125.00	\$12,500.00	\$203.00	\$20,300.00
22B	250	TON	HMA Base, Approaches, 25.0 mm, Type B	\$97.50	\$24,375.00	\$137.50	\$34,375.00
22C	1,000	SYD	4 in. Temporary HMA Pavement Patching	\$21.50	\$21,500.00	\$50.00	\$50,000.00
23	5	TON	Asphalt for Tack Coat	\$700.00	\$3,500.00	\$622.50	\$3,112.50
24	20	TON	Riprap, Revetment	\$100.00	\$2,000.00	\$175.00	\$3,500.00
25	1	LSUM	Concrete Equipment Pad	\$6,900.00	\$6,900.00	\$7,000.00	\$7,000.00
26	1	LSUM	Public Utility Wastewater Pumping System	\$450,000.00	\$450,000.00	\$425,000.00	\$425,000.00
27	1	LSUM	Site Electrical and Natural Gas	\$140,000.00	\$140,000.00	\$165,000.00	\$165,000.00
28	1	LSUM	Dewatering	\$60,000.00	\$60,000.00	\$225,000.00	\$225,000.00
29	1	LSUM	Supervisory, Control and Data Acq.-SCADA	\$40,000.00	\$40,000.00	\$30,000.00	\$30,000.00
30	1	LSUM	Sanitary Flow Meter Structure Assembly	\$35,000.00	\$35,000.00	\$12,500.00	\$12,500.00
31	1	LSUM	Sanitary Clean Out/Bypass Structure Assy.	\$9,250.00	\$9,250.00	\$8,500.00	\$8,500.00
32A	1	LSUM	Site Restoration and Grading	\$27,000.00	\$27,000.00	\$75,000.00	\$75,000.00
32B	6	EA	Bollards	\$3,500.00	\$21,000.00	\$2,700.00	\$16,200.00
32C	20	TON	Limestone Aggregate Landscaping	\$115.00	\$2,300.00	\$150.00	\$3,000.00
33A	1	LSUM	Fencing, Chain Link	\$15,000.00	\$15,000.00	\$11,180.00	\$11,180.00
33B	1	LSUM	Gate, Chain Link, Double Swing	\$9,900.00	\$9,900.00	\$6,620.00	\$6,620.00
34	1,000	LFT	Line, Paint, (Color), 4 in.	\$0.75	\$750.00	\$0.39	\$390.00
35A	3	EA	Deciduous Tree, 2.5 in. cal.	\$1,150.00	\$3,450.00	\$775.00	\$2,325.00
35B	6	EA	Evergreen Tree, 6 ft.	\$925.00	\$5,550.00	\$630.00	\$3,780.00
35C	2	EA	Deciduous Tree, 6 ft.	\$1,000.00	\$2,000.00	\$675.00	\$1,350.00
36	1	LSUM	Construction Allowance	\$120,000.00	\$120,000.00	\$120,000.00	\$120,000.00
<b>BID AMOUNT TOTAL:</b>					<b>\$1,665,277.50</b>		<b>\$2,097,878.50</b>

I certify that this bid tab is true and accurate, and the contractors submitted all the required bid information.



**Bryce Gast**  
**Administrative Engineer**  
**City of Goshen, Indiana**

5/2/2022

**AGREEMENT FOR  
COLLEGE AVENUE BRIDGE #410 RECONSTRUCTION AND UTILITY  
RELOCATION (2018-0022)**

THIS AGREEMENT is entered into on \_\_\_\_\_, 2022, by and between Niblock Excavating (“Contractor”), whose mailing address is P.O. Box 211, Bristol, IN 46507, 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 and Stormwater Board (“City”).

In consideration of the terms, conditions and mutual covenants contained in this agreement, the parties agree as follows:

**1. Scope of Services.**

- 1.1. Contractor shall preform all work for the College Avenue Bridge #410 Reconstruction and Utility Relocation (2018-0022) in accordance with the complete Specification Documents which are incorporated by reference to this agreement. For the purposes of this agreement, all services shall be referred to as the “Project.”
- 1.2. Contractor’s Proposal as submitted to City, including all attachments prepared by Contractor are incorporated by reference into this agreement.
- 1.3. Any inconsistency or ambiguity in this agreement shall be resolved by giving precedence in the following order: 1) this agreement; 2) the Specification Documents for the Project, including detailed specifications, plans and drawings; and 3) Contractor’s Proposal.

**2. Effective Date; Contract Term; Liquidated Damages.**

- 2.1. The contract shall become effective on the day of execution and approval by the Goshen Board of Public Works and Safety and Contractor.
- 2.2. Contractor shall begin work on the project as soon as practical in proper weather conditions.
- 2.3. Contractor shall complete the Project by: Substantial completion, i.e. the completion of all process related work such that the City receives uninterrupted and beneficial use from the Work, shall be completed within two hundred seventy five (275) calendar days from the award of the contract by the Board of Public Works and Safety. Final completion, i.e. the completion of all Work including paving and restoration completion, shall be completed within three hundred thirty (330) calendar days from the award of the contract by the Board of Public Works and Safety.

**3. Compensation.**

- 3.1. City shall pay Contractor for the performance of the work based on the established unit prices for all labor and materials as set forth in Contractor’s itemized proposal, a copy of which is attached to this agreement as Exhibit A.
- 3.2. Contractor’s itemized proposal is based on unit prices and estimated quantities with the total cost for the Project estimated at One Million Six Hundred Eighty Five Thousand Two Hundred Seventy Seven Dollars and Fifty Cents (1,685,277.50). This total cost is not guaranteed and solely for the purpose of comparing proposals and determining the lowest bidder/quoter/offeror. The actual number of units used in the Project may be more or less than the estimated quantities, and payment on the contract will be based on the actual number of units used.

3.3. The prices shall cover and include Contractor providing all supervision, labor, materials, equipment, services, permits and other components required to complete the Project in accordance with the Specification Documents, including any incidentals whether or not specifically called for in the Specification Documents.

**4. Payment.**

4.1. City shall pay Contractor as work progresses under this contract based on the dollar value of work satisfactorily completed in accordance with the Specification Documents.

4.2. Partial payment(s) under this contract will be made no more frequently than once every thirty(30) days.

4.3. Contractor shall submit to City proof that Contractor has paid the subcontractors, material suppliers, laborers, and those furnishing services before final payment is made.

4.4. Payment for services rendered 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 Engineering Department  
204 E. Jefferson Street  
Goshen, IN 46528

4.5. 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.

4.6. Contractor is required to have a current W-9 form on file with the Goshen Clerk-Treasurer's Office before City will issue payment.

4.7. Any payment made by City before final acceptance of the work shall not affect the obligation of Contractor to repair or replace any defective parts, or otherwise correct any work.

**5. Inspection.**

5.1. All products, materials, components, equipment, supplies or workmanship entering into the performance of this contract shall be as specified in the Specification Documents, free of defects, and subject to the City's inspection and testing. The City shall have the right to reject and return at Contractor's expense or to require at Contractor's expense, the correction or replacement of products, materials, components, equipment, supplies or workmanship which are defective or do not conform to the requirements of the Specification Documents.

**6. Warranty.**

6.1. Contractor shall warrant all products, materials, components, equipment, supplies and/or workmanship furnished under this contract to be free of defects, and to conform to the requirements of the Specification Documents.

6.2. This warranty shall be for a period of one (1) year after completion of the Project and acceptance

by the City. This warranty shall survive any inspection, testing, acceptance, or payment by the City.

- 6.3. Under this guarantee Contractor agrees to correct or replace without delay and at Contractor's expense, the products, materials, components, equipment, supplies or workmanship which are defective or do not conform to the requirements of the Specification Documents.
- 6.4. Any work required as a result of erroneous site preparation due to the fault or negligence of Contractor shall also be provided by Contractor at no additional charge to City.

**7. Maintenance Bond.**

- 7.1. Contractor agrees to provide City an approved maintenance bond in an amount equal to ten percent (10%) of the contract price upon completion of the Project and acceptance by the City.
- 7.2. The maintenance bond shall guarantee that all workmanship and materials used in the Project are in accordance with the Specification Documents. Contractor shall be responsible for removing and correcting all defects due to faulty workmanship and/or materials and shall pay for any damages to other work resulting therefrom which shall be discovered within the guarantee period.
- 7.3. The maintenance bond shall not be released until three (3) years after the acceptance of the work by City.

**8. Independent Contractor.**

- 8.1. Contractor shall be deemed an independent contractor operating as a separate entity from the City of Goshen. 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 the Contractor and/or the Contractor's agents, employees or subcontractors.

**9. Non-Discrimination.**

- 9.1. Contractor and any subcontractors shall not discriminate against any employee or applicant for employment to be employed in the performance of this contract, with respect to the employee or applicant'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.
- 9.2. Contractor agrees:
  - 9.2.1. That in the hiring of employees for the performance of work under this contract or any subcontract hereunder, no contractor, or subcontractor, nor any person acting on behalf of such contractor or subcontractor, shall, by reason of race, religion, color, sex, national origin or ancestry, discriminate against any citizen of the state of Indiana who is qualified and available to perform the work to which the employment relates;
  - 9.2.2. That no contractor, subcontractor, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under this contract on account of race, religion, color, sex, national origin or ancestry;

9.2.3. That there may be deducted from the amount payable to Contractor by the City under this contract, a penalty of Five Dollars (\$5.00) for each person for each calendar day during which such person was discriminated against or intimidated in violation of the provisions of the contract; and

9.2.4. That this contract may be cancelled or terminated by the City, and all money due or to become due hereunder may be forfeited, for a second or any subsequent violation of the terms or conditions of this section of the contract.

## **10. Employment Eligibility Verification.**

10.1. 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.

10.2. 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.

10.3. Contractor shall require their subcontractors, who perform work under this contract, to certify to 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.

10.4. 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.

## **11. Indemnification.**

11.1. 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, injuries, or accidental deaths caused by any intentional, reckless, or negligent act or omission by Contractor or any of Contractor's agents, officers, and employees during the performance of this contract. Such indemnity shall include reasonable attorney's fees and other expenses incurred by City, and shall not be limited by reason of insurance coverage required by this contract.

## **12. Insurance.**

12.1. Prior to commencing work, 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.

12.2. 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.



12.3. Contractor shall at least include the following types of insurance with the following minimum limits of liability:

12.3.1. Workers Compensation and Employer's Liability - Statutory Limits

12.3.2. General Liability - Combined Bodily Injury and Property Damage, \$1,000,000 each occurrence and \$2,000,000 aggregate

12.3.3. Automobile Liability - Combined Bodily Injury and Property Damage, \$1,000,000 each occurrence and aggregate

12.3.4. Excess Umbrella Coverage - \$1,000,000 each occurrence

**13. Force Majeure.**

13.1. 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.

13.2. 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.

**14. Default.**

14.1. If Contractor fails to perform the work or comply with the provisions of this contract, then Contractor may be considered in default.

14.2. It shall be mutually agreed that if Contractor fails to perform the work 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 work in any manner deemed proper by the City, and Contractor shall be liable to the City for any excess costs incurred.

14.3. Contractor may also be considered in default by the City if any of the following occur:

14.3.1. There is a substantive breach by Contractor of any obligation or duty owed under the provisions of this contract.

14.3.2. Contractor is adjudged bankrupt or makes an assignment for the benefit of creditors.

- 14.3.3. Contractor becomes insolvent or in an unsound financial condition so as to endanger performance under the contract.
- 14.3.4. Contractor becomes the subject of any proceeding under law relating to bankruptcy, insolvency or reorganization, or relief from creditors and/or debtors.
- 14.3.5. A receiver, trustee, or similar official is appointed for Contractor or any of Contractor's property.
- 14.3.6. 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 work described under these Specification Documents.
- 14.3.7. The contract or any right, monies or claims are assigned by Contractor without the consent of the City.

**15. Termination.**

- 15.1. The contract may be terminated in whole or in part, at any time, by mutual written consent of both parties. Contractor shall be paid for all work performed and expenses reasonably incurred prior to notice of termination.
- 15.2. City may terminate this contract, in whole or in part, in the event of default by Contractor.
- 15.3. 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 contract.

**16. Subcontracting or Assignment of Contract.**

- 16.1. Contractor shall not subcontract or assign any right or interest under the contract, including the right to payment, without having prior written approval from City. Any attempt by Contractor to subcontract or assign any portion of the contract shall not be construed to relieve Contractor from any responsibility to fulfill all contractual obligations.

**17. Change Orders.**

- 17.1. If in the course of the work it becomes necessary to change or alter the original specifications, City may issue a change order to add, delete or change an item(s) in the original contract. If the change order requires an increase or decrease in units of materials that are included in the original contract, the cost of these units of materials must be the same as shown in the original contract.
- 17.2. Except in the case of an emergency, Contractor shall not commence any additional work or change in scope of the work until the change order is authorized in writing and signed by both parties. Contractor shall make no claim for additional compensation in the absence of a prior written and authorized change order signed by both parties.

**18. Amendments.**

- 18.1. Any modification or amendment to the terms and conditions of the contract, including a change order, shall not be binding unless made in writing and signed by both parties. Any verbal

representations or modifications concerning the contract shall be of no force and effect.

**19. Waiver of Rights.**

- 19.1. No right conferred on either party under this contract shall be deemed waived and no breach of this contract excused unless such waiver or excuse shall be in writing and signed by the party claimed to have waived such right.

**20. Applicable Laws.**

- 20.1. Contractor agrees to comply with all applicable federal, state, and local laws, rules, regulations and ordinances, and all contractual provisions required to be included in this contract are incorporated by reference.
- 20.2. The provisions of Indiana Code § 5-16-13 et seq., Requirement of Contractors on Public Works Projects, are specifically incorporated into this contract by reference.
- 20.3. This contract is a Cost Reimbursement Contract, under the provisions of Indiana Code § 5-22-17-2, in that it is impracticable to obtain the specified supplies except under such contract.
- 20.4. 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 Project. Failure to do so may be deemed a material breach of contract.

**21. Miscellaneous**

- 21.1. Any provision of this contract 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 contract.
- 21.2. 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. Any special conditions included with this solicitation which varies from these General Terms and Conditions shall have precedence.
- 21.3. These documents 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.
- 21.4. In the event legal action is brought to enforce or interpret the terms and conditions of these documents, the prevailing party of such action shall be entitled to recover all costs of that action, including reasonable attorneys' fees.

**22. Severability.**

- 22.1. In the event that any provision of the contract 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 contract shall not affect the validity or enforceability of any other provision of the contract.

**23. Binding Effect.**

23.1. All provisions, covenants, terms and conditions of this contract apply to and bind the parties and their legal heirs, representatives, successors and assigns.

**24. Entire Agreement.**

24.1. This agreement constitutes the entire agreement between the parties and supersedes all other agreements or understandings between City and Contractor.

**25. Authority to Execute.**

25.1. The undersigned affirm that all steps have been taken to authorize execution of this agreement, and upon undersigned's execution, bind their respective organization 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

**Niblock Excavating**

\_\_\_\_\_  
Jeremy P. Stutsman, Mayor

\_\_\_\_\_  
Printed:

\_\_\_\_\_  
Michael A. Landis, Member

\_\_\_\_\_  
Title:

\_\_\_\_\_  
Mary Nichols, Member

\_\_\_\_\_  
Date:

\_\_\_\_\_  
DeWayne Riouse, Member

\_\_\_\_\_  
Barb Swartley, Member

**EXHIBIT A**

College Avenue Bridge #410 Reconstruction and Utility Relocation  
Project No. 2018-0022

Addendum #2



**ITEMIZED BID FORM**

**College Avenue Bridge #410 Reconstruction  
 & Utility Relocation  
 JN 2018-0022**

The original signed proposal must be submitted to the City of Goshen Clerk-Treasurer's Office, 202 South 5th Street, Goshen, Indiana 46528, by the specified due date and time to receive consideration. The Contractor certifies that the information provided by it in its offer is accurate and complete. The execution of this proposal is certification that the undersigned individual represents the Contractor and has read and understands the instructions, terms, conditions and specifications of this solicitation, and agrees to fulfill the requirements of any awarded contract at the prices offered. By executing this offer, the undersigned individual further certifies that they are duly authorized to execute contracts on behalf of the Contractor and have obtained all necessary or applicable approvals to make this contract fully binding upon the Contractor.

**Contractor:** Niblock Excavating

<u>Chad Niblock</u>	<u>President</u>	
<b>Print Name</b>	<b>Title</b>	<b>Signature</b>

**Address:** 906 Maple Street, Bristol IN 46507

**Telephone Number (s): Business:** (574) 848-4437 **Cell** \_\_\_\_\_

**Acknowledgement of Addenda Number(s)** ONE (1); TWO (2)

The above bidder hereby submits the following offer to meet all of the requirements in the Specification Documents for the following costs. Bidders shall submit costs for each item, including both Alternates A and B. The City shall consider all costs and will direct the winning bidder which Alternate to pursue.

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT COST	TOTAL COST
1	CONSTRUCTION NOTICE BOARD	1	LS	1,150.00	1,150.00
2	MOBILIZATION AND DEMOBILIZATION (5% MAX)	1	LS	80,000.00	80,000.00
3	CONSTRUCTION ENGINEERING	1	LS	15,000.00	15,000.00
4A	MAINTAINING TRAFFIC	1	LS	15,000.00	15,000.00
4B	BARRICADE, III-A	48	LFT	30.00	1,440.00
4C	BARRICADE, III-B	32	LFT	30.00	960.00



4D	ROAD CLOSURE SIGN ASSEMBLY	4	EA	500.00	2,000.00
4E	DETOUR ROUTE MARKER ASSEMBLY	14	EA	200.00	2,800.00
4F	CONSTRUCTION SIGN, A	4	EA	295.00	1,180.00
5	TEMPORARY EROSION & SEDIMENT CONTROL	1	LS	25,000.00	25,000.00
6	CLEARING OF RIGHT OF WAY	1	LS	35,000.00	35,000.00
7	COMMON EXCAVATION	370	CYS	50.00	18,500.00
8A	STORM AND SANITARY STRUCTURE, REMOVE	5	EA	1,550.00	7,750.00
8B	STORM AND SANITARY STRUCTURE, ABANDON	2	EA	2,950.00	5,900.00
8C	PIPE, REMOVE	700	LFT	22.50	15,750.00
8D	PIPE, ABANDON	400	LFT	26.50	10,600.00
8E	LIFT STATION DECOMMISSIONING	1	LS	37,500.00	37,500.00
9A	WATER MAIN, DI, 6 IN.	30	LFT	100.00	3,000.00
9B	WATER MAIN, DI, 12 IN.	190	LFT	125.00	23,750.00
9C	SANITARY FORCE MAIN, DI, 8 IN.	60	LFT	200.00	12,000.00
10	WATER MAIN, 12 IN. DI, DIRECTIONALLY DRILLED	150	LFT	265.00	39,750.00
11	SANITARY SEWER PIPE, HDPE, CIRCULAR, 14 IN. DIRECTIONALLY DRILLED	150	LFT	165.00	24,750.00
12A	WATER MAIN TEE, 12 IN X 6 IN.	1	EA	1,900.00	1,900.00
12B	WATER MAIN ELBOW, 45 DEGREE, 6 IN.	1	EA	535.00	535.00
12C	WATER MAIN ELBOW, 45 DEGREE, 12 IN.	8	EA	1,450.00	11,600.00
12D	WATER MAIN SOLID SLEEVE, 6 IN.	1	EA	675.00	675.00
12E	WATER MAIN SOLID SLEEVE, 12 IN.	3	EA	1,285.00	3,855.00
12F	WATER MAIN TEE, 12 IN.	1	EA	2,350.00	2,350.00
12G	SANITARY FORCE MAIN ELBOW, 45 DEGREE, 8 IN.	4	EA	1,650.00	6,600.00
12H	SANITARY FORCE MAIN WYE, 8 IN.	1	EA	2,750.00	2,750.00
13A	GATE VALVE, 6 IN.	1	EA	1,950.00	1,950.00
13B	BUTTERFLY VALVE, 12 IN.	4	EA	3,875.00	15,500.00
13C	INSERTION VALVE, 12 IN.	3	EA	19,350.00	58,050.00
13D	SANITARY FORCE MAIN GATE VALE, 8 IN.	2	EA	2,575.00	5,150.00
14	FIRE HYDRANT ASSEMBLY	1	EA	9,000.00	9,000.00
15A	SANITARY SEWER PIPE, PVC SDR 35, CIRCULAR, 8 IN.	90	LFT	57.00	5,130.00
15B	SANITARY SEWER PIPE, PVC SDR 26, CIRCULAR, 12 IN.	175	LFT	105.00	18,375.00
16A	STANDARD SANITARY SEWER MANHOLE, 48 IN.	4	EA	5,400.00	21,600.00
16B	SANITARY DROP MANHOLE, 60 IN., EPOXY COATED	3	EA	20,000.00	60,000.00
17A	STORM SEWER PIPE, CIRCULAR, RCP, 12 IN.	10	LFT	215.00	2,150.00
17B	STORM SEWER PIPE, CIRCULAR, RCP, 24 IN.	115	LFT	100.00	11,500.00
18A	STORM SEWER MANHOLE, 48 IN.	1	EA	4,850.00	4,850.00
18B	STORM SEWER MANHOLE, 72 IN.	1	EA	7,500.00	7,500.00
19	PIPE END SECTION, 24 IN.	1	EA	3,065.00	3,065.00
20	"B" BORROW	350	CYS	30.00	10,500.00
21A	COMPACTED AGGREGATE FOR BASE, NO.53	700	TON	35.00	24,500.00
21B	COMPACTED AGGREGATE FOR SURFACE, NO. 53	125	TON	43.50	5,437.50
22A	HMA SURFACE, 9.5 MM, TYPE B	100	TON	125.00	12,500.00
22B	HMA BASE, APPROACHES, 25.0 MM, TYPE B	250	TON	97.50	24,375.00

22C	4 IN. TEMPORARY HMA PAVEMENT PATCHING	1000	SYS	21.50	21,500.00
23	ASPHALT FOR TACK COAT	5	TON	700.00	3,500.00
24	RIPRAP, REVETMENT	20	TON	100.00	2,000.00
25	CONCRETE EQUIPMENT PAD	1	LS	6,900.00	6,900.00
26	PUBLIC UTILITY WASTEWATER PUMPING SYSTEM	1	LS	450,000.00	450,000.00
27	SITE ELECTRICAL AND NATURAL GAS	1	LS	140,000.00	140,000.00
28	DEWATERING	1	LS	60,000.00	60,000.00
29	SUPERVISORY, CONTROL AND DATA ACQUISITION (SCADA)	1	LS	40,000.00	40,000.00
30	SANITARY FLOW METER STRUCTURE ASSEMBLY	1	LS	35,000.00	35,000.00
31	SANITARY CLEAN OUT / BYPASS STRUCTURE ASSEMBLY	1	LS	9,250.00	9,250.00
32A	SITE RESTORATION AND GRADING	1	LS	27,000.00	27,000.00
32B	BOLLARDS	6	EA	3,500.00	21,000.00
32C	LIMESTONE AGGREGATE LANDSCAPING	20	TON	115.00	2,300.00
33A	FENCING, CHAIN LINK	1	LS	15,000.00	15,000.00
33B	GATE, CHAIN LINK, DOUBLE SWING	1	LS	9,900.00	9,900.00
34	LINE, PAINT, (COLOR), 4IN	1000	LFT	0.75	750.00
35A	DECIDUOUS TREE, 2.5" CAL	3	EA	1,150.00	3,450.00
35B	EVERGREEN TREE, 6' HT	6	EA	925.00	5,550.00
35C	DECIDUOUS TREE, 6' HT	2	EA	1,000.00	2,000.00
36	CONSTRUCTION ALLOWANCE	1	LS	\$120,000.00	\$120,000.00
<b>TOTAL AMOUNT OF BID:</b>				\$1,685,277.50	

## RESOLUTION 2022-15

### **Approving Cost-Reimbursement Agreement with Niblock Excavating for College Avenue Bridge No. 410 Utility Relocation Project**

WHEREAS, on May 2, 2022, the Board of Works and Safety received bids for the College Avenue Bridge No. 410 Utility Relocation project;

WHEREAS, Niblock Excavating was the lowest responsive and responsible bidder for such project;

WHEREAS, due to material shortages and inflationary pressure in the construction industry, both owners and contractors find it challenging to navigate project bidding and delivery, as many suppliers will not commit to hold prices on construction supplies between issuing a purchase order and delivery of the material;

WHEREAS, to assist with pricing risk reduction for both the owner and the contractor, *Line Item No. 36 – Construction Allowance* in the amount of \$120,000.00 was added to the proposed contract with Niblock Excavating to allow the contractor to make claims for material price increases between issuing a purchase order and the delivery of the material;

WHEREAS, the inclusion of Line Item No. 36 effectively makes the agreement a cost-reimbursement contract, as defined by Indiana Code 5-22-17-2; and

WHEREAS, City staff has found it impracticable to obtain the supplies required for the College Avenue Bridge No. 410 Utility Relocation project except under such a contract.

NOW, THEREFORE, BE IT RESOLVED by the Goshen Board of Public Works and Safety approves the inclusion of *Line Item No. 36 – Construction Allowance* in the amount of \$120,000.00 in the City's proposed agreement with Niblock Excavating, as the Board finds that it has become impracticable to obtain the supplies required for the agreement except under such a contract, as the market for construction supplies has become volatile with frequent and significant price changes and contractors' suppliers increasingly refuse to hold pricing for supplies between issuing a purchase order and the delivery of the material.

PASSED and ADOPTED by the Goshen Board of Public Works and Safety on May 9, 2022.

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Jeremy P. Stutsman, Mayor

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Mary Nichols, Member

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DeWayne Riouse, Member

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Michael A. Landis, Member

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Barb Swartley, Member



**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: **PARTIAL SIDEWALK CLOSURES FOR STORM DRAIN MURAL ART PAINTING**

DATE: May 6, 2022

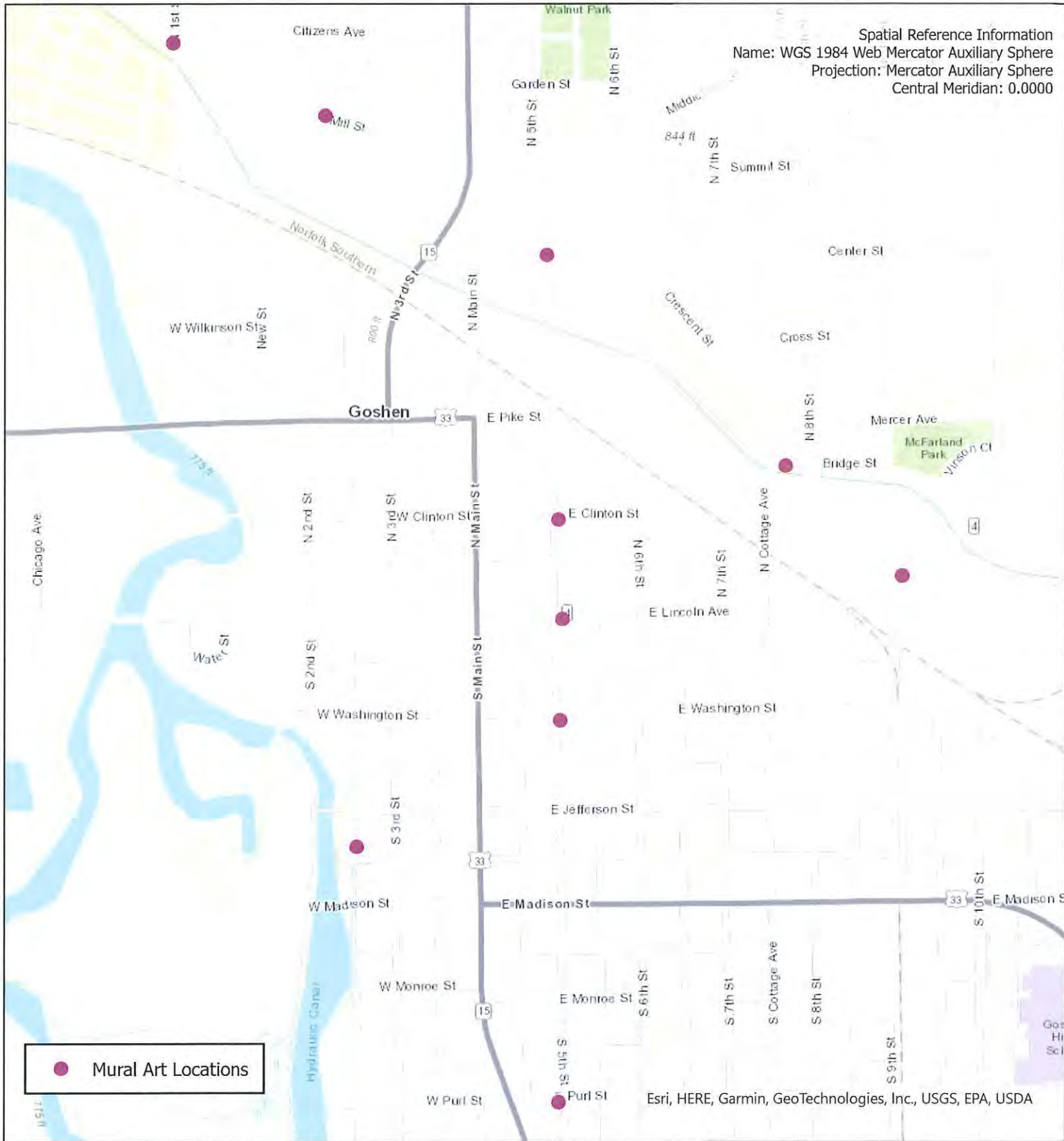
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Painting for the storm drain mural art project is kicking off next week with artists painting at 10 different locations (see attached map) at various times through the month of May. Artists are expected to finish painting by June 6, 2022 and City staff will be applying sealant soon after with all work to be completed by the unveiling at Goshen Water Fest on Saturday, June 11.

To complete the project, some partial sidewalk closures will be needed to complete the painting, apply the protective sealant, and allow the areas to dry. Before starting, artists are meeting with Stormwater Department staff to receive their supplies including traffic cones and reflective vests. Artists and their assistants or supervisors will receive a brief safety training about cone configurations and other considerations.

**Requested Motion:** Approve partial sidewalk closures at ten storm drain mural painting locations between Monday, May 9 and Saturday, June 11.

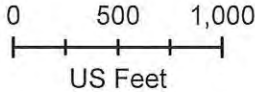
Spatial Reference Information  
 Name: WGS 1984 Web Mercator Auxiliary Sphere  
 Projection: Mercator Auxiliary Sphere  
 Central Meridian: 0.0000



# City of Goshen

Created: 5/6/2022  
 by Mattie Lehman

## 2022 Mural Art Locations



The City of Goshen's Digital Data is the property of the City of Goshen and Elkhart County, Indiana. All graphic data supplied by the city and county has been derived from public records that are constantly undergoing change and is not warranted for content or accuracy. The city and county do not guarantee the positional or thematic accuracy of the data. The cartographic digital files are not a legal representation of any of the features depicted, and the city and county disclaim any assumption of the legal status they represent. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded. The data represents an actual reproduction of data contained in the city's or county's computer files. This data may be incomplete or inaccurate, and is subject to modifications and changes. City of Goshen and Elkhart County cannot be held liable for errors or omissions in the data. The recipient's use and reliance upon such data is at the recipient's risk. By using this data, the recipient agrees to protect, hold harmless and indemnify the City of Goshen and Elkhart County and its employees and officers. This indemnity covers reasonable attorney fees and all court costs associated with the defense of the city and county arising out of this disclaimer.

**The City of Goshen**  
 Department of Public Works &  
 Safety Office of Engineering  
 204 East Jefferson Street, Goshen, Indiana 46528  
 Phone: 574-534-2201 Fax: 574-533-8626





**Engineering Department  
CITY OF GOSHEN**

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

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

## MEMORANDUM

TO: Board of Works Public and Safety

FROM: Engineering

RE: **TERRACE GREEN CONCRETE PAVING RECONSTRUCTION  
(JN: 2022-0002)**

DATE: May 9, 2022

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Rieth-Riley will be performing work to remove old and install new concrete pavement and ADA ramps in Terrace Green. They will be starting on Kentfield Way and working their way throughout the subdivision. The work will require partial lane restrictions throughout the subdivision as the work progresses, with Rieth-Riley providing traffic control. Rieth-Riley will maintain open access for the businesses and residents in Terrace Green. The partial lane restrictions will occur between May 16, thru September 1, 2022.

**Requested motion: Move to approve the Concrete Paving Project lane restrictions in Terrace Green from May 16 thru September 1, 2022.**

**APPROVED:  
BOARD OF PUBLIC WORKS & SAFETY  
CITY OF GOSHEN, INDIANA**

\_\_\_\_\_  
Jeremy Stutsman, Mayor

\_\_\_\_\_  
Barb Swartley, Member

\_\_\_\_\_  
Mary Nichols, Member

\_\_\_\_\_  
DeWayne Riouse, Member

\_\_\_\_\_  
Michael Landis, Member



**Building Department  
CITY OF GOSHEN**

204 East Jefferson Street, Suite 5 • Goshen, IN 46528-3405

Phone (574) 534-1811 • Fax (574) 533-8626 • TDD (574) 534-3185  
building@goshencity.com • www.goshenindiana.org

May 9, 2022

TO: The Board of Public Works & Safety  
Storm Water Board

**RE: MECHANICAL LICENSE REQUEST FOR JOHN CABRAL**

John Cabral with Pro Comfort Heating & Cooling LLC, Fort Wayne, Indiana, has met the requirements for a City of Goshen Mechanical License. Mr. Cabral took an acceptable limited air conditioning examination on March 6, 2004, and received a passing score of 79%. Mr. Cabral presently holds a valid mechanical license in Allen County, and is requesting a reciprocal license with the City of Goshen.

Motion requested to approve Mechanical License for the City of Goshen.

Regards,

A handwritten signature in black ink that reads "Myron Grise". The signature is written in a cursive style and is contained within a white rectangular box.

Myron Grise  
Building Commissioner/  
Commercial Building Inspector



**ALLEN COUNTY, INDIANA BUILDING DEPARTMENT**

200 E Berry St, Ste 180 Fort Wayne, IN 46802

Phone: (260) 449-7131

*George M. Smith, Building Commissioner*

April 29, 2022

Jean Nisley  
City of Goshen Building Department  
204 E Jefferson St, Ste 5  
Goshen IN 46528



To Whom It May Concern:

We have received a request from John Cabral to furnish your office with the following information:

John Cabral passed the Prometric examination (formerly Experior Assessments, formerly Block & Associates) for an HVAC Master Limited Air Conditioning license in Fort Wayne, IN on March 6, 2004. This examination was graded by Experior in Gainesville, FL with the results being returned to this office. John Cabral received a passing score of 79% which was considered passing at the time of the examination.

John Cabral is the owner of PRO COMFORT HEATING & COOLING LLC and has been licensed with this department as an HVAC Master Limited Air Conditioning Contractor since March 22, 2004 and is currently renewed for the year of 2022.

If I can be of any further assistance to you, please contact me.

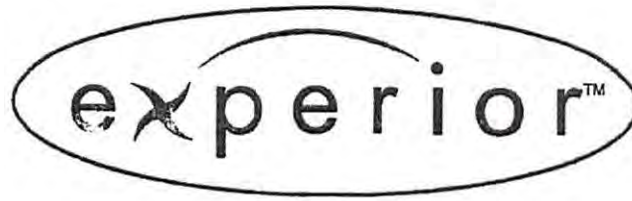
Very truly yours,

A handwritten signature in cursive that reads "Tina Gebert".

Tina Gebert  
Licensing Department & Coordinator  
Allen County Building Department

TMG/kwc

cc: Jean Nisley / City of Goshen Building Department  
John Cabral



EXAMINATION RESULTS NOTIFICATION  
March 6, 2004

JOHN CABRAL  
1118 COLUMBIA AVE  
APT #1  
FT WAYNE, IN 46805

019-64-3411

Dear Candidate:

We are pleased to inform you that you achieved a passing score on your recent Allen County examination.

Your score(s) are as follows:

<b>03/06/2004</b>	<b>Ft. Wayne, IN</b>		
	<b>Limited Air Conditioning</b>	<b>79</b>	<b>Pass</b>

Allen County requires a passing percentage of 70%.

To help you gain the recognition you deserve, Experior has prepared a Certificate of Achievement, beautifully designed and very suitable for framing (8-1/2 x 11). Our cost to you is only \$25.00 per category.

Please fill out the order form below, cut along the dotted line, then send the completed form to Experior. Payment options: check, money order, Visa or MasterCard. Credit card orders may be faxed to 352.336.4513. All others send to Experior, 2100 NW 53rd Ave, Gainesville, FL, 32653-8100. Allow 2-3 weeks for delivery.

**Certificate of Achievement Request**

JOHN CABRAL  
1118 COLUMBIA AVE  
APT #1  
FT WAYNE, IN 46805

019-64-3411

Quantity \_\_\_\_\_ x \$25.00 = \_\_\_\_\_

Allen County - Limited Air Conditioning  
- 03/06/2004

Card No \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature \_\_\_\_\_

IN36 - gv-146805 - B