



# McCordsville Metropolitan Board of Police Commissioners - Minutes

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Location: McCordsville Town Hall – Council Chambers

Date: Monday – August 20, 2018

Time: 6:00 pm EST

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## Agenda details:

### I. Call Meeting to Order

- a.) Commissioner President Mark Walker called the meeting to order.

### II. Roll Call

- a.) Commissioners: Mark Walker, Charles Meggenhofen, Wade Apel, Claude Robinson Sr. and William Benson Sr.,
- b.) Chief Harold Rodgers
- c.) Major Paul Casey
- d.) Council Member and Ex-officio Commissioner Member Bryan Burney
- e.) Commissioner's Attorney Ariel Schoen

### III. Pledge of Allegiance

### IV. Approval of July 16, 2018 Meeting Minutes – Motion to approve made by Commissioner Meggenhofen, seconded by Commissioner Benson. Motion passed 5-0

### V. Old Business

- a.) Update on School Resource Officer Project:
  - i. No updated from the school
  - ii. It is desirable for the officer to wear a wide variety of uniforms so that children can become comfortable seeing officers in all uniforms
- b.) Update on PERF 77 Progress:
  - i. Physicals have been set. The town is paying for the physicals. If an officer fails the physical, he or she will stay in the current PERF.
  - ii. Certified Salary for a Patrolman 1<sup>st</sup> Class approved by the Town Council on August 14, 2018.
  - iii. Resolution to Electing to Join the PERF 77 Fund – Approved and signed by the Town Council on August 14, 2018.
- c.) Final Budget Discussion – No Action by Town Council at last meeting.

## VI. New Business

- a.) Approval of General Order 1.100 Glossary – Motion to approve the General Order made by Commissioner Benson, seconded by Commissioner Robinson. Motion passed 5-0
- b.) Approval of General Order 1.200 Operating Philosophies – Motion to approve the General Order made by Commissioner Robinson, seconded by Commissioner Apel. Motion passed 5-0
- c.) Approval of General Order 1.300 Policies and Procedures – Motion to approve the General Order made by Commissioner Meggenhofen, seconded by Commissioner Robinson. Motion passed 5-0
- d.) Approval of General Order 3.410 Off-Duty Conduct
  - i. Motion to read by title only – Motion made by Commissioner Benson, second by Commissioner Robinson. Motion passed 5-0
  - ii. Motion to approve – Motion made by Commissioner Robinson, second by Commissioner Apel. Motion passed 5-0
- e.) Approval of General Order 9.100 Arrest of Foreign Nationals
  - i. Motion to read by title only – Motion made by Commissioner Apel, second by Commissioner Robinson. Motion passed 5-0
  - ii. Motion to approve – Motion made by Commissioner Benson, second by Commissioner Robinson. Motion passed 5-0
- f.) Approval of General Order 9.300 Vehicle Impoundment
  - i. Motion to read by title only – Motion made by Commissioner Meggenhofen, second by Commissioner Benson. Motion passed 5-0
  - ii. Motion to approve – Motion made by Commissioner Robinson, second by Commissioner Apel. Motion passed 5-0
- g.) Approval of General Order 3.400 Off-Duty Conduct (Arrest)
  - i. Motion to read by title only – Motion made by Commissioner Meggenhofen, second by Commissioner Robinson. Motion passed 5-0
  - ii. Motion to approve – Motion made by Commissioner Benson, second by Commissioner Apel. Motion passed 5-0
- h.) Approval of General Order 6.210 Taser, Use of
  - i. Motion to read by title only – Motion made by Commissioner Meggenhofen, second by Commissioner Benson. Motion passed 5-0
  - ii. Motion to approve – Motion made by Commissioner Meggenhofen, second by Commissioner Benson. Motion passed 5-0
- i.) Approval of General Order 8.800 Patrol
  - i. Motion to read by title only – Motion made by Commissioner Meggenhofen, second by Commissioner Apel. Motion passed 5-0
  - ii. Motion to approve by title only – Motion made by Commissioner Meggenhofen, second by Commissioner Benson. Motion passed 5-0
- j.) Approval of General Order 6.240 Firearm, Use of
  - i. Motion to read by title only – Motion made by Commissioner Benson, second by Commissioner Meggenhofen. Motion passed 5-0
  - ii. Motion to approve by title only – Motion made by Commissioner Meggenhofen, second by Commissioner Robinson. Motion passed 5-0

k.) Approval of General Order 10.110 Employment – New Position (Sworn).

- i. Motion to read by title only – Motion made by Commissioner Robinson, second by Commissioner Apel. Motion passed 5-0
- ii. Motion to approve by title only – Motion made by Commissioner Meggenhofen, second by Commissioner Benson. Motion passed 5-0

l.) A letter from Mr. James David was introduced by Chief Rodgers. The letter outlined an issue regarding the treatment of Mr. David's wife by the McCordsville Police Department during a traffic stop for expired license plates. Chief Rodgers explained the plates were expired by 90 days and the officer was taking the vehicle into custody per statute. Further discussion was had regarding the incident, the police department's relationship with the towing company, and the final outcome of the issue. No other action was taken.

m.) Discussion on the flow of information and chain of command.

- i. Chief Rodgers talked about the proper flow of information regarding the operation of the police commissioners. The Metropolitan Board of Police Commissioners is an official body and must operate in the same form as other official bodies of local government. This board can only meet in a public forum. The board cannot make decisions to take action by email.
- ii. The Chief did explain that the board can meet in a closed door executive session to receive information. Like the regular meeting, the executive session must be published, and no other information can be exchanged other than what was posted on the agenda. No decisions can be made in an executive session.
- iii. The example was given, regarding the commissioners doing a survey? The immediate answer to just that question is, yes. But the decision to do such a survey and approve of the information contained must be made/voted on during and at a public meeting – not a private one. The example given was that it was inappropriate for the board to discuss and decide to do an anonymous survey of the officers by email. Ariel gave approval for this to happen without being given all the information. There was not a discussion about what to do with the surveys that were given to the officers and that have started coming in.
- iv. The Metropolitan Board's Attorney Ariel Schoen provided her legal opinion to help clarify the role of the commissioners. Mrs. Schoen informed the Commissioners that they are part of the public safety board, as it applies to the police department. As the safety board the commissioners would make decisions on disciplinary actions. Mrs. Schoen concurred with the Chief of Police regarding the executive session being a place to share information and have open discussion, as well as, a public notice must be made about the meeting, and no decisions should be made. Additionally, Mrs. Schoen also informed the Metropolitan Board that she needs to know all of the facts about a purposed action, so that she may give an accurate legal opinion.
- v. Chief Rodgers also provided a reminder that Executive sessions are limited in scope as to what types of meeting are permitted and for certain reasons. Additionally, other people may be allowed to attend at the Commissioners discretion, for the sharing of information, however, the Commissioners may also opt to have it closed door.

n.) Request for discussion by Deer Crossing Homeowners Association and their residents – speeding issues.

- i. Ariel is a resident of Deer Crossing. She disclosed that before discussion started.
- ii. Mr. Micheal Pettygrove 6857 West Winding Bend. He opened with a word of thanks. There have been over a dozen positive interactions with the police department. There is a large number of children in this neighborhood. There is a large number of speeders that go from Deer Hill to Carroll Road. According to Mr. Pettygrove, West Winding Bend has become a drag strip. They are looking for answers on how to help curtail the speeding in the neighborhood to make it safe.
- iii. Chief Rodgers spoke about his limited knowledge regarding issues with speed bumps. Extra attention has been made to patrol this area to help cut down on speeding and tickets have been issued. There is not a direct line for action on this issue. The commissioners can make recommendation of changing the speeding limit or speed bumps or other solutions. The HOA board is very active and can enforce the covenants, but the police do not enforce covenants, only ordinances. Officer Herbert discussed with a person who was speeding at the request of a neighbor.
- iv. Dr. Burney suggested the HOA request for a camera that can issue citations and put up.
- v. Ariel pointed out that the council is not likely to approve an expense for just one neighborhood.
- vi. Chief Rodgers said that traffic cameras have not been held up in Indiana Court yet.

## VII. Public Comments

- a.) Chief Rodgers brought an order of possession and eviction by the county. The department declined serving those items. This order should be done by the sheriff. This is not a matter of wanting to assist, but legally this is not possible. Filed July 20<sup>th</sup>.

## VIII. Recognition

- a.) Officer Barnes has undertaken the duty to develop an educational training session for the department. She did an excellent job with the program and protocol. She deserves both admiration and recognition for this instruction in defensive tactics. Instructor Development School.
- b.) Commissioner Walker brought up National Night Out. This was a success with great officer turnout. Thank you to officers that helped with the McCordsville 5k.
- c.) Commissioner Walker also noted that Gateway Crossing had a hot water heater catch on fire. 3 Officers were on scene. The homeowner commended the department for their response.
- d.) Commissioner Walker read a note from someone who received a speeding ticket, thanking the department for the professional manner in which the ticket was issued.

## IX. Motion to Adjourn

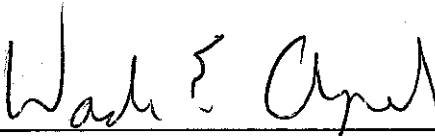
- a.) Motion made by Commissioners Benson, second by Commissioner Meggenhofen. Adjourned 7:35.

Minutes Approved

These minutes approved this 17 day of SEPTEMBER, 2018.

Approved By: 

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Mark A. Walker – President, Board of Police Commissioners

Attested By: 

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Wade E. Apel – Secretary, Board of Police Commissioners

