

Town Hall Q&A from June 24, 2019

The following questions were received via note card at the June 24, 2019 Town Hall Meeting held at Washington High School. The questions were not able to be addressed during the time allotted for the forum; however, City officials have provided answers to the questions below:

Police Department Training

Q: “I understand that police are trained to ‘shoot to kill’ when confronted violently. Could training instead be to “shoot to stop” an assailant, not to kill? Seems like police could be safer too.”

A: The goal of every policy is to protect the safety and well-being of residents. The Use of Force policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in each situation, every member of the South Bend Police is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner. The Use of Force Policy is available on the South Bend Police Department Transparency Hub:

<http://docs.southbendin.gov/WebLink/0/edoc/290027/Current%20Use%20of%20Force%20Policy%20300%20-6.19.19.pdf>).

Q: “What do you plan to do to ensure that the SBPD officers have adequate training in handling a situation with a civilian who may be mentally ill?”

A: The City is committed to providing continuing education and training for the professional growth and development of its members. South Bend officers receive annual crisis intervention training which includes responding to calls involving persons who may be experiencing a mental health crisis.

Q: “Do you think it is necessary for officers to do self-defense/combat training?”

A: The Department administers a training program that meets the standards of federal, state, local and the Indiana Law Enforcement Training Board training requirements, per Policy 203.2. As a part of their training, officers are trained in self-defense.

Q: “Can bravery be a requirement? Can I encourage residents to write to you, and you promise to answer to letters daily?”

A: Our officers are brave men and women who are trained to deal with a variety of situations. The South Bend Police Department wants to hear resident feedback and have an open conversation. Our officers build relationships with residents, carry out tasks, and remain committed to serving and protecting all. When you see an officer who has completed a call, we encourage you to introduce yourself to them. Relationships help officers to effectively serve this community, and they enjoy getting to know their neighbors along the way.

Police Department Diversity and Hiring Practices

Q's: "What has changed structurally within the Police Department as a result of the Diversity Training the officers have received?" "How can the police department eliminate bias within the department?"

A: The South Bend Police Department has adopted Policy 401, strictly forbidding bias-based policing.

In general, biases can be reduced through restructuring biased processes, policies, or procedures that may have been developed using negatively impacting explicit or implicit biases. The SBPD has undergone deep, institutional, structural changes using an equity lens to identify, reduce, or mitigate where possible processes, policies, or procedures were suspected of built-in bias.

Our structural changes included a departmental reorganization, the creation and successful implementation of a staff performance evaluation system where cultural competency is a core evaluation competency, and the creation and successful implementation of a career path development system, which includes a blind promotion process and expansion of the recruitment and training division.

Q: "What is the percentage of men or women on the force, and how has this number changed since Mayor Pete and Chief Ruszkowski have been in office?"

A: Those numbers are published and updated on the South Bend Police Department Transparency Hub: <http://police-southbend.opendata.arcgis.com/>

Q: "On the issue of the makeup of the police force representing the city, how well are black folks represented on the force versus the population? What are the challenges?"

A: The exact numbers are on the South Bend Police Department Transparency Hub: <http://police-southbend.opendata.arcgis.com/>

We encourage community members to help recruit talent. We are looking for the best and brightest recruits to become members of the fourth-largest police department in the State of Indiana. The City of South Bend accepts applications for the position of Police Officer Recruit on a rolling basis. Please take a few moments to learn more about the rewards and benefits of becoming a South Bend Police Officer by visiting our recruiting webpage: <https://police.southbendin.gov/get-involved/start-career-sbpd>

Q: “What’s with the shortage of police? Why can’t the police get gangs and drug dealers off the streets?”

A: The shortage of officers is a national challenge. We believe, nonetheless, that the South Bend Police Department should lead the way in our community, and we encourage anyone who is interested to apply to be a South Bend Police Officer.

Additionally, the Investigative Bureau is composed of approximately 50 sworn and non-sworn personnel assigned to a wide variety of duties. The main responsibilities of the Bureau are to investigate reported crimes against persons and property. The Investigative Bureau is on-call 24 hours a day to respond to major crimes. All detectives are trained, knowledgeable investigators who are committed to follow leads on cases. We benefit from community involvement in solving crimes. **Remember: if you see something, say something.** Please also refer to our website to view some of the special initiatives that help reduce crime in our community <https://police.southbendin.gov/about-sbpd/special-initiatives>

Q: “What are the plans for changing the hiring process for the Police Department?”

A: As part of the aforementioned SBPD reorganization, the hiring process has become more streamlined and more inclusive, with emphasis on cultural competency and better recruitment and training. Moreover, it is the goal of the South Bend Police Department to recruit the most qualified persons, without regard to race, color, religion, gender, national origin, sexual orientation, or disability, to serve the residents of South Bend as police officers. Hiring requirements are based on job-related criteria, taking into consideration the knowledge, personal attributes, skills, and training required to perform the job tasks. We encourage all interested persons in our community to apply.

Police Department Policies and Procedures

Q: “When an officer is found to have committed misconduct and a settlement occurs, can that settlement be paid from the Police Pension Fund?”

A: No. The Pension Fund is statutorily mandated and regulated at the State level. Local jurisdictions cannot access the fund to pay settlements.

Q: “What happens if Metro-Homicide and SBPD come up with different decisions?”

A: The investigations and decisions of the County Metro Homicide Unit and the South Bend Police Department Administrative Investigation are separate and different. The CMHU investigation seeks to determine whether a crime has been committed. The SBPD internal affairs investigation seeks to determine whether officers acted according to SBPD Policy, Procedure, and Training.

Q: “Will you put O’Neill on unpaid leave vs paid leave pending the case?”

A: Under Indiana law, the Department cannot put an officer on unpaid leave without offering the officer a hearing before the Board of Public Safety. For further information, please refer to Indiana Code § 36-8-3-4, Police officers and firefighters; discipline, demotion, and dismissal; hearings; administrative leave.

Body Cameras

Q: “What is your plan to hold officers accountable for choosing to not have their dash cams or body cams active?”

A: Any accusation of misconduct is investigated by Internal Affairs. If the investigation finds misconduct on behalf of an officer, the Chief of Police brings administrative charges against the officer before the Board of Public Safety.

Q: “Why did we purchase body cams that don’t turn on after shots are fired?”

A: When SBPD acquired its body cameras, such auto-activate technology was not available on our system. SBPD is currently working to procure and implement this technology in a fiscally responsible fashion.

Q: “Why doesn’t the SBPD use body cameras that auto-activate when a weapon is drawn? Will you implement this now?”

A: See above response.

Q: “Why is it not an immediate firing offense if a body cam is not on?”

A: Under Indiana Law, an officer cannot be immediately fired. Only the Board of Public Safety can fire an officer. Before the Board of Public Safety can fire an officer, the officer must be offered a hearing. For further information, please refer to Indiana Code § 36-8-3-4, Police officers and firefighters; discipline, demotion, and dismissal; hearings; administrative leave.

Q: “Are you going to change the verbiage in your policy that states an officer ‘should’ use or turn on his body cam? This verbiage allows the decision of cover-up to be in the hands of a potentially guilty officer. How will you adjust the impartial, unbiased justice allowed for officers under investigation? How will you enforce and correct the obvious bias and injustice African-American men and women are suffering at the hands of these officers?”

A: We are reevaluating our policies and invite your input. Please submit your suggestions to the Board of Public Safety by calling 311 or emailing 311@southbend.in.gov.

Q: “The lack of body camera video of the shooting of Mr. Logan concerns & upsets me. It upsets many of my family & friends that I’ve spoken to about it also. Moving forward the policy & practices must change. I’ve been researching other city ordinances & rules regarding officer body cameras. I found an ordinance out of SC that I would like your thoughts on and recommendations I can take to help move it forwards for consideration. In short, the ordinance states officers must have their body cameras on at all times when they are on duty. If an officer is found to have not had their cameras on during an incident they are immediately placed on suspension without pay while an investigation takes place. If the camera is found to be in working condition, the officer is terminated. There are steps to be taken to make sure officers have functioning cameras. Thoughts?”

A: Please see the above answer. Under Indiana law, the Board of Public Safety governs discipline, including the discipline of officers. Here in Indiana, an officer cannot be immediately suspended without pay for an indefinite period or terminated without first having the opportunity for a hearing before the Board of Public Safety. For further information, please refer to Indiana Code § 36-8-3-4, Police officers and firefighters; discipline, demotion, and dismissal; hearings; administrative leave.

Q: “What reason was given for no camera. We deserve to know the reason immediately.”

A: The special prosecutor is currently leading the criminal investigation. We have not yet received the results of this investigation.

Civilian Advisory Board:

Q: “What is the process for setting up a true, independent community police review board?”

A: The Board of Public Safety is a very powerful, independent citizen review board. It acts as the administrative oversight body for the South Bend Police and Fire Departments. The Board is comprised of five community members. The Board of Public Safety has exclusive control over adopting policies applicable to the Police and Fire Departments; training of police officers and firefighters; swearing-in of police officers and firefighters upon completion of training; and disciplinary actions for police officers and firefighters. The Office of the Mayor is currently working with the Board of Public Safety in finding more ways to engage the community and receive community input. Interested residents can apply to be part of the Board of Public Safety at the top of this webpage or here: <https://southbendin.gov/wp-content/uploads/2019/07/20190705-Civilian-BoPS-Application-2.pdf>

Q: “Would you work with community organizations to appoint a Citizen Review Board?”

A: Please see the answer above.

Department of Justice:

Q: “The Tribune reported that getting the Justice Department involved is a very long shot. How likely is it that the prosecutor will recuse himself?”

A: The County Prosecutor has requested the appointment of a special prosecutor.

Q: “Will Mayor Pete let us read his letter to the DOJ?”

A: Any person may submit an Access to Public Records Act request to obtain copies of documents, including the Mayor’s letter to the DOJ.

Submit an APRA request by filling out this form and sending it to apra@southbendin.gov:

<https://southbendin.gov/wp-content/uploads/2019/03/General-APRA-Form-Fillable.pdf>

Board of Public Safety:

Q: “What is the racial make-up of the Board of Public Safety?”

A: The Board of Public Safety currently has four (4) members. Three (3) members of the Board are African-American, and one (1) member is Caucasian. Please refer to the information at this top of this page for a description for the board and an application to apply:

<https://southbend.in.gov/wp-content/uploads/2019/07/20190705-Civilian-BoPS-Application-2.pdf>

Q: How can we eliminate bias within the Board of Public Safety?"

A: The Board of Public Safety is comprised of community members who serve as representatives of the residents of South Bend. They are selected based on their character, integrity, and level-headed approach to matters affecting the public. As with any community representative, they are here to represent you and your concerns.

Board of Public Safety meetings are open to the public and take place **every third Wednesday of the month beginning at 9:15am on the 13th floor of the County-City Building, Room 1308.**

Board of Public Safety members are appointed by the Mayor. Any concerns or other feedback regarding the Board of Public Safety is welcomed by the Board Members and the Mayor. Call 311 or email 311@southbend.in.gov to provide feedback. Additionally, residents can apply to the board here:

<https://southbend.in.gov/wp-content/uploads/2019/07/20190705-Civilian-BoPS-Application-2.pdf>

Q: "Board of Public Safety Meetings are in the morning. When will they be changed to more reasonable hours?"

A: The Board of Public Safety members are unpaid volunteers who balance their volunteer service with paid employment in their respective fields. The Board's regular meeting schedule is released at the beginning of each year and includes meeting dates for the calendar year. Historically, the Wednesday morning meeting time has worked for the many coordinated officials who must attend the meetings. Please note that all minutes and agendas are publicly available at the top of this page.

Transparency:

Q: "There is so much misinformation and rumors out there, when and how will real information be released?"

A: Currently, a special prosecutor has been appointed to oversee the criminal investigation. Information pertaining to the facts of the case will be released by the special prosecutor.

Q: “Why did the officer take Logan to the hospital, and where is the knife? Does this officer have any other cases where he did or did not use his camera?”

A: The special prosecutor is currently conducting his criminal investigation. Once the investigation is complete, he will release his findings. We expect that we will then have additional information. However, we have learned that officers transported Mr. Logan to the hospital because it was the most expedient option to getting Mr. Logan immediate medical attention.

Q: “What were the results of the investigation into racially charged comments by Officer O’Neill in 2008? Was there any corrective/disciplinary action?”

A: The Chief of Police during the 2008 investigation (not the current Chief) closed the matter and labeled it “not sustained.”

Violence and Racism in South Bend

Q: “With all the shootings that have happened in our city, what are you going to do about them? I think it’s pathetic you can’t go to another side of town without getting shot at. We’ve got to stop this somehow!”

A: We agree that violence has to stop. The South Bend Police Department has undertaken several initiatives aimed at deterring crime and decreasing gun violence. We engage in the Group Violence Initiative and have developed a Strategic Focus Unit to intervene at early stages and reduce the risk of violence occurring. We welcome assistance from the public. Remember, **if you see something, say something.**

Q: “What can be done to change laws so it is harder to purchase guns? How do we increase the message that killing African-American men and people is unacceptable?”

A: We must work with all members of our community and state legislature to arrive at effective gun control. We respect the life and dignity of all the members of our community. It is not acceptable for anyone to be a victim of violence.

Q: “Mayor: How many people of color are on your staff?”

A: Out of a full-time staff of seven (7), there are three (3) people of color in the Mayor’s office.

Q: “How can we as people get treated with respect when officers come to us as black people?”

A: The South Bend Police Department is committed to treating all residents with respect. SBPD has increased accountability measures for law enforcement officers through the staff performance evaluation system and open data hub. The public can communicate information regarding interactions with officers, both [positive](#) and [negative](#), to the City of South Bend Police Department via its [website](#) under the “How do I” tab at the top of the page.

Commend an
officer: <https://forms.office.com/Pages/ResponsePage.aspx?id=5fjdxV5706GYYHhhsUku97JfC0f5dFAIX054mCxCLZUN0VXSDJVVU84Nko4QU43MFBXNlpNMVdXTyQIQCN0PWcu>

File a complaint: <https://police.southbendin.gov/form/file-complaint>

Q: “Racial divisions are the curse of our nation. How can we work together to make us whole?”

A: Residents and city officials must work hand in hand to resolve racial divisions. We can use tactics like the A.S.K. model taught in the City’s Diversity, Equity and Inclusion workshops: We must be **A**ware of how our own layers of identity impact the way we make decisions and the lens through which we view the world. We must acquire engagement **S**kills that seek to support, celebrate, and acknowledge differences and avoid skills that demean, relegate individuals, groups or populations to an inferior status, or require assimilation. We must invest in **K**nowledge about historical implications for why systems and institutions were created the way they were and who or which institutions benefits from keeping the status quo.

Q: “How can we trust you? There has been systematic failure in the areas of gentrification, schools, and housing.”

A: We want all South Bend residents to have the power to be a partner in creating change on a local level. We encourage residents to learn what municipalities in Indiana can and cannot do regarding discipline from the state level (see [IC § 36](#)), then review what the City Administration and our City Common Council is empowered to do by South Bend residents through local [ordinances](#), resolutions, or executive orders. Large systemic issues are complex, and in some

cases involve Constitutional law, federal law or policy, and state law or policy well beyond the reach of any one City Administrator. However, we are constantly working to ensure that the City of South Bend is a city that reflects and empowers all of the people that make up its neighborhoods.

Moving Forward/Next Steps:

Q: “How can we, as concerned white citizens, be helpful in these moments? How can we educate ourselves on both sides of the issue and help foster peace *without* overstepping?”

A: We welcome you to educate yourself by using the aforementioned A.S.K. model taught in the City’s Diversity, Equity and Inclusion workshops. Stay informed on the issues, and be careful not to engage in speculative opinions or hearsay. It is important to be conscious of the power of words and to be aware of privilege, or lack thereof, and the differing viewpoints of those around you.

Finally, be an ally, but note that being an ally doesn’t always mean you need to speak *for* any underrepresented group. Sometimes it means providing space or a seat for underrepresented groups to speak for themselves. However, you can always speak for yourself, and how *you* feel. Speak up when you see bias, stereotyping, discrimination, or racism in any situation—at the dinner table, in school or university environments, in the workplace, or in sports or other extracurricular activities. If you see or hear something, do something that educates and uplifts everyone.

Q: “What are the plans for utilizing restorative justice practices to bring about justice and healing?”

A: We care deeply about the healing of our community and are looking at several tools and strategies that may be helpful. The Restorative Justice model is a strategy for creating wholeness after an injustice has occurred. Currently, it is used in our local school systems, but it may be a helpful strategy for our community to explore and expand into our neighborhoods.

The City of South Bend is currently focused on proactive strategies like Trauma Informed Communities. Trauma Informed Communities may help educate school employees, neighbors, higher education administrators, law enforcement officers, prosecutors, judges, and healthcare workers on how to recognize the impact trauma may have on every aspect of one’s life, especially decision-making and interpersonal relationships. Through trauma-informed strategies, we may reduce instances of violence and provide our community with mental wellness tools to respond, engage, and make positive decisions that uplift everyone.