

CITY OF WARSAW
BOARD OF PUBLIC WORKS

COPY

NOTICE OF DISCIPLINE

RE: OFFICER JASON DOBBINS

Upon recommendation from Deputy Chief of Police Bryan Sherwin, and pursuant to Ind. Code § 36-8-3-4, the Board of Public Works of the City of Warsaw, acting as the Safety Board (the "Board"), hereby suspends Officer Jason Dobbins for ten (10) days, without pay, as a result of violations of the Standard Operating Procedures ("SOPs") of the Warsaw Police Department ("Department") and the City of Warsaw Employee Handbook, stemming from the following relevant facts:

On February 1, 2019, Officer Jason Dobbins received, while on duty and through his personal cell phone, a copy of a video that Officer Ross Minear had produced. The video recording was body camera footage of a police incident that had been downloaded to the Warsaw Police Department server. Officer Dobbins was not present or involved on the night of the body camera footage.

On February 14, 2019, Officer Jason Dobbins voluntarily submitted to an interview with Lt. Heaton and Deputy Chief Sherwin. Immediately, Officer Dobbins stated, "I already know what this is about." Officer Dobbins then stated, "I didn't hear anything about this until 5-days ago or something like that." He stated he heard about the incident a couple times from Officer Minear.

Officer Dobbins then admitted to Lt. Heaton and Deputy Chief Sherwin that Officer Minear sent him the cell phone video of the body camera footage.

He stated he reviewed the video and didn't see anything on it further adding, "it was nothing." When asked the date he received the video (from Minear) Dobbins couldn't remember but thought it was "a few days ago."

Dobbins repeatedly told Lt. Heaton and Deputy Chief Sherwin that he did not tell City Councilman Klondaris about the video. Dobbins also said he did not know how Klondaris knew about the video, and repeatedly stated he received a call from Klondaris asking for the video. Dobbins did state he sent a video to Councilman Mike Klondaris at his request. Officer Dobbins could not remember when he sent the cell phone video to Mike Klondaris. He also stated that he deleted the video from his phone. Dobbins was asked in the interview if we could review his phone to see if the video was still on it and he refused.

Klondaris Interview

On February 27, 2019 Klondaris voluntarily submitted to an interview with Deputy Chief Sherwin. Klondaris stated he was contacted by Officer Dobbins on February 2, 2019, telling him of an off-duty incident involving Chief Whitaker and asked him if he had seen the video. Dobbins offered to send him the video, and he said "yes". Dobbins informed him there were other videos out there and they were going to be sent to news organizations. Klondaris showed Deputy Chief Sherwin the video sent to him by Officer Dobbins. The video was the 20-second video Minear had taken by holding up his personal cell phone camera, and recording video off a department computer screen, from the report writing room while on duty.

On March 1, 2019, Officer Dobbins again submitted to an interview with the Department. He finally admitted, after repeatedly denying in the prior interview, that he was the first person to bring the matter to Klondaris and provided the Minear video. Also, during the interview, after denying in the prior interview, Dobbins stated he watched the entire video from the DVD that Officer Minear copied from the department server, at his polygraph office located at 800 E. Center Street, Warsaw, IN 46580. He additionally stated that he recorded the video on his cell phone. In reviewing the AVL log (automatic vehicle location – car identified by the computer using MCT), it verifies on February 7, 2019, at 4:20:08, unit 433 (Officer Minear), was at 808 E. Center Street for 31:15 minutes. Additionally, on February 7, 2019, at 4:30:02, unit 435 (Officer Dobbins) was at 808 E. Center Street for 30:58 minutes.

The Board has determined that the aforementioned conduct of Officer Jason Dobbins violates the following provisions of the City of Warsaw (“City”) Employee Handbook:

I. INTRODUCTION

H. Electronic Communication Systems Policy

E-mail, computer, voice mail and other electronic or information technology systems are City property and are intended for business.

J. Open Door Policy/Issue Resolution Procedure

Other Issues Or Concerns

For work-related concerns that do not involve an issue under the Equal Employment Opportunity/Anti-Harassment Policy or disciplinary action, you should first discuss the concern with your supervisor and/or Department Head, who, in most cases, will be able to address the concern. Certain Police and Fire Department employees are covered by and should follow the procedures outlined in Indiana Code 36-8-3.

R. Personal Equipment/Cell Phones/Electronic Devices

At all times, the use of personal recording devices, video equipment, or other personal audio or video surveillance is prohibited on City property or during work time off property. This prohibition includes cell phone use for audio or video surveillance/ recording, including photography.

V. EMPLOYEE CONDUCT

Public and Co-worker Relations – Mistreating, abusing, or intimidating the public or other employees; improper interactions or communications with a manager; mistreating or inappropriate use of public property, a co-worker, or otherwise engaging in conduct that does not support the City’s goals and objectives.

Confidential Matters – Discussing or disclosing confidential information with individuals outside or within the City who are not authorized to have such information.

Mishandling City or The Public’s Property – Mishandling, misusing, misappropriating, or improperly accounting for or failing to secure City or the public’s money, funds, or property.

Unauthorized Use Of City Time/Property – Using City time or property for non-work, personal, related activities such as gambling, soliciting, misusing City electronic communications systems, etc.

Other Policies, Procedures, and Practices – Failing to comply with other expectations for performance and behavior set forth in this Handbook or by management in other verbal or written instructions.

The Board has also determined that the foregoing conduct violates the following Standard Operating Procedures of the Department:

SECTION 4

DEPARTMENT ORGANIZATION and DIVISIONS

a. Rank Structure

The Mayor of the City of Warsaw shall be the executive head of the Department of Police with the command officers of the department as listed below in order of rank:

1. Chief of Police
2. Captain of Police
3. Lieutenants of Police
4. Sergeants and Corporals of Police
5. Patrol Officers
6. Civilian Employees

The above ranks will be recognized throughout the department regardless of the individual's division and/or shift assignment. Authority within this police department shall be delegated through the above channels and recognized in that order. Whenever two or more officers of equal rank are present, the officer with seniority of service in rank will prevail and order of command shall be in force on all members of the Police Department unless otherwise instructed.

All Department Personnel will follow the chain of command when functionally possible.

SECTION 5

DISCIPLINARY RULES AND PROCEDURES

a. Neglect of Duty

It shall be the duty of every officer of the department to become thoroughly familiar with the rules and regulations of the department as well as general orders, special orders and other orders, procedures and information contained in this rules and regulations and procedures manual.

Officers shall avoid conducting personal business while on duty which may interfere with the proper performance of their police duties.

b. Violation of Rules of the Department

No officer shall make any public statements, written or oral, for publication or broadcasts, concerning any department activities, operations or cases without permission of the Chief or Police or others delegated by the Chief of Police, nor shall he communicate to any person, not entitled thereto, information concerning the departmental operations and activities or information concerning any proposed action which are of a confidential nature. Accredited members of the press are entitled to information concerning police incidents and investigations. Officers and civilians of the department shall cooperate with news people by referring them to the appropriate supervisor or commanding officer who will supply them with departmental orders regarding same.

h. Conduct Unbecoming a Police Officer (Personal Conduct)

Officers and civilians of the Department shall conduct themselves in their private and professional lives in such manner as to avoid bringing themselves or the Department into disrepute.

Officers shall treat superior officers, subordinates and associates with respect, being courteous and civil in their relationships with one another at all times. When on duty and in the presence of the public, an officer shall conform to the normal standard of courtesy and refer to each other by title or rank.

No officer shall seek the influence or intervention of any person outside the Department for purposes of personal preferment, advantage, transfer, or advancement.

i. Breach of Discipline

Officers who disagree with orders or policies of the Department shall refrain from criticism of those orders or policies with the public. The officer may discuss specific policies with the Chief of Police, commanding officers, or supervisory officers in a civil, courteous, and respectful manner.

Officers inquiring about issues within the Department shall do so through the chain of command. A patrolman shall consult the patrol sergeant and then, with permission, continue up through the ranks. No commanding officer shall deny permission for an officer to so continue through the chain of command.

SOP 117 - In-Car Video Recording Systems

Officers may not release a video or a copy of any or part of an in-car camera recording without the permission of the Chief of Police or his designee unless subpoenaed to do so. (The exception is the Kosciusko County Prosecutors' Office.)

In summary, Officer Dobbins was not present or involved in the investigation on January 25, 2019. Officer Dobbins admitted to receiving the video that Officer Ross Minear had taken with his cell phone, and forwarding the video to City Councilman Klondaris in violation of department policy. Dobbins has repeatedly lied in interviews or his involvement, and facts which include recording the DVD relating to the investigation.

BOARD OF PUBLIC WORKS

The Board of Public Works has determined that Officer Dobbins's violations of the provisions of the Department's Standard Operating Procedures and the City Employee Handbook constitute (1) neglect of duty, (2) violation of rules, (3) conduct unbecoming an officer, and (4) another breach of discipline under Ind. Code § 36-8-3-4(b)(2). Accordingly, Officer Jason Dobbins is suspended from the Department, without pay, for a period of ten (10) days, to be served at the determination of the Department. Pursuant to Ind. Code § 36-8-3-4(c), Officer Dobbins is hereby offered the opportunity for a hearing, and must request a hearing within five (5) of receipt of this Notice.

Jeff Gore
Member

MARCH 8, 2019
Date

[Signature]
Member

MARCH 8, 2019
Date

Abstention by Mayor Thallmer
Member

MARCH 8, 2019
Date

ACKNOWLEDGEMENT

I have received the Notice of Discipline:

Officer Jason Dobbins

Date

ACKNOWLEDGEMENT

Based on the Notice of Discipline:

☐ I hereby request a full hearing before the Board pursuant to Ind. Code § 36-8-3-4(c).

☐ I waive my right to a hearing before the Board.

Officer Jason Dobbins

Date