

CITY OF WARSAW  
BOARD OF PUBLIC WORKS

COPY

NOTICE OF DISCIPLINE

**RE: OFFICER ROSS MINEAR**

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

On Friday, February 1, 2019, at approximately 0608 a.m., while on duty, Officer Ross Minear retrieved his personal cell phone out of his pocket and proceeded to use it as a video camera and make a partial copy of certain body camera footage stored on a Warsaw Police Department server.

On Tuesday, February 5, 2019, at approximately 0309 a.m., Officer Minear, while on duty, took a blank DVD, belonging to the Department, from the report writing room, and inserted it into a Department computer to burn a copy of the same body camera footage, in its entirety. The DVD was then placed in his pocket. *NOTE: The body camera footage is not any part of an investigation in which Minear was involved.*

On Thursday, February 14, 2019, at approximately 0738 a.m., Officer Minear voluntarily submitted to an interview at the Department. After 30-minutes of not being truthful in the interview, Minear admitted to using his personal cell phone, while on duty, to record a short "snippet" of the body camera video off a Department computer. Minear stated the reason was, "to have in his back pocket if he got in trouble again." Minear was asked if he had sent the cell phone video footage of the body camera to anyone or if he had shown it to anyone, and he said "no".

Officer Ross Minear also admitted he "sent it to (Officer) Dobbins" because Dobbins wanted to see it. Minear went on to state the next day, February 2, 2019, Officer Dobbins visited City Council Member Mike Klondaris, and gave him the body camera video that Minear had sent him. When asked why, Minear said "...Dobbins wanted a change in the Administration" and was politically motivated. When he was questioned about the DVD copy, Minear eventually admitted to making the copy, and advised he had it in his patrol vehicle and nobody had viewed it.

On March 1, 2019, Officer Minear was again interviewed by the Deputy Chief Sherwin and Lt Paul Heaton. During the interview, Minear said that he and Officer Dobbins watched the entire DVD video he copied while on duty, and at Officer Dobbins's polygraph office located at 800 E. Center Street, Warsaw, IN 46580. Minear also stated that he witnessed Dobbins use his personal cell phone and record the entire DVD footage of the body camera that Minear produced. This directly conflicts with his prior statement Minear provided in his February 14, 2019, interview when asked if he had shown anyone and he said "no". 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 Ross Minear 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.

### **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 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 Minear was not present or involved in the investigation on January 25, 2019. During Officer Minear's interview on February 14, 2019, it was discovered that he was not being completely truthful. During that interview, Officer Minear admitted that on February 1, 2019, he accessed the WPD video server while on duty and did secretly record on his personal cell phone a video recording of body camera footage of the incident. He admitted to taking a copy of the video for personal gain and protection, and to "blackmail" the Chief in case he "got in trouble" again. Officer Minear provided his cell phone video to Officer Dobbins, who was also on duty. Additionally, Officer Minear provided the DVD he copied off the server of the entire footage allowing Officer Dobbins to record it on his personal cell phone while on duty. Additional facts were discovered in a follow-up interview with Minear on March 1, 2019, verifying he was not completely truthful in the prior interview.



## BOARD OF PUBLIC WORKS

The Board of Public Works has determined that Officer Minear'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 Ross Minear 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 Minear is hereby offered the opportunity for a hearing, and must request a hearing within five (5) of receipt of this Notice.

Member 

March 8, 2019  
Date

Member 

March 8, 2019  
Date

Abstention by Mayor Thaller  
Member

March 8, 2019  
Date

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### ACKNOWLEDGEMENT

I have received the Notice of Discipline:

\_\_\_\_\_  
Officer Ross Minear

\_\_\_\_\_  
Date

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### 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 Ross Minear

\_\_\_\_\_  
Date