

ACCUSED IN ELKHART

A New Study Prompted by Our Reporting Confirms Elkhart, Indiana, Police Department Lacks Accountability

Elkhart community members viewed police officers as “cowboys” who participated in “rough treatment of civilians,” contributing to what the study called a “trust deficit.”

by Christian Sheckler, South Bend Tribune, and Ken Armstrong, ProPublica, Dec. 12, 2019, 6:50 p.m. EST

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An outside study of the police department in Elkhart, Indiana, ordered after a series of reports last year by the South Bend Tribune and ProPublica, has found that a lack of accountability has tarnished the force's reputation, with officers viewed in the community as “cowboys” who engage in “rough treatment of civilians.”

The study, made public Thursday, provided a long list of recommendations to make officer discipline more consistent, promotions less political, citizen complaints easier to file and the department's workings more transparent.

“We can't change anything that happened in the past,” the current police chief, Chris Snyder, said at a press conference Thursday. “But we can and will work together to make improvements in the future.”

In a story published in 2018, the Tribune and ProPublica found that of the department's 34 supervisors, 28 had disciplinary records. Fifteen had been suspended. Seven had been involved in fatal shootings. Three had been convicted of crimes. One officer was made sergeant after being disciplined more than two dozen times, the news organizations found. Another had choked a man in custody. Another failed to report a fellow officer who had battered a woman and shot her cat.

In addition, the news organizations revealed that two Elkhart officers had beaten a handcuffed man. The two officers were subsequently charged with

federal civil rights violations. Those charges are still pending. The officers have pleaded not guilty.

While Elkhart's police force has struggled with lax oversight going back at least to the 1980s, the Tribune and ProPublica found discipline plummeted starting in 2016, when former chief Ed Windbigler took office. The outside study, requested by Mayor Tim Neese, confirmed the recent lack of accountability.

"Even officers, including supervisory officers, tend to decry the lack of discipline in recent years," the study's authors wrote in a 97-page report. "The former chief's near-abandonment of discipline is said to have been intended to build morale, which he felt was low when he arrived; but it appears to have injured both the public reputation of the Department and the morale of its officers.

"Further, the promotion of multiple officers after they had been disciplined in the past has led to a community perception of a lack of appropriate leadership."

The police department needs to address what the report referred to as a "trust deficit," fueled by reports of officers driving or firing guns while intoxicated; being abusive to residents; and citing camera malfunctions as the reason for critical police interactions going unrecorded, the report said.

The review was conducted by a team that included former U.S. Attorney Deborah Daniels and staff of the Police Executive Research Forum, an organization based in Washington, D.C., that seeks to improve professionalism in police ranks.

"From day one, this process has been about transparency," Neese said at the news conference, "and transparency is what the public will continue to receive."

The mayor, who dropped his re-election bid after last year's articles, said the report "clearly identifies future opportunities and improvements," but also confirms "Elkhart has many reasons to be proud of the Elkhart Police Department."

The study found multiple issues with the department's use-of-force reports, including the prevalent use of "vague and non-descriptive phrases," such as "took to" the ground. Although the report doesn't note it, that was the very language used by Windbigler when he spoke to the city's civilian oversight commission about the case with the two officers with the handcuffed man. Windbigler said the two officers "just went a little overboard when they took him to the ground," while saying nothing of the punches thrown.

After the Tribune and ProPublica wrote about Windbigler's handling of that case, Windbigler was suspended and subsequently resigned.

A Tribune reporter tried to reach Windbigler by phone and email Thursday, but was unsuccessful.

The study also found that when supervisors reviewed use-of-force reports, they often used boilerplate language or wrote next to nothing. "In fact, 87% of supervisor explanations were fewer than sixteen words long, with an additional 2% being left blank," the report said.

The department faces a perception that it is biased against black and Hispanic residents, the report said. The study's authors received comments from community members "suggesting that the percentage of African-Americans arrested and jailed is disproportionate to their representation in the community," and that "Hispanic residents are sometimes stopped and questioned while simply walking down the street, and asked for green cards."

Black people comprise about 15% of Elkhart's population but were the subject of about 39% of the uses of force reviewed by the study's authors. The authors said there was insufficient data to make conclusions about the reasons for that disparity, but recommended that the department implement training "on implicit bias and cultural awareness."

The report also cited problems with the department's handling of complaints alleging officer misconduct. The department doesn't do enough to record and track complaints against specific officers, the report said, making it difficult to spot and respond to troubling patterns. The study's authors tried to fill these holes in the data. The report found there were 94 complaints filed between 2016 and 2018 — and that three officers, unidentified in the report, were involved in 27 of them.



The study found that within the department, “the promotions process is viewed by many ... as ‘political,’ or based more on favoritism than on merit.” By state law, an eligibility list for promotions is supposed to be based on a written and oral exam, and an officer’s performance record and length of service. “Based on interviews, it appears these requirements are currently not being followed,” the report said.

Snyder, the current police chief, “is perceived positively in the community, which provides a tremendous opportunity for the chief to assist in improving (the department’s) relationship with local residents,” the report said.

Snyder said Thursday the department would be “doing a much better job documenting the actions of our police officers.”

In June, while the outside study was underway, Elkhart police conducted two car chases that resulted in fatalities. As a result, vehicular pursuits were added to the list of items the study’s authors were asked to review.

In Elkhart, the authors found, police conducted 149 pursuits between 2016 and 2018 — with 62% stemming from mere traffic offenses. Best practices call for police to restrict car chases to instances in which the person fleeing is suspected of a violent felony, the report said.

Of those 149 chases, 28% resulted in accidents, the report found; 14% resulted in someone being injured.

Based upon a recommendation from the study’s authors — saying the force “should discourage if not forbid vehicle pursuits when the only known offense(s) are traffic-related” — the Elkhart Police Department is now updating its pursuit policy, the report said.

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