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JUN 10 2014

May 19, 2014

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United States Attorneys Office
Northern District of Indiana
5400 Federal Plaza, Suite 1500
Hammond, IN 46320

OFFICE OF THE MAYOR
CITY OF SOUTHBEND

Human Resources
City of South Bend
Theodore Robert
2617 Fredrickson St
South Bend, IN 46628
574-210-6862

And

Indiana State Police
1425 Miami Trails
Bremen, IN 46506

And

Rusty Goodpaster, Executive Director
Indiana Law Enforcement Academy
P.O. Box 313
Plainfield, IN 46168

To Whom It May Concern:

I am submitting this letter as formal complaint against the current Mayor of South Bend (Mayor Pete Buttigieg) and his former appointed chief of police (Charles Hurley) requesting a formal investigation to determine if the former chief of police Charles Hurley broke the Indiana State law 5-2-1-9 which is the Indiana State code governing the minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment and if subsequently Mayor Buttigieg broke the Indiana State law 5-2-1-9 and 4-22-2 for failure to remove Charles Hurley from his duties for violating the law.

The City of South Bend Mayor's office and the Law Department has refused to provide due diligence to investigate my complaint POV # 14-04 alleging gross misconduct and breaking of Indiana State laws by current Mayor Pete Buttigieg of the City of South Bend and former chief of police Charles Hurley of the South Bend Police Department.

On March 24, 2014, I presented to the Common Council of South Bend documents which supported my complaint. The documents were then forwarded to the Law Department by the attorney for the Common Council to investigate the crimes I believe which were committed by the Mayor and his appointed police chief.

The fact is that the Mayor did no due diligence to monitor his appointed chief of police to ensure that he followed the law. For this reason, I believe that then chief of police Charles Hurley purposely broke the law and the Mayor refused to remove him from his appointed position when the chief of police broke the law.

The enclosed documents are evidence of these crimes and available for your review.

I also believe that the Mayor broke the law by knowingly allowing former chief Hurley to remain chief of police when he should have removed him due to Hurley not being certified a police officer, as Hurley failed to complete the state mandated training requirements.

On March 24, 2014, I presented this matter to the City of South Bend Common Council for a judicial review (POV # 14-04). The matter was then forwarded to the South Bend Law Department for review. Yet, the Mayor and the Law department attempted to cover up this matter.

I believe that Hurley later lied to the Mayor during this review. According to the written statements by the Law Department, Hurley stated that he thought that his State required training hours needed for recertification were waived by the Indiana Law Enforcement Academy (ILEA) executive director. According to the Law Department, Hurley stated that it was a miscommunication issue.

The fact remains that there was no miscommunication because the ILEA executive director wrote a letter directly to Hurley on September 10, 2012 which he received stating that he had until 12/13/2012 to complete the training hours mandated by the state.

The Law Department went on to say that the ILEA training board **does not recall excusing** Hurley from completing the remaining state mandate training hours. If this is true, then how can the Mayor and the Law Department state in writing that this violation of the law is simply a miscommunication or misunderstanding? There was no miscommunication or misunderstanding; the Mayor and the Law Department attempted to spin the truth. Under I.C.4-22-2 The ILEA board may waive an officer's training requirements if the board determines that the officer's reason for lacking the required amount of training hours is due to either of the following: (1) An emergency situation. (2) The unavailability of courses. Neither reason applied to Hurley. Nor did the ILEA board provide or grant Hurley a waiver in writing.

The Mayor's Office through the South Bend Law Department states that it received information from the ILEA training board which states that Hurley only completed 58 of the 80 refresher training hours. The Law Department then goes on to say that Hurley claims to have had a conversation with the ILEA training board regarding an extension to complete his state required training.

The last extension which was given to Hurley in writing by the executive director was clearly stated. It mentioned nothing of a waiver. The letter was only four lines in length. The letter clearly stated to Hurley that he had until 12/31/2012 to complete the recertification mandated hours. There was no misunderstanding or miscommunication. Nor were there any letters submitted to me by the ILEA through my FOIA request showing a waiver was indeed granted to Hurley. The letter sent to Hurley by the executive director was crystal clear as you will see in the enclosed documents.

The executive director of the ILEA Mr. Rusty Goodpaster stated to Hurley in a written letter that he was given until 12/31/12 to finish the state mandated training hours for recertification. Hurley did not complete the state mandated training that is required by law. All the while Hurley was in violation of the law, he continued to act in the capacity of police chief with arrest powers when those powers should have been removed.

I witnessed Hurley continue to operate a police vehicle equipped with red and blue emergency lights, carry a police issued duty pistol, and carry a police badge that identified him as the chief of police. This can also be considered a crime of impersonating a police officer. **The Mayor refused to remove Hurley when he violated the law. And subsequently by not removing Hurley from his appointed position, the Mayor also violated the law.**

It should also be noted that The Law Department stated in writing to the South Bend Common Council, the media and the citizen of South Bend that Hurley completed 58 of the 80 required mandated recertification hours. That was also a lie because three of the hours they counted towards the state mandates were not part of the requirement mandated by the State. The Mayor and the Law Department attempted to gather any training hours they could find which were completed by Hurley in an attempt to maliciously lie, cover up violations of State laws and purposely misinform the Common Council and the citizen of South Bend. It appeared that the Mayor and the Law Department wanted to gather any and all training hours completed by Hurley to get as close as possible to the 80 State mandated hours even if that meant lying about the mandated hours.

Copies of the actual hours completed by Hurley are also enclosed for you review.

It appears that the Mayor and the Law Department did not count on me or anyone actually verifying their findings. I believe that the South Bend Law Department and the Mayor's Office committed another act of misconduct by purposely lying to the Common Council and the citizens of South Bend about the total number of hours former police chief Hurley completed as these hours relate to his recertification mandate.

It should be noted the Indiana State law is clear; the total mandated hours are 80, and nothing less. Completing less than 80 hours is a violation of the State law. Even if the total amount of hours completed was 79, it still is a violation of the law. For example the State law says that a person must be eighteen years old to purchase cigarettes, not seventeen years three hundred sixty-four days old.

Hurley did not do what the Indiana State law ordered him to do as an appointed police chief attempting to become recertified and assume the lawful duties as a police chief with arrest powers.

Every police officer in the State of Indiana has to abide by the law regarding mandated training and certification or re-certification. It appears that Hurley believed that he was

above the law and so did the Mayor of South Bend. These acts are blatant violations of law as well as acts of misconduct and ethical violations.

Hurley had an obligation to follow the Indiana State law and so did Mayor Buttigieg. Hurley had an obligation and duty to follow the SBPD duty manual and the Mayor has an ethical obligation as well.

Theodore Robert
Concerned Tax Paying Citizen

CC: City of South Bend Common Council
South Bend Board of Public Safety