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STATE OF INDIANA
COUNTY OF MONROE
IN THE MONROE CIRCUIT COURT

COUNTY RESIDENTS AGAINST
ANNEXATION, INC., an Indiana
not for profit corporation,
et al.,

Remonstrators/
Appellants/
Petitioners,

v.

THE COMMON COUNCIL of the City
of Bloomington, Monroe County,
Indiana, et al.,
Respondents.

Cause No.
53C06-2203-PL-
000509

VIDEOCONFERENCE DEPOSITION OF
PAUL POST

DATE: Thursday, March 7, 2024
TIME: 2:04 p.m.
LOCATION: Remote Proceeding
Bloomington, IN
REPORTED BY: Andrew Pronschinske
JOB NO.: 6504457

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1 APPEARANCES

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1 PROCEEDINGS

2 THE REPORTER: Good afternoon. My name

3 is Andrew Pronschinske; I am the reporter assigned by

4 Veritext to take the record of this proceeding. We

5 are now on the record at 2:04 p.m.

6 This is the deposition of Paul Post

7 taken in the matter of County Residents Against

8 Annexation, Incorporated, an Indiana not for profit

9 corporation, et al. vs. The Common Council of the City

10 of Bloomington, Monroe County, Indiana, et al. on

11 March 7, 2024, virtually over Zoom.

12 I am a notary authorized to take

13 acknowledgments and administer oaths in Indiana.

14 Parties agree that I will swear in the witness

15 remotely.

16 Additionally, absent an objection on

17 the record before the witness is sworn, all parties

18 and the witness understand and agree that any

19 certified transcript produced from the recording of

20 this proceeding:

21 - is intended for all uses permitted

22 under applicable procedural and

23 evidentiary rules and laws in the

24 same manner as a deposition recorded

25 by stenographic means; and

Page 5

1 - shall constitute written stipulation

2 of such.

3 At this time will everyone in

4 attendance please identify yourself for the record,

5 beginning with the noticing attorney.

6 MR. UNGER: All right. Stephen Unger,

7 Bose McKinney & Evans on behalf of the city. And with

8 me is Andrew McNeil, also of my firm, on behalf of the

9 city.

10 MR. BEGGS: Bill Beggs, Bunger &

11 Robertson, on behalf of the petitioners.

12 MR. POST: Paul Post. I'm the

13 president of the Fraternal Order of Police Lodge 88 in

14 Bloomington, Indiana.

15 THE REPORTER: Thank you. Hearing no

16 objection, I will now swear in the witness.

17 Please raise your right hand.

18 WHEREUPON,

19 PAUL POST,

20 called as a witness and having been first duly sworn

21 to tell the truth, the whole truth, and nothing but

22 the truth, was examined and testified as follows:

23 THE REPORTER: Thank you.

24 We may proceed.

25 //

Page 6

1 EXAMINATION

2 BY MR. UNGER:

3 Q Good afternoon, Mr. Post. It's nice to meet

4 you.

5 A You, too.

6 Q I'm Stephen Unger. Again, I represent the

7 city. I don't think we've ever met before, have we?

8 A Okay.

9 Q You don't recall?

10 A Not in person, no. I've seen your name, but

11 not in person. Correct.

12 Q Okay. Have you ever been deposed before?

13 A Yes, sir.

14 Q Okay. In criminal matters, could I assume?

15 A Yes. I'm a City of Bloomington police

16 officer, so I've been through a few depositions.

17 Q Okay. Ever in a civil matter?

18 A I don't believe so for civil, no.

19 Q Okay. Well, I'm just going to remind you of

20 a few things. As you know, you're under oath;

21 correct?

22 A Correct.

23 Q And so it's -- we have a reporter that's

24 going to be typing down everything that we say. It's

25 important that you answer questions yes and no instead

Page 7

1 of nodding your head yes or no because --

2 A Got you.

3 Q -- don't show up.

4 A Correct. Got you.

5 Q And second thing is it'll be very helpful

6 for the reporter, and it can be a little harder on a

7 Zoom deposition like this, not talking over each

8 other. I'll do my best to not talk over you if you do

9 your best to let me finish my questions, and I'll try

10 to let you finish, as well. Okay?

11 A Makes sense.

12 Q Okay. And if you need a break, just let us

13 know, okay, and we'll make sure we accommodate.

14 A Okay.

15 Q So you understand that I'm going to ask you

16 questions, and your responsibility is to answer my

17 questions as truthfully and completely and honestly as

18 you can; do you understand that?

19 A Yes, I understand that.

20 Q Okay. If for whatever reason I ask you a

21 question and you don't understand it or there's some

22 reason you can't answer it completely or truthfully,

23 will you agree to let me know?

24 A Yes.

25 Q Okay. What did you do to prepare for your

Page 8

1 deposition today?

2 A I talked to one of my shift reps who does

3 the numbers for us and got the March reporting numbers

4 for our staffing and went over those so I made sure I

5 had the current numbers in front of me.

6 Q Okay. Who was that that you got those from?

7 A Jeff Rodgers.

8 Q Anything else? Did you do anything else to

9 prepare?

10 A Not today, no. I actually just got off

11 shift at 2 p.m., so I rushed right in here and changed

12 real fast, and that was it.

13 Q Anything before today? Did you talk to

14 anybody else in preparation for the deposition?

15 A Not specifically about the deposition. I've

16 talked to Mr. Beggs a few times about some questions

17 they had. I talked to, this would be back maybe a

18 week or so ago, I talked to the Indiana State FOP

19 Labor Council, my field rep, and notified them that

20 the deposition was taking place.

21 Q What did Mr. Beggs want to know about

22 generally?

23 A He was asking questions about the, I guess,

24 the staffing and the manpower situation with the

25 Bloomington Police Department.

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1 Q Do you have, you mentioned, March reporting

2 numbers that you got from Jeff Rodgers; do you have

3 any notes or anything with you?

4 A I've got that sheet with me, yes. I mean,

5 is that something I can share through that text or the

6 thing that Abbi sent?

7 Q Okay. Probably not at this point. Is there

8 -- let me ask you this. I want to just make sure I'm

9 clear because again, we're not in the same room. So

10 normally I would see if you have other papers in front

11 of you; is there anything else that you have, notes or

12 anything?

13 A I have the subpoena which was with my

14 notebook sitting here, yeah. I have a folder.

15 Q Okay. What's in your folder?

16 A Oh, it's just my -- my FOP folder when I --

17 I just have stuff with me. Yeah.

18 Q Okay. Understood. And thank you. Can you

19 -- yeah, would you be able to email the -- those --

20 MR. UNGER: Actually, let's go off the

21 record for a minute.

22 THE WITNESS: Okay.

23 THE REPORTER: Off the record at 2:09

24 p.m.

25 (Off the record.)

Page 10

1 THE REPORTER: We're now back on the
2 record at 2:12 p.m.
3 BY MR. UNGER:
4 Q Mr. Post, just to clarify for the record.
5 Off the record, we kind of went through and you, I
6 understand, have taken a picture or emailed us a copy
7 of the March report numbers that you referenced
8 earlier; correct?
9 A Correct. I sent an email to all three of us
10 -- or all three of you.
11 Q The three attorneys that are --
12 A Yes.
13 Q -- here today. Okay. Good. And we'll take
14 a look at that after a little bit, so I want to go
15 through some other stuff first.
16 Could you tell me what your, briefly, your
17 employment history has been in with the Bloomington
18 Police Department?
19 A I've been employed with BPD since 2002. I'm
20 a senior patrol officer currently assigned to the day
21 shift which is in the mornings. I've worked all three
22 of the patrol shifts over the course of my 21-plus
23 years.
24 Q Have you always been a patrol officer?
25 A Correct.

Page 11

1 Q Have you worked for any other police
2 departments?
3 A Prior to this, I worked for the Anderson
4 University Police Department while I was in college
5 going to Anderson University.
6 Q What are your, as a senior patrol officer,
7 what are your responsibilities?
8 A I'm assigned to the uniformed patrol
9 division, so each day I'm assigned to a patrol
10 district and, you know, full uniform, marked car,
11 drive around my district and, you know, look for
12 whether it's answering calls or looking for -- for
13 crimes that are occurring or traffic incidents, things
14 like that.
15 Q Is it always the same district? Or is it a
16 different district?
17 A It can rotate. I'm senior enough that it
18 tends to be usually the same one. But we have
19 rotating numbers, so depending on needs of the shift,
20 yeah, it could rotate.
21 Q Do you have, like, seniority via preference
22 on what district?
23 A We get to put in a preference, yes, on
24 district. But again, you know, depending on the needs
25 of the day, we can get moved.

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1 Q Is that considered an upper level policy-
2 making position?
3 A No.
4 Q Are you -- do you consider yourself a policy
5 maker in your role as a city employee?
6 A No.
7 Q Do you have any spending authority in that
8 role?
9 A No.
10 Q Do you as a city employee have any
11 involvement in the budgeting process?
12 A Other than as an observer, no.
13 Q Do you in your role as a city employee, do
14 you have -- do you work with other city departments?
15 A Yes.
16 Q What exactly?
17 A We interact with a lot of other city
18 employees throughout, you know, our days. It could
19 be, you know, on a traffic incident it could be Parks
20 and Rec making a complaint about, you know, maybe some
21 vandalism in a park or someone calling in a prior
22 incident they want to report. We interact with lots
23 of them.
24 Q Do you have as a city employee any role in
25 helping to decide how city funds are budgeted among

Page 13

1 different departments?
2 A No.
3 Q So I understand you're a union member?
4 A Correct.
5 Q What's the union that --
6 A The collective bargaining unit at the
7 Bloomington Police Department is comprised of police
8 officers and detectives, so it's uniformed officers
9 and detectives who are of the rank officer first class
10 and senior police officer.
11 Q Is there a -- I guess my -- is it an FOP?
12 Because it's the Fraternal Order of Police?
13 A Correct. That bargaining unit is
14 represented by the Fraternal Order of Police Lodge 88.
15 Lodge 88 is comprised of multiple agencies across
16 Monroe and Brown County.
17 Q How long have you been a member of the
18 union?
19 A I joined in 2002 shortly after I was hired.
20 Q And what's your role with the union?
21 A Currently I'm the president of the lodge.
22 Q What does that entail?
23 A So for lodge-specific duties, it's running
24 meetings, running any sort of services we may hold,
25 memorial services, things like that. Organizing some

Page 14

1 of our charitable events that we do like Shop With a
 2 Cop in December. Specifically to the collective
 3 bargaining unit at the Bloomington Police Department,
 4 FOP 88 is the group that represents that bargaining
 5 unit in terms of contract negotiations and bargaining.
 6 Q Are you testifying in this case today, and
 7 if at trial, in your official role as a union
 8 representative?
 9 A Correct. Yes.
 10 Q So you're -- are you speaking for the
 11 Fraternal Order of Police in general or just the
 12 lodge?
 13 A In this particular case, I'm representing
 14 the members of the Bloomington Police Department
 15 collective bargaining unit.
 16 Q How many members are there of Lodge 88? And
 17 I'll split it up. How many members are there at Lodge
 18 88 and how many are there members of -- the
 19 Bloomington Police Department are members of the
 20 union?
 21 A The bargaining unit at BPD is I want to say
 22 somewhere in the 60s. I don't know, I'd have to look
 23 up the number exactly. And then the lodge itself is
 24 80-some-odd members with different -- different
 25 agencies.

Page 15

1 Q How many Monroe County sheriff's employee --
 2 deputy -- sheriff's office employees do you have that
 3 are members?
 4 A I'd have to have that list in front of me.
 5 I don't know. There's -- there's a handful, yeah.
 6 Q It's voluntary; is that correct?
 7 A Correct.
 8 Q Do officers or members pay dues?
 9 A Yes, members of the lodge pay yearly dues.
 10 Q Is that a requirement to be a member?
 11 A It is.
 12 Q If somebody doesn't pay their dues, what's
 13 the penalty?
 14 A So basically to join the lodge, you have to
 15 agree and pay your dues each year. And then if you're
 16 not a paying member, you get dropped from the lodge
 17 roll.
 18 Q Okay. What's -- how much -- what are the
 19 dues?
 20 A For this year, they are \$130 per year.
 21 Q Does that come directly out of somebody's
 22 paycheck usually?
 23 A So we have -- it's not an easy answer. For
 24 some City of Bloomington Police Department employees,
 25 it can, yes. Well, no, let me correct that. The

Page 16

1 lodge dues do not. The membership in the -- the dues
 2 that the BPD members pay into the labor council dues
 3 come out electronically.
 4 Q And is that in addition to the \$130?
 5 A Correct. So the -- the bargaining unit at
 6 the -- at BPD elected to join the Indiana FOP, the
 7 state FOP Labor Council for legal representation.
 8 That's a separate amount than the lodge dues for
 9 membership.
 10 Q Do you know what that is, the legal counsel
 11 dues?
 12 A I want to say it's like \$17 a month. It's
 13 an odd amount. It's like 17 and change, I don't
 14 remember the exact amount.
 15 Q And am I correct in understanding that you
 16 can -- you don't have to be a member of a local lodge
 17 to be able to join the legal council fund at the FOP?
 18 A Correct. So some members of the bargaining
 19 unit at BPD are not members of the local lodge,
 20 correct. They are just represented by us.
 21 Q Okay. So is that -- so in other words, that
 22 would be like saying probably more than 60 officers
 23 are members of the -- pay to the labor council fund?
 24 A I don't think it's that -- I don't know the
 25 exact number of the BPD officers that pay into the

Page 17

1 labor council. I would have to get the list from the
 2 controller to see what this year's number is. Again,
 3 the bargaining unit is about 60 total officers, I
 4 believe, at BPD. But again, that list is different
 5 than the list of members of the lodge itself.
 6 Q Do -- are there -- and I'll get a little bit
 7 more into your collective bargaining agreement. But
 8 do the -- there's not a separate set of rules at the
 9 police department for members of the lodge or FOP than
 10 there are for other members; correct?
 11 A No. No.
 12 Q So if I'm a police officer that has chosen
 13 not to be a member of the lodge, do I receive the same
 14 benefits under the collective bargaining agreement as
 15 members?
 16 A Correct. The collective bargaining unit --
 17 or collective bargaining agreement at BPD covers all
 18 of those members who are part of that bargaining unit,
 19 yes.
 20 Q Are more police officers in Monroe County
 21 and in Bloomington a good thing for the union?
 22 A A good thing meaning financially? Or like
 23 fraternally? Or what?
 24 Q Both, either?
 25 A Well, again, because you don't -- they're

Page 18

1 not required to join the lodge. The potential is
 2 there, yes, if more of them were hired in the county
 3 they could potentially join the lodge and bring more
 4 dues in. Again, we don't require them to do so. It's
 5 a voluntary, if they wish to join, so potentially.
 6 Fraternally, I'd say yes if we have more
 7 members, more members that participate, it makes --
 8 makes things easier for some of our charitable
 9 outreach work that we do.
 10 Q Is one of the union's goals to boost
 11 compensation and benefits for its members?
 12 A Correct.
 13 Q What are other goals of the union?
 14 A Well, to protect the rights of the members
 15 to ensure that, you know, they're seeing due process
 16 with the contracts that, you know, that's collective
 17 bargaining.
 18 Fraternally, it's, you know, we try to
 19 encourage the members from different agencies to
 20 interact with each other. It's a way for them to get
 21 to know people from other agencies and recognize those
 22 people.
 23 And then, again, with the charitable
 24 outreach, it's good to have those members involved in
 25 the community itself and doing good things.

Page 19

1 Q Is the union opposed to the city's
 2 annexations of area 1A and 1B?
 3 A We are, let's say, fearful of annexation
 4 because we currently don't have enough officers for
 5 what we have, and adding large areas like area 1A and
 6 1B without doing some of the prep work to staff those
 7 areas is why I think most of the members are so
 8 fearful of it.
 9 Q Other than that, is there any other reason
 10 that the union is opposed other than those concerns?
 11 A No. Most of the members don't -- don't live
 12 in the city or live in those areas, so it's not like
 13 you have, you know, people who are, you know,
 14 concerned about their homes or their taxes in that
 15 sense, no.
 16 Q Was there any kind of a membership vote
 17 concerning the city's annexation?
 18 A Not specific to annexation, no. That would
 19 be -- we've done polls of the membership for other
 20 things. I don't know that we've done one about that
 21 specifically.
 22 Q Have you done polls for things that relate
 23 to the annexation?
 24 A We've done polls largely with BPD. It's
 25 about compensation or about, you know, things,

Page 20

1 directions that we want to do. You know, whether it's
 2 reaching out to city council on issues, whether it's,
 3 you know, taking numbers for voting on contract
 4 issues, that sort of thing.
 5 Q And is it your understanding that cities and
 6 towns in Indiana are not required to collectively
 7 bargain for -- with police and fire?
 8 A I think that's right. I'm trying to
 9 remember all the -- all of that case law, but I
 10 believe that's correct.
 11 Q You're not aware of a requirement that
 12 municipalities must engage in collective bargaining
 13 with the police union, are you?
 14 A Correct.
 15 Q When was the last collective bargaining
 16 agreement negotiated?
 17 A The current CBA runs from years 2023 through
 18 2026, so it would have been signed and negotiated in
 19 2022.
 20 Q Is that -- are they normally four-year
 21 terms?
 22 A Correct.
 23 Q Are those -- what was your role in the 2022
 24 collective bargaining agreement negotiations?
 25 A I was also the president at that time of the

Page 21

1 union.
 2 Q Were you one of the negotiators then?
 3 A Correct. So the team that does that is
 4 comprised of a representative of each uniformed shift
 5 and detectives, and then an FOP representative; in
 6 this case, that was me, yes.
 7 Q So there -- is that a five-person team when
 8 --
 9 A Correct. BPD uses it. We have five people,
 10 and then with the last two contracts after they joined
 11 the labor council, there are times where there may
 12 have been an attorney or there may have been a field
 13 representative from the labor council in attendance,
 14 as well.
 15 Q What were the union's primary concerns in
 16 that last negotiating process? Or what were their --
 17 what were the things that you guys wanted to
 18 accomplish in it?
 19 A You know, largely compensation. BPD has
 20 consistently ranked well behind our peer agencies in
 21 terms of compensation and what you would lump under
 22 benefits, let's say. We see that as affecting our
 23 ability to compete in the marketplace and recruit and
 24 then also retain employees. We've lost a lot of
 25 employees to other agencies who pay better than BPD or

Page 22

1 have better benefits than BPD.

2 Q Is there anything else?

3 A So doing a contract, I mean, it's a multi-

4 part thing. So, I mean, that's the general header of

5 it is largely compensation. I mean, there's a lot of

6 different areas of that contract that I could, if I

7 had it in front of me we could go through them line by

8 line, but.

9 Q What was the result in -- I understand there

10 was a pay increase that came out of that collective

11 bargaining agreement?

12 A There was. The -- so each year of this

13 four-year contract, there was a percentage increase.

14 The first year was the larger of the four years, and

15 then it's a different amount each year since -- or for

16 '24, '25, and '26.

17 Q Do you remember what the first year

18 percentage increase was?

19 A For officer first class, it was 13.-

20 something percent, and for senior police officer it

21 was 12.6 percent, something like that. For year two,

22 it's 2.8 percent increase for everyone, for year three

23 it's 2.9 percent, and year four it's 3 percent.

24 Q Do you -- did you view those as successful

25 negotiations and a successful collective bargaining

Page 23

1 agreement?

2 A The membership voted on it and accepted it

3 as acceptable, yes. It was definitely one of the

4 larger increases they have seen, and so, yeah, they

5 felt good about it at the time.

6 Q I haven't read it, but I would assume it

7 doesn't prohibit the city from raising pay greater

8 than that that's in the agreement?

9 A No. There's a section in there that talks

10 about, you know, if both parties to the agreement

11 agreed that there needed to be some sort of change

12 made, both parties could come back to the table and,

13 yeah, do that if they wanted to.

14 Q What role did annexation play in the

15 collective bargaining agreement negotiations in 2022?

16 A You know, annexation's been talked about for

17 a long time, so obviously it was mentioned during

18 that, I'm sure. Basically it's the same -- same

19 concept, you know.

20 The officers view annexation as something

21 that, you know, if we don't do something now to begin

22 recruiting new officers and filling in the gaps we

23 have as well as adding new positions, BPD has

24 traditionally been rather understaffed for population,

25 call volume, crime statistics.

Page 24

1 And, you know, obviously we're 20 officers

2 short today, so, you know, I'm sure it was discussed

3 in terms of that where, you know, we're trying to find

4 a way, you know, whether it's increasing compensation

5 and benefits to attract new officers here and retain

6 the officers that we currently have.

7 Q Was it something that the union raised

8 specifically during negotiations?

9 A I'm sure we did, yeah.

10 Q And as in was it a -- I'm trying to think

11 how to phrase this. Was it an issue that affected

12 compensation?

13 A I think that it was an issue that where we

14 were looking at it as, you know, the more compensation

15 or the better way we can position BPD to attract

16 either recruiting a new officer or retaining existing

17 officers, obviously the higher we can position

18 ourselves as a marketable agency, the better we will

19 be.

20 That's been the, kind of the big issue for a

21 number of years is being able to hire officers and

22 then keep them long-term.

23 Q The pay increases, they're not contingent on

24 the annexation being successful or unsuccessful, are

25 they?

Page 25

1 A No. The annexation is not mentioned in any

2 way in the current collective bargaining agreement,

3 no.

4 Q So the annexation doesn't affect the pay

5 increases or the collective bargaining agreement?

6 A No, it's not a mentioned section in the

7 agreement, no.

8 Q Was -- so I'm looking at my timing here.

9 Prior to that, the prior collective bargaining

10 agreement negotiations would have been in 2018; is

11 that correct?

12 A I think that one went maybe a little bit

13 into 2019. There was, I think it was that year that

14 we did go into our evergreen year. I don't believe we

15 came to an agreement by the end of it, and we went in

16 a little bit to the next year.

17 Q By "evergreen," you just mean the prior

18 agreement just continued for an extra year?

19 A Correct.

20 Q Okay. Was annexation an issue during those

21 collective bargaining agreement negotiations?

22 A It was probably mentioned because I believe

23 the city started the annexation in 20 -- was it 2017,

24 2018, somewhere in there, so it probably was mentioned

25 at that time just because of the closeness of it.

Page 26

1 Q You talked about a little bit of the
 2 staffing concerns. Do you agree that police
 3 departments around the country are having trouble
 4 right now attracting new officers?
 5 A Yes, I would agree with that.
 6 Q Sorry, can you repeat that? I think you
 7 tuned out a minute.
 8 A Sorry. Yes, I would agree with that.
 9 Q There's a shortage of police officers
 10 nationwide?
 11 A Correct.
 12 Q Is it pretty competitive nationwide to
 13 attract officers?
 14 A Yeah, it's a very competitive hiring market
 15 right now.
 16 Q Are there fewer people that want to be
 17 police officers?
 18 A There's -- there's some research that says
 19 yeah, the pool is a lot less just based on national
 20 trends and some of the media stuff that's been out the
 21 last, you know, let's say, you know, eight to ten
 22 years. So yeah, you probably do have fewer people
 23 applying for those jobs.
 24 Q Why do you think that is?
 25 A You know, a lot of the media reports, you

Page 27

1 know, in the last eight to ten years have been, you
 2 know, very negative about law enforcement. There was
 3 a period of time where law enforcement was really
 4 getting a bad rap, and, you know, it's -- it swings
 5 back and forth.
 6 If you've done this long enough, you know,
 7 in law enforcement you see that where sometimes, you
 8 know, everyone loves you, sometimes everyone hates
 9 you. It just goes back and forth, and we're just kind
 10 of in the midst of that.
 11 Q When do you think -- I understand your
 12 position is there's a staffing shortage; when you do,
 13 in Bloomington PD, when do you think that problem
 14 started to occur?
 15 A Really in the last about five years, I think
 16 is where we really saw, you know, we were losing more
 17 than we were able to bring in and retain. I'd have to
 18 have, you know, multi years in front of me, but I want
 19 to say 2019, 2020, somewhere in there, the last bit.
 20 Q You don't think it was a problem before
 21 that?
 22 A Well, this is my opinion. It was because
 23 Bloomington's obviously always been a little bit under
 24 kind of the national number of, you know, where you
 25 see police officer totals. I think it was two mayors

Page 28

1 ago they made a big push they were going to try to add
 2 two new positions each year during his terms.
 3 We added for a number of years, you saw
 4 regular retirements, but we were still continuing to
 5 add, and we can still hire people with, you know,
 6 relative regularity, let's say.
 7 And then here in the last, I'd say about
 8 five years or so, it's become harder to hire people
 9 because you have, you know, fewer people putting in,
 10 and then we were losing people who may be retiring,
 11 whether it's early or more than -- instead of people
 12 staying for, let's say, 25 years, they were getting
 13 out right at 20 years type thing.
 14 Q And do you think that's consistent
 15 nationwide, too? Officers retiring earlier?
 16 A I do. You see quite a bit of that, and
 17 that's really, you know, again why recruiting and
 18 retaining have to go hand in hand.
 19 Q Do you know -- I believe there was a change
 20 in the law at some point concerning where officers can
 21 reside; are you familiar with that?
 22 A Yeah, 'cause it used to be, I think there
 23 was like, there was a certain mileage put on it. And
 24 then I know that changed, and then now I don't think
 25 there's an actual number on it, if I remember

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1 correctly.
 2 Q There's no restriction for Bloomington
 3 police officers on where they can live, is there?
 4 A Not that I'm aware of. We have several
 5 officers who live outside of the city, outside of the
 6 county, yes.
 7 Q Like I, for example, I think Carmel has
 8 police officers that probably come from Monroe County;
 9 are you familiar with that?
 10 A I don't know of any, you know, specifically
 11 people who live here and drive there, no.
 12 Q You mentioned a minute ago that within the
 13 last five years is when -- or, I'm sorry, you said,
 14 and I'm just trying to make sure I understand it, I
 15 think, Bloomington's always been under the national
 16 totals was something you -- what do you base that off
 17 of when you say, "national totals"?
 18 A Oh. Bloomington, you know, for population
 19 size, for call volume, for, you know, crime that goes
 20 on, you know, we've as a bargaining unit have always
 21 felt like we should have more officers to cover what
 22 we have.
 23 Traditionally, you know, it's usually viewed
 24 between two and three officers per thousand people is
 25 kind of a generally benchmark that you see a lot of

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1 times. I don't think anyone has it really written
 2 down like you must have X number, or something like
 3 that.

4 But for a population size, we've seen that
 5 in talking to the city, you know, people in the past,
 6 the argument has been brought out that well, we have
 7 the city police but you also have Indiana University
 8 police, there's the sheriff's office, the state
 9 police. There are several other law enforcement
 10 agencies who cover this area. And so, you know, we
 11 can get by with fewer officers in the city.

12 Q Because I want to make sure I understand it,
 13 you said two to three officers per thousand; there's
 14 not a national statistic or guideline out there that
 15 lists that number, is there?

16 A So you see it come up. If you search
 17 online, you do the research on it, you see it
 18 mentioned by, you know, agencies like the FBI, you see
 19 it mentioned by organizations like the, what is it,
 20 the International Association of Chiefs of Police. I
 21 think that's the acronym.

22 You know, a lot of them use -- use those
 23 kind of numbers of, you know, kind of benchmarks for
 24 where cities or municipalities should be aiming for.
 25 Again, the city of Bloomington doesn't actually have a

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1 number written down that say, you know, we have to
 2 have X number of officers per whatever, no.

3 Q And I'm talking about nationwide, too,
 4 there's not a -- I mean, I will tell you, I've not
 5 seen, and so that's why I'm asking you if you've seen
 6 a specific study that says here's the recommended
 7 number of officers per thousand people.

8 A Again, yeah, it's one of those like you see
 9 if you look online, I mean, I don't think the FBI
 10 comes right out and says you must have X number per
 11 thousand.

12 What you see is research where it's, you
 13 know, that's kind of the numbers they use for cities
 14 and towns for how they do things for looking at
 15 things, population size, crime reporting, or crime
 16 statistics, that sort of thing.

17 Q Do you believe Bloomington has good police
 18 officers?

19 A I do.

20 Q How would you compare Bloomington's police
 21 department to other departments in Indiana in terms of
 22 the service that they provide? Is it better? Is it
 23 worse? Is it comparable?

24 A Multi-part answer, there. I would say for
 25 the terms -- in terms of the service that they receive

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1 from the officers in terms of, you know, how we
 2 respond to calls, how we treat the citizens, how we do
 3 things, I'd put us at exceptional. We have a very
 4 good group of officers, and that's -- it's -- we do an
 5 excellent job of training officers, which is why they
 6 get poached by other agencies with some regularity.

7 There are times as an agency where we're,
 8 you know, this is part of, you know, the staffing
 9 numbers where we're unable to respond to calls in a
 10 timely manner, so there, you know, compared to other
 11 agencies we may be behind. There's times where we
 12 have to pend calls for service for citizens calling
 13 about something because we just don't have any units
 14 available.

15 So in terms of the service you receive from
 16 the officers, great. In terms of, you know, timing
 17 and our ability to handle, you know, large-scale
 18 things, quite a bit less.

19 Q That's not unusual in other departments
 20 around the state, though, is it, right? You agree?

21 A I don't know all of them for, you know,
 22 their response time, so I really don't have a way to
 23 respond specifically to all of them like that.

24 Q So your measure is response times? Is that
 25 your measure?

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1 A It's one part of it. You know, the
 2 citizens, when they call 9-1-1, they expect that
 3 someone's going to respond to a call. We get citizens
 4 who, you know, get irritated with us when it takes,
 5 you know, a bit of time to respond to something, or
 6 they get a, you know, a phone call instead of an
 7 actual person showing up, or they get one of the
 8 civilian employees versus a sworn officer, that sort
 9 of thing.

10 Q What do you believe is a adequate response
 11 time when somebody calls 9-1-1?

12 A Well, I think, Steve, it would really depend
 13 on what type of call or what it is they're calling
 14 about. And that would be more of a department
 15 question about what they view, you know, adequate time
 16 or response. I don't have any of that data in front
 17 of me.

18 Q I mean, do you have a -- you don't have a
 19 specific opinion yourself, though, of what would be an
 20 appropriate response time?

21 A Well, it would depend on what the call was.
 22 We use a four-tier system of prioritizing calls in the
 23 computer. One is -- so there's 1, 2, 3, 4; 1 is, you
 24 know, a very quick response, priority call; 2 can pend
 25 for about 15 minutes; 3 and 4 can pend 30 to 60

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1 minutes, like that.

2 So depending on the type of call would be

3 the way to, you know, I'd have to know exactly what

4 the call was. Then obviously every call is different.

5 You know, it may be put in the computer as one thing,

6 but when you read the notes you realize it's something

7 completely different or there's some issue with it.

8 So it's hard to -- to put a true number to that, I

9 guess, without a more detailed, specific example.

10 Q Have you reviewed -- and, I'm sorry, I

11 haven't seen the email that you sent us; does it

12 include tall time data? Or is it just shift staffing

13 data?

14 A It's just staffing.

15 Q Okay. Do you review regularly the call time

16 data?

17 A I don't in my role, no. That would be a

18 department question.

19 Q Are you familiar with, I guess -- are you

20 familiar with the current run-time data for

21 Bloomington Police Department?

22 A I can't say that I've seen it. No.

23 Q Are you aware that the call -- the response

24 call time is shorter than it is for the Monroe County

25 Fire -- or Police -- Monroe County Sheriff's

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1 Department?

2 A I'm not necessarily aware of it, but I

3 wouldn't be surprised by it just for geography.

4 Q Why is that if you could explain?

5 A So city is obviously, you know,

6 geographically just one area. And we have, you know,

7 usually more officers working than the county does in

8 a smaller area. They would have larger distances to

9 travel between calls.

10 Q How many officers during the afternoon

11 shift, for example, does Bloomington Police Department

12 have patrolling?

13 A I think afternoon shift's minimum is nine.

14 I don't currently work that shift, so I'd have to look

15 that one up. But I believe it's around nine.

16 Q What's the -- is that the busiest shift?

17 A In terms of call volume, yes. Second shift

18 is the busiest one, yes.

19 Q What's the maximum?

20 A Well, so for example, I'm trying to think,

21 it's on here. So afternoon shift currently has 16

22 officers assigned that'd be broken up into three

23 rotations. So let's say you have five, five, and six

24 of the three rotations. If you had -- and you always

25 have two rotations working at a time. So in one

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1 instance you may have ten people total possible, or

2 you may have the other one that'd be a five and a six,

3 you'd have eleven possible working if no one was off,

4 no one was in training, no one was sick, like that.

5 Q Is -- do you know how many sheriff's deputy

6 at that same shift time are patrolling the county?

7 A I do not know that number.

8 Q And you understand that your -- do sheriff's

9 deputies, do they patrol inside the city, as well?

10 A I don't think they -- I mean, they

11 obviously, if they're in their vehicles and they see a

12 crime occurring or traffic, you know, something like

13 that, they would -- they would be able to take action.

14 They don't specifically patrol inside the city for, I

15 guess, patrol area. Their district or areas are

16 outside of the city.

17 Q But their headquarters is in the city, isn't

18 it?

19 A Right. And so the headquarters, the jail,

20 that's why -- I mean, obviously they transit the city

21 just like there are areas of -- of, you know, around

22 the edge of the county where the city -- a city

23 officer may transit bits of the county.

24 Q But they -- you understand it's the -- it's

25 -- inside the city is also the sheriff's department's

Page 37

1 jurisdiction, as well?

2 A Sure. They're county-wide.

3 Q Is -- do you think 16 officers in the --

4 during the second shift is an appropriate number to be

5 patrolling the city during that time?

6 A Well, let me correct you there, Steve.

7 Sixteen is the total number assigned to that shift.

8 Q Thank you. Thank you for correcting me.

9 Let's say nine to ten?

10 A Nine to ten is -- is, let's say, light.

11 It's short.

12 Q How many do you believe should be patrolling

13 the current city's boundaries right now during the

14 second shift?

15 A Well, if we had -- if we were fully staffed

16 at 105 officers, we had 20 more than we currently do,

17 and we say we put another, you know, five onto that 16

18 that already exists, we'd have 21 officers to draw

19 from. You could split that, you know, three ways, and

20 then you'd have, you know, a few more working on each

21 one.

22 I don't know the -- I wouldn't be the person

23 that would set the number of officers for that. That

24 would be more like a chief question. Obviously if we

25 had a fully staffed 105 officers, you know, they'd be

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1 able to do that and staff second shift with, you know,
2 at least five more, let's say.
3 Q When you say, "fully staffed at 105," what
4 do you base the 105 on?
5 A That's the number that's budgeted by the
6 city for the authorized staffing of the police
7 department.
8 Q Do you know what that number is based off
9 of?
10 A I do not. That's the number that's set by,
11 you know, folks above my pay grade.
12 Q Do you base -- so to you, fully staffed is
13 based off of what the council budgets?
14 A That's one way to look at it, yeah. I mean,
15 they -- that's the number that's reported as part of
16 the budgeting process, and then that's set by, you
17 know, obviously the chief and the mayor, you know, in
18 working on their budget.
19 Q I mean, aside from that 105 number from the
20 budget, is there anything else that you would base off
21 of saying we need more officers during the second
22 shift?
23 A Well, the last staffing or organizational
24 study that was done by the city was, I want to say,
25 2018, 2019, somewhere in there. That one did

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1 recommend on our current shift schedule having more
2 officers. So we've talked about that with city
3 council and publicly, as well, in the past. I believe
4 that one put us at 121 officers at our current patrol
5 schedule is what they recommended.
6 Q Besides that and the budget, is there
7 anything else that you would base it off of? Any
8 other data that you have about needing more officers?
9 A Well, those are the two, you know,
10 obviously, you know, the 105 is set by the city.
11 That's not something we really base it off of. That's
12 just what's available. The staffing study is one that
13 we think is, you know, data, you know, that an outside
14 organization came in and said, hey, this would be it.
15 If you look at the traditional, you know,
16 idea of having two to three officers per thousand,
17 again that's, you know -- I'd have to do the math in
18 front of me for what we have.
19 And there's some question there as to the
20 actual census number for Bloomington and how many
21 people actually live in Bloomington. We've had that
22 debate, as well, in the past. And I know the city was
23 upset with the last census number because they felt it
24 was underreported.
25 Q Is the two to three officers per thousand,

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1 that's -- is that total officers in the department, or
2 is that a shift staffing recommendation?
3 A Usually where you see that stuff, you know,
4 for whether it's FBI or whoever else is talking about
5 it, it's based on total numbers. I don't think anyone
6 breaks it down for an actual, like, shift
7 recommendation. No.
8 Q Like the plain clothes detectives, civilian
9 staff, as well?
10 A Yeah, I mean -- well, so total number of
11 officers would be your sworn personnel. The total
12 number of employees of an agency would include your
13 non-sworn, your civilian, you know, whether it's
14 records clerks, dispatch, those folks, yeah.
15 Q Maybe the way I want to ask it is that two
16 to three would include upper level policy-making
17 detectives, or detectives and upper level policy-
18 making sworn officers?
19 A It would, yeah. I mean, that's -- if you're
20 looking at sworn positions, that's the 105 that we use
21 locally as the budgeted number includes everyone from
22 the chief down.
23 Q If there were 105 sworn officers, would that
24 address your concerns about current staffing levels?
25 A I think it would help the members, you know,

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1 obviously in their day-to-day lives with, you know,
2 call volume and what they're doing. It would --
3 again, you know, if we could follow the actual
4 organizational recommendation that said, hey, you guys
5 should have 121, that would be even better. That was
6 based on data from -- and, again, I want to say it was
7 like 2019, somewhere in there -- in terms of call
8 volume.
9 We've seen call volume and crime stuff go up
10 the last few years. I know last year specifically our
11 call volume went up quite a bit. So, you know, we'd
12 almost have to do another organizational or staffing
13 study to see if those numbers are still recommended or
14 what they would put it at.
15 Q Do you agree that city police officers
16 respond to calls in the annexation areas from time to
17 time?
18 A It depends on the type of call, and it would
19 depend on a supervisor, a city supervisor saying,
20 yeah, go -- that's okay to respond to that.
21 So we -- we have a kind of a -- a rule,
22 let's say, where, you know, obviously the areas around
23 the edge of the city are some. If you are driving
24 through one of those areas around the edge of the town
25 and you come upon, let's say, a motor vehicle crash.

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1 Most of the time, the officer who encounters it would
 2 just go ahead and work it rather than call the other
 3 agency or the county sheriff's office to work it.
 4 Obviously they're not driving well into the
 5 county jurisdiction working crashes or taking a call
 6 like that unless the other organization or the other
 7 agency was to say, hey, you know, we're busy, could
 8 you guys send someone to respond to this particular
 9 call in our jurisdiction, which does happen from time
 10 to time.
 11 Q So the sheriff's department would say, we're
 12 too busy, even though this area is outside of the
 13 city's boundaries, can the -- can a city officer come
 14 and take this call, and will do that from time to
 15 time?
 16 A Correct.
 17 Q Including in the annexation areas, I assume?
 18 A Yeah, I mean, I'd have to look at the
 19 addresses, but yeah, I'm sure we've done something in
 20 those areas.
 21 Q You said that there was a rule, you used the
 22 term "rule"?
 23 A Yeah.
 24 Q Is there a -- I just want to make sure we're
 25 clear on that. Is that a written rule, is it kind of

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1 an unspoken rule? Has anybody told you that?
 2 A You know, we've been told that by our shift
 3 supervisors. It's not like a written rule that's
 4 written down in a general order or something, no.
 5 Q What about like a priority one call, right,
 6 you guys will respond to that without asking, I would
 7 assume?
 8 A So generally what would happen, you know, as
 9 a patrol guy, you're going to maybe start that way if
 10 you hear the call, but we're asking our supervisor
 11 over the radio, you know, hey, did you hear the call
 12 and can I respond? And obviously they're going to
 13 take half a second, look at the call, and say yes or
 14 no or make that decision.
 15 But, you know, obviously if there was, let's
 16 say, an active shooter incident at a school outside of
 17 the city jurisdiction, most of us would begin
 18 responding to that, yes.
 19 Q When it comes from dispatch, do they say if
 20 it's -- whose jurisdiction it is? Or do they just say
 21 it's here and you figure out whose jurisdiction it is
 22 on the way or later?
 23 A No, we -- well, for all the calls, we would
 24 only -- city would get dispatched to city
 25 jurisdiction, county would get dispatched to county

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1 jurisdiction. In the computer, I can see all of those
 2 calls if I have it set, you know, I could see all the
 3 ambulance calls or all the fire calls, or whatever.
 4 Or I could narrow it down and just see, you know, my
 5 agency, let's say.
 6 Q Do you agree that Bloomington Police
 7 Department officers interact with residents in the
 8 annexation areas every day?
 9 A I wouldn't really have a way to answer that.
 10 I'd -- it's possible, I suppose, but I don't -- I
 11 don't know for sure.
 12 Q Do you agree that the additional population
 13 and businesses right outside the city's boundaries
 14 impact the manner in which we provide police service?
 15 A I would say that --
 16 MR. BEGGS: Object -- show objection to
 17 the form of the question.
 18 BY MR. UNGER:
 19 Q Go ahead and answer, Paul?
 20 A What I was going to say is I think that
 21 adding a large population or large area would affect,
 22 you know, things because obviously you're adding both,
 23 you know, people and, you know, land mass. It's time
 24 to cover those areas, so potentially.
 25 Q Are you familiar with the Walmart located in

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1 annexation area 1B?
 2 A I am.
 3 Q Do you think there's a crime problem at the
 4 Walmart in area 1B?
 5 A I don't know that I would classify it as a
 6 crime problem. I would say it's a higher call volume
 7 address in the county jurisdiction, yes.
 8 Q Are you aware of county officers ever
 9 asking, you know, your rank and file to make the calls
 10 to -- make the runs on the calls to the Walmart?
 11 A One of them did today during my shift this
 12 morning where one of our officers was assisting county
 13 with, I think they were looking for a suspect or
 14 something that the call had originated at Walmart.
 15 Q Are you aware of the county sheriff's
 16 deputies ever asking Bloomington Police Department to
 17 just take over all of the calls to the Walmart?
 18 A I'm not aware or familiar with that, no.
 19 Q Do you agree that shorter response times are
 20 a benefit to a resident or a business?
 21 A I think that a resident or a business would
 22 say that, yes, that they would -- they would, you
 23 know, say, hey, you know, we want the police to
 24 respond in a timely manner.
 25 Q Do you have -- are you aware of any data

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1 that showing that calls are going unanswered in
 2 Bloomington based off of the current staffing levels?
 3 A You would probably have to ask the
 4 department that question. I don't have that data to
 5 where I've seen a list of -- I know that calls
 6 sometimes get marked "no units available" and they
 7 will pend. I don't know of calls that -- of a list of
 8 those calls. That would be more of a department data
 9 question.
 10 Q But, I guess, are you aware of any specific
 11 evidence of calls being unanswered because -- all
 12 together unanswered because of short staffing or
 13 crimes not being addressed because of short staffing?
 14 A Well, we see it pretty frequently on my
 15 shift where calls get marked, you know, "no units
 16 available" and they'll just sit for a while until we
 17 can free someone up, yes. I mean, that's just my
 18 personal experience seeing it day to day.
 19 Again, I don't know how many total calls
 20 that constitutes. That would be a department
 21 question.
 22 Q Do you know -- I would assume even with the
 23 105 officers, there would still be calls that would go
 24 -- be marked as "no units available" because they
 25 would find things to do; do you agree?

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1 A I think it's potentially possible, yeah. I
 2 mean, no matter how many officers you have and then
 3 depending on the type of calls that are coming in
 4 could you see a circumstance where, you know, all of
 5 the officers get tied up on a major event, yeah.
 6 Q Would the -- if I were to look at the
 7 run-time data, would it reflect that the, for example,
 8 if something went unanswered for three minutes, that
 9 would show up in the run-time data, that would be a
 10 part of it?
 11 A Kind of a dispatcher department question. I
 12 -- I would think so. There's a -- there's a call time
 13 counter on the calls that we can see. Again, the four
 14 priority listings, you know, have -- dispatch uses a
 15 timer, let's say, of, you know, things have to be
 16 dispatched within a certain amount of time.
 17 So I would assume you could extract that
 18 somewhere, but I'm not the person to ask about that.
 19 Q Any other -- I just want to make sure I've
 20 exhausted this -- kind of any other data or evidence
 21 about crimes being unsolved or supporting short --
 22 that were short-staffed?
 23 A As to crimes not being solved, or something
 24 like that, clearance rates would be either detective
 25 division or a department-level question. I can't

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1 speak to clearance rates, that sort of thing. I don't
 2 have that data.
 3 Q And so you haven't studied it, clearance
 4 data?
 5 A I know that number exists because I've heard
 6 people talk about it. I don't particularly have it in
 7 front of me or know it off the top of my head. No.
 8 MR. UNGER: I'm going to -- let's go
 9 off the record for one second.
 10 THE REPORTER: Off the record at 3:05
 11 p.m.
 12 (Off the record.)
 13 THE REPORTER: We are now back on the
 14 record at 3:12 p.m.
 15 BY MR. UNGER:
 16 Q Mr. Post, I've now put in front of you a
 17 document that's labeled as Exhibit 53 titled "City of
 18 Bloomington Police Department Organizational
 19 Assessment Final Report August 2020"; do you see that?
 20 (Exhibit 53 was marked for
 21 identification.)
 22 A Yes, I do.
 23 Q Can you read it okay on your screen?
 24 A Yes, I can.
 25 Q If you can't, let me know and I'll zoom in

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1 or whatever you need.
 2 A Okay.
 3 Q You mentioned a report around 2019 that
 4 talks about 121 officers -- schedule; is this the
 5 report that you were referencing?
 6 A Yes, correct.
 7 Q Any other reports besides this one
 8 concerning staffing that you're aware of?
 9 A This was the one that talked about staffing.
 10 I know the city had conducted a salary study which is
 11 different reporting. I believe even a different
 12 company.
 13 Q When was the salary study?
 14 A I believe that was done prior to this report
 15 if I remember correctly.
 16 Q Do you remember what the recommendations
 17 were in the salary study?
 18 A Number-wise, no. I don't remember specific,
 19 no. And that one's probably been 2018, 2017, 2018,
 20 somewhere in there.
 21 Q Do you recall did the union agree with the
 22 recommendations in that, the salary study report?
 23 A I don't remember the specific numbers to say
 24 yes or no to that. I don't remember off the top of my
 25 head.

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1 Q So I'm going to call this the Novak report.
2 A Okay.
3 Q For ease of reference. Do you -- what's
4 your understanding as to why the Novak report was
5 prepared?
6 A It was done at the direction of the city and
7 the current mayor at that time. I don't know if there
8 was something else that prompted them to do that.
9 Q And so do you know -- are you -- have you
10 studied the Novak report?
11 A I've read this report a few times, yes.
12 Q Do you agree with all of the recommendations
13 in the Novak report?
14 A I would say no. I mean, it has several
15 different recommendations for different things. I
16 know there's, I think, four different proposals, let's
17 say, of different shift hours. You know, we
18 obviously, the patrol division currently works eight
19 and a half hour shifts. I think there was -- I want
20 to say it was four different recommendations in there
21 about ways you could put the shift hours.
22 MR. BEGGS: If I could just interject
23 to pose an objection. I think the witness said he's
24 aware of it, but I don't know when he's last seen it.
25 I don't know -- he's clearly not seen it today in this

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1 deposition.
2 And so when asked if he agrees with all
3 of its recommendations or not, I think it would be
4 fair to let the witness take a look at it.
5 MR. UNGER: Yeah. I'll -- well, you
6 can do that, though, on your part, if you'd like.
7 That's fine.
8 BY MR. UNGER:
9 Q The -- you agree with the recommendation for
10 121 officers?
11 A Again, that's my recollection of the
12 recommendation they made of our current eight and a
13 half hour patrol schedule, yes. And that was -- that
14 was from obviously, you know, four -- not quite four
15 years ago based on numbers at that time.
16 Q And you, I think, alluded to this, you
17 understand that the report recommendations moving to
18 ten-hour shifts; is that correct?
19 A If I remember correctly, the report had, it
20 was eight hours, maybe eight, ten, and twelve were the
21 others that it talks about.
22 Q And do you recall the report finding that
23 the eight and a half hour shifts, current shifts, were
24 inefficient?
25 A I don't remember the language off the top of

Page 52

1 my head. No.
2 Q Do you dispute that eight and a half hour
3 shifts are inefficient?
4 A I don't really have an answer to that off
5 the top of my head, and that would be something more
6 of a department question as to staffing numbers and
7 how they view that.
8 Q I mean, if the Novak report says it's
9 inefficient, would you dispute the Novak report?
10 A Well, again, Steve, I mean, there's a lot of
11 different things in that report. It's several pages
12 if I remember correctly. You know, obviously I don't
13 have it right in front of me other than what's on your
14 screen, so I'm not really sure how to answer that.
15 Q Do you know, do you recall how many officers
16 the report says the city -- they recommend that the
17 city add if it changes to a ten-hour shift?
18 A I don't recall that number.
19 Q If the city followed the recommendations of
20 the Novak report for shifting and staffing, do you
21 have any reason to think that the city would still be
22 short-staffed?
23 A Not having the direct numbers in front of
24 me, I'm not sure I can answer that. You know, that
25 would be more of like a, like you said, the policy

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1 level or the chief level type thing to compare, you
2 know, numbers that they used when the report was
3 written versus now. Again, I know last year they said
4 our call volume went up considerably, so I don't know.
5 Q I think what I'm trying to understand is
6 you're basing your belief that the city is short-
7 staffed on this report. And what I'm trying to
8 understand -- that's what I understand your testimony
9 to be.
10 If the city follows the recommendations in
11 the report, would you agree that the city would be no
12 longer short-staffed according to the report?
13 A Well, I don't know that I would agree with
14 phrasing it like that because, again, this is old
15 data. And I know that, you know, we've talked about
16 there's different recommendations for different shift
17 staffing, and then based on, you know, numbers that
18 way.
19 So at the time, the discussion, if I
20 remember correctly, was, you know, did -- did we as an
21 agency want to change to a different patrol hour
22 schedule. And the answer was no. So I think that
23 that's why we focused solely on the -- the eight and a
24 half hour section because that's what we currently --
25 that's what we use is the eight and half hour shifts.

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1 Q When you say we as an agency did not want to
 2 change to the ten-hour shift, do you mean the union
 3 didn't want to change to the ten-hour shift?
 4 A I remember -- I remember at some point that
 5 that conversation was had with -- with, you know at
 6 least with the chief and, you know, from that level
 7 down of, you know, is this something that we're going
 8 to -- is the agency going to change hours. And the
 9 answer was no to the union.
 10 Q If changing to the ten-hour shifts allowed
 11 the city to be more efficient in its policing, would
 12 the union oppose that?
 13 A I think we would have to, you know, that
 14 would be a specific question I'd have to put to the
 15 membership as to, you know, their opinion on ten hour
 16 specifically. And then we would have to see what that
 17 patrol schedule would look like.
 18 I know there's a couple different ways you
 19 can do a ten-hour shift, and so I don't know how the
 20 members would specific look at that if it's, you know,
 21 set days off or rotating days off, or there's kind of
 22 several -- several moving parts to that, I think.
 23 Q I think it also outlined the possibility of
 24 a 12-hour shift; do you know, would the union oppose
 25 12-hour shifts?

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1 A Again, it's something that I would have to,
 2 you know, poll all of the members directly with
 3 specific information, you know, as to what was being
 4 proposed.
 5 Q Hold on a second, please. Do you know at
 6 the time the Novak report was prepared, was there a
 7 debate in the city at that time about appropriate
 8 levels of policing?
 9 A I'm trying to remember which year it was.
 10 There was a particular year where then Mayor Hamilton
 11 proposed lowering the number of officers from 105 to
 12 100, yes.
 13 Q Was that a hot issue?
 14 A Yeah, I mean, I think it was for the city
 15 council because, you know, it had been discussed for
 16 some time of getting to 105, and we had never been
 17 able to get to that point in terms of our hiring. And
 18 so, you know, we obviously didn't want to see, you
 19 know, our goal number, let's say, shortened when we
 20 were, you know, trying to achieve that 105.
 21 Q Is it your -- I assume, I read in the news,
 22 I'm not a police officer, but I've heard of the, what
 23 I'll loosely call the defund the police movement.
 24 You're familiar with that?
 25 A I am.

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1 Q Do you feel like there's -- there are people
 2 in the Bloomington community that you felt were active
 3 in the defund the police movement?
 4 A I can't say to, you know, citizens involved
 5 directly in the movement. Were there people who were
 6 voicing those types of, you know, rhetoric, yes. We
 7 heard that at the time. I think the membership would
 8 have said, you know, at that time, hearing from then
 9 Mayor Hamilton, that was how they took his -- his
 10 proposal, let's say.
 11 Q They took his proposal as kind of consistent
 12 with that movement?
 13 A Sure.
 14 Q Like, what -- let me ask you. What does
 15 "defund the police" mean to you? Like, what's -- what
 16 is that?
 17 A Well, I think originally what it was
 18 designed or what was put out was the idea of taking
 19 funding from police departments and putting it into
 20 other social service things, whether that's, you know,
 21 other agencies or other responses to services that a
 22 city does.
 23 I think now it's -- it's kind of morphed a
 24 little bit into the idea of trying to, you know, maybe
 25 re-evaluate what things police officers respond to

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1 specifically and not necessarily as much as the
 2 funding aspect. I think early on it was very -- very
 3 dollar oriented.
 4 Q Is that a lightning rod to police officers?
 5 A I think it can be. You know, obviously
 6 police officers try to do the best thing they can for
 7 their communities, and, you know, with that specific
 8 language, yeah, I mean, that can be kind of an issue
 9 where, you know, we're going hey, we're trying, and
 10 now you're saying, you know, do more with less,
 11 basically. So, sure.
 12 Q Were -- did that -- was -- do you view it as
 13 there was money in Bloomington taken from the police
 14 department and moved to other services?
 15 A I'm trying to remember all the language from
 16 that particular budget year. I don't -- I don't think
 17 there was money that was taken from the police line
 18 and moved to other services.
 19 I think the proposal of moving to 100
 20 officers was that, you know, we weren't filled -- we
 21 had open positions that weren't filled, and Mayor
 22 Hamilton wanted to use that funding somewhere else I
 23 think was how it went.
 24 Q The -- there's a special unit in the police
 25 department, and forgive me, the name's not coming to

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1 me, that does -- that's kind of like a downtown unit?

2 A We have what's called a downtown resource

3 officer.

4 Q Yes, I believe that's it.

5 A Okay.

6 Q They do more of a community policing; is

7 that correct?

8 A Community policing is a very umbrella of

9 activities, but what that particular group is designed

10 to do is to focus on homeless outreach with -- with,

11 you know, the homeless population we have in

12 Bloomington.

13 Q Do they do other things besides address

14 homelessness?

15 A They're sworn officers, so, I mean, they can

16 respond to, you know, any type of patrol call as

17 needed. I mean, they're obviously still members,

18 sworn members of the police department, so, you know,

19 they do -- they do at times do other things than just

20 that.

21 Q When we -- when you talked about the nine

22 minimum officers on the second shift, that does not

23 include the downtown resource officers; correct?

24 A For second shift, no, I don't think it does,

25 no. I think they are a separate line.

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1 Q Are those downtown resource officers, are

2 they members of the union?

3 A So currently we have only two people in that

4 unit, so there's a sergeant and an officer. And we

5 have -- so the officer, you know, by his rank is, and

6 then the sergeant is not. Sergeants are not included

7 in the bargaining unit.

8 Q Do you agree at least that there are people

9 in the Bloomington community that believe policing

10 should be cut?

11 A Oh, yes. We've heard from them. I mean,

12 you hear that publicly.

13 Q Are there also people in the community that

14 believe that the way policing is done should be

15 changed?

16 A Yes, we've heard that.

17 Q What does that mean to you?

18 A Well, currently there's been a push, I

19 forgot the name of the commission, or whatever, but

20 there's an organizational group that is wanting to

21 basically change the type of calls that police would

22 respond to and to come up with, I think, like a

23 third-party response to, you know, particular types of

24 calls so it's not an armed police officer responding

25 to them.

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1 Q Is that a local Bloomington community thing?

2 A Yeah, there's a commission that was started

3 under Mayor Hamilton that was looking at that. I

4 don't -- I think they had proposed making a new city

5 department, and I don't believe it was ever enacted.

6 Q Did the union have a position on that?

7 A As to the making a new department, or taking

8 the calls, or?

9 Q As to taking the calls and moving them to

10 non-uniformed sworn police officers?

11 A Kind of a multi-part answer, Steve. We

12 already -- the department itself already has civilian

13 employees who handle some lower level calls. I'm not

14 sure what all type of calls this other group was

15 proposing would be handled by this unnamed third

16 party, so I can't really speak to -- to everything.

17 I know that we did have officers from BPD

18 that participated in a study, I guess, which looked at

19 types of calls and response types. I think it was

20 like a 9-1-1 response committee, something like that,

21 I don't remember what it was called, that we

22 participated in with, you know, other members of the

23 city staff.

24 Q Was it your understanding that if that was

25 implemented, that would involve cuts to the police

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1 department?

2 A I don't know for sure because I don't know,

3 like, specific dollars or anything like that, and I

4 know, you know, it would -- cuts in terms of

5 financial, or cuts in terms of type of calls that we

6 respond to, I guess two different things there.

7 Q I think I was asking in terms of officers,

8 in terms of sworn officers?

9 A I haven't heard anyone say that, no.

10 Q So I want to talk about compensation for a

11 little bit, and I know you touched on it a little bit

12 earlier. How does Bloomington's compensation for

13 police officers compare to others in the region or

14 around the state; can you talk about that?

15 A Sure. So locally within Monroe County, I

16 believe we -- BPD is the fourth overall, fourth or

17 fifth.

18 So state police I believe is currently the

19 highest paid agency in the county. Sheriff's officer

20 IU depending on their numbers for this year, the MCCSC

21 school police pay more for the position for that line

22 than a patrol officer does at BPD. And then BPD.

23 Like, I want to say we'd be, what, fourth or fifth

24 there.

25 That's just within the county. Some of the

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1 times, what we do is we look at the, what's called the
 2 certified salary list, which is a list of agencies who
 3 pay into the pension fund that we belong to. So it's
 4 not every law enforcement agency in the state, it's
 5 only agencies, cities and towns that pay into the 1977
 6 Police and Fire Fund if that makes sense.
 7 So on that list, you know, we look at where
 8 we rank compared to our peers in that group, and then
 9 we can, you know, agency by agency, we can compare
 10 ourselves, you know, let's say if we wanted to compare
 11 ourselves to another sheriff's office. Sheriff's
 12 offices tend to not be in that same pension structure,
 13 so if we wanted to compare ourselves, to, say,
 14 Hamilton County or Lake County or something like that,
 15 we would have to do that agency to agency looking at
 16 numbers.
 17 Sheriff's offices tend to have different
 18 rank structures, so it gets a little muddier with is
 19 it an officer to deputy, is it officer to, you know,
 20 like how they track. Within the 1977 Police and Fire
 21 Pension Fund, most agencies will have at least the
 22 rank of officer first class and then some other ranks
 23 around it, so the benchmark that is used is officer
 24 first class pay plus 20 years of longevity, assuming a
 25 member had stayed for a 20-year career.

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1 Then that's what's considered each year the
 2 certified salary number that gets put out so agencies
 3 can look basically at the list and say, you know, this
 4 is where we land.
 5 Q So I want to -- when you -- the Monroe
 6 County, you say we rank fourth in Monroe County,
 7 fourth or fifth; is that based off of base pay for a
 8 first class officer, or is that based off the first
 9 class officer plus 20 years?
 10 A So the number, the certified number is
 11 officer first class plus 20 years of longevity. You
 12 can compare starting salary to several different, you
 13 know, agencies and not just in the pension fund.
 14 That's an easy one that translates across, whether
 15 it's like a city to a sheriff's office or city to the
 16 school corporation like that.
 17 Q What -- let me ask, what's the base pay for
 18 a first class officer in Bloomington? Do you know?
 19 A I'd have to have the contract in front of me
 20 to know exactly the dollar amount this year. I don't
 21 know off the top of my head.
 22 Q Does \$68,184 sound correct?
 23 A Probably something like that, yeah.
 24 Q All right. Okay. But do you know what it
 25 is for a state police in Monroe County, for a state

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1 police trooper?
 2 A Their starting -- their advertised starting
 3 salary I think was 70,000 is what the numbers they had
 4 put out, then it went up from there. I don't know
 5 what their first -- obviously that's a starting
 6 salary. I don't know what their first, like, rank
 7 would be after that.
 8 Q Would, like, you don't know what that
 9 includes? Would that include, like, a signing bonus
 10 or?
 11 A For the state police, I don't know that
 12 specifics. No.
 13 Q So in the -- where does Bloomington rank in
 14 terms of the '77 fund to your understanding of that?
 15 A Again, I don't have the sheet in front of
 16 me. I believe we're in the 60s this year.
 17 Q In the -- meaning in like the 60th
 18 percentile?
 19 A So, like, 64th on the list, you know, from
 20 the top. Something like that.
 21 Q Do you know about how many agencies are in
 22 that?
 23 A I want to say, like, 170, 180, somewhere in
 24 there.
 25 Q So Bloomington pays in the upper half?

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1 A That's a way to describe it, yeah.
 2 Q Okay. I just want to make sure I'm
 3 understanding what's number 1 and what's number 170.
 4 A I don't remember who number 1 is this year,
 5 but yeah, that's generally how it's looked at.
 6 Q Let me -- a couple more questions here, and
 7 then we'll take a break. Do you know what the -- so
 8 Bloomington police officers also receive incentive pay
 9 on top of that; correct?
 10 A I'd want to clarify what you mean by
 11 incentive pay, but they can receive specialty pay
 12 depending on if they belong to a specialty team. They
 13 can receive longevity pay which is based on years of
 14 service. They can receive education pay if they show
 15 documentation of higher education degrees.
 16 Q Are you aware of any data comparing what
 17 Bloomington pays compared to other departments
 18 including longevity and incentives and those things?
 19 A You'd have to do almost agency to agency
 20 direct comparison to see if, you know, taking a
 21 particular agency and then comparing, you know, the
 22 education line. Because not everyone has the same
 23 benefits packages, let's say.
 24 Q You know, some people have an education
 25 benefit, some people don't. Some people may have --

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1 longevity is one I know that changes quite a bit
 2 across the state, you know, for in terms of the
 3 amounts put into that.
 4 MR. UNGER: Let's take a break there
 5 and go off the record.
 6 THE WITNESS: Okay.
 7 THE REPORTER: All right. Off the
 8 record at 3:38 p.m.
 9 (Off the record.)
 10 THE REPORTER: We're now back on the
 11 record at 3:46 p.m.
 12 BY MR. UNGER:
 13 Q Mr. Post, do union members or police
 14 officers have the ability in Bloomington to work
 15 overtime?
 16 A Yes.
 17 Q That's a -- you would agree that's a benefit
 18 to those officers?
 19 A I -- I think they view it as a financial
 20 benefit, yeah. They can earn more money potentially.
 21 Q I understand some of them work substantial
 22 overtime; is that true?
 23 A Correct.
 24 Q Do you happen to know how much the highest
 25 paid -- or do you know who the highest paid employee

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1 is in the City of Bloomington?
 2 A I do not.
 3 Q Do you know how much the highest patrol
 4 officer, the highest paying patrol officer made in
 5 2023?
 6 A I do not.
 7 Q Did you know that with overtime, there are
 8 many officers that make more than the mayor?
 9 A It wouldn't surprise me considering the
 10 number of hours I know some people work, yeah.
 11 Q Is -- you understand if the city hires more
 12 officers, that will reduce the amount of overtime
 13 that's available?
 14 A Yeah, I think the officers understand that,
 15 you know, that the overtime that's available now is
 16 only there because we are 20 officers short, yeah.
 17 Q Are there -- do you think are some officers,
 18 would they be concerned about losing some of their
 19 overtime, or?
 20 A Without talking to each of them
 21 specifically, I mean, I don't know. I don't have a
 22 way to answer for all of them on that.
 23 Q Are you aware, can you talk about some of
 24 the recent changes that the city's made to attract
 25 more officers and attract and retain more officers?

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1 A There's been several efforts that the past
 2 administration undertook, yes.
 3 Q What are those?
 4 A There is a rental assistance program. They
 5 were trying to set up a mortgage assistance program
 6 that hasn't really come to fruition. There is a --
 7 it's a city-wide effort, but officers can apply to it,
 8 as education benefit. I don't know of anyone that's
 9 been able to participate in that.
 10 There's been some hiring bonuses, I guess
 11 would be the word, that were put out for officers --
 12 or hiring of officers in the last year or two, I want
 13 to say. And then I know last year, the city started a
 14 health clinic which is again, a city-wide thing but
 15 would certainly benefit officers.
 16 Q Do you think those efforts will help attract
 17 and retain more officers?
 18 A Well, I think the majority of those are --
 19 are more directed toward attracting the new hire,
 20 let's say. Recruiting really has to be broken down
 21 into two parts.
 22 So obviously you can recruit a brand-new,
 23 you know, young person, you know, 22 years old.
 24 We'll, you know, hire this young person, put them
 25 through the full academy, put them through a full

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1 training program, and then they can go out on their
 2 own, versus recruiting a already certified officer who
 3 maybe has a few years of experience.
 4 Those are kind of two different -- two
 5 different recruiting focuses, let's say. Some of the
 6 bonus stuff that was put out was specific to those two
 7 different groups. There was, you know, hiring versus
 8 hiring a lateral or certified officer.
 9 Q There's a lot of, I think you mentioned it
 10 earlier, poaching that goes on of lateral officers,
 11 isn't there, around Indiana?
 12 A There is. There is, yeah.
 13 Q And even I feel like I've seen, I want to
 14 say, Seattle advertises in Indianapolis for police
 15 officers?
 16 A Yeah, Seattle's one that has done it.
 17 Several major agencies do it. Indianapolis, for
 18 example, had two billboards down here in Monroe County
 19 for quite a while. I haven't driven past one. I'd
 20 have to go look and see if they're still up or not.
 21 But, yeah, I mean, that goes on across the state.
 22 Q In particular for lateral officers because
 23 you don't have to train them?
 24 A Well, you don't have to pay to put them
 25 through the academy and take that time, yes. You

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1 still -- most agencies are still going to train them
 2 to agency-specific standards, location orientation for
 3 that particular area.
 4 You know, obviously if you're hiring someone
 5 who's certified within the state of Indiana already,
 6 you don't have to put them through, you know, criminal
 7 law, traffic law, that sort of thing. They're a lot
 8 quicker and a lot cheaper to get up and on their own.
 9 Q Are you aware of any plans of the current
 10 administration to address officer recruiting and
 11 retention?
 12 A Specifically to Mayor Thomson? Is that who
 13 you're referring to, administration?
 14 Q Correct, yes?
 15 A One area that we have talked to her about as
 16 a union has been starting a take-home car program
 17 which, you know, would give us a little bit more
 18 parity, let's say, with, you know, comparing ourselves
 19 or trying to recruit that lateral officer from our
 20 local area specifically, you know, within a county or
 21 two.
 22 If you look at recruiting someone from
 23 outside of Monroe County but they're still allowed to
 24 keep their residence, let's say, in Lawrence County,
 25 right, and they have a take-home car, that person may

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1 consider, you know, that commute being okay, versus if
 2 they don't have a take-home car, now it's going to
 3 cost them, you know, X number of dollars in gas to
 4 drive to work.
 5 That's the one that we've spoken to to Mayor
 6 Thomson about specifically, yes.
 7 Q But when you say the city is short-staffed
 8 from the 105, let's say, what is it currently about,
 9 do you know?
 10 A That's on the form that I sent to you guys.
 11 The March number is 85 total sworn on the payroll.
 12 Q Why do you -- and I think we've talked about
 13 this a little bit, but I want to make sure I'm
 14 clear -- is it -- why do you believe that the city has
 15 fewer than 105 officers?
 16 A It's kind of multi-party, and certainly,
 17 one, we've had people that have -- we've had officers
 18 that have been poached by other agencies that have
 19 become, you know, lateral hires and gone somewhere
 20 else.
 21 We've had a number of people who I would
 22 consider people that we could have maybe kept for a
 23 few more years, but they chose to retire, so that's a
 24 retention issue.
 25 We've had, you know, several people who we

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1 have in a hiring process and are trying to get them
 2 started with us, and then they get a job with someone
 3 else who maybe pays more, has different benefits type
 4 thing.
 5 Again, it's a very competitive hiring market
 6 for police officers.
 7 Q I mean, let me ask. Is it purely a
 8 compensation issue? Or are there other factors?
 9 A You know, compensation tends to be the big
 10 thing that's out in front of everybody because you can
 11 compare those numbers. There's also, I mean, take-
 12 home cars is one issue that comes up frequently, and
 13 Bloomington, I believe, is the only class II city in
 14 Indiana that does not have a take-home car program.
 15 So, you know, if you have an officer who is,
 16 let's say, a Bedford officer, Bedford City police
 17 officer, right? He may look at Bloomington and say,
 18 okay, yeah, currently they pay more than I'd make in
 19 Bedford, so I would get a raise if I went to
 20 Bloomington. But then I don't have a take-home car,
 21 so I've got to add gas. Is it worth that sort of
 22 thing?
 23 So some people will, you know, your lateral
 24 or certified officer tends to have a few years of
 25 service on. They are going to look at things

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1 differently than, say, a brand-new recruited officer.
 2 A brand-new young hire may only look at the salary
 3 line or may only look at that direct compensation.
 4 Whereas trying to recruit a certified
 5 officer, you know, this is a person who may already
 6 have a home. They have kids in different schools.
 7 You know, they may have established, you know,
 8 residency somewhere else that they don't necessarily
 9 want to have to change. So they'll look at things a
 10 little bit differently than your brand-new recruit
 11 would.
 12 Q And you would acknowledge, would you not,
 13 that even at a -- it's rare that the city is ever
 14 going to have a fully staffed to budget department?
 15 A I don't know. It's one of those -- we hope
 16 for it. I think that there are several things that we
 17 could do to better position ourselves to fill those
 18 numbers, but what you run into then is, you know, how
 19 do you train and get all those positions filled in a
 20 timely manner.
 21 Could we hire 20 people tomorrow and start
 22 them? No. You run into some bottlenecks with
 23 training and the academy and things like that, so it
 24 becomes kind of a timing issue. It would be good to
 25 have 105, but it's not a quick fix to get to 105.

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1 Q In your time in Bloomington, do you know if
 2 it's ever been fully staffed to the budget number?
 3 A I don't know for sure. I know for a while
 4 we were right at 100 officers for a period of time,
 5 but I don't remember what our staffing number was,
 6 what the budget number was when we were there, if it
 7 was 99 or 100 or where we were if that was considered
 8 fully staffed.
 9 Q So you said, and I want to make sure I'm
 10 clear, you said that we can put ourselves in a better
 11 position to fill numbers, there's things we can do; is
 12 that -- are there other things besides compensation
 13 and take-home cars?
 14 Those are the two I heard. Are there other
 15 things you think the city should be doing to better
 16 fill the numbers?
 17 A Well, those are your two big primary things.
 18 Equipment-wise, we're currently talking with the
 19 mayor's office about starting a taser program. This
 20 is kind of an aside, here, but a taser or an
 21 electronic stun device is something that's pretty
 22 universally recognized in American law enforcement as
 23 a less lethal option.
 24 And Bloomington, I believe, is the only
 25 agency in Monroe County that still does not use

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1 that -- that tool. So it makes you stand out when
 2 you're trying to recruit someone from another agency
 3 who maybe gets paid less but they have a take-home car
 4 or they have a taser, you know, they may consider
 5 their equipment level in a better position than BPD.
 6 So there's some internal things like that
 7 that we could do to better attract that particular
 8 certified hire.
 9 Q Is that because there are people that are
 10 opposed to police officers having tasers?
 11 A In the last eight years, yes. Then Mayor
 12 Hamilton was directly opposed to us having that and
 13 would waffle back and forth on, well, you know, we
 14 have to have some sort of public, you know, meeting
 15 about it and the community has to be okay with it.
 16 Or, you know, the chief has to bring it to me. Or
 17 there was always some sort of, you know, speed bump to
 18 it.
 19 But tasers, I mean, they've been talked
 20 about for -- for a long time. They've been around. I
 21 mean, most people assume a police officer has a taser.
 22 It's just a very common, you know, accepted tool. And
 23 so a lot of people are actually surprised when they
 24 speak to a Bloomington officer that they don't have a
 25 taser that -- on their belt.

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1 Q But -- so there's people that are opposed to
 2 police officers, not just Mayor Hamilton, former Mayor
 3 Hamilton, but there's a set of the population out
 4 there that is generally opposed -- I was not aware of
 5 that, so that's why I'm -- opposed to police officers
 6 carrying tasers?
 7 A I would say yeah. I mean, we've heard
 8 people over the years that have -- that were opposed
 9 to it. Any time you make a, you know, an equipment
 10 change, you'll have someone who will complain about it
 11 in some sense, whether it's right or wrong or not, but
 12 you run into that with the public.
 13 Q I think you mentioned this earlier, I just
 14 want to make sure. Do you live in any of the
 15 annexation areas?
 16 A I do.
 17 Q Okay. Where do you live?
 18 A I live in area 4, one of the islands.
 19 Q Do you own property -- you or your family
 20 own property in any of the other annexation areas?
 21 A No.
 22 Q Did you -- are you personally opposed to the
 23 annexation by the city?
 24 A It's kind of a difficult answer, but I'd say
 25 overall, yeah, I'm opposed to it.

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1 Q Why?
 2 A One, I think the county's done a very poor
 3 job of raising assessed values to, you know, what the
 4 property is actually worth. And then, you know, to
 5 see your taxes go up on top of that, when I know
 6 specifically police service, you know, is not going to
 7 improve or change.
 8 Fire service, if I understand it correctly,
 9 there's some question about whether the townships or
 10 the city fire, you know, that's a different timeline.
 11 I already have city water that I pay a
 12 higher rate for, so I guess my water rate would go
 13 down, but I would wind up paying more for the city
 14 sanitation, the city trash service, so it's kind of a
 15 wash there in the end, so.
 16 Q So is it fair to say it's a financial thing?
 17 A Yeah, for my particular, you know, my
 18 individual answer is financial based, yeah.
 19 Q Did you sign a remonstrance petition?
 20 A I did.
 21 Q Do -- are you opposed to the city annexing
 22 areas 1A and 1B --
 23 A -- see me individually, you know,
 24 personally, I don't really own any -- I don't own any
 25 property in those areas, so I don't really have any --

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1 any, I guess, issue there that I can say, like, oh,
 2 it's financially bad for me 1A and 1B.
 3 Q As a police officer, are you opposed to the
 4 city working for annexing the urban areas right
 5 outside its boundaries?
 6 A A complicated answer again. As a police
 7 officer with my lived experience in terms of what has
 8 been proposed for, you know, it's not just right
 9 outside the area at the edge of the city, it's a very
 10 large chunk of land, large population addition. It's
 11 several high crime areas that the sheriff's office
 12 services.
 13 So yes, as a police officer, looking at it
 14 from my current position of, you know, knowing how
 15 many officers we have, knowing my day-to-day call
 16 volume and what I do, yeah, I would say that would be
 17 correct. I'd be opposed to it.
 18 Q And understand I'm talking about just areas
 19 1A and 1B in this case; do you understand this case is
 20 only about areas 1A and 1B?
 21 A I am, yeah, and those are the two largest
 22 areas, so obviously as a police officer, you know,
 23 those are going to still be a large area that we would
 24 be responding to.
 25 We currently have, you know, on my shift in

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1 particular, again I work morning shift, today we had
 2 seven police officers covering the entire city of
 3 Bloomington.
 4 Adding to, and I don't have the number in
 5 front of me as to what the land mass and population
 6 mass is from 1A and 1B, but adding to that without
 7 having added any additional personnel would be very
 8 concerning to me.
 9 Q If the city adds additional personnel to
 10 help patrol those areas, would that address your
 11 concern?
 12 A It would start to, but we get back to,
 13 Steve, the idea of timelines. You know, can we add,
 14 you know, appropriate levels of personnel in a timely
 15 manner, and I think that's most of the officers'
 16 concern is when would this, you know, actually go into
 17 effect and become their problem, let's say.
 18 One -- and I forget, 1A is the northern
 19 section, 1B is the southern section?
 20 Q I call 1A the west and 1B would be
 21 southwest.
 22 A Okay. Southwest. So from my personal, you
 23 know, experience, I generally work the southwest
 24 district of the city. What you're saying is the two
 25 officers who are assigned to that district today would

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1 have, you know, that extra land mass to cover.
 2 That, you know, that would include Walmart,
 3 let's say, on the southwest side of the city, and
 4 we've already discussed how Walmart is a, you know,
 5 call volume generator, whether that's crime or just
 6 crashes or, you know, issues like that.
 7 So yeah, I mean, as a police officer, that
 8 is concerning to see that and then know that we don't
 9 really have a plan to add personnel in a timely
 10 manner.
 11 Q What would -- let me ask. Have you studied
 12 how many officers are needed for areas 1A and 1B to be
 13 able to effectively provide service to those areas?
 14 A I'm going to refer you to the department on
 15 that. I know at some point the department did put out
 16 kind of a recommended number, I think, of what they
 17 thought would be needed to add to each of the areas.
 18 I don't know what that is for 1A and 1B, no.
 19 Q Do you have any reason to dispute the
 20 numbers that the department put out?
 21 A I don't remember what they are, so I don't
 22 have an answer to that.
 23 Q You talked about effective timing; what's
 24 your view on timing, I guess, how long do you think it
 25 would take before the department could have, in your

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1 view, a sufficient number of officers to cover those
 2 areas?
 3 A Well, and I'll get long-winded here. The
 4 idea right now is, you know, if we're budgeted for 105
 5 officers but we only have 85, we currently cover a
 6 large area. Again, today we had seven officers
 7 working this morning. We all felt the pinch of that.
 8 You know, that's seven of us trying to cover the call
 9 volume for, you know, a large city on a weekday.
 10 If, you know, if we were to be at 105 and a
 11 true 105 sworn staffing, we wouldn't feel that same
 12 way. We could say, okay, yeah, this probably feels a
 13 little bit easier to handle.
 14 If we were at the 121 that the Novak report
 15 spoke about at our current patrol shift schedule, the
 16 eight and a half hour shifts, you know, we'd feel even
 17 better about it. Okay, yeah, we probably can absorb
 18 this a little easier.
 19 Knowing right now how long it takes to hire
 20 and train and get a new officer out on their own to
 21 actually count for manpower, I mean, I can tell you
 22 even if we hired someone today, it would be better
 23 part of a year before they were any help to manpower.
 24 So, you know, I guess that goes back to the
 25 question of the timeline for -- for this annexation,

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1 you know, for 1A and 1B is if the court proceeding
 2 goes through and then they're turned on, you know,
 3 immediately, you're going to have officers who, you
 4 know, the officers who are already kind of on the
 5 fence or looking at other agencies for whatever
 6 reason, they're going to really look at those things
 7 and go, yeah, okay, it's time to get out.
 8 It's going to become harder to recruit
 9 officers at the same time going hey, we're, you know,
 10 X number of officers short, we just absorbed all this
 11 land, all this people, all this call volume, but it'll
 12 be fine, don't worry about it. That's not really a
 13 response, you know.
 14 Q You said there's high crime areas besides
 15 Walmart; what other areas in area 1A or 1B would you
 16 say are high crime areas?
 17 A I'd have to have the exact map in front of
 18 me where the boundaries are for 1A and 1B. I know
 19 that to the west side there are a couple of trailer
 20 parks that would be picked up, which the county
 21 considers high call volume areas.
 22 Menard's is another business specific like
 23 Walmart where it's a high call volume. I'm trying to
 24 think where those lines are for what you were
 25 describing.

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1 Those are the big ones off the top of my
 2 head, Steve.
 3 Q Are those, when you say high volume, do you
 4 mean, like, Walmart's not probably a priority one, a
 5 lot of priority one calls, they're more low priority
 6 calls?
 7 A -- not really studied the type of calls at
 8 Walmart specifically. Any place can have a priority
 9 one call at any point. Walmart or the businesses like
 10 that tend to be your thefts, frauds, motor vehicle
 11 crashes.
 12 But, you know, the same time you can have a
 13 lost child, you could have a domestic in the parking
 14 lot between, you know, a married couple who decides to
 15 get into an argument.
 16 I know in the recent past at Walmart
 17 specifically we've had issues with a subject with some
 18 type of weapon inside the store, I want to say a
 19 machete, maybe. You know, obviously that's a higher
 20 priority than a traffic crash, but it's still a call
 21 for service at that particular address.
 22 Q Have you aside from Bloomington's
 23 annexation, have you studied any other annexations or
 24 reviewed any other annexations around the state?
 25 A No.

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1 Q Have you studied -- do you know what the
 2 fiscal plan is when I talk about the fiscal plan?
 3 A Uh-huh.
 4 Q Have you studied the fiscal plan for
 5 Bloomington's annexations?
 6 A I looked it over when it -- when it was
 7 released. That's been some time ago. I don't
 8 remember the last time I looked at it.
 9 Q Do you -- are you aware of any deficiencies
 10 in the fiscal plan with respect to policing?
 11 A Again, I don't remember specific numbers
 12 from that. It's been some time since I've looked at
 13 that particular document.
 14 MR. UNGER: We could go off the record
 15 for a minute.
 16 THE REPORTER: Off the record at 4:10
 17 p.m.
 18 (Off the record.)
 19 THE REPORTER: We're now back on the
 20 record at 4:12 p.m.
 21 BY MR. UNGER:
 22 Q Mr. Post, I am showing you what's the fiscal
 23 plan for the annexations by Bloomington. I've marked
 24 it as Exhibit 54. Can you see that on your screen?
 25 //

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1 (Exhibit 54 was marked for
 2 identification.)
 3 A Yes, I can.
 4 Q Just give me a second here. Okay, I'm on
 5 page 62; can you see this okay?
 6 A Yes.
 7 Q So I want to show you, you can see a line
 8 here for "sworn personnel annexation estimates"; do
 9 you see that heading?
 10 A I do. Is it possible to enlarge it at all?
 11 Q Yeah, let me take a minute. Is that better?
 12 A Much better, thank you.
 13 Q Sorry the mouse isn't showing up very well.
 14 There it goes. Is that better? Can you see that?
 15 A Yes, thank you.
 16 Q So you see the sworn officer -- sworn
 17 personnel annexation areas for -- in the chart for
 18 areas 1A and 1B?
 19 A Correct.
 20 Q Okay. And do you see here that total sworn
 21 where it has that minimum for area 1A at 6.42 and
 22 maximum for 9.75?
 23 A Correct, yes.
 24 Q Okay. And then also for area 1B the minimum
 25 of 7.4 and a maximum 11.25?

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1 A Yes.

2 Q Okay. And then if I go down to the

3 "civilian personnel," for 1A it's a minimum of 1.5,

4 maximum 1.5; and area 1B of 2; do you see that?

5 A Correct, yes.

6 Q Okay. So do you understand the fiscal plan

7 is suggesting that the city would provide service for

8 that area with an additional approximately 14 to 21

9 sworn officers and three to four civilian officers if

10 areas 1A and 1B were annexed?

11 A That is what I'm reading on there, yes.

12 Q Okay. Do you have any reason to dispute

13 that with 14 to 21 additional sworn officers, the city

14 will be able to provide service to the annexation area

15 in the same manner it's currently provided in the

16 city?

17 A What I would say is, what I would want to

18 ask, I guess, is a better way to put it, is has this

19 been updated any time recently? I know that the --

20 this particular document came out some time ago; has

21 it been updated with the most recent call volume and

22 numbers?

23 Q Yeah, so the report, this came out in 2021?

24 A Right. So I guess that would be the only

25 dispute I would have to it is obviously, you know,

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1 some time has passed since this was put together. Has

2 it been updated in any way to reflect maybe updated or

3 changed call volume or crime statistics?

4 Q If -- but so, I mean, do you have anything,

5 any reason to believe that that would not be

6 sufficient?

7 A I'd ask one other question there. I think

8 it would be helpful. I can't really answer to

9 sufficient. Is it in addition to the 105 goal? Or

10 is it in addition to the 121 goal, which was

11 recommended by the Novak report? So I guess there's

12 two different answers there.

13 If we're looking at 121 plus these

14 personnel, I think we're much closer to being able to

15 provide that service if we're fully staffed at that

16 number. That's the problem is we're not.

17 At this point, if we added, you know, let's

18 say 10 and, what is it, 10 and 12 or whatever it is,

19 you know, to our 85; well, then you're still not even

20 getting up to the 105 we're budgeted for the existing

21 size city.

22 So, you know, that I think gets back to

23 where the officers' fears come from is it's all well

24 and good to say yes, this is the plan to annex X -- or

25 to add this many officers. Can we do it is a better

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1 question, and currently we're well short of that.

2 Q But what I'm asking you is 14 to 21 sworn

3 officers, do you have any reason to believe that's not

4 a sufficient number of officers to cover area 1A and

5 1B?

6 MR. BEGGS: And I guess I'm just going

7 to show objection to form. I think he's been asked

8 that at least twice, if not three times in a row now.

9 And I think he's answered that question.

10 BY MR. UNGER:

11 Q Go ahead and answer, Paul, if you can?

12 A Just so I have it clear, Steve, could you

13 repeat it for me?

14 Q Yeah. I'm saying just considering areas 1A

15 and 1B alone --

16 A Uh-huh.

17 Q -- do you have any reason to believe 14 to

18 21 additional sworn officers is not sufficient for

19 area 1A and 1B alone?

20 MR. BEGGS: Same objection.

21 A And what I'm going to say, Steve, is that I

22 think it would be helpful, but I don't know

23 specifically with current call volume if that

24 answer -- if that's -- if that is going to be exactly

25 enough or not.

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1 Q Do you think it was enough in 2021 at the

2 time of this report?

3 A I think that it probably was looked at with

4 people higher than me who put this together, and it's

5 kind of more a department question, a policy maker

6 question as how they reached those particular numbers.

7 But again, I would say that they have probably looked

8 at, you know, call volume and numbers from what, I

9 think you said 2021. Obviously, you know, things have

10 changed, so.

11 Q You know, you're going to be a -- you don't

12 know how these numbers were arrived at; is that safe

13 to say?

14 A Correct.

15 Q Did you raise any concerns with the fiscal

16 plan in 2021 to anybody at the city?

17 A I don't know when we talked about it.

18 Whenever we first saw this particular document, it

19 probably was discussed as part of the, you know, the

20 ongoing conversation then. Whether it was starting

21 from 105 or starting from 121 I think would be the

22 best way.

23 I mean, that's been our main concern is, you

24 know, what is the real goal here. Do we need 121

25 officers to start with the existing city size and then

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1 we add to that with the annexation areas? Or is it,
2 you know, we're staying at 105 and then adding to the
3 annexation areas?
4 Q Who first approached you about testifying in
5 this case?
6 A Margaret Clements.
7 Q When was that?
8 A Oh, sometime in 2023, I don't remember
9 exactly when.
10 Q Okay. Have you communicated with her via
11 email?
12 A I'm sure we have, yeah.
13 Q About this case?
14 A It would have -- it would have been about
15 annexation. I don't -- specifically to 1A and 1B, I
16 don't think specifically to these.
17 Q Can I ask you what email address you would
18 have used for those communications?
19 A It would have been, I have an FOP-specific
20 email address which is all one word paulpost, P-A-U-L-
21 P-O-S-T @FOP88.org.
22 Q That's separate from your City of
23 Bloomington email?
24 A Correct.
25 Q Would have you used your City of Bloomington

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1 emails to communicate with her about annexation?
2 A I don't remember. I -- I don't remember
3 doing that specifically. FOP stuff I try to keep on
4 my FOP email specifically and then work stuff on my
5 Bloomington city one.
6 Q Do you have any other emails that you use,
7 addresses that you use --
8 A I have a personal gmail account.
9 Q Would you have had any communications
10 relating to annexation with anybody on your personal
11 email account?
12 A Off the top of my head, I don't remember.
13 Q What's that one, just --
14 A All one word paulrpost, so P-A-U-L-R-P-O-S-T
15 @gmail.com.
16 Q Have you communicated with anybody else
17 besides Margaret Clements about the annexation and
18 opposition to the annexation?
19 A Just Mr. Beggs reached out, and I don't
20 remember when exactly it was. We've talked a couple
21 times on the phone and once in person.
22 Q Are you a member of County Residents Against
23 Annexation?
24 A Am I a member like am I a paid member of?
25 No.

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1 Q Have you donated to it?
2 A No, I have not.
3 Q Okay. Did you participate in any of their
4 meetings?
5 A I have not been to any of their meetings.
6 The extent to my connection to them is I do -- I have
7 gotten one of their signs in the past, like the yard
8 signs. That'd be about it.
9 Q Did you do anything to assist in organizing
10 the remonstrance effort to sign petitions?
11 A No, and I don't remember the lady who did my
12 particular area. There was a lady who did area 4, and
13 I don't remember -- I don't remember her name, but
14 other than her coming and, you know, my talking to her
15 at that point, that was it.
16 Q You didn't -- did you go out and collect
17 petitions yourself?
18 A No.
19 Q How would you describe the relationship
20 between the union and the city under the Hamilton
21 administration?
22 A Strained.
23 Q Why is that?
24 A Mayor Hamilton seemed to have an attitude of
25 kind of an anti-law enforcement bend, and at least to

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1 the members and, you know, myself seemed to be
2 unwilling to listen to concerns that we brought to
3 him.
4 Q How would you describe the relationship
5 between union and the city under the new
6 administration, the Thomson administration?
7 A Cordial, I guess. We've only -- the shift
8 rep team has only met with her once, so I don't really
9 have a large data group to look at in terms of, like,
10 they're getting together with her or doing things with
11 her.
12 Q Do you perceive her as having an anti-law
13 enforcement bend as you did with Hamilton?
14 A I don't have a large group of -- of
15 experience with her to really savvy. I haven't had
16 anything to suggest that yet. But again, it's a very
17 small level of interaction with her so far.
18 MR. UNGER: We'll go off the record
19 here for a minute.
20 THE REPORTER: Off the record at 4:25
21 p.m.
22 (Off the record.)
23 THE REPORTER: We're now back on the
24 record at 4:37 p.m.
25 //

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1 BY MR. UNGER:
2 Q Mr. Post, I'm showing you a document that's
3 been marked as Exhibit 28. It's titled "The Amended
4 and Supplemented Answers of County Residents Against
5 the Annexation, Inc. to the City of Bloomington's
6 Interrogatories"; do you see that?
7 (Exhibit 28 was marked for
8 identification.)
9 A Yes, I do.
10 Q Have you -- do you know what interrogatories
11 are? Have you seen something of them before?
12 A I have seen them before, yes.
13 Q Okay. Have you seen these?
14 A I do not believe so, no.
15 Q So these were the responses from County
16 Residents Against Annexation's to the written requests
17 from the City of Bloomington, actually supplemental
18 responses; and I'm going to show you one of the
19 responses.
20 On page 2, where to question number 3 it
21 says "Identify each fact witness you plan to call to
22 testify in this lawsuit and provide a summary of their
23 anticipated testimony." And it's under "Supplemental
24 answer"; do you see where your name is?
25 A Yes.

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1 Q Okay. And it says "Mr. Post will be called
2 in his capacity as a union representative. If called,
3 he would be asked to testify about operations of
4 Bloomington's police department, police protection in
5 Bloomington, and the impact of annexation upon
6 extending those operations."
7 We've talked a lot today about police
8 protection, annexation in Bloomington, police
9 protection in Bloomington, and the impact of
10 annexation; besides what we've talked about today, is
11 there anything else that you would add to this?
12 MR. BEGGS: Object to the form of the
13 question.
14 You may answer.
15 THE WITNESS: Not that I can think of.
16 BY MR. UNGER:
17 Q Is there anything else that you would
18 testify concerning Bloomington's police department,
19 police protection, or the impact of annexation other
20 than what we've already talked about?
21 MR. BEGGS: Object to the form of the
22 question.
23 A No, I don't think so.
24 Q Any other concerns from a policing
25 perspective with respect to the annexation of areas 1A

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1 and B other than the items we've already talked about?
2 MR. BEGGS: Object to the form of the
3 question.
4 A Steve, my answer would be that, you know, my
5 concern and the members' concern is call volume and
6 amount of things that we would be expected to take on
7 in an unknown timeline.
8 Q You know Jeff Rodgers?
9 A I do.
10 Q Who's Jeff Rodgers?
11 A Jeff is a detective with the Bloomington
12 Police Department and is the detective shift
13 representative.
14 Q Is also a union representative?
15 A He was the vice president last year. He is
16 not the vice president this year. I believe he is a
17 trustee of the lodge this year if I remember
18 correctly.
19 Q Does Jeff Rodgers, are you aware if he has
20 any knowledge concerning police protection within
21 Bloomington or the annexation areas that is different
22 than yours?
23 A I wouldn't necessarily want to -- want to
24 answer specifically to everything he would know or
25 would potentially say. It would largely be the same.

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1 I mean, we have worked together on a couple of
2 different contracts and things in the past few years.
3 Q I mean, do you have any reason to think he
4 would answer any of the questions I've asked you today
5 differently than you've answered?
6 MR. BEGGS: Object to the form of the
7 question.
8 A I don't think so off the top of my head.
9 And, Steve, bear with me. I'm going to try to plug my
10 laptop in real quick here.
11 Q Yeah.
12 A It's fighting me. That means I have to take
13 it outside. Can you hear me?
14 Q Yeah.
15 A Okay, there we go. Now I'll just talk in
16 the car.
17 Q Okay. Is that your police car, your city
18 police car?
19 A Yeah, this is -- I'm using the laptop from
20 my car, yeah. I thought I had enough battery but you
21 went a little long today.
22 Q I mean, would Jeff Rodgers have access to
23 sources of information that are different than the
24 information you have available to you concerning --
25 MR. BEGGS: Object to the form of the

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1 question.

2 BY MR. UNGER:

3 Q Go ahead?

4 A Hang on. Can you hear me?

5 Q Yes.

6 A Okay. Sorry, it popped up with a microphone

7 change there. I don't know why it did that.

8 I don't believe so. No, Steve.

9 MR. UNGER: I don't have any further

10 questions.

11 Bill?

12 EXAMINATION

13 BY MR. BEGGS:

14 Q FOP President Post, I just have a few

15 questions for you. You were shown a report that was

16 marked as Exhibit 53 which Counsel identified as the

17 Novak report, and you were shown one page of that; are

18 you with me as to what I'm talking about now?

19 A Yes.

20 Q And I think, is it your testimony you have

21 reviewed that document in the past?

22 A Yes.

23 Q How long ago?

24 A Probably, I look at it probably last month.

25 Q So when you were asked about all of anything

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1 you disagree with or agree with, it would be about a

2 month ago since you've looked at a 56-page report;

3 would that be right?

4 A Correct.

5 Q Is it possible if you had 45 minutes or an

6 hour to review that carefully, you might have other

7 opinions about it?

8 A Correct.

9 Q The document that you brought with you today

10 to answer Counsel's questions, and I'm going to ask

11 the court reporter if he would please mark this as 55?

12 MR. BEGGS: And I don't know if you've

13 got this, Andrew, or not, but I'll ask this be marked

14 as Exhibit 55 and made part of the deposition.

15 (Exhibit 55 was marked for

16 identification.)

17 BY MR. BEGGS:

18 Q FOP President Post, is this a review of data

19 for the Bloomington Police Department for the months

20 of January, February, and March of 2024?

21 A Yes.

22 Q And does this show -- when it says "85

23 payroll," what does that mean, please?

24 A That means there's 85 sworn officers

25 currently on the payroll from the chief down to the

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1 most junior officer.

2 Q Okay. And then if I look at -- I don't know

3 if you have it handy, but I'm looking at March of 2024

4 to the -- in green to the right it says "71 available

5 to work after subtracting various things"; please

6 explain what that means?

7 A So what that means is that the 71 number is

8 who is actually available to respond to calls or take

9 calls.

10 In this particular box, it shows taking out

11 the admin, which is the top four, chief, deputy chief,

12 captain and captain, and then the administrative

13 sergeant.

14 Sick, injured, or light duty is any officer

15 who's out on long-term medical leave, or light duty is

16 someone -- and I'm not going to talk about their

17 medical issues, but we have a couple officers out with

18 things which will not preclude them from coming back

19 but they cannot work on the street right now.

20 Military would be an officer who is on

21 military leave but expected to return after a period

22 of time. And then the final one down there, FTO/ILEA,

23 that is officers who are still in training or at the

24 police academy and are not currently certified to be

25 out on their own.

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1 Q "FTO" stands for what, please?

2 A Field training officer. And "ILEA" is the

3 Indiana Law Enforcement Academy.

4 Q And then if you would, please, go to the

5 left of that, so it'd be the second column that says

6 "second shift" which you were asked about before?

7 A Yes.

8 Q And I think maybe this will help me

9 understand the entire document, but I follow March 2

10 of 2024, and I follow second shift, and then I see

11 columns that rose, I think, for lieutenant, sergeant,

12 officer, chief, and then "DC" in capitals; what's

13 "DC"?

14 A DC is deputy chief, and then captain is

15 there's an operations captain and an administrative

16 captain.

17 Q Okay. So there is no chief, DC, or captain

18 on the second shift of that report; is that right?

19 A Correct. Those are the top level positions.

20 They're reflected to the right under the -- the admin

21 column.

22 Q Okay. And what's the "16"? If I'm moving

23 upwards, what's the "16" on the officer row?

24 A So that is patrol officers, whether they're

25 officer first class or senior police officer rank.

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1 That is the working uniformed officer that you would
 2 see in a patrol car.
 3 Q And does that mean that there were -- for
 4 March of 2024, there are 16 on the street sworn
 5 officers during the second shift?
 6 A No. What that means is there are 16
 7 officers assigned to that second shift period which is
 8 1:30 p.m. to 10 p.m. So the potential is I think that
 9 shift is split up 5, 5, and 6. So there could be 10
 10 if the two 5's are working, or there could be 11 if
 11 the 5 and the 6 rotation are working. So the maximum
 12 you could have would be 11 officers working.
 13 Q Do they sometimes overlap?
 14 A On that particular shift, or any of the
 15 shifts, what the overlap is when you have three
 16 rotations, you only have two that work at any given
 17 time. So that's what I'm saying, you could have the
 18 two groups of 5 or the group of 5 and 6 working
 19 together, but you're always going to have one rotation
 20 that is on their regular scheduled days off.
 21 Q Have you ever, Officer Post, FOP President
 22 Post, have you ever heard the current mayor or her
 23 predecessor state publicly or even privately that the
 24 City of Bloomington has a full staffing of officers?
 25 A Not that I can remember. We've --

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1 especially under -- the entirety of Mayor Thomson,
 2 which is very short, but I believe under most of Mayor
 3 Hamilton, we were short-staffed, as well.
 4 Q You mentioned earlier in your testimony
 5 today, you made reference to FBI guidelines and
 6 International Association of Chiefs of Police
 7 guidelines; and do I understand correctly that the FBI
 8 recommends as a guideline 2.3 officers per thousand
 9 residents and that the IACP recommendations 3.4 per
 10 thousand?
 11 A So there -- it's a little difficult. They
 12 talk about those numbers, but whether it's actually
 13 written as a recommendation at two agencies is usually
 14 not how it's taken.
 15 They use -- I'm saying, "they." The FBI or
 16 the International Association of Chiefs of Police use
 17 those numbers in terms of how they look at statistics.
 18 I don't think there's a document that you can find
 19 where the FBI says a city should have, you know, X
 20 number of officers.
 21 But it's very common to see those particular
 22 types of numbers put forth in, you know, research
 23 online or documents and stuff. Like I said, the two
 24 three officers, that's -- I was just kind of rounding
 25 there from what I remember. Yours sound much more

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1 particular.
 2 You know, that's a very common thing that
 3 you see. I've heard that numerous times over my
 4 career.
 5 MR. BEGGS: I'll just ask that 55 be
 6 made part of the deposition.
 7 I have no further questions at this
 8 time. Thank you, sir.
 9 THE WITNESS: Uh-huh.
 10 EXAMINATION
 11 BY MR. UNGER:
 12 Q Mr. Post, just a couple of questions on this
 13 Exhibit 55?
 14 A Yes.
 15 Q The -- who prepared the green part at the --
 16 on the right-hand side? Who would have added that?
 17 A This is a internal document that's put
 18 together, I believe, by one of the administrative
 19 secretaries.
 20 Q Do they -- so this -- is this a normal
 21 document they create in the department?
 22 A Yes.
 23 Q Okay. With the available to work pieces at
 24 the end in the green --
 25 A Yes.

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1 Q Okay.
 2 A Yes, I've seen that over multiple years.
 3 MR. UNGER: Okay. Nothing further.
 4 EXAMINATION
 5 BY MR. BEGGS:
 6 Q FOP President Post, when you say, "multiple
 7 years," if I wanted to find reports like this over the
 8 course of multiple years, where would I find or see
 9 those, please?
 10 A I believe you'd have to ask the department
 11 specifically. This is just the most recent one. I
 12 asked for it directly this week knowing that this
 13 deposition was going to take place. I would say reach
 14 out to the chief's office.
 15 MR. BEGGS: Thank you. No further
 16 questions.
 17 THE REPORTER: All right. Mr. Unger,
 18 are you ordering this transcript?
 19 MR. UNGER: Yes.
 20 THE REPORTER: Mr. Beggs, do you need a
 21 copy? Mr. Beggs, you're muted.
 22 MR. BEGGS: -- you.
 23 THE REPORTER: What did you --
 24 MR. BEGGS: No, thank you. Andrew, do
 25 you have Exhibit 55, or do I need to email that to

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1 you?

2 THE REPORTER: I don't have -- unless

3 you put it in the Exhibit Share, I don't have it. How

4 would you like to provide that?

5 MR. BEGGS: I will forward it right --

6 Steve, tell me if this is agreeable. I will forward

7 right now the email that you and I received from FOP

8 President Post transmitting this today; does that

9 work?

10 MR. UNGER: That's fine.

11 THE REPORTER: Okay. And signature?

12 MR. BEGGS: What address for you,

13 Andrew?

14 THE REPORTER: I'll provide that in

15 just a moment.

16 MR. UNGER: Okay.

17 THE REPORTER: But first, signature?

18 MR. UNGER: I don't care.

19 FOP President Post, you have the right

20 to review the transcript and then sign off that you

21 have reviewed it or make corrections or errors on an

22 errata sheet. Or you have the right to waive that.

23 You can do whichever unless the city's attorneys

24 request that you review and sign.

25 MR. UNGER: We don't care. It's up to

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1 you, Mr. Post.

2 THE WITNESS: I'm okay to waive it.

3 That's fine.

4 THE REPORTER: Okay. In that case, we

5 are now off the record at 4:54 p.m.

6 (Signature waived.)

7 (Whereupon, at 4:54 p.m., the

8 proceeding was concluded.)

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1 CERTIFICATE OF DEPOSITION OFFICER

2 I, ANDREW PRONSchINSKE, the officer before

3 whom the foregoing proceedings were taken, do hereby

4 certify that any witness(es) in the foregoing

5 proceedings, prior to testifying, were duly sworn;

6 that the proceedings were recorded by me and

7 thereafter reduced to typewriting by a qualified

8 transcriptionist; that said digital audio recording of

9 said proceedings are a true and accurate record to the

10 best of my knowledge, skills, and ability; that I am

11 neither counsel for, related to, nor employed by any


12 of the parties to the action in which this was taken;

13 and, further, that I am not a relative or employee of

14 any counsel or attorney employed by the parties

15 hereto, nor financially or otherwise interested in the

16 outcome of this :



ANDREW PRONSchINSKE

Notary Public in and for the

State of Indiana

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1 CERTIFICATE OF TRANSCRIBER

2 I, REBECCA CAMERON, do hereby certify that

3 this transcript was prepared from the digital audio

4 recording of the foregoing proceeding, that said

5 transcript is a true and accurate record of the

6 proceedings to the best of my knowledge, skills, and

7 ability; that I am neither counsel for, related to,

8 nor employed by any of the parties to the action in

9 which this was taken; and, further, that I am not a


10 relative or employee of any counsel or attorney

11 employed by the parties hereto, nor financially or

12 otherwise interested in the outcome of this action.

13

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REBECCA CAMERON

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Indiana Rules of Trial Procedure
Depositions Upon Oral Examination

Rule 30

(e) Submission to witness--Changes--Signing.

(1) When the testimony is fully transcribed, the deposition shall be submitted to the witness for reading and signing and shall be read to or by him, unless such reading and signing have been waived by the witness and by each party. "Submitted to the witness" as used in this subsection shall mean (a) mailing of written notification by registered or certified mail to the witness and each attorney attending the deposition that the deposition can be read and examined in the office of the officer before whom the deposition was taken, or (b), mailing the original deposition, by registered or certified mail, to the witness at an address designated by the witness or his attorney, if requested to do so by the witness, his attorney, or the party taking the deposition.

(2) If the witness desires to change any answer in the deposition submitted to him, each change, with a statement of the reason therefor, shall be made

by the witness on a separate form provided by the officer, shall be signed by the witness and affixed to the original deposition by the officer. A copy of such changes shall be furnished by the officer to each party.

(3) If the reading and signing have not been waived by the witness and by each party the deposition shall be signed by the witness and returned by him to the officer within thirty (30) days after it is submitted to the witness. If the deposition has been returned to the officer and has not been signed by the witness, the officer shall execute a certificate of that fact, attach it to the original deposition and deliver it to the party taking it. In such event, the deposition may be used by any party with the same force and effect as though it had been signed by the witness.

(4) In the event the deposition is not returned to the officer within thirty (30) days after it has been submitted to the witness, the reporter shall execute a certificate of that fact and cause the certificate to be delivered to the party taking it. In such event, any party may use a copy of the

deposition with the same force and effect as though
the original had been signed by the witness.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

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