

**FINDINGS OF FACT**  
**REGARDING THE DISCIPLINE HEARING OF**  
**OFFICER CHRISTOPHER PONGRATZ**  
**BY THE AUBURN BOARD OF WORKS AND PUBLIC SAFETY**  
**OCTOBER 22, 2009**

On October 12, 2009, the Auburn Board of Works and Public Safety (also referred to as Board) met in open session to receive evidence regarding the discipline hearing associated with Officer Christopher Pongratz of the Auburn Police Department in accordance with I.C. 36-8-3 et al. Present for the hearing were Board Members, Norman Yoder, Jack Randinelli, and Danny McAfee. Clerk-Treasurer, Patricia Miller was present. City and Board Attorney, W. Erik Weber was present. Representing the Auburn Police Department were Police Chief, Martin D. McCoy and legal counsel Daniel J. Sigler of Columbia City, Indiana. Representing Officer Pongratz at said hearing were Officer Christopher Pongratz and Attorney Holly Brady of Fort Wayne, Indiana.

The hearing was called to order and the procedure for the hearing was adopted by the Board by unanimous vote. Evidence was received in the form of testimony and documentary evidence from both the Auburn Police Department and Officer Christopher Pongratz. Both parties were afforded the opportunity to make argument to the Board.

Upon the hearing being concluded, the Board retired to executive session to develop proposed findings regarding this matter. No final action was taken in executive session.

Wherefore, the Board of Works and Public Safety, now hereby in open session, this 22<sup>nd</sup> day of October, 2009, makes the following findings of fact with regard to the discipline hearing

of Officer Christopher Pongratz based upon the proceedings of October 12, 2009 in accordance with I.C. 36-8-3 et al:

1. On September 8, 2009, Police Chief Martin D. McCoy presented a recommendation to terminate the employment of Officer Christopher Pongratz with the Auburn Police Department in accordance with I.C. 36-8-3 et al.
2. Specifically, Officer Pongratz was charged with the following:
  - a. Actively and knowingly initiating a physical relationship with XXX in the parking lot of XXX while he was on active duty, in full uniform, and in a marked Auburn Police vehicle, all of which occurred in public view.
  - b. The applicable policy standard that was allegedly violated in this matter was the Standard Operating Procedure General Order 1.2 Standards of Conduct, specifically Sections A(1)(a) obedience to laws, regulations and orders, and A(2)(a) conduct unbecoming an officer. The Board takes notice of said orders and standards, as well as, the provisions set forth in Indiana Code Section 35-8-3 et al. Said provisions are incorporated into these findings by reference herein.
3. On September 10, 2009, the Auburn Board of Public Works and Safety preliminary accepted the recommendation of termination of Police Chief Martin D. McCoy subject to the appeal provisions and hearing provisions set forth in I.C. 36-8-3 et al.
4. On September 11, 2009, the Auburn Board of Public Works and Safety gave notice to Officer Christopher Pongratz of their preliminary acceptance and his right to challenge the proposed termination within five (5) days of receiving said notice.

5. Preliminary, Officer Pongratz was placed on paid suspension. He remains on paid suspension to date.
6. Officer Pongratz did exercise his right to a hearing before the full Safety Board and on September 18, 2009, a notice of hearing before the Auburn Board of Public Works and Safety was delivered to Officer Pongratz setting forth the specific charges against him as an officer and in addition, informing him that before he could be dismissed, the Safety Board would in fact offer an opportunity for a hearing.
7. Written notice was given to Officer Pongratz at least fourteen (14) days before the hearing date, which was set for October 5, 2009, at 7:30 p.m. The parties agreed to reset the matter for October 12, 2009.
8. Furthermore, the hearing was set within thirty (30) days after the hearing was requested by Officer Pongratz. All previously filed notices are incorporated into these findings by reference.
9. Officer Pongratz was informed of the specific conduct that comprised the charges. He was also informed that he was entitled to be represented by counsel, entitled to call and cross-examine witnesses, entitled to require the production of evidence, and entitled to have subpoenas issued and served in the county where the unit, the City of Auburn, Indiana, is located.
10. The Auburn Police Department presented evidence through Police Chief Martin D. McCoy that a member of the Auburn Police Department Pathfinder Program, who was under the supervision of Officer Pongratz, engaged in sexual contact with Officer Pongratz while he was on duty in his marked police unit, while he was in police uniform, and in a public place, which was potentially within public view.

11. Specifically Chief McCoy provided information from an interview conducted with the Complainant, M.B., in which she described the actions of Officer Pongratz. The complainant, M.B., was a member of the Pathfinder program, which is a program that provides internship opportunities for individuals in their middle and late teens. The program is intended to provide an opportunity to learn about law enforcement by working with officers on certain projects. The officers in part are responsible for supervision of the pathfinders.
12. In addition, records were provided to the Board for a prepaid phone that was addressed to the Auburn Police Department and was placed in the name of Officer Pongratz. That phone contained over 100 telephone text and/or telephone contacts with the Complainant, M.B., during the summer months of 2009. This period was also the same period in which the alleged sexual activity described by the Complainant, M.B., took place. The Board finds that this evidence corroborates and supports the complaint and information provided by M.B. It further supports the likelihood that Pongratz committed acts unbecoming of an officer as set forth by the Auburn Chief of Police.
13. Additionally, Officer Pongratz was previously disciplined for allowing a civilian female coworker to ride along with him on duty without permission and without informing his superiors. This written consultation took place in May of 2007.
14. In June of 2007, Officer Pongratz received a five (5) day suspension for viewing and sending pornography to the same civilian female coworker who was riding along with him without department permission.

15. In November of 2008, Officer Pongratz received a ten (10) day suspension, demotion from Corporal to Patrolman, ethics training, loss of laptop privileges, and reimbursement of cell phone charges for misusing equipment and having an inappropriate relationship with a civilian employee of the City of Auburn. The same civilian employee who previously was involved in the aforementioned incident received excessive text messaging from a department cell phone and in addition, Officer Pongratz used his department cell phone and laptop computer to contact, interact, and facilitate a relationship with the female civilian employee while he was on duty. When questioned about this matter, Officer Pongratz initially lied about the relationship. When provided with further evidence, Officer Pongratz admitted they were more than friends (implying that he was involved in a romantic relationship). This evidence leads the Board to conclude that he has likely engaged in the conduct accused of in this matter and described by the complainant, M.B., who was a member of the Pathfinder program at one time. The reason for this likelihood is because the activities described are similar in nature.

16. Despite the continued and ongoing objection by Pongratz regarding evidence unrelated to the specific charges in this case, it is clear that the aforementioned activity in paragraph fifteen (15) establishes a pattern of conduct that is unbecoming of an officer and provides further corroboration of the statement of former Pathfinder member, M.B.

17. At the hearing on October 12, 2009, Officer Pongratz, under direct examination of Attorney Daniel J. Sigler, denied that he had an inappropriate relationship with a civilian employee. This testimony was maintained by Officer Pongratz despite the

playing of recorded voicemails that were left by Officer Pongratz on a department phone, which were romantic and personal in nature.

18. The aforementioned evidence not only corroborates Officer Pongratz predilection to enter into inappropriate relationships with females while on duty, but also supports the concept that he is not truthful and is willing to lie to cover up an issue of sexual misconduct and conduct unbecoming of an officer while on duty in violation of department policy.
19. The Board hereby finds that Officer Pongratz has not been truthful in his testimony and that it is proven that he committed the acts for which he has been charged in this matter.
20. The Board hereby finds that Officer Pongratz has been and is guilty of conduct unbecoming an officer and that he has violated Standard Operating Procedure General Order 1.2 Standards of Conduct, specifically Sections A(1)(a) obedience to laws, regulations and orders, and A(2)(a) conduct unbecoming an officer. Said orders and standards are incorporated by reference.
21. Specifically, the Board finds by that Officer Christopher Pongratz actively and knowingly initiated a physical relationship with an individual with the initials M.B. who was at one time an intern in the Pathfinder Program of the Auburn Police Department. This physical relationship was sexual in nature and took place in a parking lot of a public place while the officer was on active duty in a fully marked police car and in police officer uniform.
22. The acts and conduct of this matter rise to such a serious nature that it is appropriate to terminate his employment with the Auburn Police Department. The Board further

finds that the conduct of Pongratz is not representative of the expectations of Auburn Police Officers and runs contrary to the motto of protect and serve. By committing said conduct while on duty, Pongratz has committed conduct unbecoming an officer against every citizen of the City of Auburn. The Auburn Board of Works and Public Safety will not condone or excuse this conduct in any form.

Wherefore, the Auburn Board of Works and Public Safety hereby upholds the recommendation of Auburn Police Chief Martin D. McCoy and upon conclusion of said discipline hearing, under I.C. 36-8-3 et al., now hereby terminates Officer Christopher Pongratz from employment with the Auburn Police Department effective immediately. The Chief of Police is hereby directed to immediately retrieve any and all Auburn Police Department issued equipment, to deactivate any access codes in the possession of said Officer, and to remove access of said Officer from any and all computer files and/or other electronic equipment owned by the City of Auburn.

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The Board further directs the Clerk-Treasurer to immediately discontinue any further payment to Pongratz and to provide any appropriate notices to Christopher Pongratz as it relates to insurance coverage, pension matters, and any other similar administrative issues that may exist.

These findings shall be placed in the personnel file of Officer Christopher Pongratz.

Officer Pongratz employment is hereby immediately discontinued and terminated.

**SO FOUND AND ADJUDGED THIS 22<sup>nd</sup> DAY OF OCTOBER, 2009.**

**CITY OF AUBURN BOARD OF WORKS AND PUBLIC SAFETY**

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NORMAN YODER, Member

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DANNY D. MCAFEE, Member

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JACK RANDINELLI, Member

ATTEST

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PATRICIA MILLER,  
AUBURN CLERK-TREASURER

## **CERTIFICATE OF SERVICE**

The undersigned Board hereby certifies that a signed duplicate of these Findings of Fact has been presented in open hearing this 22<sup>nd</sup> day of October, 2009, and adopted in open hearing. Further, these Findings upholding and terminating Christopher Pongratz from employment have been personally delivered to Christopher Pongratz by the Auburn Chief of Police this 22<sup>nd</sup> day of October, 2009.

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MARTIN D. MCCOY,  
AUBURN CHIEF OF POLICE