

INDIANA PROSECUTORS: PROTECTING HOOSIER CHILDREN

ASSOCIATION OF INDIANA PROSECUTING ATTORNEYS AGENDA FOR 2015 LEGISLATIVE SESSION

IPAC LEGISLATIVE LIAISON: SABRA NORTHAM



Background:

- Originally from Cloverdale, Indiana (Putnam County)
- B.S. in Political Science from Butler University
- J.D. Degree from IU McKinney School of Law
- Former Assistant Director for Government Relations at Indiana University

Duties:

- Develop, propose, implement IPAC strategic legislative plans
- Establish an effective process for monitoring legislation, ensure review of relevant legislation
- Determine and articulate potential effects of new legislation
- Identify and arrange for appropriate staff and prosecuting attorneys to appear as expert witnesses as needed
- Conduct geographically dispersed meetings with legislators and prosecutors
- Provide assistance to legislators with research and issues
- Coordinate agency efforts and agendas with the Office of the Indiana Attorney General, the Indiana Criminal Justice Institute, the Indiana State Police, and other state agencies
- Maintain linkage to the Association of Indiana Prosecuting Attorneys, Inc., The Sheriff's Association, and other organizations with an interest in justice administration
- Write, publish, and disseminate the Legislative Update
- Provide updates on legislation at annual spring conference and other CLE seminars
- Stay abreast of legislative trends throughout the country and serve as coordinator for legislative and public affairs issues to the National Association of Prosecutor Coordinators
- Serve as staff attorney to the Legislative Committee

IPAC PUBLIC AFFAIRS OFFICER: CONNIE SMITH



Background:

- Indiana native
- B.A. in Journalism, Ball State University
- Former Legislative Liaison for the Ind. Dept. of Administration
- Former Communications Director, Ind. Dept. of Administration and city of Anderson
- Former graphic design business owner
- Former newspaper reporter and editor

Duties:

- Respond to inquiries about the organization from the general public, agency clients, and public officials
- Proactively addresses issues of public concern and is responsible for all agency press releases
- Develops presentations and information papers for prosecuting attorneys to use at public speaking engagements
- Update the agency's Media Guide
- Serve as staff member assigned to the Public Relations/Outreach Committee

COMMUNICATIONS GOALS

- **Public Relations**
 - Increase the public's knowledge of the public safety role of Indiana's county prosecutors
 - Tell stories **From the Front Lines** of a Prosecutor's on-the-job experiences.
 - Create and distribute materials for multiple mediums to promote specified messages.
 - Serve as a communications source for Indiana's county prosecutors.
- **Legislation**
 - Support the legislative agenda of IPAC on behalf of Indiana's prosecuting attorneys through multiple communications methods.
 - Utilize stories **From the Front Lines** to illustrate the impact of legislation of prosecutors and victims and to demonstrate areas where policy change is needed.
 - Inform and support Indiana's prosecuting attorneys throughout the legislative session.

PUBLIC RELATIONS/OUTREACH PLANS

- **Goal: Help prosecutors get out positive messages and public awareness information in order to increase our profile locally and statewide, and improve our perception publicly**
- **Media Guide**
- **"Cut and Paste" Public Awareness Materials Prosecutors Can Adapt**
 - Texting and Driving
 - Elder Abuse
 - Prescription Medication Abuse
 - Many Others
- **Collection of "Positive" Prosecutor Stories (*From the Front Lines*)**

LEGISLATIVE THEME

- **Protecting Hoosier Children**
 - Most of our goals for the 2015 legislative session can be framed in this theme.
 - More effective than directly revisiting HEA 1006.

OVERALL APPROACH

- Education and advocacy of positions to legislators and the public.
- Communication by IPAC to legislators.
- One on one communications between local prosecutors and local legislators.
- Use local prosecutors to publicly inform constituents about our legislative aims.
- Message must be simple, consistent, and oft-repeated.
- Control the conversation by driving the message.

LEGISLATION

- **Increase penalties for child pornography**
 - Child Exploitation – currently a Class C felony, will be a Level 5 felony beginning July 1, 2014 (IC 35-42-4-4(b))
 - Possession of Child Pornography – currently a Class D felony, will be a Level 6 felony beginning July 1, 2014 (IC 35-42-4-4(c))
 - Better fit to charge a Level 4 felony for possession of child pornography, with enhancement to Level 3 if the child is pre-pubescent?

LEGISLATION

- **Restore family housing complex and childcare centers as zones**
 - 39 states have drug free zones that extend 1,000 feet in all directions, 7 of these extend beyond 1,000 feet
 - 10 states (including Indiana) have drug free zones that extend less than 1,000 feet
 - 31 states have extended drug free zones to include areas beyond elementary and secondary schools or on school buses
 - 10 states include public housing complexes in drug-free zones and 11 states include day care/child care centers

LEGISLATION

• **Schedule Pseudoephedrine**

- 2013: Indiana led country with 1,808 meth lab busts
- As of May, 2014, there have already been 527 meth lab busts
- In 2013 in Indiana, 458 children were found in meth labs, some of which were killed or seriously injured
 - Since 2003, 2,738 children have been present at a meth lab seizure in Indiana
- 21,000 children have been affected by meth labs from 2002 – 2011 (DEA's National Seizure System) across the country

LEGISLATION

• **Hash oil manufacturing**

- Hash oil explosion in Scott County
- Increasing incidents of hash oil explosions across the country, especially where marijuana has been legalized
- Colorado: as of May, 2014, firefighters have responded to 31 butane hash oil explosions since legalization in January – up from 11 total in 2013



LEGISLATION

• **Presumptive dealing weight**

- Change from threshold of 3 grams to 5 grams (Dealing Sch. I, II, III CS – I.C 35-48-4-2)
- Weight alone insufficient to prove dealing? What about a semi truck load of cocaine...

LEGISLATION

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- **Enhancer for heroin dealing resulting in death**
 - Local stories of heroin overdoses dominating media
 - Number of new heroin users (nationally) increased from 142,000 in 2010 to 178,000 in 2011 (NSDUH)
 - National average age of first use of heroin abusers aged 12-49 in 2011 was 22.1 years
 - Reasons?
 - Availability of high-purity heroin
 - People switching from abusing prescription drugs to abusing heroin
 - More people using heroin, beginning at younger age

LEGISLATION

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- **Synthetic drugs**
 - K2, Spice, Herbal Incense – mimics effects of marijuana
 - Bath Salts, 2-C Series Compound – mimics effects of hallucinogens
 - N-bomb – mimics effects of stimulants
 - 29,467 synthetic cannabinoid drug reports in 2012, an increase of 1,402% from 2009 (NFLIS)
 - Local stories – 3rd death in Indiana related to use of “N-bomb” 16 year-old Center Grove student
 - Average age of first use in 2013 for synthetic marijuana: 14.4

LEGISLATION

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- **Enhancer for reckless homicide if results in death of a child**
 - Reckless Homicide currently a Level 5 Offense – same as Offense Against Computer Users, Welfare Fraud, Loansharking with force or threat of force?
 - Better fit as a Level 3 or 4 Offense?

LEGISLATION

- **New crime for child abuse**
 - Closest crime - Battery or BBW resulting in bodily injury to person less than 14 if committed by person at least 18, Level 5 Felony Offense (I.C. 35-42-2-1(f)(5)(B))
 - New crime of child abuse would make it easier to detect if someone has prior offense on a background check
 - March 2014 – DCS Assessment Decisions Summary by Child
 - Physical Abuse: 239 sub. claims, 2,466 unsub. claims
 - Jan. – March 2014: 599 sub. claims, 6,892 unsub. claims
 - Neglect: 1,765 sub. claims, 8,501 unsub. claims
 - Jan. – March 2014: 5,022 sub. claims, 23,994 unsub. claims

**LEGISLATION WE SHOULD SUPPORT
BUT SHOULD BE LED BY OTHERS**

- **APS**
 - Governor/FSSA
- **Retail theft**
 - Retailers
- **Bail legislation**
 - Trial court judges

FIGHTS FOR ANOTHER DAY

- **Non-suspendability of enhancements**
- **Non-suspendability of crimes**
- **Restrictions on expungement**
- **Adjustment of sentencing grid**

ADVOCACY

- Formal document
- Handouts
- LTE's
- Regional events with legislators
- One on one
- Stories in major media outlets
- Coalitions

MONITORING AND FEEDBACK

- IPAC staff will monitor implementation of the advocacy plan and compile feedback.
 - Distribution of information
 - Calls to all Prosecutors
 - Collect and compile anecdotes
 - Portal on website for collecting stories
 - Collect and compile feedback from legislator meetings
 - Report to Committee and Board

REPERCUSSIONS: 2014 LEGISLATIVE SESSION

- Let us know if you identify issues with the new code

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