



The Indiana Prosecutor

2nd Quarter, 2019

A Busy Summer at IPAC

Some Thoughts...

By
David N. Powell
IPAC Executive Director



Thank you to all who attended the May legislative and case law update, the child support conference in Indianapolis and the Prosecutor summer conference in Michigan City. All were well attended and received outstanding reviews. As you know we strive very hard to put on the best training possible for you.

If you need training materials on new legislation contact Legislative Counsel Lacey Berkshire at IPAC. She has some materials ready made for you. Also, Zach Osowski, IPAC's Public Information Officer, has prepared press release highlighted some of the new legislation that you can send out under your name. Contact Zach for this release if you are interested. Almost 700 people attended the child support conference at the beginning of June, which is an incredible number. I was honored to be a part of the welcome program along with Marion County Prosecutor Terry Curry and DCS Director Terry Stigdon. Indiana is once again ranked number 7 in the nation in terms of child support. Just a few years ago Indiana was 35th. Remember to thank your child support staff for their excellent efforts on behalf of Indiana's kids.

Your board of directors recently authorized IPAC to add a Juvenile Resource Prosecution Position. I am pleased to announce that a number of excellent candidates applied and three highly qualified

individuals were selected for interviews. The position was offered to Tracy Fitz from Marion County and she accepted the position at the end of June. Tracy will start at IPAC July 15 of this year. Tracy has over 20 years of experience in the Marion County Prosecutor's Juvenile Division. She is truly a subject matter expert on juvenile delinquency. We are excited about this talented prosecutor joining the IPAC team. She comes in at a crucial time as juvenile law has become something of a discussion point across the state and in the General Assembly. It was a big point of contention as it related to the juvenile shooter at the Noblesville Middle School and the resulting legislation attempting to add attempted murder to the list of offenses that could result in a minor being waived into adult court.

Juvenile offenders is also a topic that will be looked at later this year by the interim study committee on courts and the judiciary. We think Tracy will be a big asset to us during these discussions and to all of you who may run into juvenile issues during your day to day work as prosecutors.

For those of you who may not know, I will be stepping down as Executive Director in October of this year. When Chris Naylor takes over for me as Director, IPAC will need a new Assistant Executive Director to take his place. If your or anyone else in your office is interested in applying for the position, then please do so. The job description and requirements are currently posted on our website under Employment Opportunities. It is important that we have a outstanding talent pool to choose from. The Executive Committee will interview candidates in August and the Board will make the final selection at the September Board meeting. If you have questions about this or other positions at IPAC please contact us.

If you have any questions about IPAC activities or you want to become more involved contact IPAC staff or one of your board members. We are here for you.

Legislative Update

By **Lacey Berkshire**
IPAC Legislative Counsel

Contact Lacey: lberkshire@ipac.in.gov

Interim Study Committee Topics

On May 21, the General Assembly announced its study committee topics and assignments for the 2019 interim season. Many topics pertain to prosecutors this year, including the following:

Committee on Corrections and Criminal Code

- Multi-year review of current trends with respect to criminal behavior, sentencing, incarceration, and treatment, including issues related to the implementation of HEA 1006-2014
- Criminal laws concerning fraud and deception
- All legislative proposals to create crimes or increasing penalties
- Court costs for indigent individuals
- Look-back time periods for prior unrelated convictions in the criminal code

Committee on Courts and the Judiciary

- Laws and policies concerning the adjudication and rehabilitation of juvenile offenders

Stakeholder participation is crucial in interim study committee meetings, as these committees often write and recommend legislation for introduction in the next session. IPAC's Legislative and Executive Committees are currently working to shape our positions on the above issues, including any requests for new legislation we may have for next year. Be sure to reach out to myself or members of the legislative committee if you have concerns that you think should be addressed in one of these upcoming interim committees.

These interim committees will start meeting later this summer and into the fall. I will do my best to keep everyone posted on what develops out of these important meetings.

New Laws

All laws that did not become official upon passage became law on July 1. Thank you to everyone who came out to our Spring Seminar in May to hear, among other things, our legislative update on the litany of bills passed this session that have an effect one way or another on your work as prosecutors.

If anyone would like a copy of the powerpoint that highlighted all of the laws with a brief discription of the new act, please feel free to reach out and can get a copy for you. Our PIO, Zach Osowski, also recently sent out a press release that highlighted a select number of laws that IPAC and local prosecutors pushed for this session.

Either of those items would be excellent tools to share with the stakeholders in your communities and educate them on how these new laws could impact things going forward.

Regional Dinners

As in years past, we will be hosting several regional legislative dinners throughout the state in the coming months. These events are a great way to get to know your local legislators in a fun and relaxing environment, so keep an eye out for your invitation!

2020 Legislative Proposals

As the interim continues, IPAC has begun to prioritize its legislative agenda for the 2020 session. Please send any suggestions for legislation to me, and I will present them to the Legislative Committee for discussion.

Indiana Prosecuting Attorneys Council

302 W. Washington St., Room E205
Indianapolis, IN 46204
317-232-1836
www.in.gov/ipac



David N. Powell
Executive Director

Chris Naylor
Assistant Executive Director

J T. Parker
Deputy Director Civil/Administrative

James Oliver
Deputy Director Criminal Law

Robin Bischof
Chief of Staff

Daniel Miller
Drug Resource Prosecutor

Chris Daniels
TSR Prosecutor

Shaunette Terrell
DV/SAR Prosecutor

Karla Mantia
Title IV-D Policy Liaison

William F. Welch
IV-D Staff Attorney

Glenn Johnson
Director of Research

Lacey Berkshire
Legislative Counsel

Zach Osowski
Public Information Officer

News & Notes

New slate of IPAC Board members

New officers and a new slate of IPAC Board members were voted on during the 2019 Summer Conference at the end of June. Cass County Prosecutor Lisa Swaim was confirmed as the new Board Chair for 2019-2020, replacing St. Joseph County Prosecutor Ken Cotter. Joining her are fellow officers Anthony Quinn, Dubois County Prosecutor who will serve as Vice-Chair and Brad Landwerlen, Shelby County Prosecutor, who is the new Secretary.

Andrew Bryson, Union County, Ken Cotter, St. Joseph County, Dan Hampton, Kosciusko County, Jeremy Mull, Clark County, Chris Owens, Scott County, Wesley Schemenaur, Jay County, and Steve Sonnega, Morgan County, round out the rest of the 10-member board.



Dave Powell and new IPAC Chair Lisa Swaim give outgoing Chair Ken Cotter a plaque for his year of service to the IPAC Board of Directors

Two Trial Ad courses complete, two more coming late this year

IPAC takes a lot of pride in the trainings that we put on each and every year, including the Trial Advocacy programs that walk young prosecutors through various faux trials based on real-life scenarios. In April, IPAC hosted a sexual assault trial advocacy course in Bloomington and put on a drug overdose program at the end of May.

The sexual assault course was significant as for the first time, IPAC helped instruct not just prosecutors but also SANE nurses and victim advocates. All three shareholders are important pieces of any sexual assault or domestic case and learning how best to cooperate and prepare for trial is a crucial step.

There are still two more Trial Advocacy programs coming up later this year. A drugged driving training in August and a Voir Dire course in October



Allen County's Josh Michael practices direct exam during IPAC's drug overdose trial advocacy

Prosecutors get new training on Voir Dire

Several prosecutors trekked to Indianapolis earlier this year for the first of two one-day Voir Dire trainings offered by IPAC.

These trainings take a different look at Voir Dire based on new research on juror tendencies and individual personality types. IPAC was fortunate to have several prosecutors who have used this new technique with good results on hand as trainers and speakers. Attendees also heard from Amy Pardieck with Perceptual Litigation, LLC. Pardieck is a nationally recognized expert when it comes to jury selection and all the little, non-verbal things that prosecutors can start doing when they are participating in Voir Dire.

We would highly recommend all prosecutors take this course and a second one-day class will be held on October 25. Applications for that course are now being accepted.



Amy Pardieck walks the IPAC Voir Dire class through a new way of doing jury selection

Calendar of Events

- **ISP Forensic Refresh**
July 17
Evansville ISP Post
- **Prosecutor Staff Development Course**
August 15-16
Indianapolis
- **Trial Advocacy I - Drugged Driving**
August 20-22
Indianapolis
- **Covert Drug Investigation School**
September 22-28
Camp Atterbury
- **Trial Advocacy III - Voir Dire**
October 1-3
Indianapolis
- **Applied Professionalism**
October 23
Indianapolis
- **Voir Dire One Day Course**
October 25
Indianapolis

Signed Into Law

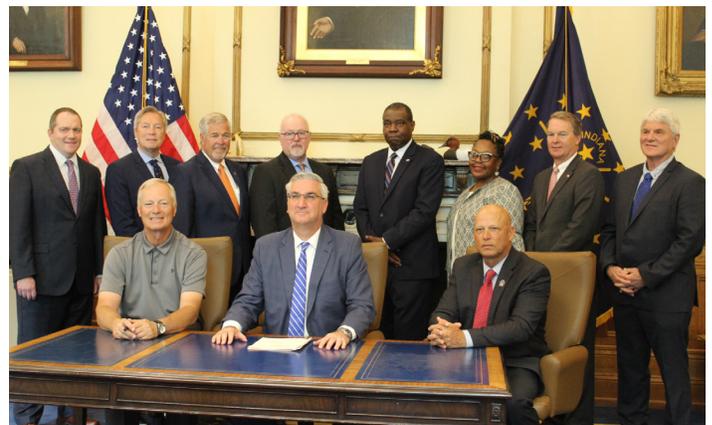
A busy session in the legislature means lots of ceremonial bill signings afterwards. IPAC staff and local prosecutors who helped on bills were fortunate enough to receive invites from lawmakers to join Gov. Eric Holcomb for several bill signings and photo opportunities.



Back row, left to right IPAC Executive Director Dave Powell, Assistant Director Chris Naylor, Madison County Prosecutor Rodney Cummings, Lake County Prosecutor Bernie Carter and Tippecanoe County Prosecutor Pat Harrington (far right) listen as Sen. Mark Messmer explains Senate Bill 551, one of IPAC's key bills this session



Back row, left to right IPAC Executive Director Dave Powell and Lawrence County Prosecutor Samuel Arp look on as Gov. Eric Holcomb prepares to sign Senate Bill 110 which added enhancements to drug dealing if its in a treatment facility parking lot



Back row, left to right IPAC Assistant Director Chris Naylor, Madison County Prosecutor Rodney Cummings, IPAC Executive Director Dave Powell (fourth from left) Lake County Prosecutor Bernie Carter (fourth from right) and Tippecanoe County Prosecutor Pat Harrington (second from right right) smile after Gov. Holcomb signs Senate Bill 424, which revamps the way the state tracks sexual assault kits



Tippecanoe County Prosecutor Pat Harrington (back row, second from right) joins a large group for two animal cruelty bills.

Summer Conference Fun in Michigan City

By Zach Osowski
IPAC Public Information Officer

More than 150 prosecutors and their families attended IPAC's 2019 Summer Conference hosted in Michigan City at the Blue Chip Casino and Hotel. The conference featured three days of speakers and updates and 14.5 hours of CLE credit opportunities. We want to specifically thank all of the people who made the trek up to Michigan City and to all of our speakers and presenters. The reviews we've received show that many of you got a lot out of the wide variety of topics that were covered.



La Porte County Prosecutor John Lake welcomes everyone to Michigan City

The conference started with an update on Rapid DNA testing on how that science is changing the way crime scenes are analyzed and how that evidence is presented in the courtroom. Although still an emerging technology, the hope is rapid DNA testing could help cut down on the backlog of testing in state laboratories.

Wednesday also featured US Attorney Kevin Mulcahy who spoke about his own experiences of childhood sexual abuse when he was a kid growing up in Michigan. Mulcahy spoke openly and frankly about what he endured at the hands of his youth soccer coach, all the factors that went into his grooming and why it took so long for him to eventually report his abuse. His talk was honest



Attendees get an ethics update from James Bell, an attorney from Paganelli Law Group

and a wonderful reminder about why child molest and assault cases are difficult but so important to pursue.

Eric Tamashasky, from St. Joseph County, gave an excellent overview of where Indiana and the US Court system is with digital searches. Specifically, he got into trends he's seeing in digital search warrants that are getting law enforcement and prosecutors in trouble and how to avoid them. One of his biggest items of advice was to be specific when asking for a warrant to search a phone or other electronic device. Much the same way you wouldn't ask for a warrant to search a house for "anything", prosecutors and law enforcement should provide some sort of indication as to what they are looking for, otherwise the entire evidence could be thrown out. Eric had several people lined up to talk to him afterwards and was one of our best reviewed presenters.

Day Two started with Paul Greenwood, a former prosecutor from San Diego, talking about his work in elder fraud and abuse. Much like Mulcahy the day before, Greenwood highlighted the difficulties that can come with this type of work, especially underreporting and victims who don't want to come forward for one reason or another. He maintained, however, that these cases are still worth pursuing and will continue to get worse as the Baby Boomer generation continues to age.

Summer Conference isn't just about CLE credits and learning. We also like to include fun excursions for prosecutors and their families. Wednesday featured trips to the local zoo for families and children, followed by a boat cruise on Lake Michigan that, while a little rougher than we were hoping for, was a fun adventure nevertheless. Thursday night attendees



A packed house at Blue Chip Casino for day one of the IPAC summer conference

to Four Winds Field in South Bend for a minor league baseball game. The weather managed to hold off and we had a pleasant evening watching the South Bend Cubs.

Those that stuck around for Friday's breakout sessions got plenty of good information out of them. Friday featured a wide variety of subjects from human trafficking and specialized driving privileges to the Interstate Compact and an in-depth look at Lexis Nexis. Be sure to reach out



Summer conference attendees visited Four Winds Field in South Bend for minor league baseball

for our Media Fire link if you would like access to the materials from any of the speakers. Thanks again to La Porte County for hosting a great conference and to all of our attendees.

We hope to see everyone in Indianapolis for our Winter Conference during December and next year when Fort Wayne will host the 2020 Summer Conference.

700 Child Support Heroes Descend on Indianapolis

**By Amy Burgher
IPAC IV-D Analyst**

The 43rd Annual Indiana Child Support Conference at the Indianapolis Marriott East, was the destination for almost seven hundred Child Support Heroes last month, and kicked off with Laura Bernacki Stafford leading the Pledge of Allegiance, and a wonderful rendition of our National Anthem, thanks to the Beech Grove High School choir ensemble under the direction of Michael Dean. Terry Curry, the elected prosecutor for Marion County, gave a warm welcome, followed by keynote speaker, Terry Stigdon, Director of the Department of Child Services, who focused on the theme of super heroes of child support. During the opening session we also recognized our state and county child support workers who have made child support their career. Receiving service awards were sixteen recipients of 10 year pins, fourteen recipients of 15 year pins, fourteen recipients of 20 year pins, and six recipients received their 25 year pins. Charray Spells and Pennie Zion from the Child Support Bureau were recognized for having reach 30 years of service; Sheryl Scott, Vanderburgh County, and Shari Spinner, Child Support Bureau, for 35 years of service; and Lesa Conkling, Vanderburgh County; John Owens, Marion County; and Manu Patel, Child Support Bureau were recognized for 40 amazing years of dedication to the Title IV-D program. Thank you to all recipients!

This year's conference featured some new faces, including our Good Neighbor speakers, Irene Curran, Deputy Administrator of the Illinois Department of Health Care and Family Services, and Petrina Travers, supervisor from Ramsey County, Minnesota. We also welcomed new comer, Ray Civitella, supervisor from the Camden County, New Jersey, Board of Social Services. Ray is very active on the ERICSA board and well known by those that attend that conference. We also welcomed back one of our most popular speakers from outside of Indiana's Title IV-D program, Rob Velcoff, intergovernmental guru and Manager of Interstate Operations, New York Support Services.

One of the highlights of the conference

was a two-hour session hosted by Ryann Moore, program specialist from the Federal Office of Child Support Enforcement. During this session a limited number of participants experienced the challenges, and associated frustration of dealing with the many aspects of navigating a system that is not very people friendly. This was an eye-opening and rewarding experience for those who participated in the session. Special thanks to Ryann, and the crew of field consultants from the Child Support Bureau, who manned the various stations that the participants were required to visit in order to successfully navigate the system.

It was very heartwarming that this year's charity drive was another overwhelming success! Huge thanks go out to all the counties and state staff that donated over 4,700 books to the "Books for Youth" drive, which will provide a backpack full of books to over 185 children in the Indiana foster care system. It speaks "volumes" that such a relatively small number of people could deliver such a large number of books. Kristin Ballard, wife of the Indianapolis Colts General Manager, Chris Ballard, accepted the donations during the group luncheon, and explained how much just having a book of their own can mean to a child who is uncertain about their future and can find themselves with none of the possessions they once had.

During the luncheon we also recognized our 2019 K.I.D. Award recipients, Valerie Brown, Lake County; Mary Clemons, Tippecanoe County; Karen Fouts, Adams County; Nanette Frantz, Kosciusko County; Callie Jennings, Owen County; Jenna Landry, St. Joseph County; Jacquelyn Pittman, Allen County; and Andrea Sparkman, Jennings County. The 2019 winner of the Beatrice Deuel Child Support Superior Service Award was Pamela Barrett, the former administrator for Clinton County, who retired in October of 2018, and her award was accepted by her nominator, Robert Shaffer, Deputy Prosecuting Attorney.

Also during the Thursday group luncheon Michael McGuire II passed the gavel to the incoming chairperson of the IPAC Child Support Committee, Laura Bernacki

Stafford. Mike was presented with an engraved clock to honor him for his two-year term as chairperson. Another special moment during the luncheon was when Karla Mantia and John Owens recognized Cynthia Longest for her years of service in the child support program, and as the former Director of the Child Support Bureau. Cynthia was presented with an engraved clock in recognition of her service to the program, along with a beautiful bouquet of roses. Karla Mantia also presented certificates of appreciation to our "Good Neighbor" speakers, Irene Curran, from Illinois, and Petrina Travers, from Minnesota.

It probably goes without saying that everyone who attended the Super Hero and Villain Dance had a pretty good time. How could you not with such great snacks, an awesome photo booth, and a "club style" DJ. It certainly looked like there was a lot of dancing going on out there! Prizes were awarded to the Best Hero, Joe Jean; Best Villain, Rob Velcoff; and Best of Best, Jasper County.

There were also several counties that participated in the Heroes of Child Support Poster Contest! Thank you to Elkhart, Floyd, Howard, Jasper, La Porte, Marion, and Martin counties for participating! Howard County won the category of Best Essay, and Elkhart County won both Best Pictures and Best All Around.

Planning for the 2020 conference will be underway soon, as the Conference Planning Committee will be meet at the Blue Chip Casino Hotel in Michigan City, Indiana, September 30 – October 1, to identify sessions and speakers. Hopefully you identified some topics and presenters you would like to have next year on your conference evaluation, as this conference is all about YOU and how we can help you help the kids.

See you at the Blue Chip Casino, June 2-5, 2020.

Media Quotes of Note

Lafayette effort to keep pets from those convicted of animal cruelty about to be law

“There is a body of research making the connection between those individuals who are inclined to abuse animals and crossing over and linking to other types of acts against people.”

Pat Harrington
Tippecanoe County
Journal & Courier
April 6, 2019

Indiana bills aim at protecting Hoosier children

“It shouldn’t be a haven for DCS or any other state agency to hide behind exposing their failures. I agree with that 100 percent.”

Rodney Cummings
Madison County
Hendricks County Flyer
April 12, 2019

Judge is indicted for his alleged role in his own shooting at White Castle

“We understand, we get it, that rumors and speculation will inevitably develop while this sort of process unfolds. Grand jury proceedings are strictly confidential. Disclosure of the substance of grand jury proceedings is a crime itself.”

Terry Curry
Marion County
Indy Star
June 28, 2019

Prosecutor kicks off National Crime Victims’ Rights week

“Some of these things can be very traumatic, they can be very difficult. If we can direct them to counseling or other services that may help them, that’s something we want to do.”

Brent Eaton
Hancock County
FOX 59
April 8, 2019

Prosecutor: 16-year-old arrested for Instagram school threat

“When students post pictures and make remarks implying that a school is going to be shot up, we take those allegations seriously. Schools are for education and threats to do harm will not be tolerated.”

Lynn Deddens
Dearborn/Ohio County
WLWT
April 30, 2019

Upcoming Training Opportunity with ISP



Forensic Refresh

Evidence Packaging and Submission & Latent Prints

Evansville Post District 35

July 17

9am – 4pm

INDIANA STATE POLICE