



The Indiana Prosecutor

3rd Quarter, 2018

Busy Summer at IPAC Highlighted by Conferences

Some Thoughts...

By
David N. Powell
IPAC Executive Director



Thank you to everyone who either attended or assisted with the Child Support Conference and the Prosecutors' Summer Conference in French Lick. Both June events were well attended and highly reviewed.

I recently attended the National Association of Prosecutor Coordinators (NAPC) Conference and the National District Attorneys Association (NDAA) Summer Conference. Each year, during July, I try to attend these two events with the goal of capturing new concepts from other states and identifying potential speakers to bring to Indiana.

Alice Dery from the Department of Justice spoke at the NAPC conference. She discussed equitable sharing rules and audit requirements regarding federal forfeitures. Federal forfeiture funds received at the local level are subject to the same federal audit requirements as all other federal grant funds. We will ask Alice to attend our Newly Elected Course in December and explain what all of this means and how it may impact prosecutors and law enforcement who participate in federal forfeiture and turnovers. Mismanagement of federal forfeitures can carry serious penalties, including loss of all federal funds for the government entity with fiscal responsibility. Prosecutors, especially those with drug task forces, need to hear what she has to say so they can avoid some of the pitfalls she identified.

The focus of the NDAA conference this year was human trafficking. A couple of the sessions disclosed some exciting new investigative resources and tools. Some of

you may be familiar with Rapid DNA testing. ANDE (www.ande.com) Corporation has developed technology that can process a DNA sample in 90 minutes. The machine that does the analysis is relatively small - approximately the size of a small copier. The machine is provided free of charge and can run up to five samples at a time at a cost of \$200.00 per sample. The company makes its money selling the five sample kits. There are a couple of pilots using the equipment in other states and the technology was originally developed for the Department of Defense. The speakers from ANDE reported that developing technology will further reduce the processing time in the years to come. At the present time it is being used as an investigative tool much like a Portable Breath Test (PBT) in alcohol. I can think of at least two homicide investigations where this technology would have been invaluable to me as a prosecutor.

Additional good news was presented by Emily Wyatt, Director of Human Trafficking Initiatives. She shared information about an online investigative tool available from Tellfinder. This tool/platform searches 260 internet sources globally including the dark web to help identify victims and perpetrators of human trafficking. It incorporates facial recognition technology to help identify people. The Manhattan District Attorney has used this tool to dramatically increase the number of successful human trafficking prosecutions. This service is free and available to all law enforcement agencies. If you are interested you can learn more about this tool at www.TellFinder.com.

Rapid improvements in science and technology are providing crime solving tools and opportunities that were unimaginable 20 years ago. As we learn more about these developments, we will incorporate them into our training curriculums. These days, it is easy to get disenchanted with the negative news directed at law enforcement and prosecutors. However, opportunities to discover the truth through advances in science and technology have never been better. Our challenge will be keeping up and incorporating these new tools in our public safety portfolio.

Legislative Update

By **Lacey Berkshire**
IPAC Legislative Counsel

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Interim Study Committee Topics

On May 15, the legislature announced its study committee topics and assignments for the 2018 interim season. The exact schedules of most of the committees are still being worked out but the large majority of them will be held in August and September. We will closely monitor all of these committees as many of the topics pertain to prosecutors this year. Below is a list of the committees we will be keeping a close eye on and some of the issues the committees have been tasked with studying. Some of the biggest are medical marijuana and opioid treatment facilities, but all of these topics could have a large impact on prosecutors moving forward. We will also be sending out periodic updates and press releases to keep everyone informed as many of these committees will be introducing legislation based on the committee findings.

Committee on Agriculture and Natural Resources

Regulation of industrial hemp, industrial hemp products, and the manufacture of low-THC hemp extract.

Committee on Corrections and Criminal Code

Multi-year review of current trends with respect to criminal behavior, sentencing, incarceration, and treatment and particular needs of the criminal justice system.

Human trafficking issues, including a review of the penalties for human trafficking crimes, whether a state agency should provide oversight and administer programs to stop human trafficking in Indiana, and the feasibility of establishing a program for helping adult victims of human trafficking.

Bias motivated crimes.

Committee on Courts and the Judiciary

Department of Child Services issues, including the adequacy of the statewide child support computer system and the estimated cost to update or replace it.

All requests for new courts or changes in jurisdiction of existing courts.

Committee on Fiscal Policy

Whether enhanced funding for Level 6 felons in county jails would assist in regional jail financing.

Committee on Public Health, Behavioral Health, and Human Services

Issues related to the use of medical marijuana.

The impact of opioid treatment programs on neighborhoods and communities in their immediate area, including criminal activity, emergency medical services, property values, and quality of life.

Stakeholder participation is crucial in interim study committee meetings, as these committees often write and recommend legislation for introduction in the upcoming 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 the 2019 legislative session.

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.

2019 Legislative Proposals

Throughout the summer and as the interim continues, IPAC has begun to prioritize its legislative agenda for the upcoming 2019 session. Please send any suggestions for legislation to me, and I will present them to our legislative committee for discussion. Feel free to also reach out to your representative and senator about possible legislation you would like to see. Legislators love working on bills that will directly improve the lives of their constituents back home.

Part of the summer has also been spent attending the annual conferences hosted by the National Conference of State Legislatures and the American Legislative Exchange Council. These annual events are key to seeing what other states are doing in terms of legislation and to hear about effective policies that could be incorporated here in Indiana. It's also a great way to continue building relationships with Indiana's legislators.

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News & Notes

Dr. Anna Lembke presents at Summer Conference

Stanford Professor Dr. Anna Lembke spoke at the 2018 Indiana Prosecuting Attorneys Council Summer Conference, highlighting her book, *Drug Dealer, MD*. Lembke is a national expert on addiction and her talk focused on the role the medical community and big pharmaceutical companies played in the opioid and substance abuse crisis facing Indiana and the rest of America.

Dr. Lembke also spoke on the neurological side of substance abuse disorder, doing her best to “teach everyone neurobiology in about three minutes.” The main emphasis was how the brain reacts to pain and how it process opioids. She said taken too long, opioids and other substances can throw off the brain’s chemical balance, causing addiction. She added it can take at least two years and usually longer for the brain to fully heal from an addiction. She also stressed the changes that need to be made in the medical field to teach doctors how to deal with addiction other than prescribing pain killers and opioids. Copies of Dr. Lembke’s book are still available at the IPAC office.



Dr. Anna Lembke shows off her new IPAC t-shirt with IPAC Executive Director David Powell

Calendar of Events

TSRP Trial Advocacy I

August 21-23

Indianapolis

Cops in Court

August 22

Indianapolis

IPAC - FSSA APS Conference

September 18-20

Indianapolis

Covert Drug Investigation

September 23-29

Camp Atterbury Edinburg

IPAC Winter Conference

December 2-6

Indianapolis

Ken Cotter selected as 2018-19 IPAC Chair

The summer conference also marked the end of Dustin Houchin’s year as chair of IPAC as St. Joseph County Prosecutor Ken Cotter was selected to chair the board. Cotter is joined by Cass County Prosecutor Lisa Swaim as Vice-Chair and Dubois County Prosecutor Anthony Quinn will serve as Secretary/Treasurer. Jeff Arnold (Delaware County), Christopher Gaal (Monroe County), William Hartley, Jr. (Wabash County), Bruce Aukerman (Vermillion County), Terry Curry (Marion County), Dustin Houchin (Washington County), and Dan Murrie (Daviess County) round out the list of IPAC’s Board of Directors.



Incoming Chair Ken Cotter honors Dustin Houchin for his work as the 2017-18 IPAC Chair

Gov. Holcomb signs sex offender bill

A bill prohibiting sex offenders from living less than one mile from their victims was one of several IPAC-supported legislation signed by Gov. Eric Holcomb since the conclusion of the General Assembly. Senate Enrolled Act 12 strengthens victim’s protections by limiting how close their attacker can live to them. Holcomb also signed House Enrolled Act 1033, which holds habitual offenders fully accountable for their out of state criminal history. County prosecutors played a vital role in making sure these and other important issues became state law.



IPAC Assistant Executive Director Chris Naylor (back row, left) and Daviess County Prosecutor Dan Murrie (back row, 2nd from right) attend the SEA 12 bill signing

Two new hires at IPAC

The Indiana Prosecuting Attorneys Council has two new employees that were hired on in June. Glenn Johnson was brought on to helm a newly created position as Director of Research. Glenn's primary job will be ensuring all IPAC materials are reviewed regularly, up to date and accurate. Glenn comes to IPAC after serving as senior law clerk for Judge Michael Barnes on the Indiana Court of Appeals. He was in that position for 15 years.

Zach Osowski is the council's other new hire. Zach has taken over as IPAC's public information officer for the recently retired Connie Smith. In addition to handling media requests and pitching stories for the main office, Zach is also available to help individual prosecutor offices who need assistance with press releases, story pitching or advice on media relations. Zach has previously worked at newspapers in Anderson and Greenfield, was the Statehouse reporter for the Evansville Courier & Press and worked on the Marketing and Communications team for the Indianapolis Museum of Art.



Zach Osowski



Glenn Johnson

Technology changing crime scene collection



Indiana State Police Sgt. Phil D'Angelo

At IPAC's summer conference in French Lick, prosecutors heard about new technology that is changing the way law enforcement officers are collecting evidence at crime scenes.

Indiana State Police Sgt. Phil D'Angelo introduced conference attendees to FARO 3-D technology, which he called a "game changer" for the way crime scenes are documented and presented to the jury in the courtroom. Until FARO cameras came along, documenting a crime scene with a regular camera and piecing the thousands of resulting photographs together could take an entire day. With a FARO camera, that time is reduced to minutes. The result is an immersive, 3-D experience that can be used to more accurately show jurors what the crime scene actually looked like. Washington County Prosecutor Dustin Houchin said the technology helped him in a recent murder trial. FARO allowed him to transport the jurors to the house where the crime took place.

Indiana State Police currently have a few of these FARO cameras that can be brought to crime scenes upon request.

Summer Conference in French Lick



Delaware County Prosecutor Jeff Arnold and Chief Deputy Eric Hoffman present on countering insanity and competency defenses during trials.



Indiana Supreme Court Justice Steven David served as the opening key note speaker for the summer conference during day one.

IV-D Child Support Conference

By Amy Burgher
IPAC Child Support Analyst

The 42nd Annual Indiana Child Support Conference is now history, and one that hopefully has lasting memories for the 575 child support professionals that registered to attend. Although the final details are still to be wrapped up, the overall evaluations indicate that the vast majority of attendees

This year's conference featured a number of popular speakers from outside of Indiana's Title IV-D program, including Rob Velcoff, our premier expert on all things intergovernmental, and Lisa Bender, who shared with us the reasons we need to take the "sovereign citizen phenomenon" seriously. Many of our local office caseworkers, deputy prosecuting attorneys, and IV-D court staff also presented on a variety of topics of interest across the spectrum of child support. With a full schedule of breakout and plenary sessions, including up to 12.5 hours of CLE credits available, the conference offered a wide range of sessions for persons new to the program, as well as seasoned veterans.



IPAC's own Amy Burgher donating blood. She was one of more than 100 people who donated at the child support conference.

absolutely loved the venue and have rated the 2018 conference as "the best ever." Certainly one of the highlights of the conference was the appearance by Scott Lekan, the Commissioner of the Federal Office of Child Support Enforcement in Washington, D.C. Lekan delivered a welcome message of change and innovation as he embarks on his recent appointment, and encouraged attendees to think "outside the box" and submit waiver requests through the Child Support Bureau for jobs programs and other previously unavailable uses for incentive funds. Terry Stigdon, Director of the Indiana Department of Child Services, was also able to attend the conference on Wednesday to deliver enthusiastic and encouraging remarks during the opening session.

During the Thursday group luncheon and awards ceremony, a large number of attendees were recognized for their years of service, including Madeline Baker from Marion County,

having served 35 years, and Cheryl Barney and Debbie Brame, both from the Child Support Bureau, receiving their 40-year pins. This year's K.I.D. Award recipients were Kevin Abshire (Marion County), Jamie Langley (Bartholomew County), Jeanna Jackson (Jefferson County), Tara Towner (St. Joseph County), Debbie Conn (Vigo County), Hattie Green (Monroe County) and Vickey Brooks (Kosciusko County). Olga Glossett, who recently retired from Elkhart County, and was invited to work one last conference for us, was surprised to receive the Beatrice Deuel Superior Service Award, in honor of her years of service to both the Ohio

and Indiana child support programs. With nearly 25 years of service, Olga has demonstrated her professional knowledge and passion for this program we all love. IPAC Executive Director David Powell and Title IV-D Policy Liaison Karla Mantia also presented an IPAC "Certificate of Appreciation" to Shelley Septer and Olga Glossett for their years of service in planning the annual child support conference, and to Stephen Rambeaux for his leadership and support in promoting intergovernmental collaboration and Ellen Holland for her efforts during the 2018 session of the Indiana General Assembly.

Most important of all during the conference may have been the outstanding response to the Red Cross Blood Drive on Thursday afternoon. Words cannot express the gratitude of the Red Cross and the Conference Committee for the large number of attendees that signed up and were able to donate blood during the conference, including 26 first time donors! The final report indicated that 49 units of blood were collected during the five-hour blood drive, which was an amazing turnout and something every one of us can be proud to have been a part



DCS Director Terry Stigdon addresses the 2018 child support conference

of. Special thanks to Will Bernacchi for organizing the blood drive, and Jack Fisher and Paula Berry, for volunteering to assist with donor registration.

Media Quotes of Note

Off-duty APD detective foils bank robbery, arrests two

"He called it in, he put on his vest and went in and arrested them. That takes some grit if you ask me."

Rodney Cummings
Madison County
Logansport Pharos Tribune
April 3, 2018

Survivors, supporters 'walk a mile' for sexual assault awareness

"Our words shape the world around us. Whether you speak out against locker room talk or help someone better understand these issues, your voice is powerful and necessary in this conversation. Individuals can embrace their voices to show their support for survivors, stand up to victim blaming, shut down rape jokes, correct powerful misconceptions, promote every day consent and practice healthy communication with their children."

Jarrold Holtsclaw
Greene County
Greene County Daily World
April 13, 2018

Rape survivor recognized for efforts in changing law

"That's the kind of proof that no matter where you come from and no matter what happens to you, you can make a difference and you can do it and you can really make a positive difference for those people around you."

Brent Eaton
Hancock County
CBS4 INDY
April 4, 2018

Social media access during jury trials

"Jurors are always told that if you know something about the case as it is going on from the news media or from an alert on your phone that you are supposed to tell the court. You are supposed to have notified the bailiff so they can know what you have seen and what you heard."

Travis Clowers
Posey County
News 44
June 15, 2018

Opioids fueling drug crisis

"They'll do a period of time in jail then will transition into patient rehab. From there, they'll go to an intensive outpatient program. It's sort of a stepping down process. That will sort of ease them out of the addiction."

John Springer
Sullivan County
My Wabash Valley
May 23, 2018

Law enforcement talks closure in Tinsley case

"I will tell you I was in the office when this investigation started and there has not been a day, a month or a year that has gone by without someone working on this case."

Karen Richards
Allen County
WANE 15
July 17, 2018

Southern Indiana, Louisville prosecutors join forces

"You cannot go to Kentucky, you can't go to Indiana and hide. We will work together to ensure accountability and to ensure safety. This is the beginning of that era, of getting rid of barriers that come up in county and state jurisdiction lines."

Keith Henderson
Floyd County
News and Tribune
June 12, 2018

Howard County utilizes red flag law

"I am a firm supporter of this, along with the firm support of the Second amendment, but I don't think this infringes upon the Second Amendment. I'm supportive of it, and, again, this is not just for law enforcement. We open it up to the public where if there are concerns about an individual who they believe is a danger to themselves or others and is in possession of firearms, there is a law out there to protect themselves and others."

Mark McCann
Howard County
Newsbug
April 5, 2018

Prosecutor files petition in Noblesville school shooting

"In this case, due to the heroic and extraordinary efforts of many people, thankfully, Jason Seaman and Ella Whistler survived. This blessing results in this matter remaining in the juvenile justice system under our current laws, a result which will, I am sure, be very troubling and unsatisfying for many people."

D. Lee Buckingham
Hamilton County
WISH TV
June 5, 2018

Legislation aimed at reducing OD 'body dumping'

"I don't think anybody, any prosecutor, or law enforcement officer, or first responder, is more concerned about busting someone than they are about saving a life."

Jeff Arnold
Delaware County
The Star Press
June 30, 2018



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