



The Indiana Prosecutor

3rd Quarter, 2014

I will have served as your executive director for three years in September. I am grateful to the IPAC and Association Board of Directors for their support and direction these past three years as we have made a number of changes. As you know, the bylaws were amended to create a number of standing committees that focus on issues important to prosecutors. The standing committees have worked well thanks to many of you. As the committee structure evolves we will continue to make improvements in their functionality. Committee members change from time to time and there are opportunities for prosecutors and chief deputies to join a committee and participate in policy and decision making for the benefit of prosecutors. If you are not already serving on the IPAC/Association Board or a standing committee and you have interest in serving let us know. As this term ends and a number of prosecutors move on, there will be several vacancies if you are interested in taking on the additional commitment.

There will be at least 21 newly elected prosecutors arriving on the scene in January 2015. The number may increase depending on what happens in November. At IPAC the design of the Newly Elected Course coincides with our deadline to get a number of things accomplished. The next term, which begins January 2015, initiates a new four-year training cycle and it all starts with the Newly Elected Course. This 6-day training event is scheduled to begin Sunday, December 7 and conclude Friday, December 12 at the Sheraton Indianapolis Hotel, Keystone Crossing. The goal is to expose new prosecutors to as many issues as possible before starting their terms in January.

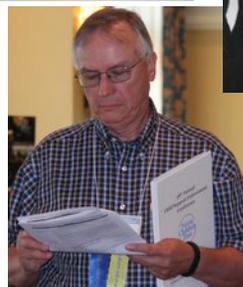
Some Thoughts..

By
David N. Powell
IPAC Executive Director



We are currently building the curriculum for the Newly Elected Course. The Indiana Prosecuting Attorneys Handbook and Trial Handbook are being updated, an activity that is long overdue. We are building a process to make sure they are routinely updated and maintained. We are also examining additional materials and topics to be included in manuals. Finally, a tentative conference and training schedule for 2015 through 2018 will be rolled out.

Lastly, I encourage all of you to visit the IPAC website on a regular basis. The training schedule, conference, committee and board materials are posted there. We are working regularly to improve the website as a prosecutor resource. It is a good tool for you to keep up with IPAC.



**38th Child Support
Enforcement Conference**

IPAC/DCS

Legislative Update

By **Sabra Northam**
IPAC Legislative Liaison

Technical Corrections Session

The Indiana General Assembly met for its first ever Technical Corrections Session on June 17.

Although the legislature created in 1995 a day for the legislature to reconvene in the event certain corrections that were technical in nature were needed, the Technical Corrections Session has proved to be unnecessary until this year. The Legislative Council met the morning of June 17 in order to discuss HB 1448 (Technical Session Corrections). The bill was briefly discussed and Resolution 14-06 was unanimously adopted, urging the enactment of HB 1448 to make corrections that were “critical for the safety of all Hoosiers, but most importantly, for the safety of Hoosier children.” (Legislative Council Resolution 14-06, as proposed June 17). HB 1448 was then introduced in the House of Representatives, passed unanimously, and sent to the Senate. The Senate approved the bill unanimously without amendment. Because no changes were made to the bill in either house, the bill then went directly to Governor Mike Pence’s office and was signed on June 20.

The main focus of HB 1448 concerns technical corrections to HEA 1006 (criminal code revisions), though certain sections relate to provisions of HEA 1279 (Various Motor Vehicle Issues) and HEA 1180 (Various Commercial Vehicle Matters).

The bill makes several changes to offenses relating to controlled substances. It corrects ambiguities in certain dealing offenses by clarifying that a certain enhancement applies if the amount is “at least 1g but less than 5g,” where

previous language stated the enhancement applied if the amount was “under 5g.” Statutes relating to dealing in the following drugs were affected: cocaine or narcotic drugs, methamphetamine, schedule I, II, III, IV, and V controlled substances. Provisions relating to the possession of methamphetamine were changed from “more than 28g” to “at least 28g,” to be consistent with other drug laws and to eliminate a gap for a person possessing exactly 28g. The amount of hashish, hash oil, or salvia that triggers an enhanced sentence was increased from 2g to 5g and the 30-day tacking provision, which allowed for calculating aggregate amounts of these drugs possessed, was removed.

HB 1448 made changes concerning expiration, replacement, and transfer of certificates of title. Specifically, the bill corrects a conflict in the penalty provisions by striking the penalty enhancements in I.C. 9-17-3-7 and leaving the enhancements that HEA 1279 inserted directly in relevant subsections. The bill also changes certain effective dates to resolve conflicts with I.C. 9-17-3-7.

The bill contains a technical correction concerning the issue of retail theft. It permits a police officer to arrest a person if there is probable cause to believe the person committed theft, even if the offense was not committed in the officer’s presence. Previously, the officer would not have been able to arrest a person for misdemeanor theft unless he or she witnessed the offense. A similar correction was necessary in HEA 1279. HEA 1279 amends Title 9 and goes into effect January 1, 2015.

Another correction included in HB 1448 concerns child seduction statutes. It removes ambiguous language, and sets forth the penalty in subsection (q) as a Level 6 felony if the offense involved fondling and a Level 5 felony if the offense involved intercourse. Previously, the statute provided that a person who engaged in intercourse or fondling with a child committed a Level 6 felony with an enhancement to a Level 5 felony if the person engaged in intercourse. This would have been problematic since intercourse was included as a Level 6 felony.

HB 1448 changed language relating to the penalty for child molesting. The bill specifies the penalty for child molesting as a Level 1 felony is 20-50 years if commission of the offense makes the person a credit restricted felon. The standard Level 1 felony penalty remains 20-40 years for non-credit restricted felons.

A link to the technical corrections bill can be found here: <https://iga.in.gov/legislative/2014/bills/house/1448/#>.

Looking Forward

As IPAC begins preparing for the upcoming 2015 legislative session, we are asking prosecutors to share stories from the front lines. We would like to gather success stories from evidence based programs to share with legislators and potentially, the media. We would also like to collect evidence of areas where policy change is needed – from unintended consequences of the new criminal code, to other areas where potential legislation may be necessary. See the story on the next page, “Needed: Your Stories from the Front Lines.” The link is https://secure.in.gov/ipac/mem_only/index.htm. Prosecutors may also send stories directly to Sabra Northam at snortham@ipac.in.gov or Connie Smith at cosmith1@ipac.in.gov.

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Washington County's Dustin Houchin Chairs IPAC

Washington County Prosecutor Dustin Houchin is the new chairman of the Indiana Prosecuting Attorneys Council Board of Directors. He was elected to the post during the IPAC 2014 Summer Conference in Bloomington.

Vice-chairman of the board is now William C. Hartley, Jr., Wabash County Prosecutor and secretary/treasurer is Daniel S. Murrie, Daviess County Prosecutor. Greene County Prosecutor Jarrod Holtsclaw is the outgoing IPAC Board Chairman.



Dustin Houchin



William C. Hartley Jr.

The 3-day summer conference for county prosecutors and their deputies featured updates of the new criminal code legislated this year by the Indiana General Assembly, as well as sessions on ethics, case law, elder abuse, case management, child support, felony diversions, new breath test instruments and community outreach. Approximately 230 elected and appointed prosecutors attended.

"It is an honor and a privilege to assume this position with the Council," said Chairman Houchin. "I hope to continue the great work the organization has done on behalf of prosecutors and the public."

Elected for a first term to the board of directors was Delaware County Prosecutor Jeffrey L. Arnold. The remaining board of directors of the IPAC are elected prosecutors: Terry R. Curry, Marion County; Christopher G. Gaal, Monroe County; Christopher E. Harvey, Adams County; John F. Sievers, Knox County; and Steven D. Stewart, Clark County.

Needed: Your Stories from the Front Lines!

IPAC needs your stories and we've made it easy to receive them!



As IPAC moves forward with its legislative and outreach campaigns on behalf of Indiana's Prosecuting Attorneys, it becomes increasingly important that we share stories collected from the front lines of an Indiana county prosecutor's day to day experiences. Some of these stories will be important to share with legislators as they demonstrate the impact of legislation on prosecutors and victims or demonstrate areas where policy change is needed. Your stories will also be a tool to aid in outreach campaigns to show how prosecutors and law enforcement keep our counties safe.

Please copy this link and paste it into your browser: https://secure.in.gov/ipac/mem_only/index.htm. Input your name, county, subject your story illustrates (synthetic drug manufacturing, child pornography, gun possession enhancement, and others) and then fill in the story to provide us with the information required to help legislators, the public, the media, and others understand how prosecutors protect Hoosiers!

Prosecutors Up to Speed on Breath Test Instrument

IPAC is playing a role as prosecutors acquaint themselves with Indiana's new breath test instrument, the Intox EC/IR® II. According to the manufacturer, the advantage of the sampling system in the Intox EC/IR II is that it utilizes both electrochemical sensor (EC) and infrared sensor (IR) technology. The IR is capable of measuring in real time, both alcohol and carbon dioxide concentrations in the breath. The EC sensor system is utilized to quantify the alcohol concentration in a breath sample.

IPAC will sponsor, with the Governor's Council on Impaired and Dangerous Driving, regional training for prosecutors on July 25, in Ft. Wayne and August 7 in Lafayette. See the Calendar of Events at right for specific locations.

"We are working hard to help prosecutors to understand the new instrument," said Chris Daniels, IPAC Traffic Safety Resource Prosecutor. "We want them to be ahead of the learning curve as the new intoximeter is deployed."

Calendar of Events



New Breath Test Instrument Regional Training for Prosecutors
July 25, 1-4:30 p.m.
Ivy Tech South Campus
Ft. Wayne

New Breath Test Instrument Regional Training for Prosecutors
August 7, 1-4:40 p.m.
Tippecanoe County Office Bldg.
Lafayette

Trial Advocacy/Cops in Court
August 26-28
Crowne Plaza
Indianapolis



Respect Our Elders — Working Together to Stop Abuse
September 18
Crowne Plaza
Indianapolis

Newly Elected School and Winter Conference
December 7-12
Sheraton Indianapolis Hotel
Keystone Crossing



Media Quotes of Note

Patrick Harrington Tippecanoe County

“Harrington said 33 heroin cases were filed in Tippecanoe County courts in 2013. There have been 10 so far this year.

‘It’s more of a manpower issue than it is what’s really occurring on the street. The statistics are not a reflection of how serious and how freely heroin is flowing in Tippecanoe County,’ he said. ‘If we had double the number of drug task force members, I would anticipate that our numbers would double as far as arrests and prosecutions.’”

Lafayette Journal & Courier
June 21

San Francisco Chronicle
June 28

Patricia Baldwin Hendricks County

“It doesn’t matter if you say the sky is blue, it’s always open to interpretation,” Hendricks County Prosecutor Patricia Baldwin said when asked if the language in the new code was clear. “I think there will be a lot of appeals coming because of its new wording.”

Indiana Lawyer
July 16



IPAC Fills Legislative, Public Affairs, IV-D Staff

Experience Key Qualities

Sabra Northam

Sabra B. Northam is the legislative liaison for the Indiana Prosecuting Attorneys Council. She is originally from Cloverdale, located in Putnam County. She received her B.S. degree in political science from Butler University and her J.D. degree from Indiana University’s Robert McKinney School of Law in Indianapolis. She is a member of the Indiana State Bar Association, the Indianapolis Bar Association, the Indianapolis Civil War Roundtable, the 2013 Class of the Indiana Leadership Forum, and St. Matthew’s Lutheran Church. Before joining IPAC, Sabra was the assistant director for government relations at Indiana University. Sabra had previously worked with IU as a research associate and legal intern. Prior to beginning work with IU, Sabra had completed various government affairs internships with the Indiana Commission for Higher Education, the Greater Indianapolis Progress Committee, Faegre Baker Daniels, and Senator Richard Lugar.



Connie Smith

Connie Staton Smith is an Indiana native whose first career goal was to be a newspaper reporter. She earned her B.A. degree in journalism from Ball State University and fulfilled her ambition to be a reporter, covering criminal trials at the Madison County Courthouse. She later became an editor but left the news business to start a graphic design firm in Anderson. As digital publishing took its toll on the printing industry, she drew upon her journalism experience to assist the cities of Lawrence and Anderson in their public information efforts. From city government, she moved to state government, serving as communications director for the Department of Administration, before assuming the public affairs officer role for the Prosecuting Attorneys Council in June 2014.



William Welch

William F. Welch became a deputy prosecutor in 1982 and prosecuted both felony and civil child support cases as the supervising IV-D deputy prosecutor in Monroe County from 1995 through 2014. He was a long time member of what is now the IPAC Child Support Sub-Committee of the Child Support Standing Committee and served as its president two terms. He has taught numerous workshops on child support for IPAC, the Indiana Child Support Bureau, Family and Social Services Administration, the Indianapolis Bar Association, ERICSA and NCSEA. Bill was presented with the Distinguished Hoosier Award for his work in child support and for assisting in the development of the arrears calculation program available for statewide use. In 2006, at the request of the Indiana Child Support Bureau, Department of Child Services, and on behalf of the Child Support Alliance, Bill worked with key stakeholders to draft legislation to strengthen Indiana’s income-withholding statute. The statute was enacted with minor changes during the 2007 session of the Indiana General Assembly. In June 2014, Bill became a staff attorney for the Indiana Prosecuting Attorneys Council where he will continue working with the Indiana Child Support Bureau and with state IV-D workers to try to help create a better child support enforcement program for the IV-D personnel and the program participants.



Victoria Sovern

Victoria Sovern has been employed by the Indiana Prosecuting Attorneys Council as a paralegal since June 2014. She graduated cum laude in December 2013 with an Associate of Applied Science degree in paralegal studies from IVY Tech Community College - Indianapolis. After being in the workforce for over 20 years, Ms. Sovern decided to return to school while continuing to work full-time and pursue higher education. Our government and its laws and policies had always been an interest of hers and paralegal studies seemed a natural path.



She is a member of the Indiana Paralegal Association and Phi Theta Kappa Honor Society.