



The Indiana Prosecutor

1st Quarter, 2015

Prosecutors Support Bills Addressing Violent Crime and Deadly Weapons



From left, Dustin Houchin (Washington County), Terry Curry (Marion County), Sen. Scott Schneider and Aaron Negangard (Dearborn/Ohio Counties) address the media concerning four criminal code bills that passed the Corrections and Criminal Law Committee chaired by Sen. R. Michael Young, at right.

Seven Indiana prosecuting attorneys testified in support of four bills that give Indiana prosecutors additional legal tools to protect Indiana citizens from violent crime. Certain aspects of the bills, which were heard at a meeting of the Indiana Senate Corrections and Criminal Law Committee, also provide technical fixes to sentencing provisions that were impacted by the criminal code reform bill of 2014 (HEA 1006).

Indiana prosecutors - **Dustin L. Houchin, Washington County; Terry R. Curry, Marion County; D. Lee Buckingham, Hamilton County; F. Aaron Negangard, Dearborn and Ohio counties; Rodney J. Cummings, Madison County; James D. Luttrull, Grant County and Jeffrey L. Arnold, Delaware County** - all testified in support of the following bills that passed out of committee on to the Indiana Senate:

SB 92 - Adds crimes for which sentencing for use of a deadly weapon in the commission of an offense may be enhanced between five and 20 years and provides a fix to the habitual offender statute. Sponsored by: Sen. Scott Schneider.

SB 164 Provides that a person convicted of two or more offenses involving the unlawful possession or use of a deadly

weapon may not have the person's conviction expunged. Sponsored by: Sen. Patricia Miller.

SB 551 - Establishes a crime fighting pilot project in Marion, Lake and Allen counties to pay overtime for officers assigned to high crime districts. Sponsored by: Sen. Brent Waltz.

SB 559 - Adds unlawful possession of a firearm by a serious violent felon to the definition of "crimes of violence" and adds a 20-year sentencing enhancement for a person who points or discharges a firearm at a law enforcement officer. Also provides a technical fix for consecutive sentencing for multiple offenses committed during a single episode of criminal conduct. Sponsored by: Sen. R. Michael Young.

Harrington Accepts Appointment to Council on Impaired Driving

Prosecutor Pat Harrington of Tippecanoe County will serve on the Governor's Council on Impaired Driving, an advisory committee to the Indiana Criminal Justice Institute (ICJI). This committee guides policy and program development for statewide action to reduce death and injury on Indiana roadways.

Legislative Update

By **Sabra Northam**
IPAC Legislative Liaison

Tuesday, January 6 marked the start of the 2015 legislative session. Since then, close to 1,200 bills have been filed. The deadline to file bills for the House of Representatives was Tuesday, January 13 and the deadline for the Senate was Wednesday, January 14. IPAC staff and the Legislative Committee of the Association of Prosecuting Attorneys are reviewing bills and making determinations as to the impact on prosecutors for each bill. We will continue to monitor these bills as the session progresses.

There are several bills which address shared concerns of prosecutors across the state. Examples include HB 1006 Criminal Justice Funding, HB 1365 Marijuana Penalties, SB 278 Drug Dealing and Violent Crimes, and SB 279 Threats and Gun Violence. Other topics being addressed this session are over-prescribing of prescription drugs, meth, heroin, the habitual offender statute, firearms, funding for mental health and substance abuse programs, adult protective services, retail theft and organized crime, and penalties for drug crimes.

At this early point in the session, it is important to review all bills and determine impact on prosecutors. Once these bills are introduced, many will be assigned to committee and many will die in the process. These bills often take different forms along the way to either the Governor's desk, or to the wood pile. Based on feedback from the Board and the Legislative committee, we will support bills with positive impacts on prosecutors, and will educate legislators on and

attempt to modify bills with negative impact.

To view bills filed this legislative session, go to this site: <http://iga.in.gov/legislative/2015/bills/>. If you have questions or concerns on any bill filed this session, please let me know - snortham@ipac.in.gov. I will be sending a weekly Statehouse report to members of the Board and the Legislative Committee that will include bills of particular note, upcoming committee meetings, and highlights from the previous week. If you would also like to receive this report, please let me know and I will add your name to the distribution list.

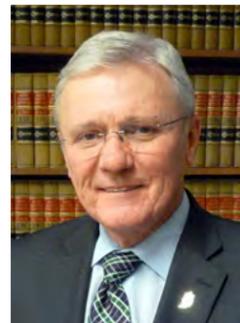
IPAC Adds to Prosecutor Staff



James R. Oliver joined the Prosecuting Attorneys Council in January 2015 as chief of criminal law. He served as Brown County Prosecutor for four terms. Before that, he was with the Marion County Prosecutor's Office where he prosecuted major drug crimes. He spent two years with the Indiana Attorney General, where he prosecuted the licenses of healthcare professionals,

including those who diverted prescription drugs.

Michael Dvorak, elected prosecuting attorney for St. Joseph County for 12 years is assisting with the current legislative session as legislative counsel to IPAC. He spent 16 years as a member of the Indiana House of Representatives. He received his undergraduate degree from Loyola University in Chicago and his J.D. from Western State University College of Law in San Diego. He believes his eight years as a public defender in St. Joseph County, as well as his years in the legislature served him well as an elected prosecutor.



Dan Miller is a graduate of DePauw University and the Indiana University School of Law in Bloomington. He was clerk for the Honorable William I. Garrard, Indiana Court of Appeals, 3rd District. He worked as a deputy prosecutor with the Vanderburgh County Prosecutor's Office for 10 years. During that time, he served with the Drug Law Enforcement Program, handling drug felonies and forfeitures. He became the director of the Vanderburgh County Drug Law Enforcement Program. He further served as first deputy prosecutor in Warrick County, and later chief deputy prosecutor, a position he held until October, 2014, when he joined the staff at the Indiana Prosecuting Attorneys Council.

Legislation and Training Occupy IPAC's New Year

The new year has started with a flurry. As you know this year is a budget year for the Indiana General Assembly. The legislative session is a month longer running through the end of April. The deadline for filing bills has come and gone. There are more than a 1,200 bills. We will read them all at some point. Many bills impact public safety and we will pay particular attention to them. Obviously, we will support good bills and oppose or attempt to modify bills that are negative. We sincerely appreciate the ongoing counsel provided by the standing committee on legislation and the board of directors. We scheduled two board meetings in January to focus on legislative priorities and issues. We are in almost daily contact with the legislative chairs and committee members. We continue to make improvements in the way we communicate and share information. Certainly, we welcome input from all prosecutors on legislative issues. If you have strong interest in a bill or have questions about the process please let us know. The good news is that it is early and many bills will not move and most will change several times before session ends. We will remain calm, stay engaged and do our best to protect your interests.

We have an exciting year of training planned. Staff is working hard on logistics, curriculum, and budgeting. All training will be announced and calendared on the IPAC website. If there is a conference fee, do not forget that you can use

Some Thoughts..

By **David N. Powell**
IPAC Executive Director



your IPAC scholarship money to offset or cover your costs.

Former Brown County Prosecutor Jim Oliver is our new criminal law chief. One of Jim's duties will be to keep the manuals up to date. Jim is also going to send out regular case law updates which highlight significant appellate cases.

We also appreciate how difficult and challenging it is for a newly elected prosecutor to transition into her or his new responsibility. We are here to help as much as we can. We have already received numerous requests for assistance as new prosecutors engage in dialogue with county officials on issues of nepotism, budgeting, staffing and record keeping. If you want to discuss potential solutions or simply need a sounding board we stand ready to help. Good luck with the challenges ahead.

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- Michael Dvorak**
Legislative Counsel

Winter Conference Brings Together Electeds, Deputies for Training



Clockwise, from top: Shelby County occupies front row; Steve Stewart (left) receives first Steve Johnson Award from Dave Powell; Bob Guy (left) and Mel Wilhelm discuss PERF/PARF; Karla Mantia explains handouts.



Sound Prosecutorial Advice: Don't Be That Miserable Skunk

C. Michael Steiner, the four-term Martin County Prosecutor, offered this advice at a reception for newly elected prosecutors last November 20. It is sound advice, not only for elected prosecutors, but for career deputies as well.

We need to think about our philosophies and goals. We sometimes have to make critical decisions under stress and with little time to reflect. For those in bigger offices it is critical to understand your goals primarily because we have to be able to communicate those goals to our deputies. They will have no chance to accomplish what you wish them to accomplish if they don't know what your goals and priorities are. This is unfair to them and will leave you frustrated.



C. Michael Steiner

This job can be fun, boring, frustrating and exhilarating; sometimes all of these in the space of about 10 minutes. It is my belief that we must always remember that it is nothing more than a job. We are not, because of our position, magically transformed into a superhero flinging about lightning bolts of justice throughout our county. All too frequently we become enamored of ourselves and believe we are much more important than what we are. If you allow this job to become who you are rather than what you do you will eventually be terribly disappointed because, unless you die in office, you will eventually not be a prosecutor. Besides that, those of our brethren who allow this to happen are miserable skunks to be around. We have to guard our time. People will want us to sit on

their boards, help with fundraisers and speak at events. Some of those things are enjoyable and, to some degree, necessary. But if we allow these demands to run amok our lives will suffer. Our families make enough sacrifices simply because of the job. Bodies tend to show up, hostage situations happen and search warrant requests are events that seemingly present themselves at the most inopportune times. Birthday parties, family meals and school plays are often missed. I guess missing school plays is really okay but you get my point. Make sure that this job does not overwhelm all other aspects of your life.

I have read where about 96% or so of the population are decent law abiding people. One of our problems is that we deal with the bottom feeders all day every day. This can lead to a profound change in our outlook on life without us even realizing that it is occurring. We can become more cynical and distrusting than we may already be. We may get to the point where we believe that everyone is lying to us or trying to use us. We have to be on our guard against this. Find people you trust and who know you well and ask them to let you know if they see changes in your outlook and attitudes. There is no question that this has happened to me and has affected the relationships I have in my personal life. I didn't realize it and I am trying to change it. Don't let me be you.

Lastly, find the joy in your life. I am normally completely unaffected by the death of someone I don't know. The death of Robin Williams was different for me. He was a man who brought me and countless others, untold amounts of joy and laughter. Despite what he was able to do for others, he was not able to find that happy place for himself. That made me look at myself and realize that it can happen to anybody. My dad died young of cancer. Perhaps the most important thing he ever taught me, and he did so while he was dying, is that life is for living. Life is for enjoyment. I think I forgot that. I won't again.

Media Quotes of Note

Jeffrey Arnold

Delaware County
Muncie Star Press, February 1, 2015

"Prosecution is generally reactive. We don't have a lot of proactive tools." Arnold said pursuit of a habitual offender finding is the state's way of telling an offender, "We believe you're going to commit crimes in the future, based on your past."

<http://www.thestarpress.com/story/news/local/2015/02/01/arnold-addresses-senate-panel-crime-bills/22693283/>

Patrick Harrington

Tippecanoe County
Purdue Exponent,
January 21, 2015

"There are some people in the world who are just truly evil."

http://www.purdueexponent.org/features/article_585ea222-9a33-5cf0-bfe2-c448720d72b3.html

Aaron Negangard

Dearborn/Ohio Counties
Batesville Herald Tribune, January 30, 2015

"Prosecutors are the ones working to solve problems. If at the end of the day, if the population of offenders continues to grow, we're going to need more prisons but if we can decrease the offender population through good programs, then we will save tax dollars and keep our citizens safe."

http://www.batesvilleheraldtribune.com/news/local_news/pilot-rehabilitation-program-shows-success/article_76d624fd-402b-5d1b-94ee-0e6067d30e38.html