



The Indiana Prosecutor

4th Quarter, 2015

Just three things...

Summer has flown by and it seems like the legislative session is starting early. I want to bring three things to your attention.

First, the Indiana Prosecutor Case Management System (INPCMS). As you probably know, the legislature requires prosecutors to report diversion as a "disposition" whenever you divert a level 5 or level 6 felony. Some of you are not diverting any felonies and that is your call, but please use the INPCMS to report a diversion when you divert a case as a disposition. You do not have to report your county diversions beyond recording them in the case management system.

We know prosecutors use the INPCMS in varying degrees and approximately 40 counties are not recording any dispositions in the system. Those cases are reflected as open and we know many are in fact closed. Let me encourage you to ask your administrative staff to close out open cases in the system. The statewide disposition data is very helpful to IPAC and your legislative committee as they respond to legislative issues. We recently replied to a request from Legal Services Agency (LSA) for felony diversion numbers.

If you have questions or need training to close out cases, please contact IPAC Chief of Staff JT Parker and we will

Some Thoughts...

By
David N. Powell
IPAC Executive Director



make sure you get the help you need. Getting the most out of the INPCMS will be an ongoing point of training and emphasis with our Office Administrator Training.

In addition to diversions, since the last legislative session, prosecutors are required to report forfeiture data. IPAC has agreed to do this for you on an annual basis and we have modified the INPCMS to automate and simplify this requirement.

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A word from IPAC's new chairman

By **William C. Hartley, Jr.**

It is an exciting time to be involved with the Indiana Prosec-



William C. Hartley, Jr.

cuting Attorneys Council (IPAC). During the IPAC Summer Conference held in Merrillville, I was elected to serve as Chairman of IPAC and I am honored to serve in that capacity.

As a rural prosecutor, IPAC has always been my go-to resource for legal and ethical guidance. Like many of you, I was always comfortable calling Steve Johnson or Becky McClure for help and wisdom during their tenure at IPAC. I have only recently come to appreciate the work load that Steve and Becky shouldered. Over the last several years I have had the pleasure of watching (and more recently participating in) the growth of IPAC as an organization. Specifically, under Dave Powell's leadership, IPAC has become an even stronger organization by implementing systematic

changes and creating various committees to address the many issues and dilemmas facing prosecutors. Today there are several Council and Association committees for prosecutors to get actively involved in. IPAC's position on various public safety issues continues to be sought out and respected by many groups in Indiana (i.e., General Assembly, law enforcement, public, etc.)

As I begin my fourth term as the elected prosecutor for Wabash County, I am excited about the direction of IPAC and I know IPAC will continue to support all of us with great training seminars, legal research, manuals, and guidance. If you are interested in getting involved with an IPAC committee, feel free to contact the IPAC staff or myself at bhartley@wabashprosatty.org.

Legislative Update

By **Sabra Northam**
IPAC Legislative Liaison

Contact Sabra: snortham@ipac.in.gov

2015 Interim Study Committees - Update

We are now just 3 months away from the beginning of the legislative session and things have really begun to ramp up. Interim study committees are off and running – all have met once and some have met twice. What has been most interesting this season is the assignments from the legislative council. For example, the Interim Study Committee on Public Health, Behavioral Health and Human Services looked at drug dealing penalties (in relation to needle exchange programs) and the Interim Study Committee on Corrections and Criminal Code has studied the Adult Protective Services system.

Topics for consideration in interim study committees include the production and use of hemp oil (Agriculture & Natural Resources – September 23), public records requests related to police body cameras (Government – September 29), and various issues related to prostitution, human trafficking, and sexual assault (Corrections & Criminal Code – October 14 & 27). We will continue to track these committees, testify when appropriate, and will analyze any preliminary drafts of legislation that are considered by committee members.

2016 Legislative Session

The legislative committee has approved a draft of legislative priorities for the upcoming session. APS and increasing penalties for child pornography and drug dealing are towards the top of the list. Several legislators have indicated an interest in drafting bills related to these topics so we are hopeful we will at least see them introduced. Other agenda

items include scheduling pseudoephedrine to address the meth epidemic in Indiana and addressing the synthetic drug problem.

As usual we will likely see many bills introduced in the legislative session that are not necessarily our initiatives but are public safety related. IPAC staff has already been busy meeting with legislators and other organizations to discuss potential legislation.

Regional Legislative Dinners

Thank you to all the prosecutors who attended the regional legislative dinners around the state this summer. These events would not have been successful if it were not for your attendance. We have heard excellent feedback from legislators. Specifically, they appreciate being able to sit down with the prosecutors from their districts to share ideas and receive feedback. Including the dinner during summer conference in Merrillville, we have had close to 45 legislators attend.



Governor Mike Pence (left) presides over the first meeting of the Drug Task Force that he convened to study the serious impact of drug abuse in the state. IPAC Drug Resource Prosecutor Dan Miller (far right) serves on the task force. Numerous prosecutors have attended and testified at hearings around the state that the most effective method of combating the problem is a combination of still penalties for drug dealers and treatment for addicts.

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Calendar of Events

Trial Advocacy
(Sexual Assault/Domestic Violence)
September 29-30, October 1
Bloomington Convention Center

Visual Trial
October 21-23
Renaissance Hotel
Carmel

Applied Professionalism
October 30
Hyatt Regency
Downtown Indianapolis

DV Webinar
November 4
1-3 p.m.
Details to come



Mount to LE: ‘Bad Guys’ Still Going to be Subject to Offenses

Police officers from throughout Indiana heard Prosecutor Jason Mount detail how Scott County reconciled the duty of local law enforcement to fight drug crime with a spiraling rate of HIV due to illegal intravenous drug use. His comments were part of a recent session on The Heroin Epidemic sponsored by U.S. Attorney (Southern District of Indiana) Josh Minkler.

“A needle exchange program is not good law enforcement policy,” Prosecutor Mount told the officers. “But when we had a public health crisis emerging, law enforcement policy had to take a back seat.”

He added that since law enforcement is especially ill-equipped to handle a public health emergency, Scott County law enforcement officials had no choice but to accept the expertise of those who are most knowledgeable about the problem.

The crisis led to creation of a needle exchange program that was ordered on an emergency basis by the governor and adopted by county officials. Participants are given access to substance abuse and HIV treatment, as well as assistance with obtaining driver’s licenses, HIP 2.0 registration, obtaining birth certificates, participation in WorkOne programs, immunizations and transportation. The participants also were educated on the importance of clean needles and equipment and best practices for infection control and safe disposal of needles.

Mount stressed it is law enforcement’s view that it is still illegal to possess and use drugs and despite the pass given inside Scott County to card-carrying program participants possessing needles, any “bad guy” is still going to be subject to other offenses. Arrest guidelines he has advised of officers includes:

- CLEAN NEEDLES, without anything else, do not interdict.
- DIRTY NEEDLES, in transport or responsibly stored, seize but do not interdict (voucher)
- DIRTY NEEDLES recklessly stored, may be probable



From left: Scott County Sheriff Dan McClain, U.S. Attorney PIO Tim Harty and Scott County Prosecuting Attorney Jason Mount.

cause for further investigation.

- Indemnification applied to ALL Paraphernalia, not just needles
- Other violations of I.C. 35-48-4 are fair game

Additionally, all Scott County law enforcement personnel carry Sharps containers and are provided with Sharps (puncture resistant) gloves. Officers are encouraged to ask for handover of any “sharps” prior to a pat-down and they only collect needles as evidence in homicide investigations.

“If you are going to have a needle exchange program in your county, you might as well try to make it work,” he said. “Don’t take action that would cause distrust or lack of use of the facility.”

David Powell...

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Second, statewide disposition data is very helpful to us as we advocate for you. We have pretty decent felony disposition data for the state thanks to State Court Administration. However, the INPCMS is the only system in the state for tracking misdemeanor dispositions. As you know, the vast majority (70%) of all criminal cases are misdemeanors and it is very helpful to know how those cases are being disposed of (county jail, probation, community corrections, etc.). Your legislative team is often asked for statewide disposition data. As you can imagine the legislature and state policy makers are very interested in knowing the impact of their work on the criminal code. If we want amendments or changes, then we will need data to support our positions. It has been my experience thus far that good data, when we can get it, has always helped prosecutors on public safety issues.

Third, and certainly not least, is training. Please take the time to participate in our training events and programs. We have put together an aggressive schedule designed to improve your core competencies. We have a couple of new courses this fall. The Visual Trial Course – October 21-23 - is a good example. The Visual Trial Course is an annual event in Michigan and is superb. We sent a team to evaluate the Michigan visual trial course and not only copied their curriculum with their permission, but improved upon it. It is designed to enhance your courtroom technology skills. I am confident it will become a staple in Indiana prosecutor training.



Relaxing after a hard day of observing e-filing at work are Beth Wolford, Daviess County; Bill Welch, IPAC; and Gretchen Wagler, Daviess County. The trio, along with others of the IPAC Technology Committee, spent two days meeting with representatives of Hennepin County (Minneapolis) and Dakota County (Hastings) to discuss e-filing implementation and operation in Minnesota.

@INProsecutors Charts New Territory in ‘Twittersphere’

IPAC is on Twitter and @INProsecutors needs followers! The Twitter effort was approved by the IPAC Board of Directors in an effort to expand the profile of Indiana prosecutors as administrators of justice and champions of crime victims. The goal is for media, legislators, constituents, even other prosecutors, to be influenced by information highlighted via the @INProsecutors Twitter account.



While the account had just been created and the look of @INProsecutors was still being finalized, the account received its first follower – Indianapolis media personality Abdul-Hakim Shabazz (@AttyAbdul). That evening, @MoProsecutors began following @INProsecutors with the Tweet: “Big #TwitterProsecutors welcome to our

Indiana brothers and sisters! @INProsecutors.”

In its first week of existence, @INProsecutors retweeted positive posts about Indiana Prosecutors and Tweeted articles focusing on legislative testimony by prosecutors concerning Adult Protective Services and the study of medicinal hemp oil. It has also retweeted news items about criminal guilty verdicts.

Prosecutors and their staffs with Twitter accounts can bring items to the attention of IPAC on Twitter by including in their post @INProsecutors – items will then be favorited or retweeted. Prosecutors who are not on Twitter but who receive positive press could e-mail a link to IPAC Public Affairs Officer Connie Smith, cosmith1@ipac.in.gov for Tweeting.

Media Quotes of Note

Brad Cooper

Johnson County
WISH-TV
September 16, 2015

[Johnson County drug arrests sweep the area](#)

“We don’t hand out needles, we hand out arrest warrants.”

Bernard Carter

Lake County
Chicago Tribune
September 4, 2015

[Prosecutor: Town courts staffing could be eliminated](#)

“We enjoy what we do. There’s the public service aspect. There’s the go to the grocery store reality aspect, too.”

Jeremy Mull

Clark County
News and Tribune
September 3, 2015

[Pence visits Clark County](#)

“In 15 years of being a prosecutor I’ve had numerous individuals approach me out in public and say, ‘I was an addict for many years and I did not get sober until you sent me to prison and I finally hit rock bottom.’ “

Karen Richards

Allen County
Journal-Gazette
September 3, 2015

[Heroin ‘scourge’ alarms officials](#)

“Unless we get some more money for large-scale investigations, we won’t be able to touch the people behind heroin...You’re not going to get people into treatment unless there is punishment...They reduced the penalty for dealing (by) too much.”

Nathan Harter

Decatur County
Greensburg Daily News
August 19, 2015

[Prosecutor proposes new hires](#)

“My promise to you is that I will wring every ounce of value out of every dollar you give me, and I will not ask for more than I need.”

Rodney Cummings

Madison County
Anderson Herald Bulletin
August 16, 2015

[Child abuse sign of bigger problems](#)

“Sixty-six percent of the children starting kindergarten don’t know their ABCs and 60 percent don’t know what a book is. More education means less crime.”

Bruce Aukerman

Vermillion County
WTHI-TV
July 25, 2015

[Repeat offender sentenced to 19.5 years](#)

“A bag of heroin, a loaded gun, a stolen vehicle, resisting arrest and a felony record dating back to 1998. This is a person who needed to go to prison for a very long time.”

Brad Landwerlen

Shelby County
WTHR-TV
July 23, 2015

[State lawmakers want tougher penalties for child porn](#)

“That is the same offense as if you have the flesh-ripping, brutal rape of an infant on video and you are sharing that. Same offense. I think that is horrible.”

Ken Cotter

St. Joseph County
South Bend Tribune
July 19, 2015

[The worst part of the job](#)

“It’s always face to face, and it’s always someone with knowledge of what happened...I think it’s important for the family to know viscerally that this is being investigated.”