



The Indiana Prosecutor

2nd Quarter, 2017

Powerful agenda, super socials in Bloomington

I hope to see many of you in Bloomington next week at the IPAC/AG summer conference. Assistant Executive Director Chris Naylor has put together a powerful agenda. Monroe County Prosecutor Chris Gaal has again done a super job of crafting



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the week's social calendar. The entertainment and activities should be outstanding and family friendly.

Wednesday evening we have dinner and a social scheduled at Oliver Winery. If you have not been to Oliver Winery you are in for a treat. We expect some local legislators as well as a number of the appellate attorneys from the Attorney General's office to attend the reception. It should be a great opportunity for prosecutors to meet the folks who handle their cases on appeal.

During the prosecutor and chief

deputy lunch on Thursday, we will recognize outgoing IPAC Chairman and Daviess County Prosecutor Dan Murrie. In addition to the IPAC update, we will hold our annual membership meeting to select the IPAC board and officers. The slate proposed by the board of directors is included below.

In other news, the Child Support Conference is at French Lick the last week of June. As of this printing, 571 persons are registered to attend. We expect more than 150 prosecutors and judges to be part of the group.

We at IPAC are grateful to all of the individuals who help put these conferences together. The events are successful because of you.

Finally, a number of local prosecutors

Some Thoughts...

By
David N. Powell
IPAC Executive Director



have actively opposed the creation of a local needle exchange program. At IPAC we have been collecting some of the written and presentation materials these prosecutors have assembled. If you are interested in receiving or reviewing them, we have permission to share and distribute them to other prosecutors. Please contact IPAC's public information officer, Connie Smith - cosmith1@ipac.in.gov - and she will provide them to you.

Council leadership on agenda during summer conference

Daviess County Prosecutor Daniel Murrie completes his term as chairman of the Indiana Prosecuting

Attorneys Council in June. Members will meet to select a new slate of officers during a luncheon at the IPAC/AG Summer Conference in Bloomington. Washington County Prosecutor Dustin Houchin is slated to serve as chairman for the 2017-2018 term.

Other officers include St. Joseph County Prosecutor Kenneth Cotter as vice chairman and Cass County Prosecutor Lisa Swaim as secretary/treasurer. Boone County Prosecutor Todd

Meyer will serve as at-large executive committee member.

One-year board members slated are Prosecutors Jeffrey Arnold (Delaware County), Kenneth Cotter (St. Joseph County) Christopher Gaal (Monroe County), William Hartley (Wabash County) and Anthony Quinn (Dubois County).

Two-year board members slated are Prosecutors Bruce Aukerman (Vermillion County), Terry Curry (Marion County), Dustin Houchin (Washington County), Daniel Murrie (Daviess County) and Lisa Swaim (Cass County).



Dustin Houchin



Daniel Murrie

Legislative Update

By **Lacey Berkshire**
IPAC Legislative Liaison

Contact Lacey: lberkshire@ipac.in.gov

Session Wrap Up

The General Assembly's 2017 legislative session wrapped up late in the evening on Friday, April 21. Of the 1,245 bills that were originally introduced, 271 of them made their way to the governor for final passage.

Many of those enacted bills were significant victories for prosecutors, including increased penalties for heroin dealers, methamphetamine manufacturers, and drunk drivers. Additionally, the legislature supported IPAC's proposed legislation tightening child predator and habitual offender laws. SEA 322, which mandates DNA collection for felony arrestees, was also signed into law. Finally, the state biennial budget contained a \$3 million increase in funding per year for adult protective services, which will better enable prosecutors to protect some of the most vulnerable Hoosiers.

We are grateful to the many prosecutors who worked tirelessly to ensure these bills were passed into law, either by advocating to their local legislators or testifying at the Statehouse. We would also like to thank the Legislative Committee for their time and efforts, especially Chairmen Pat Harrington and Dustin Houchin.

Interim Study Committees

Unfortunately, the legislature does not rest for long. On Thursday, May 25, the Legislative Council met to assign

topics and membership to interim study committees. These committees will meet throughout the rest of the year to discuss issues and potential legislation for the 2018 session. Many different interim study committees have been assigned topics of consequence to prosecutors.

The Corrections and Criminal Code Committee will review the implementation of HEA 1006-2014, looking specifically at Department of Corrections' savings, jail populations, and the availability of treatment providers and facilities. They will also study the potential for extending mental health and addiction services to misdemeanants, the intersection of serious mental illness and the death penalty, and whether bills creating crimes or increasing penalties should be required to go through an interim study committee before being introduced.

The Committee on Courts and the Judiciary will study the current structure for adult protective services, analyze civil forfeiture laws, and look into the feasibility of providing indigent defense services to persons charged with a misdemeanor and children who are alleged to be CHINS.

Possible improvements to the INSPECT program, including requiring providers to check before writing opiate prescriptions, will be reviewed by the Committee on Public Health, Behavioral Health, and Human Services.

The Committee on Roads and Transportation has been tasked with evaluating the feasibility of a traffic amnesty program for a person who owes unpaid fees or is required to pay a reinstatement fee to obtain a driver's license.

Lastly, the Legislative Council formed a special committee to study firearms matters. The Joint Committee on Judiciary and Public Policy will review the possible repeal of the law that requires a person to obtain a license to carry a handgun in Indiana, an issue commonly known as "Constitutional Carry."

The next six months will be a busy time for IPAC, with each of these committees meeting at least three times before November 1. We are currently working on forming prosecutor subcommittees to address many of these issues from our perspective, in an effort to effectively advocate for our interests. If you are interested in joining our efforts, please let me know as soon as possible.

Looking Ahead

As the interim continues, IPAC will begin to shape its legislative agenda for the 2018 session. Please send any suggestions for legislation to me, and I will present them to our legislative committee for discussion and prioritization.

Here's to a productive and successful summer!

Indiana Prosecuting Attorneys Council

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Governor formally signs three bills assisting LE, prosecutors



Above, Governor Eric Holcomb (center) discusses HEA 1019 that expanded Indiana's list of dangerous synthetic drugs. At left is Sen. Ron Grooms; on the right is Rep. Jeff Ellington. In back, from left are IPAC Assistant Executive Director Chris Naylor, Drug Resource Prosecutor Dan Miller and Madison County Prosecutor Rodney Cummings.

At right, Sen. Erin Houchin (left) and Rep. Wendy McNamara (right) watch Governor Eric Holcomb sign SEA 322 that requires a DNA sample from every felony arrestee. Others pictured include Rep. Pat Bauer and Rep. Donna Schaibley.

Prosecutors welcomed the support of Governor Eric Holcomb who publicly signed bills from the 2017 session of the Indiana General Assembly that included law enforcement measures.

IPAC staff, legislative sponsors and prosecutors pictured here participated in the signings. Prosecutors Houchin and Harrington were co-chairman of the Association of Indiana Prosecuting Attorneys, Inc., Legislative Committee.



Above, Gov. Holcomb poses following the signing of HEA 1406 that heightens enforcement against drug dealers. Pictured are, front row, From left, Sen. Erin Houchin, Sen. Eric Koch, Gov. Holcomb and Rep. Tom Washburne. Back row, from left, are: IPAC Assistant Executive Director Chris Naylor, Marion County Prosecutor Terry Curry, Washington County Prosecutor Dustin Houchin, Executive Director David Powell, Tippecanoe County Prosecutor Patrick Harrington and Boone County Prosecutor Todd Meyer.

Calendar of Events

IPAC Summer Conference
Bloomington - June 14-16

Child Support Conference
French Lick - June 28-30

Trial Advocacy I - TSRP
Indianapolis - August 22-24

Office Management Seminar
Indianapolis - September 6-8

Covert Narcotics Investigation School
Edinburgh - September 24-29

DV Trial Advocacy I
Muncie - November 7-9

Indiana Court Times is available for prosecutors and staff

The Indiana Supreme Court is inviting prosecutors to [subscribe](#) to its publication the **Indiana Court Times**.

Indiana Court Times promotes important judicial programs, events, and initiatives. Prosecutor's offices have likely received a print copy of the magazine in the past, but the publication will no longer be available by mail. Instead, prosecutors, deputies and staff may subscribe to the online blog which is published a few

times a year and features the same content.

The next edition of **Indiana Court Times** will be available in early June, featuring Justice Rucker's retirement, CASA canine companions, and the new Children's Commission information sharing app.

The contact for the **Indiana Court Times** is Patrick McCauley, Visual Communication Specialist, 317-234-8147, Patrick.McCauley@courts.in.gov



Miami County Prosecutor Bruce Embrey completes a digital questionnaire from the ILEA.

Spring Seminar



Ripley County Prosecutor Ric Hertel during a break.



At left, an ethics update by IPAC's Chris Naylor. Above, L-R, are Adams County Chief Deputy Tracy Noetzel, Lawrence County Prosecutor Michelle Woodward and Orange County Prosecutor Kelly Minton.



Legislative Liaison Lacey Berkshire poses with former boss Lisa Swaim, Cass County Prosecutor.



Above, Dubois County Prosecutor Anthony Quinn (left) studies seminar documents. Scott County Prosecutor Chris Owens is at right.



Tippecanoe County celebrates Purdue high tech crime unit

Partnerships are crucial to Purdue's high tech crime lab and Tippecanoe County's four law enforcement agencies benefit from the lab that specializes in digital investigations, situated in Purdue University's Discovery Park. The unit is only one of three of its kind in the U.S. that partners with a university. In 2016, the unit analyzed 416 digital devices as part of 199 criminal cases. Graduate and undergraduate students in cyber forensics participate in investigations through internships.

At left, Tippecanoe County Prosecutor Patrick Harrington discusses the work of Purdue's high tech crime unit.

National TRSP training convenes in Indiana Government Center

The weather, May 3-5, was rainy but 35 national traffic safety resource prosecutors and four DUI prosecutors from 30 states attended an outstanding program with an emphasis on expert testimony. Also attending were representatives from the National Traffic Law Center and NHTSA.

A highlight of the training was Dr. Mark Quigg of the University of Virginia, presenting on sleep deprivation and its effect on driving and everyday activities. Jeff Sifers, Oklahoma TSRP also led a discussion on how to prepare for and defeat DUI defenses and defense experts.

Idaho TSRP Jared Olson and IPAC's TSRP Chris Daniels provided information on how to make training relevant and interesting.

Jennifer Knudsen from Colorado and Ashley Schluck of Wyoming presented the latest news from the burgeoning field of marijuana impaired driving.

At right: IPAC TRSP Chris Daniels converses with a training participant.



Efiling again a IV-D training topic

At left, Mike McGuire and John Owens (right), both Marion County Child Support Deputy Prosecutors, discuss IV-D related issues with efiling office workflow and best practices for meeting challenges.

Applied Professionalism



Above, Lake County Prosecutor Bernard Carter discusses “The Prosecutor and Opposing Counsel”. Upper left (L-R), Floyd County Prosecutor Keith Henderson, White County Prosecutor Robert Guy and Vanderburgh County Prosecutor Nick Hermann confer. The course is presented by the IPAC Ethics Committee.

IPAC TRAINING

Trial Advocacy 2: Prosecuting the Drug Dealer



Visual Trial



Above, Cook County, IL, Executive Assistant State's Attorney Mark Shlifka discusses how to use technology in the courtroom. Above right is Newton County Prosecutor Jeff Drinski. At right, Hendricks County Chief Deputy James Bryan supervises paralegal Jeanette Waterman.



Previous page, bottom left, Posey County Chief Deputy Jonathan Parkhurst discusses working with a CI. Previous page, bottom right, Elkhart County Chief Deputy Joel Williams preps cross examination strategies. At left, Jackson County Prosecutor AmyMarie Travis lectures on trial preparation. Above, ISP F/Sgt. Donald McKay details meth lab case preparation.

Prosecutors, public school superintendents break new ground



Above, Starke County Prosecutor Nicholas Bourff greets the crowd of nearly 90 prosecutors and superintendents who attended the joint meeting in Fishers. The afternoon meeting concluded with one-on-one sessions where prosecutors and superintendents explored common ground.

The Association of Indiana Prosecuting Attorneys' drug summit last fall was the catalyst for May's meeting between public school superintendents and Indiana prosecutors. Starke County Prosecutor Nicholas Bourff was in attendance last fall and brought his father, Hamilton Southeastern Schools Superintendent Dr. Allen Bourff. Dr. Bourff was impressed with the speakers and the quality of the day's content and suggested that public school superintendents would benefit from such a joint meeting with prosecutors. Rocky Mountain HIDTA Analyst Kevin Wong discussed the results of Colorado's marijuana experiment and Indianapolis Addiction Specialist Dr. Timothy Kelly talked about Indiana's addiction epidemic and methods of treatment.



Above, Switzerland County Prosecutor Monica Hensley, Madison County Prosecutor Rodney Cummings and Ripley County Prosecutor Ric Hertel compare issues with superintendents.



Above, Dr. Timothy Kelly (left) and Martin County Prosecutor Mike Steiner talk about drug addiction and recovery. At right is Rocky Mountain HIDTA Strategic Intelligence Analyst Kevin Wong.



Media Quotes of Note

Coalition formed to target illegal guns

"It's not so much the numbers (of slayings) that have changed. The epidemic of heroin has changed the rules on the street. Those rules have changed so much we have to do something before it gets completely out of hand."

Jeff Arnold
Delaware County
Muncie Star Press
March 15, 2017

Increased efforts to 'dry up' drug problem

"We have charged two people with dealing and executed a search warrant on a phone and got 800 pages worth of text messages. So, if your name is in these 800 pages, I would be really scared that you might get a knock on your door one night."

Nicholas Haverstock
Crawford County
Clarion News
March 15, 2017

Man sentenced for paying Lafayette woman \$15 to molest baby over webcam

"This case led us to a part of the internet I wasn't aware of. Where individuals go and they think they can basically hide and move around to talk about how to victimize children and basically make them their sex slaves."

Patrick Harrington
Tippecanoe County
WISH TV
April 14, 2017

Warrick criminal filings increase as focus turns to fighting drugs

"It has freed people up to be more involved in the cases that require that kind of attention. Things are being negotiated better with defense attorneys. When there is a trial now people can have a second chair (co-prosecutor) too."

Michael Perry
Warrick County
Evansville Courier & Press
April 15, 2017

Needle Exchange Bill debated in Statehouse; many counties not on board

"No! It's a crime. If they want to change the law and make possession of a syringe to use heroin not a crime, fine. Hand them out. Using heroin is a crime. It's a felony to use it. It's a felony to possess it. It's a felony to possess the needle. So, you're saying that they're going to engage in criminal activity anyway, we should facilitate it?"

Brad Cooper
Johnson County
WISHTV
March 29, 2017

California suspects accused of using fraudulent cards to buy expensive electronics at Indy airport

"Those who are intent on scamming have become increasingly sophisticated in their ability to replicate cards and commit those crimes. You know in our modern society, whether it's the ability to do it online or travel nationally, it's something that happens and obviously it becomes difficult to prosecute."

Terry Curry
Marion County
WTTV
April 5, 2017

Accused felons get second chance with St. Joseph County program

"It allows them to take stock of their lives, to see the path they're traveling down and attempt to rectify it. For the defendant, it's a good tradeoff because it helps them avoid that felony conviction. It doesn't excuse the behavior, but it gives them the opportunity to atone for it."

Ken Cotter
St. Joseph County
South Bend Tribune
April 16, 2017

Martin County man sentenced to 40 years on drug conviction

"He also had some convictions for non-drug crimes over the years," said Steiner. "We did not just go after him out of the blue. We try to differentiate between the addict who is selling drugs to support his habit and the real drug dealers who are making a living off of it. With the weight he was moving, we are convinced that he fell into the full-time drug dealer category."

Mike Steiner
Martin County
Washington Times Herald
April 6, 2017

Prosecutors: Indiana man hired cousins to kill confidential informant

"The Scott County Sheriff's Office has worked on this case daily for a year. With the help of the Austin Police Department, ISP (Indiana State Police), they've worked diligently and had some late-breaking discoveries that helped bring this case to a point where we can bring charges."

Chris Owens
Scott County
WLKY
April 28, 2017

County council: No needle exchange program here

"It's a misnomer. This is a full drug cook set. The only thing missing is the actual heroin. The idea that we would be behind a government sponsored drug paraphernalia giveaway doesn't align with the values we have in Daviess County. That is not what we are about. If this was an independent person giving this stuff away I would charge them with a crime."

Dan Murrie
Daviess County
Washington Times-Herald
May 12, 2017



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