

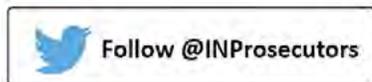


The Indiana Prosecutor

2nd Quarter, 2016

Odds and Ends

Session. The success of the 2016 short session was due to the hard work of your Legislative Standing Committee chaired by Prosecutors Aaron Negangard (Dearborn-Ohio)/Dustin Houchin (Washington) and IPAC staff. IPAC staff provide critical day to day support to keep the legislative committee up-to-date as legislation moves forward. The process is very fluid and changes daily. Legislative Liaison Sabra Northam keeps everyone pointed in the right direction during session. I personally want to recognize Sabra, Assistant Executive Director Chris Naylor, Deputy Director Suzanne O'Malley, Drug Resource Prosecutor Dan Miller, and Traffic Resource Prosecutor Chris Daniels for their work during session. While focusing on your legislative priorities,



we respond to daily calls from legislators and other stakeholders. We also spend a great deal of time "gate keeping" to prevent bad bills from moving. The days are long and hectic during session. Now we can take a breath and start working normal hours. Next year is the last budget session in your current term of office. Any legislation that involves new money will be considered in 2017.

Pay Raise. Prosecutors, chief deputies and state paid deputies will receive a 3.1% pay raise effective July 1st. I emailed the notice letter from Chief Justice Loretta Rush last week.

Disciplinary Rule 23. We sent out by email a copy of the proposed amendments to Disciplinary Rule 23. It is open for comment until April 30. IPAC and the Ethics Committee

Lexis Advance Now Available for Indiana's Prosecutors

As many of you know, LexisNexis is shutting down the Lexis.com research platform. The IPAC provides LexisNexis services to Indiana's prosecuting attorneys and their deputies. The new research platform, Lexis Advance, is now available to our Lexis.com users.

Lexis.com will not be available beginning April 1. It is recommended that IPAC account holders begin using and adapting to Lexis Advance.

Those who have not received a Lexis Advance account or those who have experienced difficulties should consult the IPAC homepage: www.in.gov/ipac

Lexis Advance Webinar Training

The IPAC's primary point of contact for Lexis Advance training is Lauren Kofeldt. She can be reached at (317) 688-9122.

Some Thoughts...

By
David N. Powell
IPAC Executive Director



have been pressing the Supreme Court for a few years now to amend the disciplinary process by enhancing due process and reduce delays in disciplinary cases. Some have gone on for years without resolution. The proposed amendment is disappointing in that it does not include many of the improvements we suggested. IPAC will provide a written response on your behalf before April 30; however, you are free to comment on your own or forward suggested amendments to IPAC for consideration. If you have any questions, Chris Naylor is your point person.

Toxicology. Toxicology has approximately a 7-8 month backlog in case processing. They recently went through the backlog and discovered 150 cases in the hopper for processing that were already resolved. We are working on an electronic fix but that will take some time. Please re-
Continued on Page 3

Customer service is available at (800) 543-6862.

We are working with Lauren to bring Lexis Advance on-site training to regional sites with large offices, but they will also be offering webinars. **The webinar screen can be found [here](#). The telephone number is (866) 210-5690 and the access code: 6368-0527.**

The remaining schedule is as follows:

| | |
|-----------------|--------------------------------|
| March 25 | 10 a.m. |
| March 28 | 11:30 a.m. |
| April 1 | 9 a.m., 11 a.m., 1 p.m. |
| April 5 | 10 a.m. |
| April 7 | 1 p.m. |

Legislative Update

By **Sabra Northam**
IPAC Legislative Liaison

Contact Sabra: snortham@ipac.in.gov

The 2016 Legislative Session came to a close around 10 p.m. on Thursday, March 10. Of the 841 bills filed this session, approximately 217 survived to become enrolled acts. Pending signature (or non-action) by the Governor, those bills will become law. Of all bills filed, 21% dealt with crimes and offenses and 11% were related to law enforcement. The only category beating the “crimes and offenses” category was the “schools” category with 28%.

At the beginning of session, IPAC had three main legislative priorities: to increase penalties for the worst drug dealers, to schedule pseudoephedrine, and to increase penalties for possession of child pornography and child exploitation. Several of the bills related to these goals will become law. A sampling of bills that became enrolled acts (including priority bills) is below. A more detailed presentation of legislation related to public safety and law enforcement will be delivered at the IPAC Spring Seminar on Friday, May 20 at Marriott Indianapolis North.

Enrolled Acts of Note

[HEA 1013 Geolocation information and unmanned aerial vehicles](#) (Rep. Koch, Sen. Head)

Provides that, upon the request of a law enforcement agency, a provider of electronic communications services used by an electronic device is required to provide geolocation information concerning the electronic device to the law enforcement agency: (1) to allow the law enforcement agency to respond to a call for emergency services; or (2)

in an emergency situation that involves the risk of death or serious bodily injury to an individual. Specifies that a law enforcement agency may make a request for geolocation information without first obtaining a search warrant or another judicial order that would otherwise be required to obtain the geolocation information if obtaining the search warrant or other judicial order would cause an unreasonable delay in responding to a call for emergency services or an emergency situation. If a law enforcement agency makes this request, the law enforcement agency shall seek to obtain the search warrant or other judicial order issued by a court based upon a finding of probable cause that would otherwise be required to obtain the geolocation information not later than 72 hours after making the request for the geolocation information. Requires a provider of electronic communications services used by electronic devices to submit the provider’s emergency contact information to the state police department. Requires ISP to: (1) maintain the emergency contact information submitted to the state police department by providers of electronic communication services; and (2) make the information immediately available to a state or local law enforcement agency. Allows the use of an unmanned aerial vehicle by a law enforcement officer or governmental entity without obtaining a search warrant if the law enforcement officer determines that the use of the unmanned aerial vehicle is required to obtain aerial photographs or video images of a motor vehicle accident site on a public street or public highway.

[HEA 1019 Establishes a procedure for the release of law enforcement recordings \(recordings\) under the public records law](#) (Rep. Mahan, Sen. Bray)

Exempts custodial interrogations described in Indiana Evidence Rule 617 from provisions applicable to other law enforcement recordings. Requires a public agency to permit the following persons (defined as a “requestor” in the statute) to view a recording at least twice: (1) A person depicted in a recording, or if the person is deceased or incapacitated, the person’s relative or representative. (2) An owner or occupant of real property depicted in a recording. (3) A crime victim, if the depicted events are relevant to the crime. (4) A person who suffers a loss due to personal injury or property damage, if the depicted events

Continued on Page 4

Indiana Prosecuting Attorneys Council

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Staff Attorney

Karla Mantia
Title IV-D Policy Liaison

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IV-D Staff Attorney

Sabra Northam
Legislative Liaison

Connie Smith
Public Affairs Officer

Calendar of Events



Lexis Advance Webinar Training
March 25 - 10 a.m.
March 28 - 11:30 a.m.
April 1 - 9 & 11 a.m., 1 p.m.
April 5 - 10 a.m.
April 7 - 1 p.m.

Train Advocacy I (Narcotics)
April 26-28
Ft. Wayne

Spring Seminar
May 20
Marriott North
Indianapolis

Odds and Ends - Continued from Page 1

view your toxicology requests and if any of these cases are already resolved, then let Toxicology know they can delete that matter from their backlog. If you have questions, contact the Department of Toxicology.

IV-D. For over 10 years we have been pressing the Child Support Bureau to provide guidance on the child support budget supplant issue. As you know, you cannot use your incentive funds to enhance your child support program if they supplant your local budget. The problem has been that the Child Support Bureau has been reluctant to set a baseline number that you can rely on to determine whether you are in reality violating the supplant rules. I brought this issue to Department of Child Services (DCS) Director May Beth Bonaventura’s attention last fall and asked her to fix this once and for all. Her agency worked on this and recently DCS presented us with three proposals for consideration. Last Friday at the IPAC board of directors meeting, the board approved one of the proposals. We will relay this decision to Director Bonaventura this week. Hopefully, this will resolve the issue and provide you with clear guidance regarding the supplant rules. This should allow you to start spending down your incentive balances. We will keep you posted on this. If you have questions contact Title IV-D Policy Liaison Karla Mantia at IPAC.

Electronic Filing. It is very likely that electronic filing will become mandatory before the end of this term. What that means is that you will have to use the Prosecutor Case Management System – PCMS - to prepare and file criminal cases. If you are not using the system to file criminal cases now, then I encourage you to start. We will emphasize this as a training topic at the next office management seminar in the fall of 2017. We have helped several counties recently get up to speed on the PCMS case preparation and filing system. My worry is that some folks, who may be considering retirement at the end of this term, believe they may be able to avoid mandatory electronic filing. That may be a risky tactic. Prosecutor, Dan Murrie, Daviess County, is your Technology Committee chair. His committee meets regularly to discuss technology issues with State Court Administration and others. Dan has traveled to other states and looked at their systems. He assures me that the IPAC case management system, PCMS, is the best out there. I encourage you to take advantage of the system.

I hope to see you all at Spring Seminar, May 20.



IPAC Traffic Safety Resource Prosecutor Chris Daniels was recently honored by Mothers Against Drunk Driving for his “advocacy and work towards a future of no more victims.” Also recognized were members of IMPD, Marion County Prosecutor Terry Curry and members of his office. The recognition took place at a meeting of the Indianapolis City-County Council.

Border Training

IPAC hosted the 5th annual Ohio / Kentucky / Indiana IV-D Border Training, February 24 at Clifty Falls State Park Inn in Jefferson County.

Jefferson County Prosecutor Chad Lewis (pictured with Kimberly Auxier, IV-D assistant administrator (left) and Debbie Lohrig, IV-D administrator) welcomed 95 child support professionals from all three states and the Federal Office of Child Support Enforcement. Seventeen Indiana counties were represented.

Attendees learned about Title IV-D program operations in the three states and how to obtain court orders, payment records and other information necessary for the effective delivery of services to case participants. Intergovernmental case scenarios demonstrated how each state operates, including the new procedures required by the implementation of UIFSA 2008.



2016 Legislative Report - Continued from page 2

are relevant to the person's loss. Allows a "requestor" to be awarded attorney's fees, court costs, and other reasonable expenses if the "requestor" prevails in an action against a public agency to view a recording. Requires a public agency to permit all persons to inspect and copy a recording unless the public agency can demonstrate that release of the recording would: (1) pose a significant risk of harm to a person or the public; (2) interfere with a person's ability to get a fair trial; (3) affect an ongoing investigation; or (4) not serve the public interest. Provides that a recording that captures information relating to airport security may not be released for public inspection without the approval of the airport operator. Specifies the procedure to obtain a court order for the release of a law enforcement recording, and requires a court to expedite the proceedings. Caps the fee for copying a law enforcement recording at \$150, and specifies that the agency collecting the fee may spend the fee for certain purposes. Specifies information that a public agency may or must obscure from a law enforcement recording before disclosing it. Establishes the length of time that a public agency must retain a law enforcement recording. Exempts a law enforcement recording from a criminal statute prohibiting placement of a camera on the private property of another person.

[HEA 1069 No contact and protective orders and battery](#) (Rep. Zent, Sen. Glick)

Allows a petition to be filed with the juvenile court to order a person to refrain from contact with a member of a foster family home. Makes battery a Class A misdemeanor instead of a Class B misdemeanor if the offense is committed against a member of a foster family home by a person who is not a resident of the foster family home if the person who committed the offense is a relative of a person who lived in the foster family home at the time of the offense. Makes the offense a Level 6 felony if it results in bodily injury to a member of the foster family. Removes the sentencing enhancement for battery committed against a family or household member in the presence of a child from the battery statute and places it in the domestic battery statute. Specifies that numerous provisions in the battery statute constitute domestic battery if they are committed against a family or household member. Makes certain other changes to penalties concerning the offense of battery. Provides that a person who knowingly or intentionally violates a no contact order in a child in need of services proceeding or in a juvenile delinquency proceeding commits a Level 6 felony.

[HEA 1105 Prosecutions for rape and criminal deviate conduct](#) (Rep. Hale, Sen. Crider)

Specifies that certain exceptions to the statute of limitations for rape as a Level 3 felony also apply to rape as a Class B felony (for crimes committed before July 1, 2014). Provides that a prosecution for criminal deviate conduct as a Class B felony for an offense committed before the crime was repealed on July 1, 2014, that would otherwise be barred may be commenced not later than five years af-

ter the earliest of the date on which: (1) the state first discovers evidence sufficient to charge the offender with the offense through DNA analysis; (2) the state first becomes aware of the existence of a recording that provides evidence sufficient to charge the offender with the offense; or (3) a person confesses to the offense. Provides that state educational institution and approved postsecondary educational institution student advocate office employees and volunteers who provide services to certain victims have testimonial privilege regarding confidential victim information.

[HEA 1211 Methamphetamine and criminal mischief](#) (Rep. Carbaugh, Sen. Brown)

Includes the attempted manufacture of methamphetamine in the statutory definition of "methamphetamine abuse". Requires law enforcement agencies to report fires related to methamphetamine abuse to ICJI. Makes it institutional criminal mischief, a Class A misdemeanor, for a person to recklessly, knowingly, or intentionally damage property: (1) that is vacant real property or a vacant structure; or (2) after the person has been denied entry to the property by a court order that was issued to the person or to the general public by conspicuous posting on or around the property in areas where a person could observe the order when the property has been designated by a municipality or county enforcement authority to be a vacant property, an abandoned property, or an abandoned structure. Makes the offense: (1) a Level 6 felony if the pecuniary loss is at least \$750 but less than \$50,000; and (2) a Level 5 felony if the pecuniary loss is at least \$50,000. Provides that, if the offense involved the use of graffiti, the court may order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one year. Makes it controlled substances criminal mischief, a Level 6 felony, for a person to recklessly, knowingly, or intentionally damage property: (1) during the dealing or manufacture of or attempted dealing or manufacture of cocaine or a narcotic drug or the dealing or attempted dealing of methamphetamine; and (2) by means of a fire or an explosion. Makes the offense a Level 5 felony if the offense results in moderate bodily injury to any person other than a defendant. Defines "pecuniary loss" for purposes of criminal mischief offenses.

*NOTE: At one point, there was a provision in this bill that would have addressed the meth manufacturing issue that has occurred in some jurisdictions. (Judges are tossing the manufacturing enhancement for meth for being an illegal double enhancement, as the element of the offense is the same as the element of the enhancement.) At the eleventh hour this provision was removed as one of the conferees would not sign off on the bill. This is an issue we hope to resolve in the next Legislative Session.

[HEA 1235 Drug Offenses](#) (Rep. Steuerwald, Sen. Young)

Specifies that Level 2 controlled substance offenses are nonsuspendible if: (1) the offense involves methamphet-

Continued on Page 5

2016 Legislative Report - Continued from page 4

amine or heroin; and (2) the person has a prior felony conviction for dealing in certain controlled substances.

[SEA 14 Child exploitation and child pornography](#) (Sen. Head, Sen. Young, Sen. Leising, Rep. Eberhart)

Makes the offense of child exploitation a Level 4 felony instead of a Level 5 felony if the offense involves, depicts, or describes a child less than 18 years of age who: (1) engages in bestiality; (2) is mentally disabled or deficient; (3) participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force; (4) physically or verbally resists participating in the sexual conduct, matter, performance, or incident; (5) receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or (6) is less than 12 years of age. Makes the offense of possession of child pornography a Level 5 felony instead of a Level 6 felony if the offense involves, depicts, or describes sexual conduct by a child who the defendant knows is less than 18 years of age, or who appears to be less than 18 years of age, who: (1) engages in bestiality; (2) is mentally disabled or deficient; (3) participates in the sexual conduct by use of force or the threat of force; (4) physically or verbally resists participating in the sexual conduct; (5) receives a bodily injury while participating in the sexual conduct; or (6) is less than 12 years of age. Adds the crime of child exploitation to the definition of "crime of violence" for purposes of the law concerning a court's determination whether terms of imprisonment should be served concurrently or consecutively. (A person who commits a "crime of violence" may receive a longer sentence.) Makes conforming amendments. Requires that a performer who provides adult entertainment on a licensed premises to provide proof of age by at least one form of government issued identification instead of two. Specifies that a photograph taken of an adult entertainer who auditions to provide adult entertainment must only show the adult entertainer's facial features. Amends the definition of "violent criminal" for purposes of the law concerning sentencing to include certain Class A felonies and Class B felonies committed before July 1, 2014.

[SEA 80 Ephedrine and pseudoephedrine](#) (Sen. Head, Sen. Merritt, Rep. Smatzl)

Requires the Indiana board of pharmacy (board) to adopt emergency rules that are effective July 1, 2016, concerning: (1) professional determinations made; and (2) a relationship on record with the pharmacy; concerning the sale of ephedrine or pseudoephedrine. Requires the board to: (1) review professional determinations made; and (2) discipline a pharmacist who violates a rule concerning a professional determination made; concerning the sale of ephedrine or pseudoephedrine. Allows the board, in consultation with the state police, to declare a product to be an extraction resistant or a conversion resistant form of ephedrine or pseudoephedrine. Specifies that a person who is denied the sale of a nonprescription product containing pseudoephedrine or ephedrine is not prohibited from obtaining pseudoephedrine or ephedrine pursuant to a prescription. Provides that a pharmacist or pharmacy

technician may determine that the purchaser has a relationship on record with the pharmacy, in compliance with rules adopted by the board. Allows a pharmacist to deny the sale of ephedrine or pseudoephedrine on the basis of the pharmacist's professional judgment, and provides the pharmacist with civil immunity for making such a denial. Provides that a purchaser who has a relationship on record with the pharmacy may purchase pseudoephedrine or ephedrine. Allows the pharmacist to provide certain pseudoephedrine or ephedrine products to a purchaser who does not have a relationship on record with the pharmacy or for whom the pharmacist has made a professional judgment that there is not a medical or pharmaceutical need. Adds ephedrine and pseudoephedrine to the definition of "controlled substance" for purposes of the Indiana scheduled prescription electronic collection and tracking (INSPECT) program. Removes an expired provision.

[SEA 142 Operating while intoxicated](#) (Sen. Young, Sen. Miller, Rep. Steuerwald)

Provides that a person who commits the offense of causing the death of another person when operating a vehicle: (1) with an alcohol concentration equivalent to at least 0.08 gram of alcohol per 100 milliliters of the person's blood or 210 liters of the person's breath; (2) with a controlled substance listed in schedule I or II or its metabolite in the person's blood; or (3) while intoxicated; commits a Level 4 felony instead of a Level 5 felony if the person has a previous conviction of operating while intoxicated within 10 years preceding the commission of the offense instead of within five years preceding the commission of the offense. Provides that a person convicted of a Level 6 felony may be committed to DOC if the person has received an enhanced sentence for being a habitual vehicular substance offender. Provides that a person who operates a motorboat while intoxicated (motorboat OWI) shall receive an enhanced penalty if the person has a previous conviction under a repealed version of the crime.

[SEA 174 Criminal law matters](#) (Sen. Young, Sen. Steele, Rep. Frizzell)

Provides that a person who, with intent to: (1) deceive; or (2) induce compliance with the person's instructions, orders, or requests; falsely represents that the person is a public servant, commits impersonation of a public servant, a Class A misdemeanor. Creates the offense of dealing in a controlled substance by a practitioner, and enhances the offense if the offense causes the death of another person.

[SEA 216 Traffic enforcement in residential complexes](#) (Sen. Hershman, Rep. Truitt)

Allows a unit to enforce moving traffic ordinances on the property of a residential complex if the following apply: (1) The unit adopts an ordinance permitting the enforcement of such ordinances in residential complexes. (2) The owner of the residential complex enters into an enforcement contract with the unit. (3) The owner of the residential complex installs signs notifying residents and visitors of

Continued on Page 6

Howard County IV-D Office Earns DCS/CSB Recognition

Howard County Prosecutor Mark A. McCann announced that The Child Support Enforcement Division of the Howard County Prosecutor's Office was recently recognized by the Indiana Department of Child Services' Child Support Bureau as a top performer for the time period September 2014 to September 2015.

The Howard County Prosecutor's IV-D Office earned four certificates of accomplishment, ranking between state and national averages in the following categories:

- Recognition of Most Improved Paternity Establishment, 2,500 - 6,999 Case Category.
- Most Improved Support Order Establishment in the 2,500 - 6,999 Case Category.
- Recognition of Most Improved Current Support Collection in the 2,500 - 6,999 Case Category.
- Recognition of Most Improved Cases Paying on Arrearage in the 2,500 - 6,999 Case Category.

There are 34 counties in Indiana in the 2,500 - 6,999 case category. Howard County was competing against 33 other counties for these awards. A representative of the Child Support Bureau stated that "no other county in Howard County's case category has ever been given all four awards".

McCann said that "the Howard County Prosecutor's Office, Child Support Division has worked very hard and are deserving of these awards. The deputy prosecutors and case-workers continue to make every effort to establish paternity, child support and enforcement of those orders to better the lives of the children of Howard County. I am very proud of our personnel and am pleased to see that they have been recognized for their accomplishments".



Deputies in the Lake County Prosecutor's Office received two days of Evidence Boot Camp training in March with "Jedi Jim" Oliver, IPAC Chief of Criminal Law, imparting specific knowledge to "apprentices" on the rules of evidence. Approximately 20 deputy prosecutors participated in the training in Merrillville.

2016 Legislative Report - Continued from page 5

the enforcement of moving traffic ordinances. Requires a unit's law enforcement agency to issue e-tickets for moving violations in a residential complex if the law enforcement agency already issues e-tickets for other traffic violations. Provides certain immunities to the owner of a residential complex that enters into an enforcement contract with a unit. Provides that the statute expires December 31, 2020. Requires the division of state court administration to submit reports to the legislative council relating to the enforcement of moving traffic ordinances on the property of residential complexes.

[SEA 290 Criminal law matters](#) (Sen. Young, Sen. Head, Rep. Steuerwald)

Provides that a person may be convicted of possession with intent to manufacture or deliver a controlled substance without additional evidence of intent to manufacture or deliver if the person possesses more than a specified quantity of the controlled substance. Specifies that the fact that an individual has attended a syringe exchange program may not form any part of a probable cause or reasonable

suspicion determination. Permits a person placed on home detention as a condition of pretrial release to earn one day of good time credit for every four days served on pretrial home detention.

Looking Forward

As we analyze final outcomes from this Legislative Session, prosecutors have already begun considering the 2017 Legislative Session. The makeup of the 120th General Assembly will likely be vastly different as there will be close to 20 (or more if current members lose their election) members leaving office. We will make great efforts to continue building relationships with current members of the legislature this summer and fall and with newly elected members after the election.

Thank you to all of the prosecutors who helped analyze and advocate for legislation and for those who attended legislative events this session. Your engagement in the process is extremely valuable to our team and incredibly helpful when it comes to strengthening relationships at the Statehouse.

Cell phone data critical to successful prosecution of violent criminals

By **Todd Meyer**
Boone County Prosecutor

Somewhere in America this week a young woman will turn up missing. Panicked parents will call the police, AMBER alerts will be issued and local businesses will post pictures of the child imploring the public to help. But the one piece of evidence that may contain a treasure-trove of information about what has happened to this girl, namely her smartphone, sits useless on her dresser because law enforcement cannot access its data. Emails, text messages, voice messages, photos and other data, all of which could

OPINION

lead to her location and her abductor, are fully encrypted simply so Apple and Google can increase their enormous profits by advertising enticing claims of privacy. What's more, given the current encryption policies of Apple and Google, think of the expenses they avoid, ergo further increased profits, by not having to comply with law enforcement efforts meant to keep our nation and communities safe.

And law enforcement's frustration doesn't end with just abduction cases. Sex traffickers can now feel free to communicate with others as they peddle slavery. Drug dealers no longer need to worry about their plans to sell dope, as long as they use their phones. Child pornographers can now download their vile disgusting photos and movies while telling their low life customers to use Apple or Google products. And what happens when the American military captures or kills the next Osama bin Laden, locates his phone and acquires...nothing. This is despicable!

And never mind the Osama bin Laden's of the world, we have terrorists organizing against us while living here amongst us. Take the recent events that took place in San Bernardino, California back on December 2. Through the course of that investigation we have now learned that law enforcement's efforts to trace the shooters' connections and activities leading up to and during that terrible tragedy have been crippled on account of cell phone encryption. In fact, court proceedings are ongoing wherein the FBI has asked a Federal Court to issue an Order to Apple requiring it to provide the FBI with access to one of the known terrorist's cell phones. What once was a valuable tool in fighting, solving and preventing future crime is no longer available to law enforcement and it has made our country and our communities less safe. It will only get worse unless something is done now to stop it. In addition to cell phone encryption we are now seeing mobile apps like Wickr for texting, Mailvelope for email and Signal which encrypts both voice and text communications. While Apple, Google and the developers of these apps advertise their products

for sale with claims of protecting one's privacy, the only thing they're really protecting are criminals. And while all the Apples and Googles rake in the profits, what will be the cost to the safety and security of our society?



Closer to home, I can recount dozens of cases where the use of cell phone data was absolutely critical to the successful prosecution of murderers, child molesters, child pornographers, rapists, drug dealers, thieves and the list could go on. Without the ability to access the cell phones used by these criminals in the commission of their crimes these

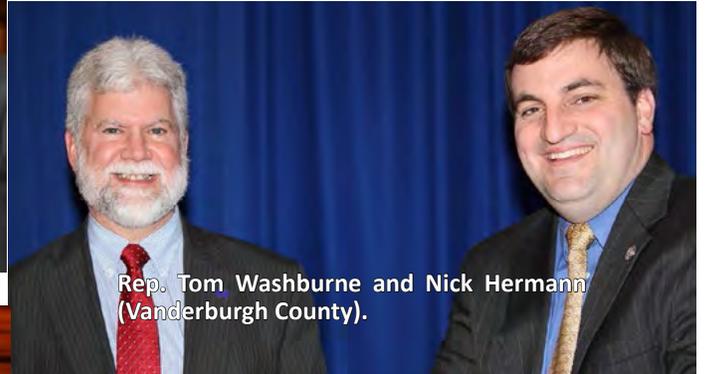
cases may have gone unsolved or worse yet the person known to be responsible would not have been held accountable – in either instance though, justice would not have been done. The American criminal justice system, which operates according to the Rule of Law, is specifically designed to deal with the concerns of privacy interests while balancing the needs of law enforcement in the execution of its duties to serve and protect.

While prosecutor's efforts in filing motions seeking court orders to the Apples and Googles of the world to allow law enforcement access to this critical data are underway, this could all be resolved if Congress would step in and take control of this dangerous situation. Congress can stop this outrageousness tomorrow by its inherent powers under the Commerce Clause. The false argument about privacy rights emanating from the far left and the far right ignores the fact that no phone or other device can be accessed by law enforcement absent a search warrant issued upon probable cause assessed by a neutral magistrate. This isn't about privacy and it shouldn't be about profits. It's about the safety of America. It's about the safety of our communities. Law enforcement, under the watchful eye of prosecutors and judges and tested by criminal defense attorneys, should have the tools they need to track down the murderers and associate their accomplices, intervene in advance of the drug deal scheduled to take place at the neighborhood playground, identify the pedophiles victimizing and stealing the innocence of our children and swiftly solve the child abduction case in order to safely return the young woman to her family. The time to act is now.

IPAC Legislative Lunch March 1 - Statehouse Atrium



Jason Mount (Scott County), Rep. Terry Goodin and Kaleb Mount.



Rep. Tom Washburne and Nick Hermann (Vanderburgh County).



Rep. Eric Koch with Dustin Houchin (Washington County) and Michelle Woodward (Lawrence County).



Rep. Greg Beumer and Jeff Arnold (Delaware County).



Pat Baldwin (Hendricks County), Lee Buckingham (Hamilton County) and Rep. Greg Steuerwald.



Rep. Mike Karickhoff and Bruce Embrey (Miami County).



IPAC Legislative Team Hustled to the End of the 2016 Session

Until the last hour of the 2016 session, three of the IPAC legislative team - Deputy Director Suzanne O'Malley, Assistant Executive Director Chris Naylor and Legislative Liaison Sabra Northam stayed on top of bills as final versions emerged, assuring that legislators had accurate information as they cast their final votes. Thanks Suzanne, Chris and Sabra!

Media Quotes of Note

Rodney Cummings

Madison County
the Indy Channel
January 8, 2016

[Indiana Blamed for Chicago Gun Problem](#)

"I appreciate the debate, but we've proven that's already successful. And all you have to do is look at what's happened in New York City, tougher penalties for people who violate the gun laws. Take criminals off the streets and violence goes down, and that's the reality,"

Jeremy Mull

Clark County
News and Tribune
January 12, 2016

[THE PEOPLE'S COURT: Indiana representative pushes for cameras in Clark County courtrooms](#)

"The bottom line is the people in our community have to go to polling locations and decide who they want to prosecute cases [or] be the judge, and most of them have no idea what's going on in the courtroom on a daily basis."

Aaron Negangard

Dearborn/Ohio County
WCPO
March 11, 2016

[Burglary ring funded drug habit, prosecutor says](#)

"The violence of breaking into the home affects the people who live in that home very deeply. A lot of people have a very difficult time feeling safe in their home again."

Keith Henderson

Floyd County
News and Tribune
March 17, 2016

[Southern Indiana Children in Need](#)

"So then the 14-year-old says to me in a very mature moment afterwards ... she said, well what good does it do to tell my story and go through this if he's going to [be able to] continue to do this?"

Patrick Harrington

Tippecanoe County
WLFJ
January 22, 2016

[Watch how body cams help prosecutors, but also increase workload](#)

"The public has to understand, we have to watch all of it first to know what's in it and that adds a lot of time...In order to start assisting in reviewing these videos — plus we have to index it — we have to track it, we have to maintain it, we have to store it."

Jason Mount

Scott County
Fox 59
February 7, 2016

[Withdrawal symptoms likely to climb after southern Indiana drug ring bust](#)

"Austin, Indiana, is the victim of drug crime. Scott County, Indiana, is the victim of drug crime. You can't arrest HIV."

Nick Hermann

Vanderburgh County
44 News
March 14, 2016

[Grand Jury Returns Indictments on Gang Related Activity](#)

"These people are everywhere, and these guns are everywhere and we continue to have shootings in different parts of the city and it really is a city wide a county wide problem. It's a matter of time until someone gets caught in the crossfire. We need to do something, we owe it to every community member to make sure that their neighborhood is safe but this has really got to a point where it's getting out of hand. If you want to participate in gang activity you don't want to do it here."

Bernard Carter

Lake County
NWI Times
January 14, 2016

[Prosecutor says family structure key to crime deterrence](#)

"I never use the death penalty as a way of deterring crime. It does not."

Brad Cooper

Johnson County
WISH-TV
February 4, 2016

[Johnson County working on solution to drug problem](#)

"What we like to do with them is send them off to prison and then order that they enter a program called Purposeful Incarceration. If you can reduce the number of people that are on it, then you can reduce the overall crime rate."

Terry Curry

Marion County
The Indiana Lawyer
February 24, 2016

[Lawsuit could upend civil forfeiture in Indiana](#)

"We believe that forfeiture procedures utilized by our office comply with all existing legal precedent which addresses civil forfeiture actions, and we welcome the opportunity to defend our procedures in this litigation. Fundamentally, we believe profits gained by criminal activity are appropriately forfeited for the public benefit and use."

Dustin Houchin

Washington County
Goshen News
March 18, 2016

[A meth compromise awaits Pence's signature](#)

"Our position has been, we support prescription only. We think that's most effective. But we believe this bill is well-crafted legislation. I think it will put a dent in production, hopefully a significant dent. I think it's a very reasonable piece of legislation. We're hopeful and optimistic."



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