



Indiana's Prosecutors  
- Innovative Programs -

National Prosecutors' Consortium



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# The Evolving Role of the Prosecutor

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Over the last forty years, there has been a dramatic transformation and expansion of prosecutors' mission, to not only vigorously prosecute criminal cases, but also to engage in crime prevention, problem solving and community partnerships. Prosecutors' fundamental goal is to protect the community and ensure justice when enforcing the law. Traditionally, a prosecutor's role was a limited and relatively passive one - to evaluate and prosecute arrests made by the police.<sup>1</sup> That role has expanded and evolved significantly. The shift is driven by the need for more complex solutions that not only seek positive outcomes for victims, but also strive for long-term solutions for preventing crime and assisting those who are entangled in the criminal justice system.

Prosecutors are uniquely situated to be effective in carrying out these new initiatives. They play a pivotal role in the criminal justice system, making decisions and exercising discretion about whether to prosecute, whom to prosecute, and how to prosecute. Also, as leaders in law enforcement, prosecutors can work with the police and other partners to improve community relationships and to build trust in the criminal justice system.



1. Catherine M. Coles, *Evolving Strategies in 20<sup>th</sup>- Century American Prosecution*, in *THE CHANGING ROLE OF THE AMERICAN PROSECUTOR, 182-187* (John L. Worrall & M. Elaine Nugent-Borakov, eds., 2008).

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## The National Prosecutors' Consortium

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The National Prosecutors' Consortium (NPC) project is designed to collect information on innovative programs employed by prosecutor offices, to assist prosecutors in developing and deploy-

ing new programs, and to expand their research capabilities. The main areas of focus are the prevention of violent crime, community engagement, and encouraging victim/witness cooperation.

Many of the nation's prosecutors relish the opportunities presented by their expanded roles in the criminal justice system and have adopted innovative programs. However, the nature of their new initiatives is impacted by the size and resources of the organization. A large office with plentiful resources can implement multiple forward-thinking initiatives that impact a large segment of their population. Conversely, a smaller jurisdiction may only have the capacity to develop a smaller, yet still meaningful initiative.

Innovative programs described in this paper are newly developed initiatives undertaken by an office in keeping with its unique resources and the needs of its community. Ideas for new programs are freely shared amongst prosecutors and can nevertheless be innovative when they are introduced, implemented, and customized to suit the needs of a particular office. For instance, a program that would be considered innovative in a smaller office, may be more common-place in a larger office. We seek to highlight those offices that are embracing their new role by working within their capacity to bring effective and proactive programs to their communities.

As part of the NPC project, a prosecutor survey was administered during 2019 at the county level across the United States on a state-by-state basis. The survey captures baseline information about prosecutor offices and collects information about the various evolving and non-traditional aspects of a prosecutor's office, such as alternatives to incarceration, preventing violent crime, community outreach, victim/witness support, and treatment programs.



## Overview of Indiana Prosecutor Programs

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Indiana prosecutor offices range in size and in the types of communities that they serve. Some serve in large bustling cities like Indianapolis and others work in suburban districts or rural areas. The available resources and staff vary greatly between the offices, as does the needs of their communities.

Out of 91 counties, 59 (65%) of the prosecutors in Indiana participated in the NPC survey. The survey demonstrates that the responding Indiana prosecutors engage in a wide variety of

programs and initiatives. These programs include Drug courts, Veterans' courts, Community Service, Drug Treatment, and Victim Assistance.

The survey found that 88% of Indiana's prosecutors take part in problem solving courts or other programs that offer alternatives to incarceration. Over half of the offices reported having Drug courts (51%) and Veterans' courts (51%). Many offices (85%) offered Victim Assistance, and at least half had Restitution programs (67%) and Victim Services even when there is no arrest (54%).

Community Engagement programs that prosecutors either run or participate in are also common, with 67% of offices reporting participation. Indiana prosecutors are involved with Co-located Child Abuse programs (54%), Youth Education programs (50%), and Truancy programs (46%). Some prosecutors also have Co-located Domestic Violence programs (29%), Adult Education programs (27%), and Violence Reduction programs (25%).

2. Solomon, S.E., Uchida, C.D., Connor, C., Swatt, M.L, Revier, L, Quigley, A. M., & Hock, S. (2019) *National Prosecutors' Consortium, Survey Highlights: Indiana, Justice & Security Strategies.*

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## Innovative Programs - Examples

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To demonstrate the variety of innovative programs initiated in Indiana, three offices are highlighted: Marion, the largest county with close to one million people, St. Joseph with approximately 270,000 people, and Tippecanoe with almost 200,000 people.

The Marion program is a community justice academy that educates residents about crime prevention strategies and the criminal justice system. In a different initiative, it has designated a prosecutor to focus on the most prolific shooters in their community. The St. Joseph program is a felony pretrial diversion program that includes periodic drug screenings, community service, employment placement, and other services for nonviolent offenders. The Tippecanoe program is a collaborative effort between law enforcement, prosecutors, and animal shelters to educate the public on proper animal ownership and to prevent abuse.

# Marion County Prosecutor's Office-19th Judicial Circuit

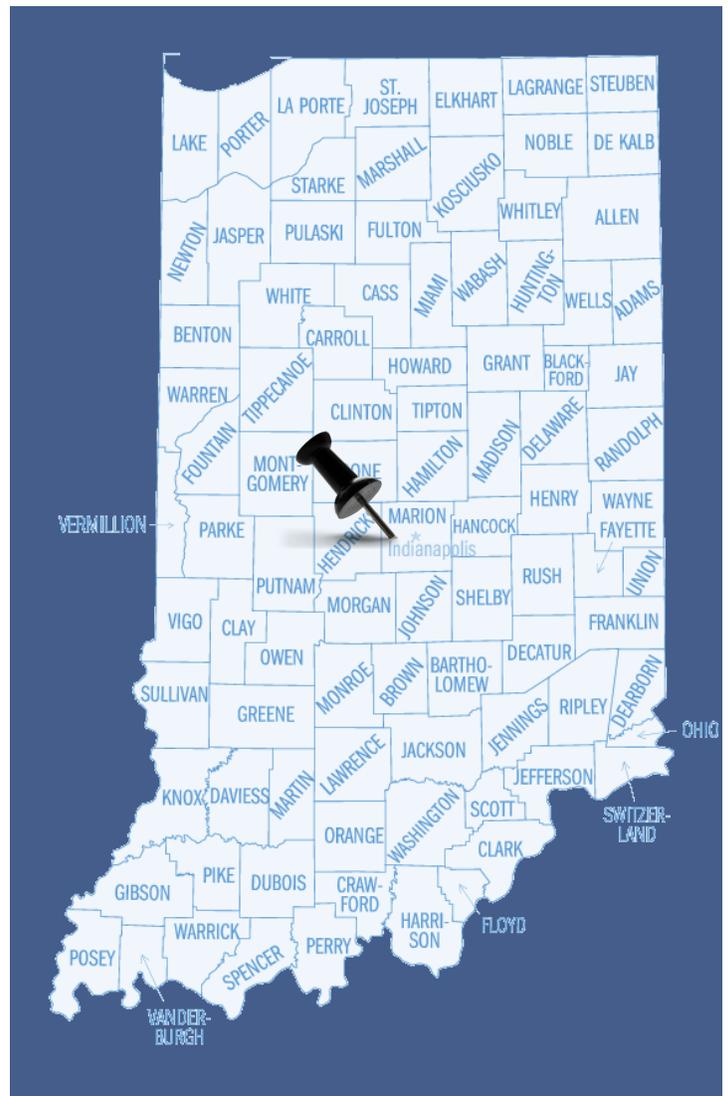
Population: 954,670

Number of Prosecutors: 160 full-time prosecutors, 1 part-time prosecutor

## Community Justice Academy

Launched in 2011, the Community Justice Academy is part of a comprehensive effort by the Marion County Prosecutor's Office to educate and engage residents about crime prevention strategies and the criminal justice system. Each year, representatives from the Prosecutor's Office present information and engage attendees on a variety of timely topics.

The Community Justice Academy sessions are held during four evenings in October. The program is unique from other citizen academies in that it does not limit attendance and it identifies new topics each year on which guest speakers and experts from within the Prosecutor's Office present. The Prosecutor's Office believes that keeping the program open to any community member without an application process fosters community trust and allows access to those who are outside the traditional crime watch block captain role. Many participants have attended for several years, and some take great pride in having attended from the program's inception. Each year attendance has grown, and 2018 boasted an average of 110 people per session.



The material presented in 2018 was sure to result in an excellent attendance record. It was not only pertinent to current societal issues and questions, but it also provided important insight into prosecutorial decision-making. The first week focused on capital punishment and educated residents on how Indiana law allows for seeking the death penalty and how the prosecutor makes the decision to pursue it. The second week covered the prosecution of juveniles as adults,

particularly the legal standards and role of the court and prosecutor in determining when this decision is necessary. In week three, the topic was bail. Speakers covered the elements for setting bail as well as how bail and pre-trial release is determined in Marion County. Finally, week four touched on one of the most pressing issues facing the nation—the need for sensible gun laws. The presentation focused on the realities and aspirations for state and national gun laws and how they impact gun violence.



### **Prosecution Liaison - Indianapolis Crime Gun Intelligence Center**

Another innovative program is the Marion County Prosecutor's Office participation in the Crime Gun Intelligence Center (CGIC). The mission of a CGIC is to remove the most prolific shooters from a given community by leveraging the National Integrated Ballistic Information Network (NIBIN), a system that can identify when the same gun is used at various crime scenes and eTrace, an ATF database that traces the gun from manufacturing through sales. The Marion County Prosecutor's Office is actively involved in this targeted approach to the most violent offenders and has established a NIBIN deputy prosecutor position.

This position serves as the Prosecutor's Office central point of contact for the newly established Indianapolis CGIC. The NIBIN deputy prosecutor's role is to be involved in strategic decisions with state and federal law enforcement about the investigation of the city's most dangerous trigger pullers. The NIBIN prosecutor coordinates the CGIC cases with prosecutors and law enforcement to ensure that these gun-related crime investigations get the attention and priority that they deserve. The NIBIN deputy prosecutor directly prosecutes a limited number of cases involving gun charges, particularly when expertise is needed for cases litigated in the misdemeanor courts.

The NIBIN deputy prosecutor position is especially valuable because the Prosecutor's Office handles a significant number of cases involving firearms. In 2017, 1,828 gun cases were filed and 1,699 gun cases were disposed. In June 2017, Indianapolis was designated as an Operations City in the National Public Safety Partnership, an effort to aggressively investigate and prosecute violent crime through innovative best practices and support from the U. S. Department of Justice.

# St. Joseph County Prosecutor's Office— 60th Judicial Circuit

Population: 270,771

Number of Prosecutors: 30 full-time prosecutors, 1 part-time prosecutor

## Felony Pretrial Diversion Program

In 2016, the St. Joseph County Prosecutor's Office and the Indiana Department of Corrections collaborated to create the Felony Pretrial Diversion program. Pretrial diversion programs were previously reserved only for misdemeanor offenses, but now can include individuals who have been charged with low-level, non-violent felonies. The Felony Pretrial Diversion program emphasizes both accountability and rehabilitation, as reflected in the variety of programs in which participants must enroll. The St. Joseph County Prosecutor's Office Pretrial Diversion Section tailors each individual's specific program plan based upon their needs. Programs can include: periodic drug screenings, community service, employment placement and/or training, enrollment into counseling services, mental health and substance abuse evaluations and treatment, financial literacy courses, and educational programming. Educational programming can involve taking adult education classes, obtaining a high school diploma or G.E.D., or participating in job-specific training.



Prosecutors decide on a case-by-case basis whether a defendant qualifies for the program, taking into account the nature of the alleged crime and the person's willingness to cooperate. For example, prosecutors may not offer the program for a theft case in which the evidence points to a history of domestic abuse between the suspect and victim. If a defendant qualifies, prosecutors will draw up an agreement that requires the person to plead guilty. A judge then withholds sentencing while the defendant works through the 12 to 18-month program. With close monitoring by the St. Joseph County Prosecutor's Office Pretrial Diversion Section, offenders who successfully complete the Program will have their felony charges either dismissed or reduced after a period of approximately 18 months. If however the offender violates the terms of the program, it can result in a conviction and sentence to prison, jail or community corrections.



Through coordination and involvement with multiple agencies and community service providers, the program gives those charged with a felony the ability to regain their standing in society and offers them a second chance to atone for their acts. By avoiding a felony record and changing their root behaviors, an offender is also more likely to hold a job and avoid future entanglements with the criminal justice system. This can reduce future costs of incarceration, estimated to cost taxpayers about \$55 per day for county jails and \$60 per day for state prisons.

# Tippecanoe County Prosecutor's Office- 23th Judicial Circuit

Population: 191,670

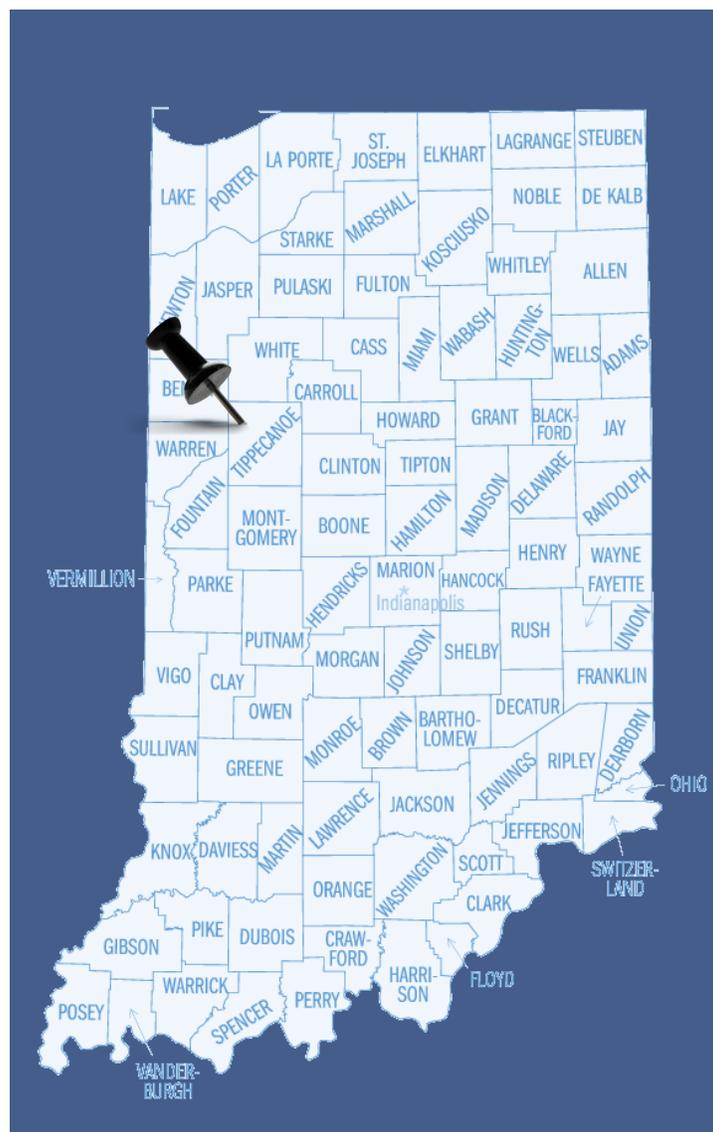
Number of Prosecutors: 29 full-time prosecutors

## Animal Advisory Board

In September 2017, the Tippecanoe County Prosecutor's Office (TCPO) developed the Tippecanoe County Animal Advisory Board (AAB) in response to a criminal case involving the severe neglect of 64 dogs. This case highlighted the relationship challenges between TCPO, local law enforcement, and various stakeholders in the animal community. At the time, there were no plans in place for documenting and processing large numbers of animal victims. Additionally, TCPO and law enforcement did not adequately train and educate the animal community on the evidence needed for a trial. The case opened up a healthy dialogue, which ultimately led to the creation of the AAB and monthly TCPO-Animal Control Officer (ACO) meetings.

The purpose of the AAB is to protect animals living in the county by enforcing Indiana statutes and local ordinances and educating the community about issues relating to good animal care. The AAB carries out this mission through the collaboration of the following organizations:

- Tippecanoe County Prosecutor's Office



- Law Enforcement – Lafayette Police Department, West Lafayette Police Department, and Tippecanoe County Sheriff’s Department
- Purdue University – Veterinary Teaching Hospital and Department of Veterinary Clinical Sciences
- Wildcat Valley Animal Clinic
- Crystal Creek Kennels
- North Central Indiana Spay and Neuter
- Greater Lafayette Kennel Club
- Board of Animal Health
- Almost Home Humane Society

During AAB meetings, which occur every 2-3 months, TCPO provides information to the group on closed cases. They discuss general strengths and weaknesses in recent investigations, such as improvements or shortcomings in evidence collection and medical records, in order to improve processes for the next case. Additionally, the meeting serves as an opportunity for group members to ask for help in locating resources, services, and other information. Recently, the AAB has focused on creating forms for use during cases and formulating a plan to impact the community through websites and brochures, community and/or media events, and possible changes to local ordinances.

TCPO also conducts training for the AAB. Extensive training occurred in January and March 2018 and covered possible crimes that can be charged, elements of each crime, evidence needed to prove the elements (i.e. photos, records, statements), and case law. Additionally, they discussed specific information and evidence that each AAB member can provide to help prosecutors, as well as issues related to restitution. This dialog led to a much greater understanding among the group of how different facts can lead to different results in the courtroom and why TCPO requires specific evidence and facts.

In addition to the AAB meetings, TCPO prosecutors who specifically handle animal cases began monthly meetings in April 2018 with Animal Control Officers (ACOs) from various jurisdictions. They hold the meetings at the Tippecanoe County Prosecutor’s Office for about one hour each

month, using a slightly different format than the AAB meetings. They discuss pending investigations and provide updates on pending criminal cases. Similar to the AAB meetings, they review the improvements and setbacks of the group, and ensure to showcase successes.

The meetings have led to extremely positive results. ACOs now call prosecutors during the investigation instead of afterward and conduct extra investigative follow up at the prosecutor's request. Since the formation of AAB in September 2017, eight new animal cases have been filed (currently two animal cases are being reviewed), and evidence was submitted to a laboratory in California for testing as a result of the relationships formed on the AAB. Furthermore, the quality of cases, communication regarding plea offers and restitution, and trial and sentencing preparation has all improved.

TCPO continues to demonstrate their dedication to the community and compassion for animals in other ways as well. They provided testimony that assisted with the unanimous passing of Senate Bill 474. The bill states, "As a condition of probation or parole after conviction for an animal abuse offense, the court SHALL prohibit the convicted person from owning, harboring, or training a companion animal."

