

**JUSTICE FOR VICTIMS:  
A REVIEW OF THE COMMUNITY RESPONSE TO  
DOMESTIC VIOLENCE IN  
MONROE COUNTY, INDIANA IN 2009**

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## 1. EXECUTIVE SUMMARY

This report reviews the arrests made, charges filed and prosecution of domestic violence crimes within Monroe County, Indiana in 2009, and documents other community responses (see Appendix III) to disclosed victimization by an intimate partner. The Bloomington Commission on the Status of Women issues Justice for Victims as part of its series of reports on the status of women in Bloomington and Monroe County and, specifically, as a follow up to its 2006 report, Victimization, Rights and Justice ([http://bloomington.in.gov/documents/viewDocument.php?document\\_id=1896](http://bloomington.in.gov/documents/viewDocument.php?document_id=1896)). Most of what follows is an examination of how the justice system handled cases of domestic violence in 2009, based on a review of police arrest reports, publically available information on the online case management system <http://mycase.in.gov>, and detailed information provided by the Monroe County Prosecutor's Office. Data for this report was collected and analyzed by Middle Way House staff and volunteers.

Researchers followed charges throughout the life cycle of a case, which has three phases:

- Phase 1: arrest,
- Phase 2: the filing of charges by the Prosecutor, and
- Phase 3: disposition.

Two questions guided the study: 1) what changes to charges occur from the time of domestic violence-related arrests to the filing of charges by the prosecutor, and 2) what changes to charges occur from the time of filing by the prosecutor to the disposition of the case?

As they compared charges over the life cycle of cases, the report's authors noted patterns where appropriate, as follows:

- Overall the number of charges decreased between the time of arrest and the filing decision in the prosecutor's office, and, also, although less so, at the point of conviction.
  - However, there was a noteworthy increase in Battery and Disorderly Conduct between the time of arrest and the time of filing.
- There was a higher conviction rate for Misdemeanor Domestic Battery cases than Felony Domestic Battery cases.
  - Of the 50 Misdemeanor charges filed, 84% resulted in conviction, whereas of the 45 Felony Battery charges filed, the conviction rate was only 40%.
- There is a potential relationship between Domestic Battery and Disorderly Conduct between the time of arrest and charges being filed by the prosecutor's office.

- In at least 24 cases, an arrest charge of Domestic Battery appeared to be replaced by Disorderly Conduct at the time of filing.
- Only a quarter of the original 211 arrests for Domestic Battery resulted in a conviction of Domestic Battery.
  - Of the 95 charges of Domestic Battery filed by the prosecutor's office, 60% of those resulted in a conviction for Domestic Battery.
- One hundred nineteen cases - just over half of all the domestic violence cases handled by the prosecutor's office - resulted in a plea bargain.
  - One or more charges were dropped in 55 of these cases.
  - 15% of Domestic Battery charges were dropped through plea bargains.
  - 83% of Strangulation charges were dropped through plea bargains.

## **2. METHODOLOGY**

This study was designed as an exploration of the life cycle of domestic violence cases that came to the attention of the criminal justice system in Monroe County within a single year (2009). The examination began with a review of police arrest reports and included in-depth exploration of publically available information on the Odyssey Case Management System for Indiana Courts and Clerks, the online case management system (<http://mycase.in.gov>), as well as data provided by the Monroe County Prosecutor's Office. The life cycle approach enabled us to more fully examine how domestic violence is handled in the Monroe County justice system and to draw comprehensive conclusions and consider opportunities for improvement in our community.

### *A. Arrest Reports*

Middle Way House staff and volunteers reviewed each daily arrest report for 2009. In all, 1,197 pages containing approximately 5,000 arrests were perused for the purpose of identifying arrests determined by law enforcement to be domestic violence in nature. To ensure accuracy, two people independently reviewed the entire arrest report to double-check the findings.

We considered the following charges from the arrest sheets to be domestic violence:

- Domestic Battery
- Domestic Intimidation
- Domestic Harassment
- Domestic Criminal Mischief
- Domestic Invasion of Privacy
- Invasion of Privacy
- Strangulation
- Stalking

Because the arrest reports provide limited data, the title of each charge was the only information available to help with the determination. All charges with “domestic” in the title were included. Invasion of privacy, strangulation and stalking were included as well because those charges are most commonly associated with domestic relationships. For the purposes of this report, no sexual crimes were included in the database.

Arrests often include several charges. To be included in the database for this report the arrest record had to contain at least one of the charges listed above. This strategy was not without potential flaws. As expected, some charges that were domestic in nature (false negatives) were missed, and some which were not domestic violence-related (false positives) were included.

### *B. Explaining Discrepancies*

After compiling the database of domestic violence arrests based solely on the arrest records, we began to reconcile that database with the report of domestic violence prosecutions prepared for the Domestic Violence Task Force by the prosecutor’s office (“PO’s report”). The PO’s report includes all the cases handled by the Deputy Prosecutor for Domestic Violence during the year.

Initially, the database created from the arrest reports included approximately 375 names; there are 234 names in the PO’s report. There were approximately 150 overlapping names, which indicates that our methodology correctly identified over 60% of the cases included on the PO’s report. However, there were at least 80 names in the PO’s report that were not in our database and about 145 names in our database not in the PO’s report.

There are a number of reasons for these discrepancies. For 99 arrests included in our database, charges were never filed by the Prosecutor’s Office. The PO’s decision not to proceed was based on a lack of evidence, victims who refused to cooperate, people who later admitted to lying about the crime, dual arrests and instances of mutual combat. The prosecutor’s office noted that in approximately 1/3 of the dropped cases police had identified women as perpetrators.

Another significant reason for inconsistencies between the database that emerged from the police reports and the PO’s report is that the charges at the time of arrest were often different from the charges filed by the prosecutor. The differences varied from a change in the level of a charge (i.e. from Domestic Battery Felony D to Misdemeanor A, and vice versa) to a different charge altogether (i.e. Domestic Battery Misdemeanor A to Disorderly Conduct Misdemeanor B).<sup>1</sup>

Our research indicates that 24 of the cases initially flagged and included in the domestic violence charges database were eventually prosecuted by someone other than the Deputy Prosecutor for Domestic Violence, who normally handles all domestic violence cases. We assume that after reviewing the police report, the prosecutor’s office determined that the relationship between the perpetrator and the victim was not domestic in nature and because they could not charge the

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<sup>1</sup> For the remainder of this document, we will be using shorthand when describing the type and level of a charge. So Misdemeanor class A will be written MA, and a Felony class B will be written FB. For more information on levels and types of charges, see Appendix 1.

perpetrators with a domestic crime, the cases were assigned to a different prosecutor. However, in the absence of more in-depth information about each case, we cannot say for certain.

Other discrepancies between the PO's report and our database are attributable to arrests in 2009 for crimes committed in earlier years. For example, many people were arrested for violations of probation for crimes committed in previous years. Because their 2009 arrest was not associated with a 2009 case, the cases were excluded from our database.

Additional scenarios which led to differences in the data sets included people who were transported to jail, people who were already in jail, or cases from an earlier year which were re-opened in 2009. In those instances, the person did not show up on the arrest reports during 2009 because they were arrested for these crimes in 2008 or earlier.

Many of the inconsistencies between the database initially developed for this study and the PO's report are traceable to the former's use of the arrest reports as a data source for examining instances of domestic violence in the County. The Prosecutor's Office views these arrest reports as little more than a record of who has been arrested rather than as an accurate source of data upon which to base their charges. In fact, someone in the prosecutor's office reviews the police report daily and makes the final determination of what charge(s) to file. The PO's approach to the arrest reports is understandable given that the police standard for establishing grounds for an arrest is probable cause, a lower standard than the prosecutor employs for charging someone with a specific crime. However, starting with the arrest reports provided information that proved useful to an understanding of how domestic violence is handled in Monroe County and that is discussed in the section on Concerns.

Deciding whether to charge domestic violence or not requires ascertaining the relationship between the perpetrator and the victim of the crime. Domestic violence charges can be filed only when the parties are or were married, when they are or were living together as though married, or when they have a child in common. Otherwise, the relationship does not fulfill the requirements of the Indiana Code even though one might colloquially consider their relationship domestic in nature. Consequently in some cases, arrests for domestic violence, which were included in the initial database, were subsequently determined by the Prosecutor's Office not to fulfill the statutory definition of a domestic relationship.

The limitations of arrest report data also caused us to exclude cases from the database which did not initially appear to be domestic in nature (false negatives). Approximately 80 people included in the PO's report were arrested for charges which we did not include in our domestic violence crimes list. Such charges included residential entry, criminal mischief, confinement, and battery. Furthermore, many people were arrested for other crimes that were more or less unrelated to domestic violence (such as drug possession) which made the situation even more difficult to sort through. Conversely, we initially included all charges of strangulation and invasion of privacy in our database, even if they were not labeled as domestic. In some instances, those charges ended up not to be domestic in nature. These erroneous exclusions and inclusions were unavoidable given that the public does not have access to the detailed police reports and sheriff's database that are available to and used by the Prosecutor's Office.

### *C. Creating and Reconciling the Database*

It was important to the Bloomington Commission on the Status of Women that the database on which the report was to be based was independently arrived at. Consequently, we compiled our database from the daily arrest reports, without the guidance of the PO's report. When we compared our results with the PO's report, and identified the discrepancies described above, it became clear that creating a complete and accurate database was impossible with our limited access to detailed police reports and sheriff's databases. We and the Deputy Prosecutor expended a great deal of effort in an attempt to reconcile the discrepancies.

We added all the names from the PO's report which were missing from our database. By referring back to the original arrest reports to find the charges at the time of each arrest, we were able to determine why we hadn't initially included these names. For example, a person who was arrested for Battery would not have made our initial database. However, if the Deputy Prosecutor determined that the relationship met statutory requirements and included the case in the Prosecutor's Report, we added that case to our database. In total, our amended database included 355 individuals (compared with 375 initially), but it continued to include cases the Deputy Prosecutor for Domestic Violence did not ultimately handle.

The Indiana State Court Administration makes public records of court cases available through their Odyssey Case Management System for Indiana Courts and Clerks, which can be accessed online at <http://mycase.in.gov>. The next step in our research was to look up each of the 355 names in our database on the Odyssey System to find the charges filed by the prosecutor. Most challenging was researching over 100 names we had gleaned from arrest reports which were not in the PO's report. Dozens of names misspelled in the arrest reports were exceptionally difficult to research in the Odyssey System.

After compiling the charges initially filed by the prosecutor, we began the laborious process of researching the disposition of each case as detailed on <http://mycase.in.gov>. At times, there were small discrepancies between the information given online and the PO's report. We discussed these differences with the prosecutor's office in an effort to have the most accurate information possible in our database. The Deputy Prosecutor explained that <http://mycase.in.gov> is not always completely reliable because the system is updated by individual judges' clerks, whose accuracy and attention to detail can vary.

To review, we compiled charges from the daily arrest records, cross-referenced that database with the names from the PO's report, amended our database with arrests that were included in the PO's report but not identified as domestic in nature in the arrest report or that did not originate with an arrest, and added to our database the dispositions of these cases as recorded on <http://mycase.in.gov>. The process gave us a complete and accurate data set to use in our analysis.

From here, the cases were put into an Excel spreadsheet and coded, meaning each case was broken down into individual sets of charges, level of charges, as well as other factors (such as

whether a plea was taken or a case was dismissed). Because there were no C Misdemeanors (MC), we coded 1 for MB, 2 for MA, 3 for FD, etc. For example, a case of FD Battery, MA Intimidation, and MA Drug Possession was coded as a 3 in the Domestic Battery category, 2 in the Intimidation category, and 2 in the “other” category. Sentencing also was coded. As a result we were able to use quantified definitions of each charge to attain a better, more systematic analysis.<sup>2</sup>

Our analysis primarily examines two separate but linked processes: the changes to charges between the time of arrest and the time of filing by the prosecutor, and the changes to charges from the time of filing by the prosecutor through the disposition of a case. For the first process, we have used the 355 arrest records for our analysis and for the latter we have used the 232 cases which remained after weeding out records which were inappropriate for our analysis (as explained in Section B above). The PO’s report includes 234 cases, as compared to our 232, because:

1. The PO’s report contains two cases from Brown County which we did not include (Leynes);
2. The PO’s report has one duplicate (Brewster); and
3. We included one case that was originally included on the PO’s report, but was later removed (Young). Because the Deputy Prosecutor for Domestic Violence is listed as the prosecutor for this case on <http://mycase.in.org>, and she is also recorded as being present at several of the hearings, we included this case in our final database.

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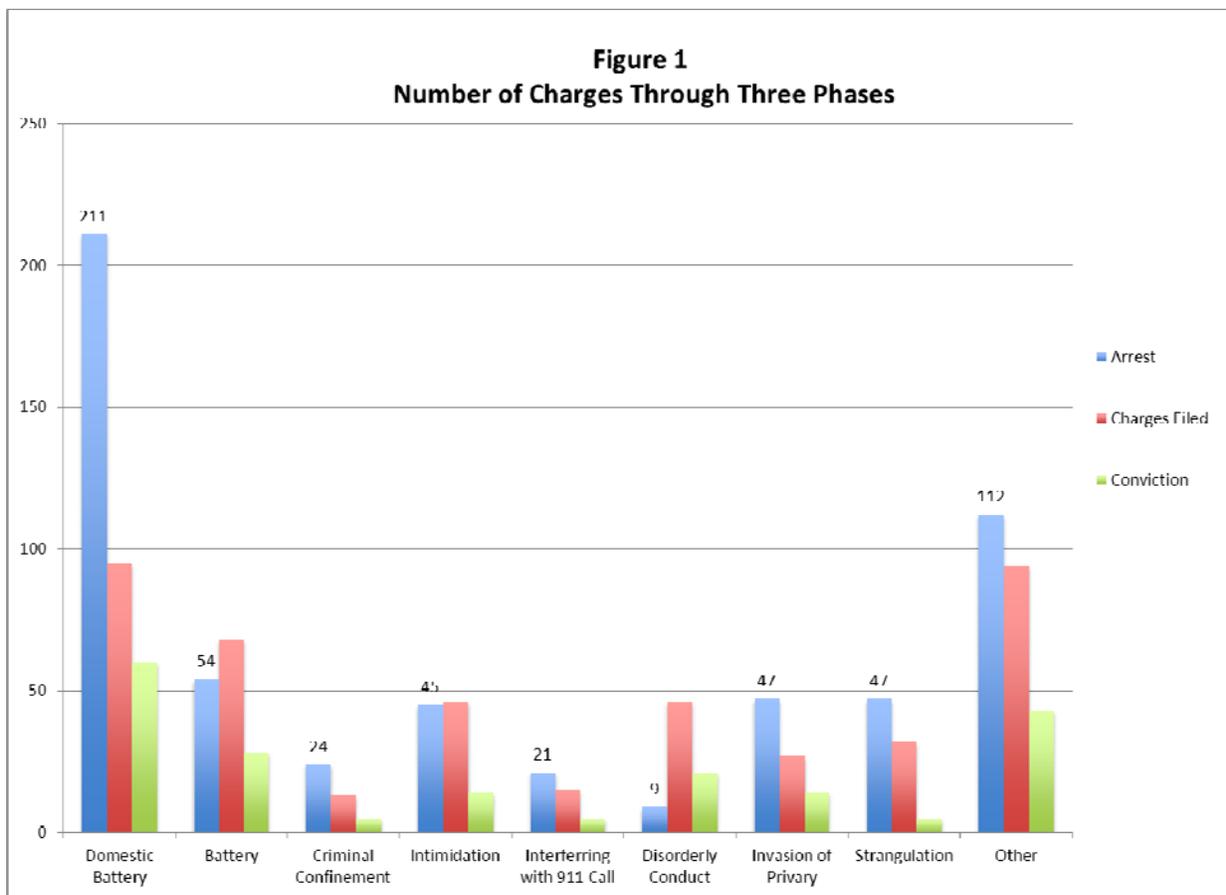
<sup>2</sup> See Appendix 2 for a table which illustrates this Excel spreadsheet.

### 3. ANALYSIS

#### A. Distribution of Charges over Time

First, we focused on the eight most common charges throughout the cases' life cycle:

1. At the time of arrest;
2. When (if) the prosecutor's office filed charges; and
3. If the defendant was convicted of any of these charges.



Graph 1 shows an overall trend of a decrease in the number of charges from the time of arrest to the filing by the prosecutor's office, followed by another decrease at the point of conviction. Several examples of this trend are:

- 53C02-0908-CM-02670
  - Arrested for: 5 counts of Domestic Battery MA
  - Charged with: 1 count of Battery Resulting in Bodily Injury MA
  - Convicted of: No charges
    - Dismissed: 1 count of Battery Resulting in Bodily Injury MA
  
- 53C03-0907-CM-02521
  - Arrested for: 7 counts of Domestic Battery MA
  - Charged with: 5 counts Battery Resulting in Bodily Injury MA
  - Convicted of: Plea - convicted of 1 count of Disorderly Conduct MB
    - Dismissed: 4 counts of Battery Resulting in Bodily Injury MA
  
- 53C02-0907-FD-00557
  - Arrested for: 5 counts of Strangulation FD, Confinement FD, Domestic Battery MA, and Probation hold bond
  - Charged with: Strangulation FD, Domestic Battery MA
  - Convicted of: Plea – convicted of Domestic Battery MA
    - Dismissed: Strangulation FD
  
- 53C02-0905-FD-00436
  - Arrested for: 4 counts of Strangulation FD, Domestic Intimidation FD, Battery MA, 5 counts of Fail to Appear FD, and Resisting Law Enforcement MA
  - Charged with: Strangulation FD, Intimidation FD, and Battery Resulting in Bodily Injury MA
  - Convicted of: Plea – convicted of Intimidation FD
    - Dismissed: Strangulation FD, Battery Resulting in Bodily Injury MA

These cases illustrate the downward trend in the number of charges throughout the course of the three phases. However, this graph shows several exceptions to this trend. Intimidation and Battery seem to increase from the time of arrest to charges being filed by the prosecutor’s office. One charge of Intimidation was added at the time of filing. Our hypothesis with respect to the increase in Battery charges (14) at the time of filing is that individuals originally arrested for Domestic Battery were found not to be in a “domestic” relationship and were subsequently charged with simple Battery.

The most significant exception to the trend of decreasing charges throughout the three phases involved Disorderly Conduct charges. Nine people were charged with Disorderly Conduct at the time of arrest. That number spiked to 46 Disorderly Conduct charges filed by the prosecutor’s office, a five-fold increase. Twenty-one (21) of those charges resulted in a conviction. (We discuss this phenomenon in further detail in Graph 3 - “Domestic Battery vs. Disorderly Conduct Over Time” on page 12.)

Next, we focused solely on Domestic Battery at the same three stages:

1. If there was a Domestic Battery charge at the time of arrest;
2. If the prosecutor's office filed any Domestic Battery charges; and
3. If the defendant was convicted of a Domestic Battery charge.

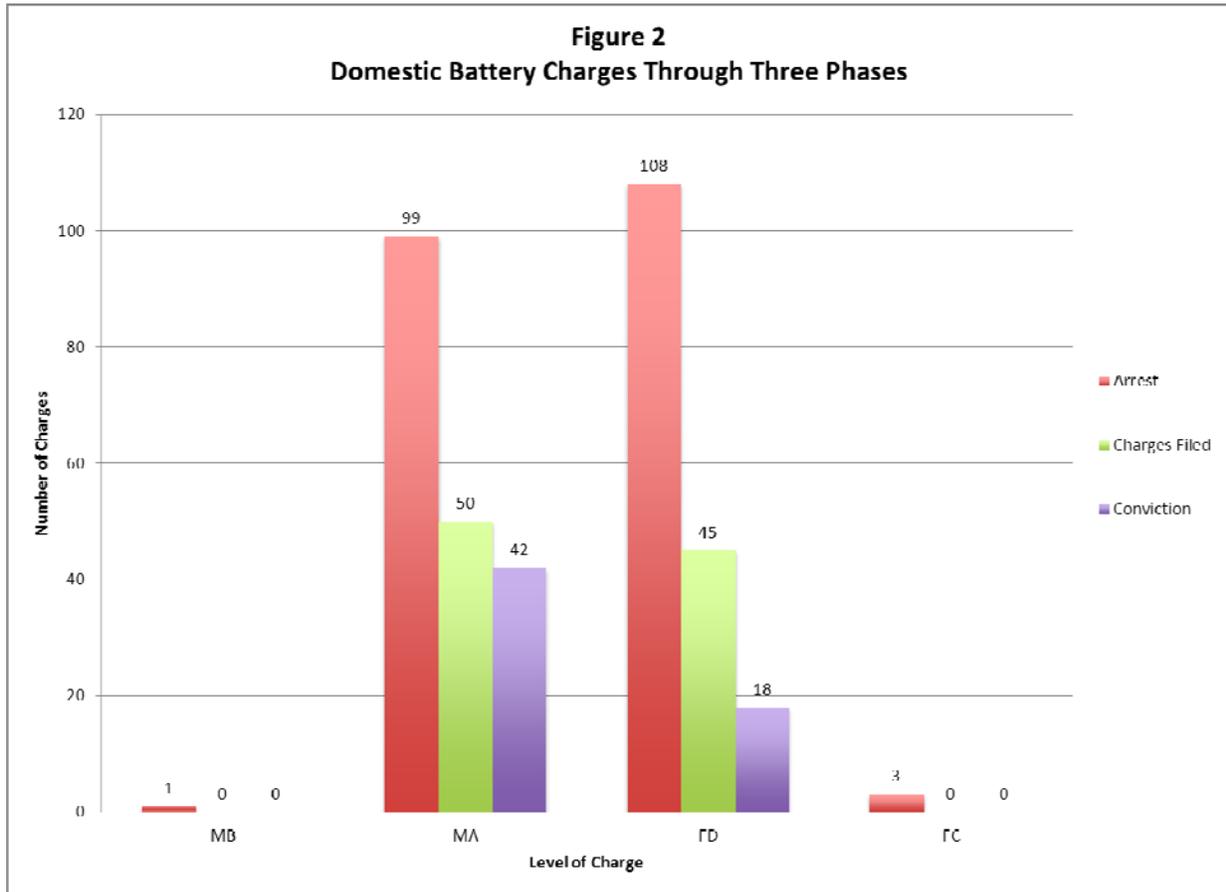


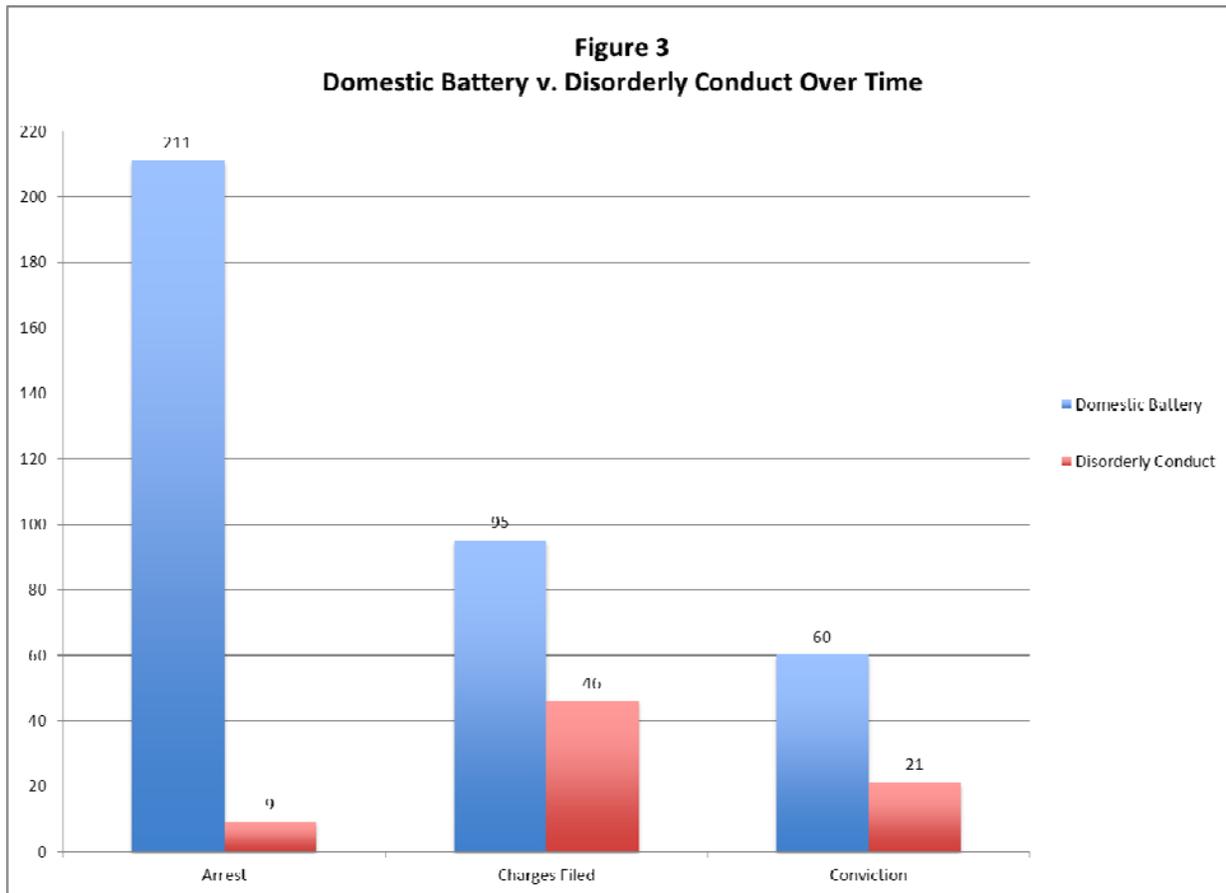
Figure 2 is similar to Figure 1, but it breaks down the Domestic Battery charges by level of charge (Felony vs. Misdemeanor). This graph takes each level of offense and compares the number of charges at each of the three stages.

This graph illustrates a disparity in conviction rates between MA and FD cases. Convictions were obtained in 84% of MA cases (42 of 50), but convictions were secured in only 40% of FD cases (18 of 45). It is important to note that this is not just a disparity in convicting for Felonies; it also shows the large number of cases that are initially FD and are later changed to MA.

There is a clear pattern to these charges, regardless of their class. Of all the arrests for Domestic Battery (211 in total), only about 45% of those cases resulted in Domestic Battery charges filed by the prosecutor's office (95 charges). Of those, 60 people were convicted of Domestic Battery. This gap between the number of Domestic Battery arrests and charges filed can be attributed to several factors. The standard that needs to be met to make a Domestic Battery arrest is

comparatively lower than the threshold that must be met to file Domestic Battery charges. In addition, charges may be lowered or dismissed in plea deals, etc.

An interesting pattern found in our analysis relating to Domestic Battery charging over time was that many of the people originally arrested for Domestic Battery were later charged instead with Disorderly Conduct by the prosecutor’s office.



As Figure 3 illustrates, Domestic Battery charges consistently decrease throughout the three stages, while Disorderly Conduct spikes at the time of filing. We examined several of these cases to determine what might account for this increase in Disorderly Conduct charges.

In at least 24 cases, an arrest charge of Domestic Battery appeared to be replaced by Disorderly Conduct at the time of filing. This relationship is difficult to establish in situations where there are multiple charges. However, there are situations where a “clean swap” of charges was made – a person originally arrested only for Domestic Battery was then charged only with Disorderly Conduct by the prosecutor’s office.

We identified 13 instances of this “clean swap”:

-In 6 cases, the person was initially charged with Domestic Battery MA at the time of arrest, and was later charged with Disorderly Conduct MB at the time of filing.

-In 5 cases, the person was initially charged with Domestic Battery FD at the time of arrest, and was later charged with Disorderly Conduct MB at the time of filing.

-In 1 case, the person was initially charged with two counts of Domestic Battery MA, and was later charged with one count of Disorderly Conduct MB at the time of filing.

-In 1 case, the person was initially charged with two counts of Domestic Battery MA and one count Battery MB, and was later charged with one count of Disorderly Conduct MB at the time of filing.

The relationship between Domestic Battery and Disorderly Conduct was explored further by looking at all charges that were filed as Disorderly Conduct (phase 2) and working our way backwards to see what these people were charged with initially at the time of arrest (phase 1). This approach yielded some interesting results. There were 46 cases in which Disorderly Conduct was charged by the Prosecutor's Office, but we eliminated one from our analysis because arrest data was lacking, leaving 45 cases. For the sake of simplicity, other charges that appeared unrelated were not considered in our review (drug possession, etc.).

Of these 45 cases, only 5 were initially arrested for Disorderly Conduct. Two cases included arrests for both Disorderly Conduct and Domestic Battery charges. Therefore, of the remaining 45 cases, roughly 16% of the people eventually charged with Disorderly Conduct were actually arrested for Disorderly Conduct.

There remained 38 cases in which a person was arrested for a crime other than Disorderly Conduct, but was later charged with Disorderly Conduct by the prosecutor's office. It appears the most common arresting charges were Domestic Battery (22), Battery (7), and Intimidation (3). The remaining cases included charges of Domestic Battery and Battery (2), Battery and Intimidation (1), Sexual Battery (1), Stalking (1), and Invasion of Privacy (1). So, 24 of the cases (53%) changed from Domestic Battery to Disorderly Conduct. That number grows when we take note of the fact that all 45 of these cases were prosecuted by the Deputy Prosecutor for Domestic Violence and, therefore, must have had some element of domestic violence. If we include all of the Battery charges handled by the Deputy Prosecutor for Domestic Violence, we would have an additional 8 cases, resulting in a total of 32 of the 45 cases (71%) changing from a charge of Battery to Disorderly Conduct. We view this as strong evidence of a relationship.

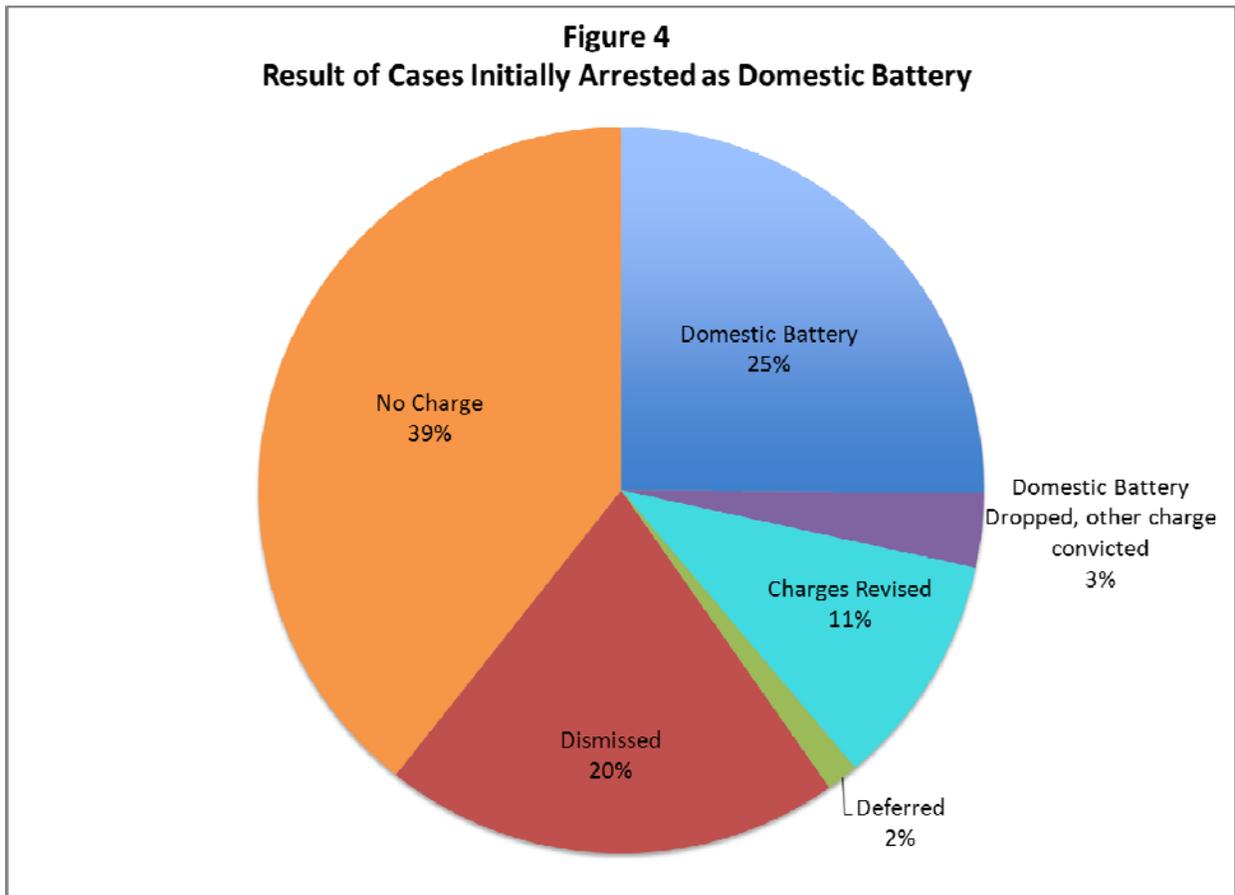
Without more information, we cannot infer why these changes were made. It is possible that in situations where the facts of the case do not meet the statutory requirements of Domestic Battery, the prosecutor's office is adding Disorderly Conduct charges at the time of filing to obtain convictions on as many charges as possible or in the belief that a Misdemeanor B class conviction is better than no conviction at all. However, it does beg the question why the charge "next in line" is Disorderly Conduct as opposed to Battery. Moreover, does the conversion of a Domestic Violence arrest to a Disorderly Conduct charge at filing suggest a failure to recognize and arrest for Disorderly Conduct, or does it imply a lack of vigor with respect to prosecuting

Domestic Violence? What are the implications of converting from Domestic Violence to Disorderly Conduct for understanding how domestic violence is handled in the criminal justice system? What impact does this have on how our community addresses this problem and our capacity to make the societal changes necessary to eliminate violence against women?

*B. Breakdown of Results in Cases Initially Filed as Domestic Battery*

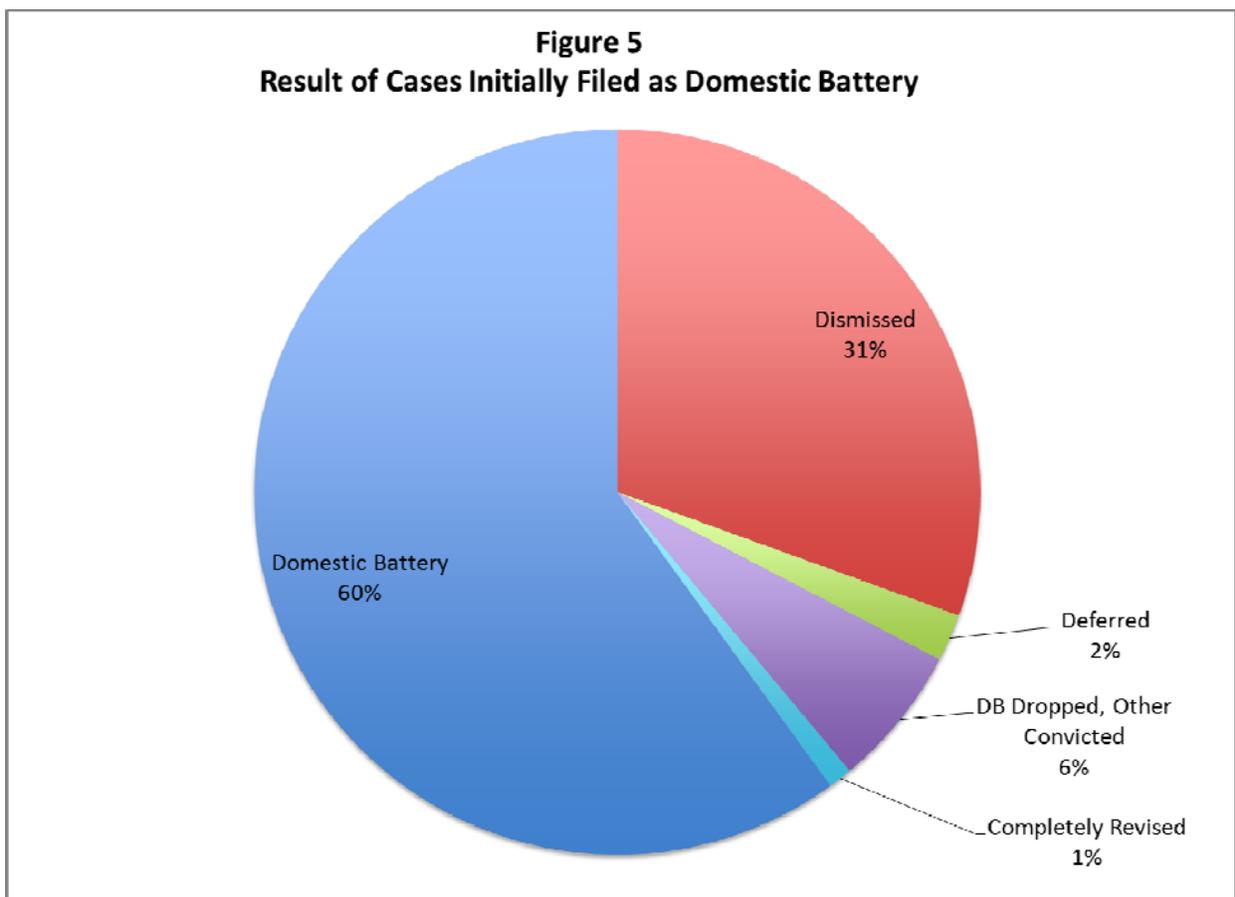
Noticing this pattern between Domestic Battery and Disorderly Conduct helped us realize we should take a closer look at all of the original arrests made for Domestic Battery. We decided to compare those charges with the charges at phase three – in other words, at the disposition of the case.

Graph 4 illustrates the end result of cases for which the charge at arrest (in Phase 1) was Domestic Battery. This graph shows that only a quarter of those original 211 arrests for Domestic Battery actually resulted in a conviction of Domestic Battery. Ninety resulted in no Domestic Battery charge (whether it was never filed or later dropped in the plea bargain), while 43 cases, where the initial charge was Domestic Battery, were dismissed. Furthermore, 22 of these cases, initially characterized as Domestic Battery, ended with completely revised charges such that domestic violence was no longer evident. Many of these 22 instances included Disorderly Conduct charges in place of Domestic Battery.



This figure takes all 211 arrests for Domestic Battery into account, which might be slightly misleading since only 95 of those cases resulted in the prosecutor's office filing charges. Therefore, this graph ignores the factors we mentioned above such as lack of evidence, failing to meet statutory requirements, and dual arrests.

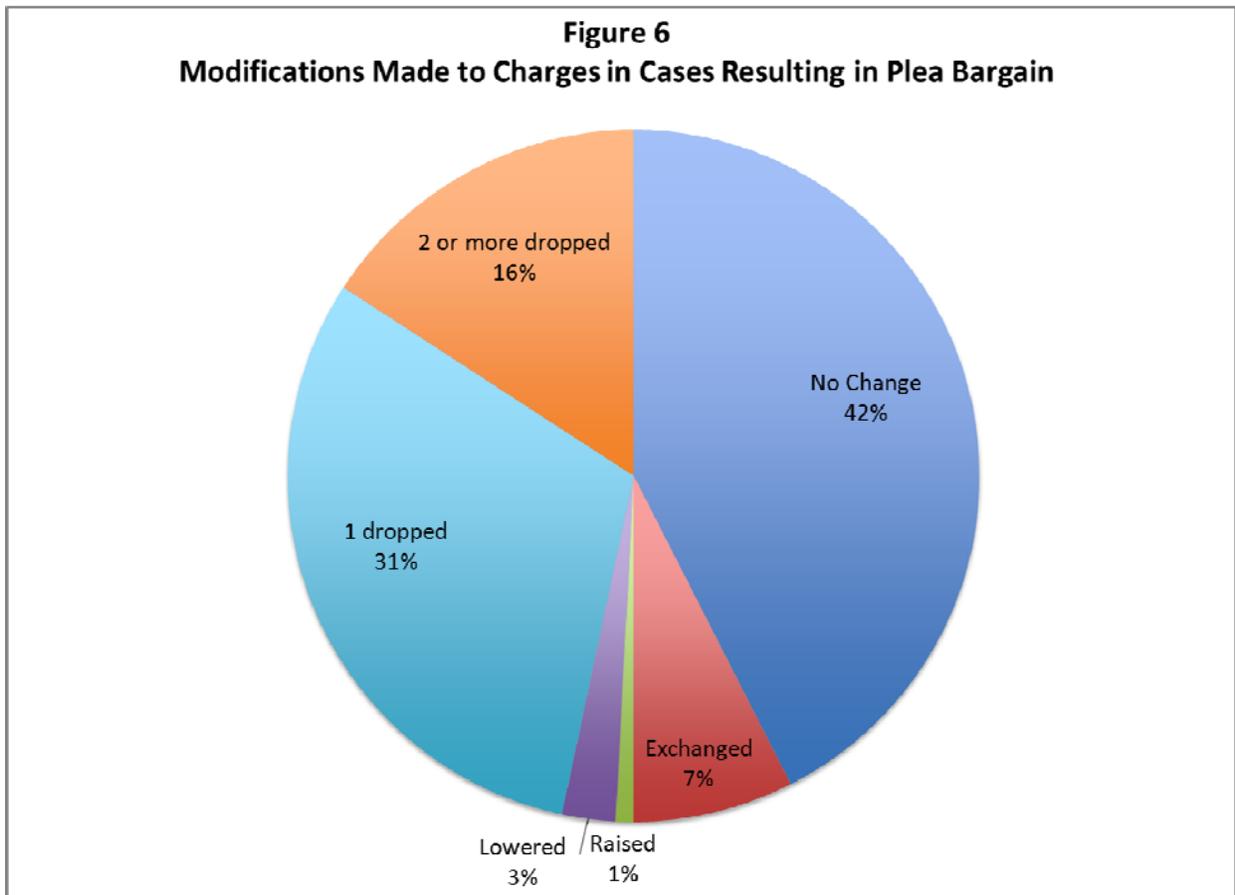
Below is Figure 5, which breaks down only the 95 cases in which charges were filed after the arrest, as opposed to the previous graph, which took into account all 211 arrests for Domestic Battery. Of those 95 cases, 57 included convictions for Domestic Battery. This examination of outcomes reveals that although the conviction rate is low (25%) for all arrests for Domestic Battery, it more than doubles once the prosecutor's office files a charge of Domestic Battery (60%).



### *C. Effects of Pleas*

Many charges are modified prior to a case's final disposition. Oftentimes these modifications occur within the context of plea bargaining. Just over half of all the domestic violence cases filed by the prosecutor's office in 2009 resulted in a plea bargain (51%) – and if one only looks at convictions (and excludes dismissed cases from the total), the percentage of cases resulting in a

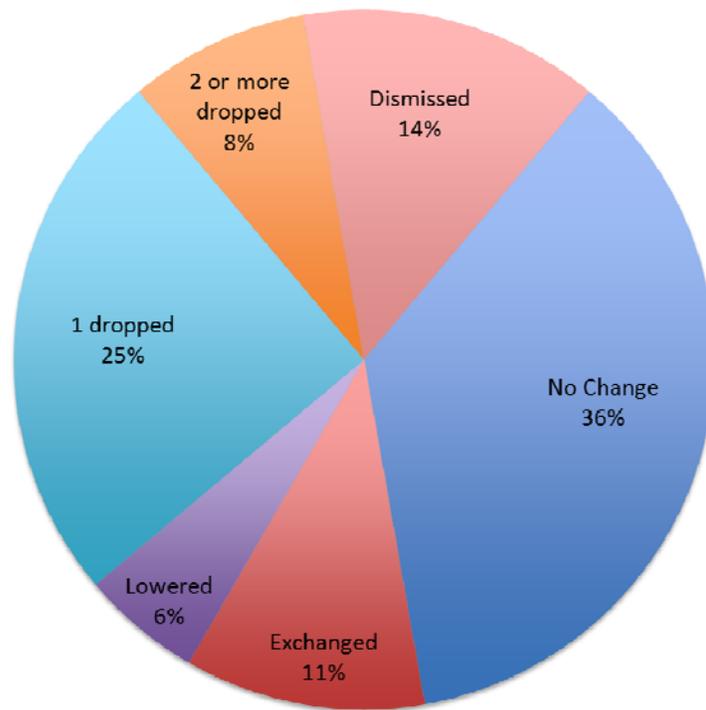
plea increases to 78%. Figure 6 exemplifies the frequency with which charges were changed or dropped in those 119 cases involving plea bargains.



In slightly less than half of these cases (47%) at least one charge was dropped and at least two charges were dropped during the plea bargaining in 18 of them. These were different from the nine (9) instances where charges seemed to be exchanged. In those cases, the defendant was originally charged with one or two crimes, but was later convicted of a different, albeit generally related, crime. The Exchanged category included such instances as Domestic Battery MA being dropped for Battery MA. In cases that involved an exchange, Domestic Battery was dropped once but added four times. The lowered and raised categories refer to one charge changing from, for example, MA to MB. Few charges were either lowered (3 cases) or raised (1 case).

Although it is expected that charges will get modified during the plea bargaining process, it is more surprising to see how often charges were altered in cases that did not result in a plea bargain. Figure 7 shows the regularity with which charges were changed or dropped in those 36 cases. There were four (4) instances of cases being exchanged – three (3) remaining at the same level Misdemeanor and one (1) rising from a Misdemeanor to a Felony.

**Figure 7**  
**Modifications Made to Charges in Cases without Pleas**



We wanted to dig a little deeper to see exactly which charges were dropped in cases that resulted in plea bargains, as well as cases that did not result in plea deals. We removed cases that resulted in dismissals. Table 8 on the following page shows what we found.

Figure 8 – Ratio of Dropped charges to number of charges for Pleas and Non-Pleas

		Domestic Battery	Battery	Criminal Confinement	Intimidation	Interfering with 911	Disorderly Conduct	Invasion of Privacy	Strangulation	Other
<b>Plea</b>	Number of Dropped Charges	8	15	6	11	6	8	4	19	18
	Number of Charges at Filing	54	32	9	22	9	14	12	23	52
	Percentage Dropped	14.8%	46.9%	66.7%	50.0%	66.7%	57.1%	33.3%	82.6%	34.6%
<b>No Plea</b>	Number of Dropped Charges	4	4	0	2	1	2	0	0	7
	Number of Charges at Filing	13	9	1	4	1	9	2	1	12
	No Plea	30.8%	44.4%	0.0%	50.0%	100.0%	22.2%	0.0%	0.0%	58.3%

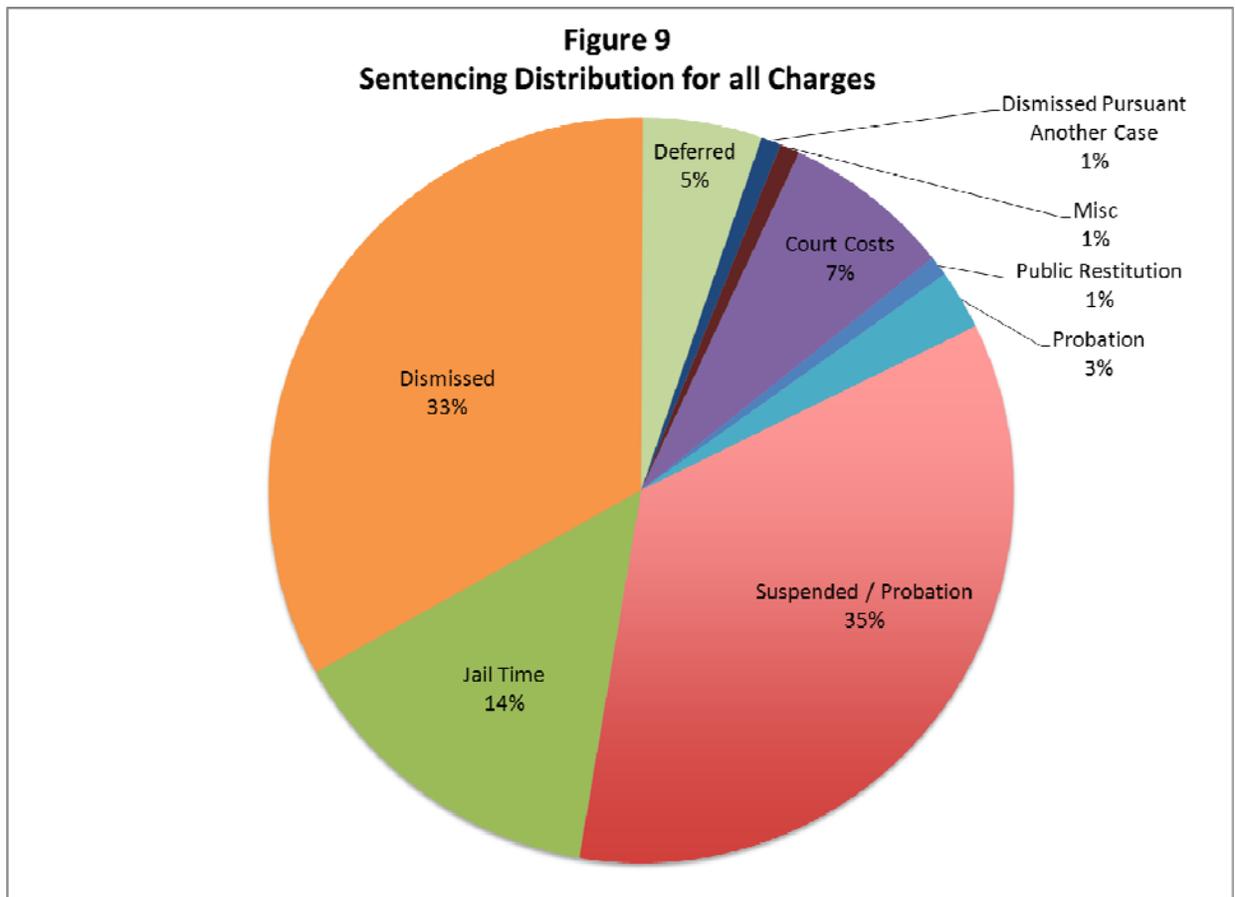
Figure 8 is relatively straightforward. Most notably, it shows that in a plea bargain, Strangulation has the highest probability of being dropped, with 19 out of 23 charges (82.6%) dismissed. This is distressing because Strangulation is a Felony which carries a more severe penalty than a Misdemeanor charge of Domestic Battery. In addition, Strangulation can be lethal. Not only can victims die at the time of strangulation, but they are also at risk of dying as a result of internal injuries which are oftentimes undetected. The high incidence of dropping Strangulation suggests that Strangulation is being used as a bargaining chip for plea deals.

Figure 8 also shows the frequency with which Criminal Confinement and Interfering with 911 calls (both at 66.7%) and, again, Disorderly Conduct (57.1%) charges are dropped in plea bargains.

When looking at the percentage of cases dropped, it is important to first look at the number of cases in total. For Domestic Battery (without pleas), there were 13 cases, enough to make at least cursory conclusions. Conversely, since there is only one instance of a dropped Criminal Confinement charge in the absence of a plea agreement, inferences should be made very warily if at all. With these caveats in mind, it is noteworthy that both Battery and Intimidation were dropped in nearly half of all cases, regardless of whether there was a plea. Nineteen of all 41 Battery charges were dropped, and 13 of all 26 Intimidation charges were dropped.

#### *D. Sentencing*

Figure 9 summarizes the sentencing distribution for all 232 cases handled by the Deputy Prosecutor for Domestic Violence. Many cases resulted in sentencing in several categories, such as probation plus court fees. When graphing this data, we chose the most prominent aspect of defendants’ sentences to represent their case in the graph. For example, some defendants were sentenced with probation as well as court costs. However, in most instances the court costs were nominal, so those cases were represented as part of the suspended sentence/probation portion of the graph.



As the figure illustrates, 1/3 of all charges were dismissed and approximately another 1/3 were given a suspended sentence with probation. *Only 14%* were given any jail time. Note: the two miscellaneous sentences in this graph represent 1 case in which a warrant for someone is still out and another where a case was transferred to a different county.

Figure 9 shows 1% (2 cases) resulted in public restitution. We compared this finding to the PO's report, in which they refer to these 2 cases as Judgment Withheld. Upon further research into the PO's report Judgment Withheld category, a surprising pattern was revealed. There were two (2) additional cases with a sentence of public restitution as well as a \$1 fine, and those cases were categorized as "Guilty Pleas." We researched that a bit further, and found 12 more cases on the PO's report with a sentence of a \$1 fine. These 12 cases were also categorized as "Guilty Pleas." The PO's report noted that most of these defendants received a judgment in a different case (greater than a \$1 fine).

Another notable finding was that our research revealed a much higher number of dismissals than the PO's report contained. One possible explanation is that <http://mycase.in.gov> did not identify the difference between an outright dismissal and a dismissal pursuant to another case. We did our best to note dismissals of the latter type in the "Dismissed Pursuant another Case" category. The prosecutor is of the opinion that a dismissal pursuant to another case is a more preferable

outcome than an outright dismissal. However, in at least some instances we investigated it is hard to view them as an improvement on dismissals.

One case that exemplifies this idea is the defendant Deckard:

1. 53C02-0808-CM-03253 – Domestic Battery MA – Guilty Plea
  - a. Sentence = 360 days
  - b. Served = 8 days
  - c. Jail Credit = 16 days
  - d. Suspended Sentence/Probationary Period = 349 days
  - e. DV Fee = Yes
    - i. He served an additional 3 days and his probation was extended 6 months after he admitted to Domestic Battery allegations from 53C02-0909-CM-03467.
    - ii. He was held and served another 50 days while court handled 53C02-1003-CM-00913. He admitted to Domestic Battery allegations from 53C02-1003-CM-00913 and was sentenced to serve 100 days of his originally suspended sentence. He was given good-time credit of 50 days and released on his own recognizance under this cause.
2. 53C02-0811-CM-04761– Domestic Battery MA – Dismissed pursuant to another case
3. 53C02-0909-CM-03467– Domestic Battery MA – Dismissed pursuant to another case
4. 53C02-1003-CM-00913– Domestic Battery MA – Dismissed
5. 53C02-1007-CM-02783– Domestic Battery MA<sup>3</sup> – Guilty Plea
  - a. Sentence = 24 days
  - b. Served = 12 days
  - c. Jail Credit = 12 days
  - d. Suspended Sentence/Probationary Period = None
  - e. DV Fee = Yes

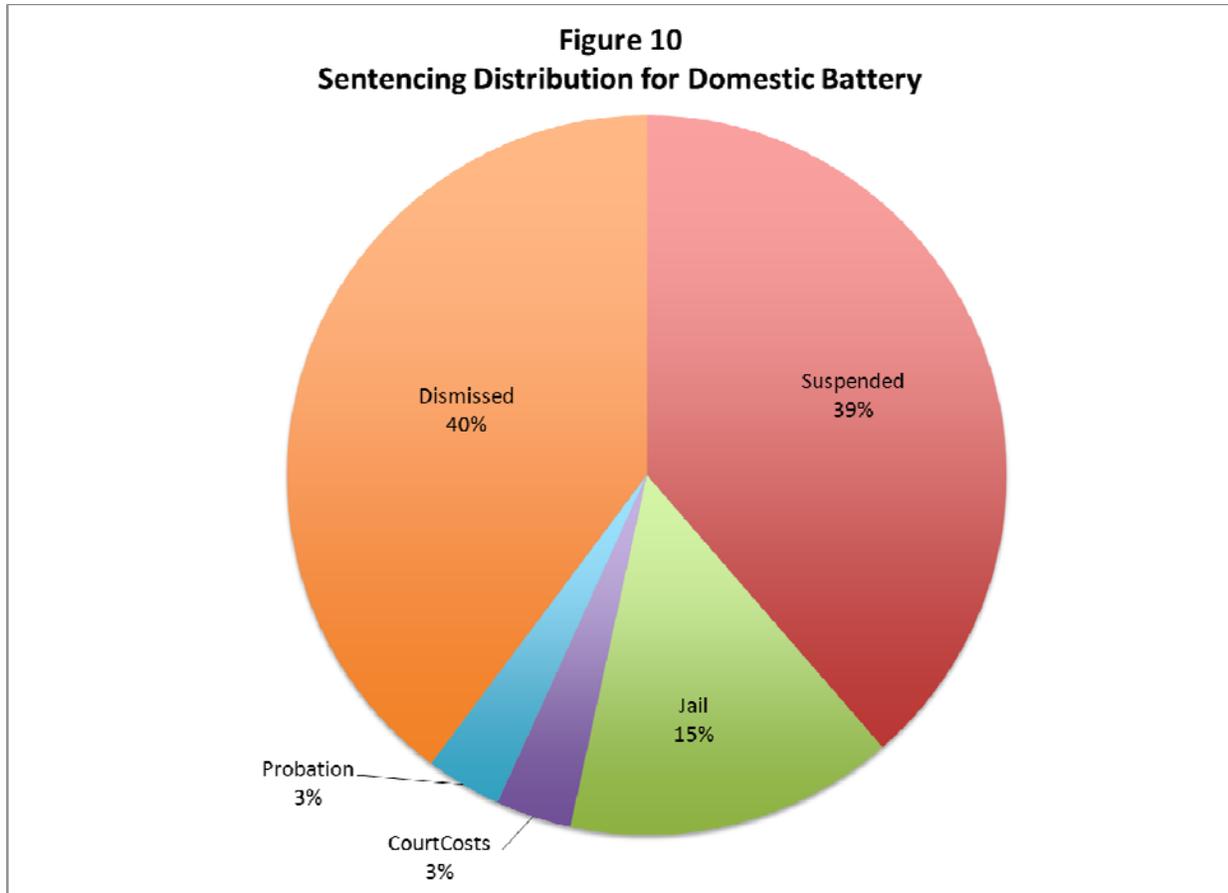
The concern raised by this example (and there are other very similar case histories) is not just that three of the charges of Domestic Battery were dismissed, but that given the defendant was convicted of one count, opening the way to an increase in the charge level of any subsequent domestic battery (as the Indiana Code allows), upon committing Domestic Battery again, he was not charged with a Felony. Instead, despite multiple domestic batteries, he was charged with a Misdemeanor. It is possible that he could have initially been charged with a Felony which was later reduced to a Misdemeanor as a consequence of plea deal. However <http://mycase.in.gov> does not indicate that to be the case. In the end, there was no Felony conviction and the

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<sup>3</sup> Since Mr. Deckard was previously convicted of Domestic Battery (a class A Misdemeanor), the prosecutor's office had the option to charge this Domestic Battery as a Felony.

perpetrator spent *a total of 12 days in jail*, defeating the purpose of legislation specifically written to assure that meaningful sentences would be meted out for repeat domestic violence offenses.

When graphing the sentencing distribution for Domestic Battery, the results were very similar to the distribution for all charges. Slightly more than 1/3 of the cases were dismissed, a little more than 1/3 of the cases were given a suspended sentence, and only 15% of the defendants received jail time.



Of the 95 Domestic Battery charges, 35 were dismissed. The \$50 domestic violence fee<sup>4</sup> was charged in 85% of the remaining cases, which left 9 cases where the domestic violence fee was not charged. However, it was charged in 16 other cases for crimes other than Domestic Battery. Those crimes included Battery (2), Invasion of Privacy (5), Intimidation (7), Stalking (1), and Strangulation (1).

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<sup>4</sup> Indiana Code 33-37-5-13 requires that a person convicted of specific offenses, including Domestic Battery, pay the \$50 domestic violence prevention and treatment fee.

Finally, we wanted to note the length of time convicted offenders spent in jail. One unsettling finding is that the time spent in jail by those convicted of a D felony Domestic Battery was only three weeks more than those sentenced with an A misdemeanor Domestic Battery: 72.1 days, FD charged alone, and 50.8 days, MA charged alone.

#### **4. DISCUSSION**

There is no doubt in the minds of the authors of this report that all those identified as playing a part in addressing domestic violence in Monroe County, from law enforcement officers to the prosecutor, courts and Probation Department as well as victim services providers, are committed to the end goal: ending violence against women in our community. However, while it is preferable, in fact, necessary, that law enforcement, the prosecutor, the courts and victim advocates work together to transform a culture in which the abuse of women is common, it also is inevitable that there will be tensions among the players. Components of the justice system itself define success differently. The police define success as obtaining sufficient evidence when making an arrest to ensure the prosecutor's office is able to bring charges against an offender. The prosecutor's office defines a successful outcome as anything other than an outright dismissal of a case. Victim Advocates, on the other hand, look for strong statements, backed up by definitive action, establishing the community's rejection of domestic violence and its insistence on justice for victims. Advocates are interested primarily in assuring victim safety and they believe that a firm, consistent community response is the best way to achieve that security. Although the prosecutor's office might be content when a perpetrator pleads guilty to a C class Felony for any crime, thereby saving the community the costs associated with prosecution and avoiding what may turn out to be a not guilty verdict, advocates, looking at the situation from a very different perspective, want to see domestic violence arrests proceed to domestic violence charges being filed and then to convictions for domestic violence. For advocates, that pattern sends a clear message to perpetrators and victims alike and it opens the way for the criminal justice system to take advantage of legislation specifically designed to raise the level of a charge from a misdemeanor to a felony for a repeat offense and to deprive an offender of the right to bear arms.

The Bloomington Commission on the Status of Women operates from an advocacy position and undertook this research in that spirit. This report is grounded in the same three principles underlying the Bloomington Commission on the Status of Women's 2006 report on Victimization, Rights and Justice: the primacy of assuring victim safety throughout the justice and social service system, the expectation that offenders will be held accountable for their actions, and the need for transparency to provide citizen oversight of the community's response. This report has been prepared with the intention to apprise the community of the manner in which domestic violence offenses are handled in Monroe County and to spark a conversation that addresses whether or not anything needs to change in order to bring greater justice and safety to more victims and survivors.

The findings presented in this follow-up report, which is a review of cases from 2009, demonstrate an important step toward the articulated principles, particularly the promotion of transparency and oversight. Specific concerns emanating from the findings are enumerated below.

1. There were less than half as many domestic violence charges at phase two (the time of filing) than at phase one (the time of arrest). Some explanations for the difference mitigate what appears to be a drastic decline in following up on domestic violence-related arrests. It would appear that more work needs to be done to reduce the discrepancy between perceptions of domestic violence perpetration at the point of arrest and the time of filing. While the standards differ for establishing probable cause and filing charges, some issues such as the nature of the relationship between the parties, should be resolvable, perhaps with a change to the protocol. For the purposes of providing the community oversight this work represents, creating an access route for the researchers to the arrest reports, rather than the arrest sheets, would minimize the appearance of so steep a reduction in charges, save considerable time for the researchers and the Deputy Prosecutor, and result in the publication of more timely reports.

2. The frequency with which Felony charges were reduced to Misdemeanors, a questionable relationship between Domestic Battery and Disorderly Conduct charges and the handling of repeat offenders suggest the system fails to address Domestic Battery as the violent crime it is. Domestic violence is the most repeated crime in the nation – and with repetition, it becomes more severe. The change from domestic battery to disorderly conduct provides the offender with a “clean slate” with respect to domestic violence, negating the Legislature’s intention of escalating misdemeanor domestic battery to felony domestic battery for repeat offenses.

3. Findings related to dropped charges in Plea Bargaining suggests the use of a Strangulation charge as a bargaining chip rather than as a serious crime requiring a meaningful response. It is troubling that Strangulation, a felony even upon the first offense, was dropped at such a high rate.

4. It is difficult to make comparisons between communities. Questions inevitably arise about demographics and culture, and the comparability of the systems in place to address issues. Also, an obvious question would be about the comparison itself: is it apples to apples? For a comparison, we went to Duluth, Minnesota, chosen because it is a recognized model in the field and because the relevant actors produce a clear picture of the system’s response to domestic violence and disseminate it to the community. In Duluth, in 2011, 77% of disposed cases ended in convictions; 17% ended in dismissals, and 6% were continued. The comparable data for Monroe County appears unimpressive. Only a quarter of the arrests for Domestic Battery resulted in a conviction for Domestic Battery.

5. Sentencing for Domestic Battery varies. That one-third of all domestic battery cases ended in dismissal and another third resulted in suspended sentences with probation is noteworthy. However, that only 14% of offenders were assigned any jail time is particularly worrisome. Advocates take the position that jail time is a preferred outcome and that the length of time spent in jail matters. Certainly, it has been assumed by the justice system that jail time serves as a

deterrent to future commissions of crime. Local prosecutors believe that probation is a greater deterrent. Because jail time also allows the survivor “space” to heal from her wounds and to develop and begin to implement plans (e.g. acquire a new residence, secure employment, find an attorney for any civil proceedings), it is the Commission’s recommendation that a meaningful amount of jail time be followed by probation. Data from Duluth follows.

Of the cases convicted:

38% were misdemeanors

- 7% were sentenced to 30 days
- 7% were sentenced to 60 days
- 69% were sentenced to 90 days
- 1% received a year or more
- 18% are unknown

12% were gross misdemeanors

- 1% were sentenced to 90 days or less
- 61% were sentenced between 90 days and 365 days
- 9% were sentenced to over a year
- 30% are unknown

27% were felonies:

- 9% were sentenced to 90 days
- 53% were sentenced to 365 days
- 18% were sentenced to over a year
- 18% are unknown

6. While researchers received a truly commendable level of cooperation from the Prosecutor’s Office, the process and integrity of community oversight is compromised when the researchers lack direct access to important data. It is imperative that access to the detailed police reports and sheriff’s database be provided. In fact, for true transparency and the most comprehensive view of our community’s response to domestic violence, the Commission recommends that Monroe County adopt the Duluth Assessment. In addition to providing Monroe County residents with the information needed to evaluate local efforts, the use of common methods and data sources will provide the kind of apples to apples comparisons that make it possible to establish realistic goals for local performance.

## 5. APPENDIX 1 –LEVELS & TYPES OF CRIMINAL CHARGES

### A. *Level of Criminal Charges*

This report often differentiates between misdemeanors and felonies. A misdemeanor is generally a crime punishable with incarceration for one year or less. There are four possible levels of a misdemeanor crime:

Misdemeanor A Class (MA) – most serious level of a misdemeanor crime  
*Common example:* Domestic Battery, Intimidation, Invasion of Privacy, Interference with Reporting a Crime

Misdemeanor B Class (MB)  
*Common example:* Battery, Disorderly Conduct, Harassment

Misdemeanor C Class (MC)

Misdemeanor D Class (MD) – least serious level of a misdemeanor crime  
*Note:* MC's and MD's are rarely charged, and are not dealt with in this report

The “lower” the level of misdemeanor charge, the less severe the possible punishment or penalty if convicted of the crime.

Felonies, on the other hand, are more severe than misdemeanors and therefore carry heavier penalties if convicted. The same four levels apply to felonies:

Felony A Class (FA) – most serious level of a felony crime  
*Common example:* Battery resulting in the death of a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age

Felony B Class (FB)  
*Common example:* Battery resulting in serious bodily injury to a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age

Felony C Class (FC)  
*Common example:* Battery resulting in serious bodily injury to any other person or if it is committed by means of a deadly weapon

Felony D Class (FD) – least serious level of a felony crime, one level above MA  
*Common example:* Strangulation, Domestic Battery (if previously convicted), Criminal Confinement

## *B. Types of Charges*

This report repeatedly refers to different types of criminal charges. The crimes which are referred to most frequently in the report are defined using the Indiana Code below.

### **Domestic battery - IC 35-42-2-1.3**

Sec. 1.3. (a) A person who knowingly or intentionally touches an individual who:

- (1) is or was a spouse of the other person;
- (2) is or was living as if a spouse of the other person as provided in subsection (c); or
- (3) has a child in common with the other person;

in a rude, insolent, or angry manner that results in bodily injury to the person described in subdivision (1), (2), or (3) commits domestic battery, a Class A misdemeanor.

(b) However, the offense under subsection (a) is a Class D felony if the person who committed the offense:

(1) has a previous, unrelated conviction:

(A) under this section (or IC 35-42-2-1(a)(2)(E) before its repeal); or

(B) in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements described in this section; or

(2) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(c) In considering whether a person is or was living as a spouse of another individual in subsection (a)(2), the court shall review the following:

(1) the duration of the relationship;

(2) the frequency of contact;

(3) the financial interdependence;

(4) whether the two (2) individuals are raising children together;

(5) whether the two (2) individuals have engaged in tasks directed toward maintaining a common household; and

(6) other factors the court considers relevant.

### **Battery - IC 35-42-2-1**

Sec. 1. (a) A person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if:

(A) it results in bodily injury to any other person;

(B) it is committed against a law enforcement officer or against a person summoned and directed by the officer while the officer is engaged in the execution of the officer's official duty;

(C) it is committed against an employee of a penal facility or a juvenile detention facility

(as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty;

(D) it is committed against a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty;

(E) it is committed against a community policing volunteer:

(i) while the volunteer is performing the duties described in IC 35-41-1-4.7; or

(ii) because the person is a community policing volunteer; or

(F) it is committed against the state chemist or the state chemist's agent while the state chemist or the state chemist's agent is performing a duty under IC 15-16-5;

(2) a Class D felony if it results in bodily injury to:

(A) a law enforcement officer or a person summoned and directed by a law enforcement officer while the officer is engaged in the execution of the officer's official duty;

(B) a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(C) a person of any age who has a mental or physical disability and is committed by a person having the care of the person with a mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation;

(D) the other person and the person who commits the battery was previously convicted of a battery in which the victim was the other person;

(E) an endangered adult (as defined in IC 12-10-3-2);

(F) an employee of the department of correction while the employee is engaged in the execution of the employee's official duty;

(G) an employee of a school corporation while the employee is engaged in the execution of the employee's official duty;

(H) a correctional professional while the correctional professional is engaged in the execution of the correctional professional's official duty;

(I) a person who is a health care provider (as defined in IC 16-18-2-163) while the health care provider is engaged in the execution of the health care provider's official duty;

(J) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty;

(K) a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty;

(L) a community policing volunteer:

(i) while the volunteer is performing the duties described in IC 35-41-1-4.7; or

(ii) because the person is a community policing volunteer;

(M) a family or household member (as defined in IC 35-41-1-10.6) if the person who committed the offense:

(i) is at least eighteen (18) years of age; and

(ii) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense; or

(N) a department of child services employee while the employee is engaged in the execution of the employee's official duty;

(3) a Class C felony if it results in serious bodily injury to any other person or if it is committed by means of a deadly weapon;

(4) a Class B felony if it results in serious bodily injury to a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(5) a Class A felony if it results in the death of a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(6) a Class C felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2);

(7) a Class B felony if it results in the death of an endangered adult (as defined in IC 12-10-3-2); and

(8) a Class C felony if it results in bodily injury to a pregnant woman and the person knew the woman was pregnant.

(b) For purposes of this section:

(1) "law enforcement officer" includes an alcoholic beverage enforcement officer; and

(2) "correctional professional" means a:

(A) probation officer;

(B) parole officer;

(C) community corrections worker; or

(D) home detention officer.

### **Strangulation - IC 35-42-2-9**

Sec. 9. (a) This section does not apply to a medical procedure.

(b) A person who, in a rude, angry, or insolent manner, knowingly or intentionally:

(1) applies pressure to the throat or neck of another person; or

(2) obstructs the nose or mouth of the another person;

in a manner that impedes the normal breathing or the blood circulation of the other person commits strangulation, a Class D felony.

### **Criminal confinement - IC 35-42-3-3**

Sec. 3. (a) A person who knowingly or intentionally:

(1) confines another person without the other person's consent; or

(2) removes another person, by fraud, enticement, force, or threat of force, from one (1) place to another; commits criminal confinement. Except as provided in subsection (b), the offense of criminal confinement is a Class D felony.

(b) The offense of criminal confinement defined in subsection (a) is:

(1) a Class C felony if:

(A) the person confined or removed is less than fourteen (14) years of age and is not the

confining or removing person's child;

(B) it is committed by using a vehicle; or

(C) it results in bodily injury to a person other than the confining or removing person; and

(2) a Class B felony if it:

(A) is committed while armed with a deadly weapon;

(B) results in serious bodily injury to a person other than the confining or removing person; or

(C) is committed on an aircraft.

### **Invasion of privacy; offense; penalties - IC 35-46-1-15.1**

Sec. 15.1. A person who knowingly or intentionally violates:

(1) a protective order to prevent domestic or family violence issued under IC 34-26-5 (or, if the order involved a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal);

(2) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);

(3) a workplace violence restraining order issued under IC 34-26-6;

(4) a no contact order in a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the person to refrain from direct or indirect contact with a child in need of services or a delinquent child;

(5) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion, and including a no contact order issued under IC 35-33-8-3.6;

(6) a no contact order issued as a condition of probation;

(7) a protective order to prevent domestic or family violence issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before their repeal);

(8) a protective order to prevent domestic or family violence issued under IC 31-14-16-1 in a paternity action;

(9) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;

(10) an order issued in another state that is substantially similar to an order described in subdivisions (1) through (9);

(11) an order that is substantially similar to an order described in subdivisions (1) through (9) and is issued by an Indian:

(A) tribe;

(B) band;

(C) pueblo;

(D) nation; or

(E) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians;

(12) an order issued under IC 35-33-8-3.2; or

(13) an order issued under IC 35-38-1-30;

commits invasion of privacy, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction for an offense under this section.

### **Intimidation - IC 35-45-2-1**

Sec. 1. (a) A person who communicates a threat to another person, with the intent:

(1) that the other person engage in conduct against the other person's will;

(2) that the other person be placed in fear of retaliation for a prior lawful act; or

(3) of causing:

(A) a dwelling, a building, or another structure; or

(B) a vehicle;

to be evacuated;

commits intimidation, a Class A misdemeanor.

(b) However, the offense is a:

(1) Class D felony if:

(A) the threat is to commit a forcible felony;

(B) the person to whom the threat is communicated:

(i) is a law enforcement officer;

(ii) is a judge or bailiff of any court;

(iii) is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;

(iv) is an employee of a school corporation;

(v) is a community policing volunteer;

(vi) is an employee of a court;

(vii) is an employee of a probation department; or

(viii) is an employee of a community corrections program.

(C) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or

(D) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and

(2) Class C felony if, while committing it, the person draws or uses a deadly weapon.

(c) "Threat" means an expression, by words or action, of an intention to:

- (1) unlawfully injure the person threatened or another person, or damage property;
- (2) unlawfully subject a person to physical confinement or restraint;
- (3) commit a crime;
- (4) unlawfully withhold official action, or cause such withholding;
- (5) unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses;
- (6) expose the person threatened to hatred, contempt, disgrace, or ridicule;
- (7) falsely harm the credit or business reputation of the person threatened; or
- (8) cause the evacuation of a dwelling, a building, another structure, or a vehicle.

**Harassment; "obscene message" defined - IC 35-45-2-2**

Sec. 2. (a) A person who, with intent to harass, annoy, or alarm another person but with no intent of legitimate communication:

- (1) makes a telephone call, whether or not a conversation ensues;
  - (2) communicates with a person by telegraph, mail, or other form of written communication;
  - (3) transmits an obscene message, or indecent or profane words, on a Citizens Radio Service channel; or
  - (4) uses a computer network (as defined in IC 35-43-2-3(a)) or other form of electronic communication to:
    - (A) communicate with a person; or
    - (B) transmit an obscene message or indecent or profane words to a person;
- commits harassment, a Class B misdemeanor.

(b) A message is obscene if:

- (1) the average person, applying contemporary community standards, finds that the dominant theme of the message, taken as a whole, appeals to the prurient interest in sex;
- (2) the message refers to sexual conduct in a patently offensive way; and
- (3) the message, taken as a whole, lacks serious artistic, literary, political, or scientific value.

**Interference with the reporting of a crime - IC 35-45-2-5**

Sec. 5. A person who, with the intent to commit, conceal, or aid in the commission of a crime, knowingly or intentionally interferes with or prevents an individual from:

- (1) using a 911 emergency telephone system;
  - (2) obtaining medical assistance; or
  - (3) making a report to a law enforcement officer;
- commits interference with the reporting of a crime, a Class A

**Disorderly conduct - IC 35-45-1-3**

Sec. 3. (a) A person who recklessly, knowingly, or intentionally:

- (1) engages in fighting or in tumultuous conduct;
- (2) makes unreasonable noise and continues to do so after being asked to stop; or
- (3) disrupts a lawful assembly of persons;

commits disorderly conduct, a Class B misdemeanor.

(b) The offense described in subsection (a) is a Class D felony if it:

- (1) adversely affects airport security; and
- (2) is committed in an airport (as defined in IC 8-21-1-1) or on the premises of an airport, including in a parking area, a maintenance bay, or an aircraft hangar.

including in a parking area, a maintenance bay, or an aircraft hangar.

(c) The offense described in subsection (a) is a Class D felony if it:

(1) is committed within five hundred (500) feet of:

(A) the location where a burial is being performed;

(B) a funeral procession, if the person described in subsection (a) knows that the funeral procession is taking place; or

(C) a building in which:

(i) a funeral or memorial service; or

(ii) the viewing of a deceased person;

is being conducted; and

(2) adversely affects the funeral, burial, viewing, funeral procession, or memorial service.

## 6. APPENDIX 2 – A SAMPLE OF THE EXCEL DATABASE

Index	Case Number	Charge at time of Arrest	Domestic Battery	Battery	Confine	Intim	Interf 911	Strang	Other
1	53C02-0902-FD-00117	Domestic Battery FD, Probation Violation	3	0	0	0	0	0	0
2	53C02-0912-CM-04580	Domestic Battery MA, Illegal Consumption MB	2	0	0	0	0	0	1
3	53C02-0909-FD-00765	Domestic Battery FD, Confinement FD, Intimidation MA	3	0	3	2	0	0	0
4	53C03-0911-CM-04291	Strangulation FD, Battery MA, Interference with reporting a crime, probation hold bond	0	2	0	0	99	3	0
5	53C02-0902-FD-00151	Domestic Battery FD, Interfering with reporting a crime, probation violation	3	0	0	0	99	0	0
6	53C02-0908-FD-00680	Domestic battery MA, Residential entry FD, Strangulation FD	2	0	0	0	0	3	3
7	53C02-0912-CM-04830	Battery MA, Criminal Trespass MA	0	2	0	0	0	0	2

## **7. APPENDIX 3 - SERVICE STATISTICS FROM MIDDLE WAY HOUSE, 2009**

THE OVERWHELMING MAJORITY OF DOMESTIC VIOLENCE INCIDENTS ARE NOT REPORTED TO POLICE OR PROSECUTORS AND NEVER MAKE THEIR WAY INTO THE CRIMINAL COURTS. MIDDLE WAY HOUSE IS THE AREA PROGRAM DESIGNED TO MEET THE CRISIS INTERVENTION, HOUSING, AND SUPPORTIVE SERVICE NEEDS OF VICTIMS OF ABUSE. THE INFORMATION BELOW IS TAKEN FROM MIDDLE WAY HOUSE'S ANNUAL REPORT FOR 2009.

WOMEN SHELTERED 75

66 DID NOT RETURN TO ABUSIVE RELATIONSHIPS FOLLOWING THEIR SHELTER STAY.

WOMEN IN 2-YEAR TRANSITIONAL HOUSING 48

NON-RESIDENT WOMEN PROVIDED WITH LEGAL ADVOCACY FOR ISSUES HANDLED IN CIVIL COURT 346