About the Training Project

Indiana law (IC 5-2-8-1, 2, and 5) mandates that city, county, and state law enforcement officers receive continuing education on family violence. The law recognizes family and intimate partner violence as a problem that can be addressed through informed police action.

The Training Project on Family Violence for Indiana Law Enforcement Officers is a program of the Indiana Criminal Justice Institute for assisting Indiana law enforcement agencies to comply with the Indiana Code under model procedures and a detailed curriculum for the police response to domestic violence.

Sponsor

Indiana Criminal Justice Institute

Curriculum Design and Implementation

Founders: Indiana University Police Department, Indianapolis
Capt. Diane Sweeney, Project Director
Janice Starnes, Project Assistant
Judy Wilson, Project Assistant
David A. Ford, Ph.D., Curriculum Director
Judge Ruth Reichard, Curriculum Advisor
Wendy W. Ford, Publishing Coordinator

2012 Edition updated by the Indiana Coalition Against Domestic Violence

Kerry Hyatt Blomquist, Legal Director
Adjunct Professor of Law
Lauren Parmley, Legal Intern

©2012

Cooperating Agencies and Individuals

All policy and training materials have been produced in close cooperation with interested law enforcement and social service agencies, including representatives of the Indiana Supreme Court and State Court Administration, the Indiana Coalition Against Domestic Violence, Indiana Law Enforcement Training Board, the Indiana Association of Chiefs of Police, the Indiana Sheriff’s Association, and the Indiana Prosecuting Attorney’s Council.

Funding

This project was first developed and implemented with funding from the State of Indiana, Indiana Criminal Justice Institute grant #90-VA-060. Additional support was provided by grant #90-FV-CX-0003 awarded to the Indiana Department of Human Services by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. Revisions for the 2010 edition were supported, in whole or in part, by grant funds awarded by the Indiana Criminal Justice Institute and made possible by Award No. 2008-WF-AX-0011 from the U.S. Department of Justice, Office of Justice Programs, Office of Violence Against Women. Points of view in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.
### Contents

**U.S. Dept. of Justice, OVW,**

**What is Domestic Violence** ............5

**To Protect and to Serve** ............7
Keys to Your Effectiveness ............7

**Problem of Family Violence** ........8
Harm to Victims..........................8
Social Costs of Family Violence.........9
Law Enforcement Officers Killed........9
Reliable Websites .........................9

**Family Violence as Crime** ........10
Family Violence and Law Enforcement . 10
   Family Violence ..........................10
   Domestic Violence ........................11
   Child Abuse ................................11
   Abuse of Elderly/Disabled Adults......11
Selected Crimes of Family Violence.....12

**Responding to Family**
Disturbances ............................29
General Guidelines for Police Officers... 29

1–**Protect Against Threats to Your**
   Safety ...................................29
Receiving the Run ..........................29
Arrival at the Scene .........................29
Approaching the Entrance ..................29
Gaining Entry ................................29
Securing the Scene .........................230

2–**Secure the Scene for the Safety**
   of Disputants ............................30

3–**Calm the Situation** ....................30
Conversational Techniques ................31
Techniques to Use with Caution ..........31
Aggressive Tactics to Avoid ..............31

4–**Investigate** ............................31
Assume a Crime Was Committed .......31

Investigation Techniques..................32
The Miranda Rule ..........................33
Introducing Miranda .......................33

5–**Act to Protect Victims** .............33
Missing Children or Endangered
   Adults ......................................34
Mandate to Prevent Further Violence . 35
Mandatory Hold of DV Arrestees .......35
Seizure of Firearm from Dangerous
   Person ......................................36
Unlawful Possession of Firearm ..........36
Civil Liability for Failure to Protect ..36

**Warrantless Arrests to Protect**
   Victims ....................................38
Battery ......................................38
   Arrests for Class D Felony Battery ... 38
   Arrest for Misdemeanor Battery ...... 38
   Note on Domestic Battery ...............39
   Previous Battery Conviction .......... 39
   D Felony Domestic Sentencing .........39
   “Mutual Combat” or Self-Defense? ....40
   Limits on the Use of Force .............40
   Arrest for Interference with Reporting . 41
   Arrest for Invasion of Privacy ..........41
   Types of Protection Orders ...............41
   Protective Order ..........................41
   No Contact Order ..........................42
   Workplace Violence Restraining Order 42
   Foreign Protection Orders ...............42
   Confidentiality of Victim Information ..42
   Firearms and Protection Orders .......42
   “Questionable” Violations ...............42
   Other Misdemeanor Arrests .............43
   Class D Felony Arrests ...................43
   Stalking ...................................44

**Federal Laws on Domestic**
   Violence .................................45
| Protection Orders of Other States                  | 45 |
| Interstate Domestic Violence                      | 45 |
| Interstate Violation of Protection Order          | 45 |
| Interstate Stalking                                | 46 |
| Firearm Possession by Person Subject to a Protection Order | 46 |
| Firearm Possession by Person Convicted of Misdemeanor DV | 46 |
| **Assisting Victims with Information and Police Reports** | 47 |
| Victim Options                                     | 47 |
| Police Reports                                     | 47 |
| Sample Incident Report and Probable Cause Affidavit | 48 |
| **Child Abuse and Neglect**                       | 50 |
| Officer’s Responsibility to Act                    | 50 |
| Child In Need of Services (CHINS)                  | 50 |
| Child Protection Service (CPS)                     | 50 |
| Role of Child Protection Service                   | 51 |
| Police Reporting to CPS                            | 52 |
| Signs of Physical Abuse in Children                | 52 |
| Signs of Sexual Abuse in Children                  | 52 |
| Signs of Child Neglect                             | 53 |
| On-Scene Interviews with Abused Children           | 54 |
| Interviewing Witnesses                             | 55 |
| Child Abuse Reporting Laws                         | 55 |
| Arrests to Protect Children                        | 56 |
| Removing the Perpetrator                           | 56 |
| Protective Custody                                 | 57 |
| Custody of Abandoned Children                      | 57 |
| Law Enforcement Reporting Requirement              | 58 |
| Working with CPS                                    | 58 |
| Child Abuse Hotline                                | 58 |
| Directory of Indiana CPS Agencies                  | 59 |
| **Domestic Violence / Intimate Partner Violence**  | 61 |
| Officer’s Responsibility to Act                    | 61 |
| Most Likely Victims                                | 61 |
| The Battered Woman Syndrome                        | 61 |
| Why Battered Women Stay                            | 62 |
| Separation Violence                                | 63 |
| Effects on Children                                | 63 |
| Working with Victim Services                       | 63 |
| Statewide/National Info. and Referral              | 63 |
| Directory of Shelters                              | 63-4 |
| Map of Domestic Violence Shelters                  | 66 |
| **Abuse of Elderly and Disabled Adults**           | 67 |
| Officer’s Responsibility to Act                    | 67 |
| Dependent Adult                                    | 67 |
| Endangered Adult                                   | 67 |
| Adult Protective Services (APS)                    | 67 |
| Signs of Abuse in Elderly/Disabled                 | 68 |
| On-Scene Interviews w/Abused Adults                | 69 |
| Interviewing Witnesses                             | 70 |
| Witness Reporting Requirement                      | 70 |
| Law Enforcement Reporting Requirement              | 71 |
| Working with APS                                    | 71 |
| APS Hotline                                        | 71 |
| Directory of Indiana APS Investigators              | 72 |
| Map of APS Investigator Regions                    | 73 |
We define domestic violence as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

**Physical Abuse:** Hitting, slapping, shoving, grabbing, pinching, biting, hair pulling, etc are types of physical abuse. This type of abuse also includes denying a partner medical care or forcing alcohol and/or drug use upon him or her.

**Sexual Abuse:** Coercing or attempting to coerce any sexual contact or behavior without consent. Sexual abuse includes, but is certainly not limited to, marital rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating one in a sexually demeaning manner.

**Emotional Abuse:** Undermining an individual's sense of self-worth and/or self-esteem is abusive. This may include, but is not limited to constant criticism, diminishing one's abilities, name-calling, or damaging one's relationship with his or her children.

**Economic Abuse:** Is defined as making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at school or employment.

**Psychological Abuse:** Elements of psychological abuse include - but are not limited to - causing fear by intimidation; threatening physical harm to self, partner, children, or partner's family or friends; destruction of pets and property; and forcing isolation from family, friends, or school and/or work.

Domestic violence can happen to anyone regardless of race, age, sexual orientation, religion, or gender. Domestic violence affects people of all socioeconomic backgrounds and education levels. Domestic violence occurs in both opposite-sex and same-sex re-
relationships and can happen to intimate partners who are married, living together, or dating.

Domestic violence not only affects those who are abused, but also has a substantial effect on family members, friends, co-workers, other witnesses, and the community at large. Children, who grow up witnessing domestic violence, are among those seriously affected by this crime. Frequent exposure to violence in the home not only predisposes children to numerous social and physical problems, but also teaches them that violence is a normal way of life - therefore, increasing their risk of becoming society's next generation of victims and abusers.

US Department of Justice, Office on Violence Against Women, April 2012

**National Domestic Violence Hotline**
1-800-799-SAFE (7233)
1-800-787-3224 (TTY)
TO PROTECT AND TO SERVE

This handbook summarizes laws and procedures covered by the Training Project on Family Violence for Indiana Law Enforcement Officers. It presents a range of tools to protect victims.

*Police intervention in family disturbances can prevent ongoing abuse and can save lives.*

---

**Keys to Your Effectiveness**

1. Know the Law
2. Investigate for Criminal Violations
3. Take Action Against Any Violations
4. Assist and Support Victims

---

*Important* Police officers responding to the scene of family violence are required to “use all reasonable means to prevent further violence,” including transporting the alleged victim and any children to a safe place, assisting in removing personal necessities, giving written notice of victim rights, and, under certain conditions, removing firearms, ammunition, or other deadly weapons. See IC 35-33-1-1.5 on page 33 for details.
THE PROBLEM OF FAMILY VIOLENCE

Predisposing Factors
Training in violence
Violent childhood, culture
Family circumstances
Conflicting interests, rigid expectations, poverty, stress, isolation, low status
Attitudes, personality traits
Hostility, low self-esteem, jealousy, belief in using violence for self-interests, low empathy, self-centeredness

WHY WE HURT THE ONES WE LOVE

Situational Factors
Increased stress on individual
Violence facilitators
Peer support, weapons, alcohol, drugs
Violence inhibitors
Witnesses, deterrence, self-control

Trigger Events
Arguments
Insults
Violated expectations

Violence

Harm to Victims
- About 20% of known homicide offenders kill members of their own family.
- 30% of female homicide victims are killed by their male partners.
- 1 out of 8 women living with a man in a conjugal relationship is battered by her partner in any year.
Once battered by her partner, a woman living with a man risks at least a 1 in 3 chance of being victimized again within six months.

Intimate partner violence and child abuse often go hand in hand.

80% of all maltreated children are abused by a parent.

60% of murder victims aged 10 or younger are killed by family members.

At least 12% of children under 15 years of age are sexually abused.

10% of seniors over 65 years of age are abused by their caretakers.

Family violence is often passed from one generation to the next in a continuing cycle of abuse.

### Social Costs of Family Violence

- Diminished family ideal
- Drain on social services
- Absenteeism and lost worker productivity
- Drain on criminal justice resources
- Compromised American values
- Violated human rights
- Increased crime
- Workplace violence

### Law Enforcement Officers Killed 1999–2008

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Disturbances</td>
<td>41</td>
</tr>
<tr>
<td>Other Disturbances</td>
<td>35</td>
</tr>
<tr>
<td>Burglaries</td>
<td>13</td>
</tr>
<tr>
<td>Robberies</td>
<td>38</td>
</tr>
<tr>
<td>Drug-Related</td>
<td>21</td>
</tr>
<tr>
<td>Other Arrests</td>
<td>50</td>
</tr>
<tr>
<td>Handling Prisoners</td>
<td>13</td>
</tr>
<tr>
<td>Suspicious Persons</td>
<td>62</td>
</tr>
<tr>
<td>Ambush Situations</td>
<td>106</td>
</tr>
<tr>
<td>Mentally Deranged</td>
<td>12</td>
</tr>
<tr>
<td>Traffic Stops</td>
<td>101</td>
</tr>
<tr>
<td>Other Miscellaneous</td>
<td>38</td>
</tr>
</tbody>
</table>

*Source: FBI Uniform Crime Reports*

### Learn More from These Reliable Websites

- **Family Violence Prevention Fund**
  endabuse.org
- **Minnesota Center Against Violence and Abuse**
  www.mincava.umn.edu
- **Violence Against Women Office**
  www.ovw.usdoj.gov
- **Justice Information Center**
  www.ncjrs.org
  (follow the “Victims” link)
FAMILY VIOLENCE AS CRIME

Family Violence and Law Enforcement

Indiana law provides for criminal justice agencies to act against family violence. There is no reason for police officers to tell a victim, “there is nothing we can do.” Indeed, the law now requires officers to take action to protect victims and their children.

What the police can do is treat family violence as a crime. Family violence can be controlled, if not eliminated, through effective criminal justice intervention. Research on intimate partner violence (IPV) shows that police can help protect victims. They can do this directly by arresting suspects, or indirectly by getting cases into the system where prosecution policies and social service interventions can be implemented.

Besides offering immediate protection, law enforcement intervention symbolizes society’s intolerance for violence in the home. The state legislature has enacted specific laws to deal with crimes of family violence, expecting that the police will support these efforts.

Key Terms

Family Violence
Any intentional act, except for an act of self-defense, committed, attempted, or threatened by one member of a family or household against another that causes physical harm, or that places another in fear of physical harm, or that causes another to involuntarily engage in sexual activity. Included are acts of cruelty against animals meant to intimidate, coerce, or terrorize a family or household member. (See details under IC 34-6-2-34.5, IC 35-41-1-6.5, and IC 31-9-2, sections 29.5, 42, and 44.5)

Any act of family violence is a crime under Indiana law.

Family or Household Member
For purposes of Indiana law on family violence, IC 34-6-2-44.8 defines a “family or household member” as:

• a current or former spouse
• someone a person is dating or has dated
• someone with whom a person has or had a sexual relationship
• someone related by blood or adoption
• someone related by marriage
• someone with whom a person has or had an established legal relationship (guardian, ward, custodian, foster parent, or similar capacity)
• someone with whom a person has a child

A minor child of one person in the listed relationships is considered a family or household member of both persons in the relationship.

**Domestic Violence**

Family violence between intimate partners who have shared a romantic or marital-like relationship, including those who share a child in common. (IC 35-31.5-2-78.)

Domestic violence is a form of family violence singled out for special consideration under certain federal and state laws. In Indiana it is incorporated in the crime of domestic battery (IC 35-42-2-1.3). Most other crimes between adults are defined without regard for specific victim-offender relationships.

**Child Abuse**

Neglect or violence committed by an adult family member against a child.

Acts of family violence and neglect involving children are crimes. Being the victim of a crime of domestic violence does not in and of itself constitute “neglect” under Indiana law. Readers should be aware that Indiana case law considers repeated exposure to violence as a consideration in neglect cases.

**Abuse of Elderly and Disabled Adults**

Family violence committed against endangered or dependent adults.

The Indiana Code does not define “elder abuse” or “abuse of the disabled.” Rather, it specifies crimes against endangered and dependent adults, and classifies them according to the victim’s relationship to and dependency on the offender, without regard to age.

**Summary of Selected Crimes of Family Violence Follows**

Please refer to the Indiana Criminal Code for complete reference.
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B mis.</strong></td>
<td>touching someone in a rude, insolent, or angry manner</td>
<td>35-42-2-1</td>
</tr>
<tr>
<td><strong>A mis.</strong></td>
<td>battery with injury</td>
<td>35-42-2-1(1)(A)</td>
</tr>
<tr>
<td><strong>D fel.</strong></td>
<td>battery with injury committed by an adult against a child less than 14 years of age</td>
<td>35-42-2-1(2)(B)</td>
</tr>
<tr>
<td></td>
<td>battery with injury by a caretaker against a mentally or physically disabled person</td>
<td>35-42-2-1(2)(C)</td>
</tr>
<tr>
<td></td>
<td>battery with injury by a person previously convicted of battery against the same victim</td>
<td>35-42-2-1(2)(D)</td>
</tr>
<tr>
<td></td>
<td>battery with injury against an endangered adult</td>
<td>35-42-2-1(2)(E)</td>
</tr>
<tr>
<td></td>
<td>battery with injury in the physical presence of a child less than 16 years of age, knowing that the child might see or hear the offense</td>
<td>35-42-2-1(2)(M)</td>
</tr>
<tr>
<td><strong>C fel.</strong></td>
<td>battery resulting in serious bodily injury or committed with a deadly weapon</td>
<td>35-42-2-1(3)</td>
</tr>
<tr>
<td></td>
<td>battery against an endangered adult (IC 12-10-3-2) resulting in serious bodily injury</td>
<td>35-42-2-1(6)</td>
</tr>
<tr>
<td></td>
<td>battery with injury against a woman known to be pregnant</td>
<td>35-42-2-1(8)</td>
</tr>
<tr>
<td><strong>B fel.</strong></td>
<td>battery committed by an adult against a child less than 14 years of age, with serious bodily injury</td>
<td>35-42-2-1(4)</td>
</tr>
<tr>
<td></td>
<td>battery against an endangered adult (IC 12-10-3-2) resulting in death</td>
<td>35-42-2-1(7)</td>
</tr>
<tr>
<td><strong>A fel.</strong></td>
<td>battery committed by an adult against a child less than 14 years of age resulting in death</td>
<td>35-42-2-1(5)</td>
</tr>
</tbody>
</table>
DOMESTIC BATTERY

A mis.: battery with injury committed against a victim by an offender who is or was a spouse, who is or was living as if a spouse, or who has a child in common with the victim 35-42-2-1.3

D fel.: domestic battery by a person previously convicted of domestic battery (or “domestic violence” under IC 35-42-2-1(a)(2)(E) before its repeal) 35-42-2-1.3

domestic battery by a person with a previous unrelated conviction in any jurisdiction, including a military court, for a substantially similar crime 35-42-2-1.3

domestic battery committed in the presence of a child less than 16 years of age, knowing that the child might see or hear the offense 35-42-2-1.3

STRANGULATION

D fel.: battery committed by applying pressure to the throat or neck of another person or by obstructing the nose or mouth of another person in a manner that impedes normal breathing or blood circulation 35-42-2-9

AGGRAVATED BATTERY

B fel.: battery resulting in a substantial risk of death or causing serious permanent disfigurement or impairment of a bodily function or loss of a fetus 35-42-2-1.5

MURDER and ATTEMPTED MURDER

Murder: knowingly or intentionally killing another person or a fetus that has attained viability 35-42-1-1

killing another person in the commission of certain felonies 35-42-1-1

A fel.: attempt to commit murder 35-41-5-1
### VOLUNTARY MANSLAUGHTER

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td>B fel.</td>
<td>killing another person or a fetus while acting under sudden heat</td>
<td>35-42-1-3</td>
</tr>
<tr>
<td>A fel.</td>
<td>voluntary manslaughter committed by means of a deadly weapon</td>
<td>35-42-1-3</td>
</tr>
</tbody>
</table>

### INVOLUNTARY MANSLAUGHTER

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td>D fel.</td>
<td>involuntary manslaughter resulting from the operation of a vehicle</td>
<td>35-42-1-4</td>
</tr>
<tr>
<td>C fel.</td>
<td>killing another person or fetus while committing a class C or D felony or a class A misdemeanor that poses a risk of serious injury or while committing a battery</td>
<td>35-42-1-4</td>
</tr>
</tbody>
</table>

### RECKLESS HOMICIDE

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td>C fel.</td>
<td>recklessly killing another person</td>
<td>35-42-1-5</td>
</tr>
</tbody>
</table>

### BATTERY BY BODY WASTE

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td>A mis.</td>
<td>battery by placing human blood, semen, urine, or fecal waste on another person</td>
<td>35-42-2-6(f)</td>
</tr>
<tr>
<td>D fel.</td>
<td>battery by body waste known to be infected by hepatitis B or C, HIV, or tuberculosis</td>
<td>35-42-2-6(f)(1)</td>
</tr>
<tr>
<td>C fel.</td>
<td>battery by body waste resulting in the transmission of hepatitis B or C or tuberculosis to the other person</td>
<td>35-42-2-6(f)(2)</td>
</tr>
<tr>
<td>B fel.</td>
<td>battery by body waste resulting in the transmission of HIV to the other person</td>
<td>35-42-2-6(f)(3)</td>
</tr>
</tbody>
</table>

### MALICIOUS MISCHIEF

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td>B mis.</td>
<td>placing body waste in a location with the intent that another person will involuntarily touch it</td>
<td>35-45-16-2(a)</td>
</tr>
</tbody>
</table>
A mis.: malicious mischief with food 35-45-16-2(c)
D fel.: malicious mischief with body waste known to be infected by hepatitis B, HIV, or tuberculosis 35-45-16-2
C fel.: malicious mischief resulting in the transmission of hepatitis B or tuberculosis to the other 35-45-16-2
B fel.: malicious mischief resulting in the transmission of HIV to the other 35-45-16-2

ROBBERY

C fel.: taking property from another person by the use of or threatened use of force or by putting the person in fear 35-42-5-1
B fel.: robbery committed while armed with a deadly weapon or resulting in bodily injury 35-42-5-1
A fel.: robbery resulting in serious bodily injury 35-42-5-1

CARJACKING

B fel.: taking a motor vehicle from another person by the use of or threatened use of force or by putting the person in fear 35-42-5-2

CRIMINAL RECKLESSNESS

B mis.: recklessly performing an act that creates a substantial risk of bodily injury to another person 35-42-2-2(b)
A mis.: recklessness using a vehicle 35-42-2-2(c)(1)
D fel.: recklessness committed while armed with a deadly weapon
recklessness resulting in serious bodily injury 35-42-2-2(d)(1)
aggressive driving under IC 9-21-8-55 resulting in serious bodily injury 35-42-2-2(c)(2)(B)
C fel.:  
recklessness committed by means of a deadly weapon  
recklessness committed by shooting a firearm from a vehicle into a building likely to be occupied  
aggressive driving under IC 9-21-8-55 resulting in death  

AGGRESSIVE DRIVING  
A mis.: during one episode of continuous driving, committing at least 3 of the following with the intent to harass or intimidate a person in another vehicle:  
- following a vehicle too closely  
- unsafe operation of a vehicle  
- passing another vehicle on the right by driving off the roadway  
- unsafe stopping or slowing of a vehicle  
- unnecessary sounding of the horn  
- failure to yield  
- failure to obey a traffic control device  
- driving at an unsafe speed  
- repeatedly flashing headlights  

ARSON  
D fel.: using fire or explosives to damage property resulting in a loss of at least $250 but less than $5,000  
B fel.: arson of a dwelling, of any property under circumstances that endanger human life, or property valued at $5,000 or more  
A fel.: arson resulting in bodily injury  

POINTING A FIREARM (OTHER THAN SELF-DEFENSE)  
A mis.: weapon not loaded  
D fel.: weapon loaded
### POSSESSION OF FIREARM BY A DOMESTIC BATTERER

**A mis.:** possession of a firearm by a person convicted of domestic battery under IC 35-42-2-1.3 (if committed after June 30, 2003), unless the person’s right to possess a firearm has been restored under 35-47-4-7(b)  

35-47-4-6(a)

### DISORDERLY CONDUCT

**B mis.:** recklessly engaging in fighting or conduct likely to result in serious bodily injury to another

35-45-1-3(1)

making unreasonable noise and continuing to do so after being asked to stop

35-45-1-3(2)

### INVASION OF PRIVACY

**A mis.:** violation of a protective order to prevent domestic or family violence, workplace violence restraining order, no contact order, or similar orders issued in a state other than Indiana or by an Indian tribe

35-46-1-15.1

**D fel.:** if previously convicted of invasion of privacy

35-46-1-15.1

### TRESPASS

**A mis.:** committed by a person who has no contractual interest in a property who enters the property or a dwelling without permission, who refuses to leave when asked, or who interferes with others’ possession or use of their property

35-43-2-2

**D fel.:** If it is committed on school property or on a school bus

35-43-2-2

### RESIDENTIAL ENTRY

**D fel.:** breaking and entering the dwelling of another person

35-43-2-1.5
## SELECTED CRIMES OF FAMILY VIOLENCE

### BURGLARY

<table>
<thead>
<tr>
<th>Class</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>C fel.</td>
<td>breaking and entering the building of another with the intent to commit a felony in it</td>
<td>35-43-2-1</td>
</tr>
<tr>
<td>B fel.</td>
<td>burglary committed on a dwelling or while armed with a deadly weapon</td>
<td>35-43-2-1</td>
</tr>
<tr>
<td>A fel.</td>
<td>burglary resulting in bodily injury</td>
<td>35-43-2-1</td>
</tr>
</tbody>
</table>

### INTIMIDATION

<table>
<thead>
<tr>
<th>Class</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>A mis.</td>
<td>threatening another person with the intent of placing the other person in fear of retaliation for a prior lawful act or that the other person engage in conduct against their will</td>
<td>35-45-2-1(a)(1) &amp; (2)</td>
</tr>
<tr>
<td>D fel.</td>
<td>intimidation of a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat and the threat is to commit a forcible felony</td>
<td>35-45-2-1(b)(1) (B)(iii)</td>
</tr>
<tr>
<td>C fel.</td>
<td>intimidation committed while drawing or using a deadly weapon</td>
<td>35-45-2-1(b)(2)</td>
</tr>
</tbody>
</table>

### HARASSMENT

<table>
<thead>
<tr>
<th>Class</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>B mis.</td>
<td>making a telephone call, sending email, or otherwise communicating with a person with the intent of harassing, annoying, or alarming that person</td>
<td>35-45-2-2</td>
</tr>
</tbody>
</table>

### ANIMAL CRUELTY

<table>
<thead>
<tr>
<th>Class</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>D fel.</td>
<td>beating a vertebrate animal with intent to threaten, intimidate, coerce, harass, or terrorize a family or household member</td>
<td>35-46-3-12(b)(2)</td>
</tr>
<tr>
<td></td>
<td>(domestic violence animal cruelty) killing a vertebrate animal with intent to threaten, intimidate, coerce, harass, or terrorize a family or household member</td>
<td>35-46-3-12.5</td>
</tr>
</tbody>
</table>
### SELECTED CRIMES OF FAMILY VIOLENCE

#### INTERFERENCE WITH REPORTING OF CRIME

**A mis.:** interfering with or preventing an individual from
(1) using 911, (2) obtaining medical assistance, or
(3) making a report to a law enforcement officer

35-45-2-5

### STALKING

**D fel.:** repeated or continuing harassment causing the
victim to feel terrorized, frightened, intimidated,
or threatened

35-45-10-5(a)

**C fel.:** stalking with threat placing victim in fear of
sexual battery or serious bodily injury or death

35-45-10-5(b)

stalking in disregard of a protection order issued
in Indiana or by another state or Indian tribe

35-45-10-5(b)

stalking in disregard of an order issued as a condi-
tion of pretrial release or diversion

35-45-10-5(b)

stalking in disregard of an order issued as a condi-
tion of probation

35-45-10-5(b)

stalking while criminal case of stalking against
same victim is pending in court

35-45-10-5(b)

**B fel.:** stalking while armed with deadly weapon or if
previously convicted of stalking the same victim

35-45-10-5(c)

### CRIMINAL CONFINEMENT

**D fel.:** substantially interfering with the liberty of
another without their consent, or removing a per-
son from one place to another

35-42-3-3

**C fel.:** confinement of a child who is less than 14 years
old and who is not the child of the offender

35-42-3-3

confinement using a vehicle

35-42-3-3

confinement resulting in bodily injury

35-42-3-3
SELECTED CRIMES OF FAMILY VIOLENCE

B fel.: confinement committed while armed with a deadly weapon or resulting in serious bodily injury to another 35-42-3-3

KIDNAPPING

A fel.: confinement or removing another person by fraud, enticement, force, or threat of force from one place to another with the intent to obtain ransom, while hijacking a vehicle, or with the intent of using the person as a hostage or shield 35-42-3-2

VIOLATION OF A CUSTODY ORDER
(interruption with custody by taking or detaining and by concealing a child)

C mis.: taking, detaining or concealing a child less than 18 years old in order to deprive another person of custody or visitation rights 35-42-3-4(b)

B mis.: taking or detaining and concealing a child less than 18 years old in violation of a court order 35-42-3-4(b)

VIOLATION OF A CUSTODY ORDER
(interruption with custody by taking child out of Indiana or failing to return the child)

D fel.: removal of a child less than 18 years old to a place outside Indiana in violation of a court’s custody order or fails to return a child less than 18 to Indiana in violation of a child custody order 35-42-3-4(a)(1) & (2)

C fel.: violation of a custody order involving a child less than 14 years of age who is not the child of the offender 35-42-3-4(a)

B fel.: violation of a custody order by taking a child out of state or failing to return the child to Indiana and committed while armed with a deadly weapon or resulting in serious bodily injury 35-42-3-4(a)
RAPE

B fel.: having sexual intercourse with a person of the opposite sex by force, threat of force, or without the other’s consent, as when they are unaware or so mentally disabled they can’t consent

A fel.: rape committed while armed with a deadly weapon, or by threatened use of deadly force or resulting in serious bodily injury or facilitated by furnishing a drug without the victim’s knowledge

CRIMINAL DEVIATE CONDUCT

B fel.: performing or causing another to perform deviate sexual conduct by force, threat of force, or without the other’s consent, as when they are unaware or so mentally disabled they can’t consent

A fel.: criminal deviate conduct committed while armed with a deadly weapon or by threatened use of deadly force or resulting in serious bodily injury or facilitated by furnishing a drug without the victim’s knowledge

SEXUAL BATTERY

D fel.: A person who, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person touches another person when that person is compelled to submit to the touching by force or the imminent threat of force; or so mentally disabled or deficient that consent to the touching cannot be given; or touches another person's genitals, pubic area, buttocks, or female breast when that person is unaware that the touching is occurring. (New 2012 Legislation).
### SELECTED CRIMES OF FAMILY VIOLENCE

**C fel.:** An offense committed by using or threatening the use of deadly force; committed while armed with a deadly weapon; or the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

### CHILD MOLESTING (fondling)

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>C fel.:</td>
<td>performing or submitting to any fondling or touching with a child under 14 years of age</td>
<td>35-42-4-3(b)</td>
</tr>
<tr>
<td>A fel.:</td>
<td>child molesting by fondling committed while armed with a deadly weapon or by threatened use of deadly force or facilitated by furnishing a drug without the victim’s knowledge</td>
<td>35-42-4-3(b)</td>
</tr>
</tbody>
</table>

### SEXUAL MISCONDUCT WITH MINOR (fondling)

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>D fel.:</td>
<td>performing or submitting to any fondling or touching with a 14 or 15 year old committed by someone at least 18 years old</td>
<td>35-42-4-9(b)</td>
</tr>
<tr>
<td>C fel.:</td>
<td>sexual misconduct by fondling with a 14 or 15 year old committed by someone at least 21 years old</td>
<td>35-42-4-9(b)(1)</td>
</tr>
<tr>
<td>B fel.:</td>
<td>sexual misconduct by fondling with a 14 or 15 year old committed while armed with a deadly weapon or by threatened use of deadly force or facilitated by furnishing a drug without the victim’s knowledge</td>
<td>35-42-4-9(b)(2)</td>
</tr>
</tbody>
</table>

### CHILD MOLESTING (sexual intercourse or deviate conduct)

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>B fel.:</td>
<td>performing or submitting to sexual intercourse or deviate sexual conduct with a child under 14 years of age</td>
<td>35-42-4-3(a)</td>
</tr>
<tr>
<td>A fel.:</td>
<td>child molesting by sexual intercourse or deviate sexual conduct, committed by a person 21 years or</td>
<td>35-42-4-3(a)(1)</td>
</tr>
</tbody>
</table>
older

child molesting by sexual intercourse or deviate sexual conduct, committed while armed with a deadly weapon or by threatened use of deadly force or facilitated by furnishing a drug without the victim’s knowledge

SEXUAL MISCONDUCT WITH A MINOR (sexual intercourse or deviate conduct)

C fel.: sexual intercourse or deviate conduct with a 14 or 15 year old, committed by someone at least 18 years old 35-42-4-9(a)

B fel.: sexual misconduct by sexual intercourse or deviate conduct, committed by someone at least 21 years 35-42-4-9(a)(1)

A fel.: sexual misconduct by sexual intercourse or deviate conduct, while armed with a deadly weapon or by threatened use of deadly force or facilitated by furnishing a drug without the victim’s knowledge 35-42-4-9(a)(2)

CHILD EXPLOITATION

C fel.: managing, producing, filming, exhibiting, or disseminating any performance, incident, or matter with sexual conduct by a child under 18 years of age 35-42-4-4

PROMOTING PROSTITUTION

B fel.: enticing or compelling a child under 18 years of age to become a prostitute 35-45-4-4

SEXUAL TRAFFICKING OF A MINOR

A fel.: selling or transferring custody of a child less than 18 years of age by a parent, guardian, or custodian for the purpose of prostitution 35-42-3.5-1(b)

VICARIOUS SEXUAL GRATIFICATION (causing fondling)
SELECTED CRIMES OF FAMILY VIOLENCE

<table>
<thead>
<tr>
<th>Classification</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>D fel.</td>
<td>committed by a person 18 years of age or older who in any way causes a child aged 14 or 15 years of age to touch or fondle himself or another child under the age of 16 with the intent of arousing sexual desire</td>
<td>35-42-4-5(a)</td>
</tr>
<tr>
<td>C fel.</td>
<td>class D felony vicarious sexual gratification involving a child under 14 years of age</td>
<td>35-42-4-5(a)(1)</td>
</tr>
<tr>
<td>B fel.</td>
<td>class D felony vicarious sexual gratification committed while armed with a deadly weapon or by threatened use of deadly force or facilitated by furnishing a drug without the victim’s knowledge</td>
<td>35-42-4-5(a)(2)</td>
</tr>
<tr>
<td>A fel.</td>
<td>class D felony vicarious sexual gratification resulting in serious bodily injury</td>
<td>35-42-4-5(a)(3)</td>
</tr>
</tbody>
</table>

VICARIOUS SEXUAL GRATIFICATION
(casuing sexual intercourse, deviate conduct, or bestiality)

<table>
<thead>
<tr>
<th>Classification</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>C fel.</td>
<td>committed by a person 18 years of age or older who in any way causes a child aged 14 or 15 years of age to engage in sexual intercourse with another child under 16 years of age, deviate sexual conduct, or sex with an animal with the intent of arousing sexual desire</td>
<td>35-42-4-5(b)</td>
</tr>
<tr>
<td>B fel.</td>
<td>vicarious sexual gratification involving a child under 14 years of age engaging in sexual intercourse, deviate sexual conduct, or sex with an animal with the intent of arousing sexual desire</td>
<td>35-42-4-5(b)</td>
</tr>
<tr>
<td>A fel.</td>
<td>vicarious sexual gratification involving a child under 14 years of age engaging in sexual intercourse, deviate sexual conduct, or sex with an animal with the intent of arousing sexual desire when committed while armed with a deadly weapon, by threatened use of deadly force, or resulting in serious bodily injury or facilitated by furnishing a drug without the victim’s knowledge</td>
<td>35-42-4-5(b)</td>
</tr>
</tbody>
</table>
SEXUAL CONDUCT IN THE PRESENCE OF A MINOR

D fel.: committed by a person 18 years of age or older who engages in sexual intercourse, deviate sexual conduct or touches or fondles himself in the presence of a child less than 14 years of age with the intent to arouse or satisfy the sexual desires of the child or the older person 35-42-4-5(c)

CHILD SOLICITATION

D. fel.: a person 18 years or older who solicits a child or someone they believe to be a child under 14 to engage in intercourse, deviate sexual conduct or fondling or touching. 35-42-4-6(b)

D. fel.: a person at least 21 years old who solicits a child, or who they believe is a child, of 14 or 15 years to engage in intercourse, deviate sexual conduct or fondling or touching 35-42-4-6(c)

C. fel.: a person 18 or older who solicits a child under 14 years of age by using a computer network 35-42-4-6(b)

C. fel.: a person at least 21 years old who solicits a child of 14 or 15 years using a computer network 35-42-4-6(c)

B. fel.: a person has a previous unrelated conviction for soliciting a child by using a computer network 35-42-4-6(b)

B. fel.: a person at least 21 years old with a previous unrelated conviction for soliciting a child by using a computer network 35-42-4-6(c)

CHILD SEDUCTION

D fel.: sexual intercourse or deviate sexual conduct with a child at least 16 years of age but under 18 years old committed by a guardian, adoptive parent or grandparent, custodian, stepparent or child care worker aged at least 18 years old 35-42-4-7
INCEST

C fel.: sexual intercourse or deviate sexual conduct with a person known to be biologically related as a parent, child, grandparent, grandchild, sibling, aunt, uncle, niece, or nephew committed by a person aged at least 18 years old

B fel.: incest with a person less than 16 years old

NEGLECT OF A DEPENDENT

D fel.: committed by a person having care of a dependent who endangers the life or health or abandons or cruelly confines the dependent, or who deprives the dependent of necessary support or education

D. fel.: a person who transfers of receives property for care, custody, or control of their child

C fel.: neglect of a dependent resulting in bodily injury or is committed in a location where a person is buying, selling or manufacturing drugs

neglect of a dependent by cruel or unusual confinement or abandonment

B fel.: neglect of a dependent resulting in serious bodily injury

A fel.: neglect by a person at least 18 years that results in the death of a dependent who is less than 14 years

NONSUPPORT OF A DEPENDENT CHILD

D fel.: committed by a person having care for a dependent child who fails to provide support for that child

C fel.: nonsupport of a dependent child with unpaid support of at least $15,000

FAILURE TO REPORT CHILD ABUSE OR NEGLECT

B mis.: knowingly failing to report child abuse or neglect
### NONSUPPORT OF A SPOUSE

<table>
<thead>
<tr>
<th>Degree</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>D fel.</td>
<td>failure to provide support to a spouse who needs support</td>
<td>35-46-1-6</td>
</tr>
</tbody>
</table>

### NONSUPPORT OF A PARENT

<table>
<thead>
<tr>
<th>Degree</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>A mis.</td>
<td>failure to provide support to a parent who needs support</td>
<td>35-46-1-7</td>
</tr>
</tbody>
</table>

### EXPLOITATION OF A DEPENDENT ADULT OR AN ENDANGERED ADULT

<table>
<thead>
<tr>
<th>Degree</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>A mis.</td>
<td>unauthorized use of the personal services or property or social security benefits or other healthcare benefits of an endangered or dependent adult for profit or advantage of another</td>
<td>35-46-1-12(a) &amp; (c)</td>
</tr>
<tr>
<td>D fel.</td>
<td>same as class A misdemeanor if amount of proceeds is more than $10,000 or the victim is at least 60 years old</td>
<td>35-46-1-12(b) &amp; (d)</td>
</tr>
</tbody>
</table>

### FAILURE TO REPORT ABUSE OF AN ENDANGERED ADULT

<table>
<thead>
<tr>
<th>Degree</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>B mis.</td>
<td>knowingly failing to report battery, neglect, or exploitation of an endangered adult (IC 12-10-3-2)</td>
<td>35-46-1-13</td>
</tr>
</tbody>
</table>

### PROMOTION OF HUMAN TRAFFICKING

<table>
<thead>
<tr>
<th>Degree</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>B fel.</td>
<td>recruiting, harboring, or transporting another person by force, threat of force, or fraud in order to engage the person in forced labor, involuntary servitude, marriage, or prostitution</td>
<td>35-42-3.5-1(a)</td>
</tr>
</tbody>
</table>

---

**A Note of Human Trafficking**

**Effective January 30, 2012**
Amends the promotion of human trafficking offense, IC 35-42-3.5-1(a), to add the element that perpetrator’s promotion be by “force, threat of force, or fraud” and adds “participating in sexual conduct” as one of the activities the victim is coerced to do. Enacts a new “promotion of human trafficking of a minor” B felony codified as IC 35-42-3.5-1(b) for a person who “recruits, harbors, or transports” a child under sixteen with the intent to engage the child in forced labor or involuntary servitude or intent to induce or cause the child to engage in prostitution or sexual conduct. This 2012 statutory change also amends the A felony sexual trafficking of a minor offense, codified at IC 35-42-3.5-1(c) to expand its application from parents or custodians to include anyone eighteen or older and reduces the age of the child sold or transferred from eighteen to less than sixteen; expands purpose of the prohibited sale or transfer to include not just the purpose of prostitution by the child but also the purpose of having the child engage in sexual conduct.
RESPONDING TO FAMILY DISTURBANCES

General Guidelines for Police Officers

1 Protect against threats to your safety.
2 Secure the scene for the safety of disputants.
3 Calm the situation.
4 Investigate.
5 Act to protect victims.

1—Protect Against Threats to Your Safety

Receiving the Run

• Acknowledge the run and give your location.
• Listen for an assisting officer and note his or her location.
• If you have any concern about the run, request more information.
• Respond immediately.
• Arrive at the scene as quickly but quietly as possible.

Arrival at the Scene

• Report your arrival at the scene.
• Avoid driving past the scene.
• Park your vehicle in a defensive manner.
• Be certain that you are properly equipped.

Approaching the Entrance (Use extreme caution!)

• Observe the physical layout of the house.
• Look through the windows for immediate threats.
• Listen for noises.
• If you hear or observe violent behavior, report the nature of the disturbance before you suspend radio contact.
• Approach the entrance cautiously.
• Position yourself to the side of the door providing greatest security.

Gaining Entry

• Knock and announce your presence with authority.
Do not enter until someone opens the door for you.

When the door opens, look inside for immediate threats before entering.

Gaining entry sometimes raises difficult legal questions. It is your responsibility to be fully aware of your department’s policies on forcible entry, along with relevant law. As a general guideline, forced entry is permissible only in these circumstances:

- To protect the health, safety, or well-being of any person, or
- An exigent circumstance exists and you have probable cause to believe that a person is committing, attempting to commit, or has committed a felony.

An exigent circumstance is an emergency-like circumstance giving an officer probable cause to believe that immediate entry is necessary for the following reasons:

- To prevent injury to a person in the dwelling,
- To prevent destruction of material evidence involving a felony,
- To prevent the escape of a felon, or
- To complete the “hot pursuit” of a felon who has already been ordered to stop in a public place.

Tactical Response for Securing the Scene

- Observe and neutralize threats.
- Account for all persons present, including children.
- Separate disputants and position yourself for maximum security.
- Ask if there are any guns or other deadly weapons in the house.

2—Secure the Scene for the Safety of Disputants

- Call for an ambulance, if needed.
- Remove and secure weapons away from the disputants.
- Account for all persons present.
- Separate and calm the disputants.
- Attend to any emergency medical needs.

3—Calm the Situation

Conversational Techniques

- Present yourself as a model of a calm, rational person.
- Ask the disputants to calm down.
Avoid shouting or ordering them to be calm. Explain that you need a reasonably calm situation to be able to conduct your investigation fairly.

- Show understanding.
  Let each disputant know that you want to hear their story and that you understand their situation. You can do this with comments like:
  
  “I understand that you’re upset...”
  “Look, I know you are angry with her (him)...”
  “I can see that you’re hurting...”
  “I know it’s embarrassing having the police here...”

- Avoid taking sides—do not say:
  “I’d be angry if my wife talked to me that way...”
  “I know she probably deserved it...”

- Do not jump in with judgmental advice—do not say:
  “If he’s such a jerk, why don’t you leave him?”
  “If she’s so much trouble, divorce her!”

- Reassure.
  It may help to reassure the disputants that the situation is not hopeless and that you have things under control:
  “There’s help available for people with problems like yours...”
  “I’ve handled situations like this before.”

- Encourage talking (ventilation).

Conversational Techniques to Use with Caution
- Distraction
- Humor

Aggressive Tactics to Avoid if Possible
- Repeat and outshout
- Use physical restraint (with caution)
- Temporarily ignore (with caution)

4—Investigate

Investigate to determine a course of action appropriate to any criminal violations and best suited to protect victims.

Assume a Crime Was Committed

What was the crime? Who did it? What elements of probable cause might support an on-scene arrest? Have you protected a victim’s right to self-defense?

Does the evidence require you to call for police detectives or investigators
for Adult Protective Services or the Child Protection Service?

Investigation Techniques

- Observe surroundings for physical evidence of crime:
  
  Damaged property, spilled drinks or food, blood or vomit, weapons

- Observe disputants for evidence of criminal victimization:
  
  Obvious injuries, difficulty moving, mussed up clothing, victim fear and agitation/excitement, frightened onlookers

- Separate disputants.

- Listen and write down any “excited utterances” from witnesses, which may be used in court to implicate a suspect. Recent court rulings (e.g., *Crawford v. Washington*) limit the use of excited utterances to what is volunteered in the heat of the moment, before officers question witnesses. Use your notebook to document the utterances and also the circumstances under which they were made.

- Request a warrant check on all parties.

- Verify existence of protection orders (if applicable).

- Interview disputants.
  
  Use your notebook. Begin by asking “what happened?” Focus their attention on possible criminal activity. Probe for details, for example:
  
  “You said he ‘jumped on you,’ what exactly did he do?”

  “When you started fighting, who got physical first?”

  “Did you try to get away? Did he stop?”

  “Did he hurt the children in any way?”

  Remain attentive to your security:
  
  “You said he threatened to shoot you. Is there a gun here?”

  Seek detail on elements of probable cause for an arrest. Get all the information required for your report.

- Interview other witnesses, including children.
  
  Interview children with care and sensitivity. They may have experienced fear and emotional or physical abuse.

- Compare your findings with your partner’s.
  
  Did you find evidence of a crime? What elements of probable cause did you each observe? Do either of
you have any reason to fear for the safety of any of those involved in the disturbance after you leave? Did you identify and interview all witnesses?

- Collect relevant evidence and take photographs (when possible).

The Miranda Rule

Before conducting a custodial interrogation, you must advise a suspect that:

1. He has a right to remain silent;
2. Any statement he makes may be used as evidence against him;
3. He has a right to the presence of an attorney;
4. If he cannot afford an attorney, one will be appointed for him prior to any questioning if he so desires.

A custodial interrogation is any questioning by a law enforcement officer under circumstances where a suspect is deprived of his or her freedom in any significant way.

Introducing Miranda

You may not know who is a suspect and who is a victim when you begin questioning, so you may find it awkward to read everyone their rights.

If the suspect is free to leave, begin your interview something like this:

“Mr. Smith, I need to investigate whatever the problem is here. I’d like to ask you a few questions, and I would appreciate your cooperation. But I want you to know that you are not in custody and you don’t have to talk to me.”

If you have given the suspect any reason to believe that he cannot leave, or if you must ask him not to leave before you finish investigating, you should read him the Miranda warning, something like this:

“Mr. Smith, I need to investigate whatever the problem is here. I’d like to ask you a few questions, and I would appreciate your cooperation. You’re not under arrest, but I’m going to insist that you stay here until I finish my work. For that reason, I have to inform you of your rights...”

When in doubt, read people their rights so you will not lose the case in court for lack of admissible evidence.

5—Act to Protect Victims

You are required to take whatever action you can, following your investigation, to protect victims and children from further harm (IC 35-33-33-1.5).
Do not stop investigating until you are satisfied that you have gathered all the relevant information that will support law enforcement action. The more you learn, the more options you will have for acting decisively to protect victims.

- If probable cause exists for an arrest, then arrest.
- If an arrest is not made, negotiate a settlement to the immediate conflict based on fair consideration of all sides of the story.
- Call for the assistance of others to help the victims.
- Make certain that the solution will not jeopardize or trap either party in a violent situation when you leave.
- Remove weapons as permitted under IC 35-33-1-1.5(b)
- Explain criminal justice alternatives or civil remedies to victims.
- Suggest services available to troubled families through community agencies.
- Always make a report of the incident to assist in further citizen action or in developing state and federal charges against the abuser.

**Missing Children or Endangered Adults**

**IC 5-2-17-3**

A law enforcement agency receiving a report of a missing child less than 18 years old or an endangered adult shall attempt to gather information relevant to locating the person, such as (but not limited to): (1) name and any aliases of the missing person; (2) date of birth; (3) any identifying marks, such as a birthmark, mole, or tattoo; (4) height and weight; (5) gender; (6) race or identifying ethnicity; (7) hair color, eye color, clothing, etc. (see complete list specified under IC 5-2-17-6).

In addition to the procedures described in IC 5-2-17-3, agencies shall comply with the requirements of IC 31-36-2 if the missing person is a child under 18, or IC 12-10-18 if the missing person is an endangered adult. A law enforcement agency shall begin an investigation of a missing child no later than 24 hours after receiving the report. An agency shall prepare an investigative report on a missing endangered adult as soon as practicable and within 5 hours of receiving the report, if possible.

Law enforcement agencies should reference IC 5-2-17, IC 31-36-2, and IC 12-10-18 for complete information on their duties to investigate reports of missing children or endangered adults.
Mandate to Prevent Further Violence

IC 35-33-1-1.5(a)

A law enforcement officer responding to the scene of an alleged crime involving domestic or family violence shall use all reasonable means to prevent further violence, including the following:

(1) Transporting or obtaining transportation for the alleged victim and each child to a designated safe place to meet with a domestic violence counselor, local family member, or friend.

(2) Assisting the alleged victim in removing toiletries, medication, and necessary clothing.

(3) Giving the alleged victim immediate and written notice of their rights under IC 35-40.

IC 35-33-1-1.5(b)

A law enforcement officer may confiscate and remove a firearm, ammunition, or a deadly weapon from the scene if the law enforcement officer has:

(1) probable cause to believe that a crime involving domestic or family violence has occurred;

(2) a reasonable belief that the firearm, ammunition, or deadly weapon: (A) exposes the victim to an immediate risk of serious bodily injury; or (B) was an instrumentality of the crime involving domestic or family violence; and

(3) observed the firearm, ammunition, or deadly weapon at the scene during the response.

IC 35-33-1-1.5(c)

If a firearm, ammunition, or a deadly weapon is removed from the scene under subsection (b), the law enforcement officer shall provide for the safe storage of the firearm, ammunition, or deadly weapon during the pendency of a proceeding related to the alleged act of domestic or family violence.

IC 35-33-1-1.7

Mandatory hold on person arrested for domestic violence

Sec. 1.7. (a) A facility having custody of a person arrested for a crime of domestic violence (as described in IC 35-31.5-2-78) shall keep the person in custody for at least eight (8) hours from the time of the arrest.

(b) A person described in subsection (a) may not be released on bail until at least eight (8) hours from the time of the person's arrest.

Seizure of a Firearm from a Dangerous Person IC 35-47-14

A law enforcement officer may seize a firearm from a person whom the officer believes to be Dangerous without a warrant, provided the of-
Ficer submits a written sworn statement that the person is Dangerous under this chapter. A person is Dangerous if the person:

- Presents an imminent risk of personal injury to self or another person, OR
- Presents a future risk of personal injury to self or another person
  AND: (1) has a mental illness and is not taking prescribed medication voluntarily or consistently, OR
  (2) is documented to demonstrate a propensity for violent or emotionally unstable conduct.

Unlawful Possession of a Firearm by a Domestic Batterer IC 35-47-4-6(a)

It is a class A misdemeanor for a person convicted of domestic battery under IC 35-42-2-1.3 (if committed after June 30, 2003) to possess a firearm. (Note comparable federal law on page 43.)

Civil Liability for Failure to Protect

“Failure to protect” lawsuits are brought against police officers for not taking appropriate action to protect victims from harm. They have been filed around the nation in the following areas:

- Failure to respond to calls for assistance.
- Failure to arrest or restrain persons who are committing, or about to commit, violent crimes.
• Liability where a duty to protect has been assumed, or appears to have been assumed, and the victim relied on it.

• Failure to protect persons whom the authorities have brought into contact with the assailants or those who have assisted law enforcement officers.

• Failure to investigate.

• Failure to train.

Liability for failure to protect is an important issue concerning the duties of law enforcement officers. Consider it carefully when you judge your own performance in response to family violence.

*Note:* Officers are not authorized to perform a warrantless search or seizure if a warrant would otherwise be required.
WARRANTLESS ARRESTS TO PROTECT VICTIMS

Battery

Battery is the most common crime of family violence. There is little question whether to arrest for aggravated or other serious felony batteries, but some of the newer class D and misdemeanor batteries may require special consideration.

Arrests for Class D Felony Battery
IC 35-33-1-1(a)(2)

You should arrest for felony battery when you have probable cause to believe that a battery with injury was committed against:

- A child less than 14 years old by a person at least 18 years old
  IC 35-42-2-1(2)(B)
- A dependent of any age who is mentally or physically disabled by a caregiver
  IC 35-42-2-1(2)(C)
- An endangered adult
  IC 35-42-2-1(2)(E)

Warrantless Arrest for Misdemeanor Battery IC 35-33-1-1(a)(5)

Indiana law enables an officer to make an on-scene, warrantless arrest for misdemeanor battery with injury, given probable cause:

A law enforcement officer may arrest a person when the officer has:

...(5) probable cause to believe the person has committed a battery resulting in bodily injury under IC 35-42-2-1 or domestic battery under IC 35-42-2-1.3.

Elements of probable cause include:

- Visible signs of injury or impairment to the victim
- Victim’s claim of pain as a result of the battery, and difficulty or discomfort in movement
- Witness accounts of a battery
- Circumstantial evidence such as mussed up clothing, overturned furniture, etc.
- Inconsistencies in a suspect’s account of what happened

Some factors should not be considered in determining probable cause:
- *Do not* ask the victim whether he or she wants the offender arrested or prosecuted.

- *Do not* request the victim to execute an affidavit.

**Note on Domestic Battery**

Officers may make on-scene, warrantless arrests for domestic battery, as described above. Officers should arrest for domestic battery when they have information confirming a domestic relationship as defined under IC 35-42-2-1.3 (married or living together as if married, formerly married or lived together, or have a child together).

Two special considerations favor arrest for domestic violence to protect victims: (1) the arrestee will be held for a “cooling off period” of at least 8 hours (IC 35-33-1-1.7); (2) if convicted, the defendant will be subject to enhanced charging if he batter any other victim, as described below.

Even without such information, officers may arrest for battery with injury as in the past. Whatever the charge, if officers learn anything about the victim-offender relationship that the prosecutor can use in filing charges, officers should include the information in the probable cause affidavit.

**Previous Battery Conviction**

The Indiana Criminal Code allows for prosecution of misdemeanor battery as a class D felony when (1) it is a battery with injury committed by a person previously convicted of battery with injury against the same victim, or (2) it is a domestic battery committed by someone previously convicted of domestic battery or a substantially similar offense against any victim. Police officers help strengthen the case against habitual batterers by always arresting for battery when there is adequate probable cause. Upon conviction, first-time offenders may be deterred from new violence by the threat of future felony charges, and repeat offenders will face the punishments of a felony conviction.

**D Felony Domestic Battery Sentencing**

IC 35-50-2-7

This 2012 law allows many Class D Felonies to be reduced to Class A misdemeanor convictions but specifically precludes Domestic Battery D Felonies and D Felonies that have resulted in bodily injury from being reduced to Misdemeanor convictions.
“Mutual Combat” or Self-Defense?
IC 35-41-3-2

A person is justified in using reasonable force against another person to protect himself or a third person from what he reasonably believes to be imminent use of unlawful force.

However, a person is justified in using deadly force only if he reasonably thought that force is necessary to prevent serious bodily injury to himself or a third person or the commission of a forcible felony. He does not have a duty to retreat.

No person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting himself or his family by reasonable means necessary.

Limits on the Use of Force
IC 35-41-3-2

Effective March 20, 2012

Amends IC 35-41-3-2 to provide that a person is justified in using reasonable force against a public servant if the person reasonably believes the force is necessary to: (1) protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force; (2) prevent or terminate the public servant’s unlawful entry of or attack on the person’s dwelling, curtilage, or occupied motor vehicle; or (3) prevent or terminate the public servant’s unlawful trespass on or criminal interference with property lawfully in the person’s possession, lawfully in possession of a member of the person’s immediate family, or belonging to a person whose property the person has authority to protect.

This new 2012 code section amends IC 35-41-3-2 to provide that a person is not justified in using force against a public servant if: (1) the person is committing or is escaping after the commission of a crime; (2) the person provokes action by the public servant with intent to cause bodily injury to the public servant; (3) the person has entered into combat with the public servant or is the initial aggressor, unless the person withdraws from the encounter and communicates to the public servant the intent to do so and the public servant nevertheless continues or threatens to continue unlawful action; or (4) the person reasonably believes the public servant is: (A) acting lawfully; or (B) engaged in the lawful execution of the public servant’s official duties. Amends IC 35-41-3-2 to provide that a person is not justified in using deadly force against a public servant whom the person knows or reasonably should know is a public servant unless (1) the person reasonably believes that the public servant is (A) acting unlawfully or (B) not engaged in the execution of the public servant’s official duties, and (2) the force is reasonably necessary to prevent serious bodily injury to the person or a third person.
Warrantless Arrest for Interference with the Reporting of a Crime IC 35-33-1-1(a)(9)

Officers may arrest if they have probable cause to believe that a person has interfered with the reporting of a crime (IC 35-45-2-5), including crimes of family violence. Interference with reporting is a class A misdemeanor.

Warrantless Arrest for Invasion of Privacy IC 35-33-1-1(a)(6)

An order of protection is a court order prohibiting one person from abusing, harassing, or disturbing the peace of another person, or from having contact with another person. Indiana law defines violation of a protective order as invasion of privacy (IC 35-46-1-15.1), a class A misdemeanor. The violation is a class D felony if the person has a prior conviction for invasion of privacy.

Under this law, officers can also enforce foreign protection orders—orders issued by another state or by an Indian tribe that are substantially similar to those allowed by IC 35-46-1-20. (See comparable federal law on page 42.)

Given probable cause, a law enforcement officer may make a warrantless arrest for invasion of privacy. To arrest for this crime, you must

- Confirm that a protection order exists and is active.
- Determine that the violation is “knowing” or “intentional.”

Always arrest if you witness a violation of an order of protection.

You may arrest if you have probable cause to believe that a protection order was violated, even though you did not witness the violation.

Elements of probable cause include:

- Victim’s report that the suspect violated a protection order.
- Other witnesses’ accounts of a violation.
- Physical evidence that the suspect violated the order (e.g., property left with the victim or transferred by the suspect).
- Evidence that the suspect battered or committed another crime against the victim.

Types of Orders of Protection

Protective Order to Prevent Domestic or Family Violence IC 34-26-5

Available to a victim of domestic or family violence for protection from a family or household member, a person who has stalked, or a person who has committed a sex offense against the victim/petitioner; respondent may request a hearing within 30 days after service of the order; normally effective for 2 years unless another date is
ordered by the court; must be dismissed by the court, upon formal request of the petitioner, without delay or any conditions.

**No Contact Order**
Issued by a criminal court as a condition of pretrial release, diversion, or probation or by a juvenile court as a CHINS protective order; in effect during the entire legal proceeding.

**Workplace Violence Restraining Order**
**IC 34-26-6**
May be sought by an employer to protect an employee from unlawful violence or threats of violence at the employee’s place of work; court must hold a hearing within 15 days of the petition; an injunction prohibiting further unlawful violence or credible threats of violence remains in effect for not more than 3 years but is subject to renewal under a new petition.

**Foreign Protection Orders**
**IC 34-6-2-48.5**
A foreign protection order is an order issued by another state or by an Indian tribe. It is to be enforced in Indiana as if it is an Indiana order. Violators of foreign protection orders should be arrested for invasion of privacy.

**Confidentiality of Victim Information**
Officers must respect the confidentiality of victim identity and contact information. Under no circumstance should such information be revealed to anyone other than those required to know by law (IC 5-2-9-7).

Accordingly IC 35-37-6 protects the confidentiality of victim information by direct victim service providers bringing Indiana in line with the Federal Provisions of the Violence Against Women’s Act. Victim advocates may not release any information or even acknowledge services to a survivor without express targeted written consent of the victim.

**Firearms and Protection Orders**
**IC 34-26-5-9(c)(4)**
Indiana law allows judges to prohibit a person subject to a protection order to prevent domestic or family violence from possessing a firearm. (See federal law on page 43.)

**Note on “Questionable” Violations**
Under IC 34-26-5-11, even if a petitioner invites the respondent (abuser) to a residence from which the respondent is excluded or invites the respondent to have contact with the petitioner, the order of protection
remains in effect and the violator is subject to arrest. Officers should act on the order regardless of victim actions or wishes with respect to its enforcement.

**Indiana Protection Order Forms**
www.in.gov/judiciary/forms/po.html

---

**Other Misdemeanor Arrests to Protect Victims IC 35-33-1-1(a)(4)**

When evidence permits, you should always arrest for battery. But you may be able to arrest for misdemeanor offenses in addition to battery, or when insufficient evidence of battery exists, to protect victims of family violence. Such offenses are often committed in your presence, so you can look for them as opportunities to arrest. Consider the following:

- Disorderly Conduct IC 35-45-1-3—when a suspect fails to quiet down after being asked to do so.
- Public Intoxication IC 7.1-5-1-3—when a suspect appears to be drunk while on a public sidewalk or street.
- Mischief IC 35-43-1-2—when a suspect damages another person’s property.
- Intimidation IC 35-45-2-1—when a suspect threatens to harm a victim in retaliation for a legitimate act, such as having called the police to the scene.
- Trespass IC 35-43-2-2—when a suspect has entered a victim’s property and refuses to leave.
- Criminal Recklessness IC 35-42-2-2—when a suspect commits an act that creates a substantial risk of bodily injury to another.
- Aggressive Driving IC 9-21-8-55—when a suspect commits at least 3 moving violations meant to harass or intimidate another driver.

---

**Class D Felony Arrests to Protect Victims IC 35-33-1-1(a)(2)**

Apart from arrests for battery, domestic battery, or any of the many felonies that occur among family members, certain class D felonies deserve special consideration for arrest:

- Pointing a Loaded Firearm IC 35-47-4-3(b)—when a person points a loaded firearm at another person, except in self-defense.
- Stalking IC 35-45-10-5—when a person repeatedly or continually harasses another person and causes
the victim to feel terrorized, frightened, intimidated, or threatened.

Note on Stalking

Stalking may be charged as a class C felony when it includes a threat intended to put a victim in fear of sexual battery, of serious bodily injury, or of death. It is also a C felony if the victim has a protection order against the stalker (issued in Indiana or elsewhere) or if stalking charges involving the same victim are pending in court.

Stalking is charged as a class B felony if it is committed while armed with a deadly weapon or if the stalker has previously been convicted of an unrelated offense against the same victim.

Because stalking involves multiple incidents of harassment, your prosecutor may prefer that you assist in building a case for issuing a warrant rather than making an on-scene arrest. Be sure you understand your prosecutor’s policy.

You can help protect victims of stalking by reporting your observations or suspicions of lesser incidents of harassment.
FEDERAL LAWS ON DOMESTIC VIOLENCE

Each of the laws described here is enforced by federal agents, but each typically depends on local police to initiate action by the U.S. Attorney and the FBI. In most cases, violations of federal law also involve a violation of a state law, which you would enforce as part of your regular duties.

Full Faith and Credit Given to Protection Orders of Other States

Any protection order issued by one state must be enforced by another state as if it were a protection order of the enforcing state, provided the person subject to the order has been notified and given an opportunity to be heard by the issuing state.

Title 18, USC, 2265

Note: Indiana’s invasion of privacy law (IC 35-46-1-15.1) gives Indiana officers authority to arrest for violations of other states’ or Indian tribes’ protection orders.

Interstate Domestic Violence

Crossing a state line or Indian country boundary with the intent to injure, harass, or intimidate a spouse or intimate partner and intentionally committing violence causing bodily injury to that partner.

Title 18, USC, 2261(a)(1)

Causing a spouse or intimate partner to cross a state line or Indian country boundary by force, coercion, duress, or fraud and then intentionally committing violence with injury against that person.

Title 18, USC, 2261(a)(2)

Interstate Violation of a Protection Order

Crossing a state line or Indian country boundary with the intent to violate a protection order prohibiting credible threats of violence, repeated harassment, or bodily injury and then engaging in such conduct.

Title 18, USC, 2262(a)(1)

Causing a spouse or intimate partner to cross a state line or Indian country boundary by force, coercion, duress, or fraud and then intentionally committing an act that injures the partner in violation of a protection order.

Title 18, USC, 2262(a)(2)
**Interstate Stalking**

Traveling across state, tribal, or international lines, OR using the mail, email or any facility of interstate commerce, with the intent to kill, injure, harass, or intimidate a person, and thereby placing that person in reasonable fear of death or serious bodily injury. The law also covers the victim’s family members.

*Title 18, USC, 2261A*

**Firearm Possession by a Person Subject to a Protection Order**

Possessing a firearm or ammunition by a person subject to a protection order which

(A) was issued after a hearing at which the person had an opportunity to participate;

(B) restrains the person from harassing, stalking, threatening an intimate partner or the child of such intimate partner, or engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the partner or child;

(C) includes a finding that the person represents a credible threat to the safety of the partner or child or explicitly prohibits the use or threatened use of force that would cause bodily injury to the partner or child.

*Title 18, USC, 922(g)(8)*

**Firearm Possession by a Person Convicted of a Misdemeanor Crime of Domestic Violence**

Possessing a firearm or ammunition by a person who has been convicted of misdemeanor violence or the threatened use of a deadly weapon against a current or former spouse, against a victim with whom the person shares a child, against a current or former live-in boyfriend or girlfriend, or against the person’s dependent child.

*Title 18, USC, 922(g)(9)*

**Important:** This law is retroactive and *does apply to law enforcement officers*. As of now, any officer to which the law applies should have surrendered all firearms to federal officials. The only way to have the right to a firearm restored under federal law is to have the conviction set aside or to receive a pardon.

**Note:** Indiana’s law on unlawful possession of a firearm by a domestic batterer (IC 35-47-4-6(a)) gives Indiana officers authority to arrest for violations of the firearm prohibition without involving federal agents (see page 34).
ASSISTING VICTIMS WITH INFORMATION AND POLICE REPORTS

Your follow-up is important to protect victims after the violent incident.

- Investigate and take information for a thorough police report.
- Photograph injuries and damage to property whenever possible.
- Advise victims of options for criminal and civil action.

Victim Options

- File criminal charges with the prosecutor for battery, recklessness, residential entry, trespass, and/or criminal mischief.
- Request a no contact order, if they also file criminal charges.
- Request a protective order through a civil court, if they do not file criminal charges.
- File a claim against the suspect in Small Claims Court to recover the cost of damages.
- Hire an attorney to file a civil suit for damages.
- Advise the victim to contact the landlord to explain what happened and to assure the landlord that a police report is being filed.
- Give the victim information about shelters and other victim services.
- Give the victim immediate and written notice of victim rights under IC 35-40-5.

Police Reports

Requirements and expectations for police reports and probable cause affidavits differ from one Indiana jurisdiction to the next in format and detail. The following sample illustrates a detailed report that doubles as a probable cause affidavit supporting the officer’s warrantless arrest for battery.

Note that the report carefully documents the officer’s response, findings, and action. Serving as an affidavit, it spells out the elements of probable cause justifying his warrantless arrest of the suspect.
### Sample Incident Report/Probable Cause Affidavit

- **Type Incident:** Battery with Injury
- **Premises:** Residence
- **Run Number:** 14113
- **Location:** 2309 Tinker Bell Road
- **Event Location:** 2309 Tinker Bell Rd.
- **Event Date:** 11/9/98
- **Time:** 10:00 PM
- **Arrested:** Yes
- **Injured:** Yes
- **Prints:** No
- **Photos:** Yes
- **Property:** No
- **Rpt City:** Sellersburg IN
- **Rpt St:** Case Status: Active
- **Event City:** Sellersburg IN
- **Event St:** Case Management: Cleared Arrest

### PERSON SECTION

<table>
<thead>
<tr>
<th>Name</th>
<th>W / M DOB: 12/29/59</th>
<th>Age: 38</th>
<th>Tel: (555) 123-4567</th>
</tr>
</thead>
<tbody>
<tr>
<td>John D Person</td>
<td>SSN: 123-45-6789</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DLN: 12345678</td>
<td>HT: 5-11 WT: 175</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>Tinker Bell Rd.</td>
<td>City:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Zip: 47172</td>
<td>Status: Arrested</td>
<td></td>
</tr>
<tr>
<td>Aka: Warrant Active: No</td>
<td>No#</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charge1:</td>
<td>Battery/With Injury (Domestic)</td>
<td>Charge2:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>W / F DOB: 12/29/59</th>
<th>Age: 38</th>
<th>Tel: (555) 123-4567</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jane D Person</td>
<td>SSN: 111-22-3333</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DLN: 12345678</td>
<td>HT: 5-2 WT: 120</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>Tinker Bell Rd.</td>
<td>City:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Zip: 47172</td>
<td>Status: Victim Person</td>
<td></td>
</tr>
<tr>
<td>Aka: Warrant Active: No</td>
<td>No#</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charge1:</td>
<td></td>
<td>Charge2:</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** The narrative for this report (see page 46) doubles as the Clark County Prosecutor's "Probable Cause Affidavit on Warrantless Arrest" when attached as a description of facts and information constituting probable cause.
Sample Incident Report/Probable Cause Affidavit continued

***NARRATIVE***

Narrative: 11/9/98, 10:15 PM - Officers Haehl and Ford responded to a 911 emergency call of a domestic fight in progress at 2309 Tinker Bell Rd. Upon arrival at the scene officers could hear shouting and screaming coming from inside the residence. Officers then entered the residence through an unlocked rear door leading to the kitchen area. Officers observed a male suspect standing over a female who was sitting in the corner of the room. Officers identified themselves as police and ordered the male suspect away from the female. Officer Haehl took the male suspect into the living room while Officer Ford checked the female for injuries.

Officer Ford observed the female to be very upset and crying. The female complained of pain to her abdomen and stated that the male suspect had kicked her in the stomach. Officer Ford then called for emergency medical personnel to check the victim. Officer Ford continued to check the victim but found no visible signs of battery. The victim continued to complain of pain to her abdomen and Officer Ford remained with her until medical help arrived. Officer Ford observed the area of the kitchen and noticed several broken plates and glasses lying on the floor. The phone on the kitchen wall appeared to have been pulled out and was lying in the sink.

In a statement to Officer Haehl, the male suspect said that he had gotten home late from work and was arguing with his wife, (the female victim), when she slipped and fell in the kitchen. The male suspect stated that he was trying to help the female up when police arrived. The male suspect stated that he and the female had argued but that no physical fight had occurred. Officer Haehl observed the living room area and noted that a chair was overturned and lying on its side. The male suspect's shirt appeared to have been ripped open and he had a strong odor of an alcoholic beverage on his breath.

Emergency Medical Tech, John Airway, advised both officers that the female appeared to have received some type of injury to her abdomen that required further examination by a doctor. The female, however, refused further treatment and had signed a medical release waiver. EMT Airway stated that he advised the female that she should be seen by a doctor as soon as possible.

Officers Haehl and Ford then exchanged information and determined that the suspect had committed battery with injury to the victim. Officer Haehl then advised the suspect that he was under arrest for battery and then read the suspect the Miranda warning. Officer Haehl transported the suspect to the Clark county Jail for incarceration. Officer Ford left referral information from the Women's Shelter with the victim and explained her options for a protective order.

***OFFICERS***

<table>
<thead>
<tr>
<th>Officer</th>
<th>Off Badge No:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Haehl, J</td>
<td>93-85</td>
</tr>
<tr>
<td>Ford, D</td>
<td>93-1000</td>
</tr>
</tbody>
</table>
Child abuse and neglect may involve any of the crimes summarized earlier in this handbook. Any one may be the basis for an investigation by your child protection service to determine whether or not a child is in need of services. The interpretation of the CHINS law presented here is for reference only. Please refer to the Indiana Criminal Code and your county child protection service plan for details.

**Child In Need of Services (CHINS)**

**IC 31-34-1-1**

A child is a *child in need of services* (CHINS) if before the child becomes 18, the child needs care, treatment, or rehabilitation by court intervention, and his or her parent, guardian, or custodian:

- Seriously impairs or endangers the child’s physical or mental condition by failing to supply necessary food, clothing, shelter, medical care, education, or supervision
- Deprives the child of life-sustaining nutrition or medical intervention
- By act or omission, causes the child’s physical or mental health to be seriously endangered due to injury
- Allows the child to participate in an obscene performance
- Allows the child to commit a crime of public indecency, prostitution, patronizing a prostitute, promoting prostitution, or voyeurism, or
- Fails to participate in a disciplinary proceeding regarding the student’s

### Officer's Responsibility to Act on Child Abuse / Neglect

- Protect the victimized child
- Act on any suspected crime
- Arrest with probable cause
- Call for detectives
- Call for the Child Protection Service
- Take any necessary CHINS action
- Document investigation findings in a written report
repeatedly disruptive behavior in the school

A child is also a CHINS if the child:

- Is the victim of a sex offense (Rape, Criminal Deviate Conduct, Child Molesting, Child Exploitation, Child Seduction, Sexual Misconduct with a Minor, Public Indecency, Indecent Exposure, Prostitution, or Incest)
- Substantially endangers the child’s own health or the health of another
- Is a missing child
- Is born with fetal alcohol syndrome or any amount of a controlled substance/legend drug, or
- Has an injury, has an abnormal physical or psychological development, or has a possible life-threatening condition due to the mother’s substance abuse during pregnancy

Please see IC 31-34-1 for a complete description of circumstances under which a child is a CHINS.

---

**Child Protection Service (CPS)**

- Receives reports of known or suspected child abuse/neglect
- Investigates or arranges for investigations
- Coordinates investigations

---

**Role of Child Protection Service**

**IC 31-33-8-1 (summary)**

The local child protection service shall initiate an immediate and appropriately thorough child protection investigation of every report of known or suspected child abuse or neglect it receives, whether in accordance with this article or otherwise.

If the report alleges a child may be a victim of child abuse, the investigation shall be initiated immediately, but not later than 24 hours after receipt of the report. If reports of child neglect are received, the investigation shall be initiated within a reasonably prompt time, but not later than 5 days with the primary consideration being the well-being of the child.

However, if the immediate safety or well-being of a child appears to be endangered or the facts otherwise warrant, the investigation shall be initiated regardless of the time of day. And, if the child protection service has reason to believe that the child is in imminent
danger of serious bodily harm, it shall initiate within 1 hour an immediate, on-site investigation.

**Police Responsibility to Report to CPS**  
IC 31-33-7-7(a) (excerpt)

When a law enforcement agency receives an initial report that a child may be a victim of child abuse or neglect, it shall *immediately communicate the report* to the local child protection service.

**Signs of Physical Abuse in Children**

Some signs of physical abuse are easy to spot, but others are not. In fact, child abuse is often indicated only by the behavior and explanations given by suspected adults. It takes your careful observation and sensitive questioning to detect the full extent of physical abuse. Here are some things to look for:

- The child exhibits *obvious signs of injury*, such as bruises, cuts or scratches, burns, bite marks, or disfigurement, especially if marks appear to have been inflicted at different times.
- The child was *hit with an object* or hit anywhere except on the bottom with anything but an open hand.
- The injuries are unusual for the child’s age. Normal injuries from play and accidents tend to appear on bony protuberances such as the knees, elbows, or forehead. Even these injuries may be unusual for a pre-toddler.
- The child appears to be *in pain* or complains of pain.
- The child moves with discomfort.
- The child can give *no reasonable explanation* for the injuries.
- The caregivers seem unconcerned or offer no reasonable explanation for the injuries. Their explanation may be inconsistent with the nature of the injury.
- The child seems unduly afraid of his or her parents or other adults. Don’t discount the possibility of abuse if the child goes to the parent while you are on the scene; the child may be afraid of you as a stranger and outsider.
- The child is a truant or runaway.

**Signs of Sexual Abuse in Children**

Sexual abuse of children may not leave visible injuries. It is most often detected because of the child’s own report. As the investigating officer,
you must remain sensitive to the possibility of sexual abuse and provide the child with an opportunity to speak in confidence. Your suspicion should be aroused if:

- The child’s *underwear or diaper* is torn, stained, or bloody.
- The child *moves with discomfort* or has difficulty sitting.
- The child seems *unduly afraid* of his or her parents or other adults.
- The child *acts sexually mature* beyond his or her years, perhaps even seductive.
- The child has *inappropriate knowledge* of sex and sexual behavior for his or her age.
- The child *attempts to sexually assault* younger children.
- The child is *pregnant* and under 16 years of age.
- The child is a *runaway*.

**Signs of Child Neglect**

Assessing neglect requires more case-by-case judgment than other crimes against children. For example, one form of neglect is placing a child in a situation that endangers life or health. A mother who leaves her infant child locked in a closed automobile on a hot summer day is clearly guilty of neglect. However, it is not so obvious that a mother who leaves a toddler to move about a room with a frayed electrical wire is guilty of neglect. As the officer responsible for an initial investigation, you must use your best, good faith judgment, always mindful of your primary responsibility to protect a child from harm.

- The child appears *undernourished*. He or she has cracked lips at the corner of the mouth, looks extremely thin but perhaps with a swollen stomach, and there is no food in the house.
- The child is *dehydrated*. He or she has sunken eyes, may be feverish, and has skin that “tents”—if you pinch the skin, it does not spring back.
- *Inadequate shelter* means homelessness, or housing with inoperable plumbing or other essential utilities.
- *Hazardous housing conditions* include, for example, exposed wires, unsecured weapons, or broken glass.
A young child is unsupervised or left in the care of someone who can’t provide proper care or supervision.

Keeping in mind that it’s not a crime to be poor, notice whether the child is especially dirty or has poor hygiene, which can be signs of neglect.

The child is cruelly confined. For example, a parent may have locked the child in a closet or room for an extended period of time.

An ill or injured child has not received needed medical care.

The child is exposed to unhealthful conditions, for example, poor sanitation, or drugs left where a child could ingest them.

A child is prevented from going to school. To deprive a dependent of required education is itself a crime of neglect. It also signals possible physical neglect.

On-Scene Interviews with Abused Children

There is no simple set of guidelines for interviewing child victims of abuse or neglect. Differences in age, language skills, family situations, and types of suspected abuse and neglect call for great sensitivity and creativity in phrasing the questions. Conduct an initial interview, but always be prepared to call your local child protection service to continue the investigation. Their skilled professionals are specially trained in how to interview abused children. You need only look for probable cause to justify your immediate action, including calling in CPS. As a general rule, the fewer questions you ask, the better.

Conduct your interview in private.

Avoid touching the child. Do not turn away a clinging child, but make certain your contact is limited to comforting touches appropriate to the child’s age.

Assume a friendly and kind attitude when talking to the child. Do your best to put the child at ease.

Explain who you are and that you are there to help him or her.

Don’t ask for any more information than you absolutely need to take further action. The child may be interviewed several times by different people before the investigation is complete—let others probe for details.
Don’t make promises that you can’t keep. For example, never promise that nothing bad will happen to the abuser.

Get an explanation for any injuries that you observe. Suspect abuse if the child doesn’t want to talk about the injury, or if the explanation doesn’t seem reasonable for the nature of the injury. Also be suspicious if you hear reports from others that differ from what the child says.

Sample Questions
- “What’s your name?”
- “How old are you?”
- “Are you frightened?”

Asking this question gives you an opportunity to show concern while reassuring the child.

- “Are you hurt?”
- “Where does it hurt?”
- “Can you tell me what happened?”

Don’t ask leading questions that might plant false information. For example, do not ask “Did Daddy hurt you?”

The child may not want to tell you anything because of wanting to protect someone or because of threats against telling. If the child is reluctant to talk, you can ask:

- “Is it a secret?”
- “I know that secrets are important; I have some secrets with my friend. Who’s your secret with?”

Listen for a perpetrator’s name or nickname, for references to other people, and for evidence that would link the suspect to any possible crime.

- “What do you think will happen if you tell me how you got hurt?”

Explain that you are a police officer and that it is your job to help and protect the child, especially if he or she tells a secret. Follow up by again probing for what happened.

Interviewing Witnesses

Whether or not the child tells you what happened, you may need statements from witnesses to understand more of the circumstances that brought you to the scene. Be attentive to explanations that others volunteer. Reluctant witnesses may be more cooperative if you remind them that it is against the law for them not to report suspected child abuse.
Child Abuse Reporting Laws

IC 31-33-5-1

In addition to any other duty to report arising under this article, an individual who has reason to believe that a child is a victim of child abuse or neglect shall make a report as required by this article.

Failure to report per IC 31-33-5-1 is a class B misdemeanor (IC 35-46-1-13).

IC 31-33-5-2

(a) If an individual is required to make a report under this article as a member of the staff of a medical or other public or private institution, school, facility, or agency, the individual shall immediately notify the person in charge of the institution, school, facility, or agency, or the person’s designated agent.

(b) An individual notified under subsection (a) shall report or cause a report to be made.

IC 31-33-5-3

This chapter does not relieve an individual of the obligation to report on the individual’s own behalf, unless a report has already been made to the best of the individual’s belief.

IC 31-33-5-4

A person who has a duty under this chapter to report that a child may be a victim of child abuse or neglect shall immediately make an oral report to:
(1) the local child protection service; or
(2) the local law enforcement agency.

Arrests to Protect Children

Your duty is to do whatever you can to protect a child from dangerous situations or continuing abuse, and to act on suspected crime. You should call for CPS investigators or your detectives, according to departmental regulations and your local Child Protection Service plan.

If your investigation reveals any criminal activity on which you can take immediate action, you should do so. This means arresting suspected perpetrators when you have sufficient probable cause for crimes such as battery, various sex offenses, confinement, etc. A child victimized by these crimes is, by definition, a CHINS.

You should always check for no contact orders that may already be in effect as a result of prior court action, and arrest anyone in violation of such a protection order for invasion of privacy.

In the past, officers who determined that a child was a child in need of services were expected to remove the
child, even though a suspected perpetrator was left in the home. The law has changed to encourage police to remove the suspect and leave the child in the home when there is no further danger. Now, even if you have no other charge for which you can arrest a suspect, you may take that person into custody on suspicion that they committed acts resulting in the child in need of services:

**Removing the Perpetrator IC 31-34-2-2**

(a) A law enforcement officer may take a person into custody if the law enforcement officer has probable cause to believe that the person is the alleged perpetrator of an act against a child who the law enforcement officer believes to be a child in need of services as a result of the alleged perpetrator’s act.

The law enforcement officer may take the alleged perpetrator into custody under this section only for the purpose of removing the alleged perpetrator from the residence where the child believed to be in need of services resides.

(b) The law enforcement officer shall immediately contact the attorney for the county department or another authorized person for the purpose of initiating a protective order under IC 31-34-17 that will require the alleged perpetrator to refrain from having direct or indirect contact with the child.

**Taking the Child into Protective Custody IC 31-34-2-3**

(a) If a law enforcement officer’s action under section 2 of this chapter will not adequately protect the safety of the child, the child may be taken into custody by a law enforcement officer, probation officer, or caseworker acting with probable cause to believe the child is a child in need of services if:

(1) it appears that the child’s physical or mental condition will be seriously impaired or seriously endangered if the child is not immediately taken into custody;

(2) there is no reasonable opportunity to obtain an order of the court; and

(3) consideration for the safety of the child precludes the immediate use of family services to prevent removal of the child.

**Emergency Custody of Certain Abandoned Children IC 31-34-2.5**

Officers should be aware that an emergency medical services provider is required to take custody of any child who appears to be not more than 45 days old if the child is left voluntarily with the provider and the parent does not express an intent to return for the child. A person voluntarily leaving the child in good faith is not obligated to disclose their name or the parent’s name.
Law Enforcement Reporting Requirement IC 31-33-7-7

(a) When a law enforcement agency receives an initial report under IC 31-33-5-4 that a child may be a victim of child abuse or neglect, it shall:

(1) immediately communicate the report to the local child protection service, whether or not the law enforcement agency has reason to believe there exists an imminent danger to the child’s health or welfare; and

(2) conduct an immediate, on-site investigation of the report along with the local child protection service whenever the law enforcement agency has reason to believe that an offense has been committed.

(b) In all cases, the law enforcement agency shall forward any information, including copies of investigation reports, on incidents of cases in which a child may be a victim of child abuse or neglect, whether or not obtained under this article, to: (1) the local child protection agency, and (2) the juvenile court under IC 31-34-7.

Special Note:

Indiana Law does not include exposure to domestic violence as “per se” neglect of a dependent. Officers and caseworkers should be aware and sensitive to victims’ positions and be careful not to revictimize a victim by automatically threatening CPS interaction.

Working with CPS

Patrol officers are expected to:

• Be alert to and report abused or neglected children found in the course of other criminal investigations.

• Provide back-up and assistance for CPS in dangerous or emergency situations.

• Follow through with court-ordered forcible entry.

• Intervene when aggressive behavior is aimed at a CPS investigator.

• Assist in locating clients or perpetrators who cannot be found.

• Provide information on perpetrators or family members, which will aid in the investigation.

• Secure evidence to use in court.

Important Website

www.in.gov/dcs

Child Abuse Hotline

800-800-5556

for reporting anywhere in Indiana
<table>
<thead>
<tr>
<th>County</th>
<th>Day/Eve. Phone</th>
<th>County</th>
<th>Day/Eve. Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dubois</td>
<td>812-482-2585, 812-482-1441</td>
<td>Jefferson</td>
<td>812-265-4379, 812-346-2254</td>
</tr>
<tr>
<td>Elkhart</td>
<td>574-266-2401, 574-533-4151</td>
<td>Jennings</td>
<td>812-346-5111</td>
</tr>
<tr>
<td>Fayette</td>
<td>765-825-5261, 765-825-2111</td>
<td>Johnson</td>
<td>317-738-0301, 317-736-5155</td>
</tr>
<tr>
<td>Floyd</td>
<td>812-949-4055, 812-948-5300</td>
<td>Knox</td>
<td>812-882-3920</td>
</tr>
<tr>
<td>Fountain</td>
<td>765-294-4126</td>
<td>Kosciusko</td>
<td>574-267-2576</td>
</tr>
<tr>
<td>Franklin</td>
<td>765-647-4081</td>
<td>LaGrange</td>
<td>260-463-3451, 260-463-7491</td>
</tr>
<tr>
<td>Fulton</td>
<td>574-223-3413</td>
<td>Lake</td>
<td>219-881-6944</td>
</tr>
<tr>
<td>Gibson</td>
<td>812-385-3533</td>
<td>LaPorte</td>
<td>219-326-5870</td>
</tr>
<tr>
<td>Grant</td>
<td>765-668-4500</td>
<td>(Mich. City)</td>
<td>219-879-3338, 219-879-3339</td>
</tr>
<tr>
<td>Greene</td>
<td>812-384-0863, 812-384-8722</td>
<td>Lawrence</td>
<td>812-277-2044, 812-275-3316</td>
</tr>
<tr>
<td>Hancock</td>
<td>317-467-6360</td>
<td>Marion</td>
<td>317-968-4300</td>
</tr>
<tr>
<td>Harrison</td>
<td>812-738-8166</td>
<td>Marshall</td>
<td>574-935-4059</td>
</tr>
<tr>
<td>Howard</td>
<td>765-865-2202</td>
<td>Monroe</td>
<td>812-336-6351</td>
</tr>
<tr>
<td>Huntington</td>
<td>260-356-4420, 260-356-3225</td>
<td>Montgomery</td>
<td>765-362-5600, 800-800-5556</td>
</tr>
<tr>
<td>Jackson</td>
<td>812-523-9090</td>
<td>Morgan</td>
<td>765-349-5302, 765-342-0411</td>
</tr>
<tr>
<td>Jasper</td>
<td>219-866-4186, 219-866-4433</td>
<td></td>
<td></td>
</tr>
<tr>
<td>County</td>
<td>Day/Eve. Phone</td>
<td>County</td>
<td>Day/Eve. Phone</td>
</tr>
<tr>
<td>-------------</td>
<td>----------------</td>
<td>-------------</td>
<td>----------------</td>
</tr>
<tr>
<td></td>
<td>219-474-5661</td>
<td></td>
<td>765-584-3011</td>
</tr>
<tr>
<td>Noble</td>
<td>260-636-2021</td>
<td>Ripley</td>
<td>812-689-6295</td>
</tr>
<tr>
<td></td>
<td>260-636-2182</td>
<td></td>
<td>812-689-5000</td>
</tr>
<tr>
<td>Ohio</td>
<td>812-438-2530</td>
<td>Rush</td>
<td>765-932-2392</td>
</tr>
<tr>
<td></td>
<td>812-438-3636</td>
<td></td>
<td>765-932-2931</td>
</tr>
<tr>
<td>Orange</td>
<td>812-723-3616</td>
<td>St. Joseph</td>
<td>574-232-3042</td>
</tr>
<tr>
<td></td>
<td>812-723-2417</td>
<td></td>
<td>317-392-5040</td>
</tr>
<tr>
<td>Owen</td>
<td>812-829-2281</td>
<td>Shelby</td>
<td>812-649-9111</td>
</tr>
<tr>
<td></td>
<td>877-667-5097</td>
<td></td>
<td>317-392-5040</td>
</tr>
<tr>
<td>Parke</td>
<td>765-569-3156</td>
<td>Spencer</td>
<td>812-649-9111</td>
</tr>
<tr>
<td></td>
<td>765-569-5388</td>
<td></td>
<td>317-392-5040</td>
</tr>
<tr>
<td>Perry</td>
<td>812-547-7055</td>
<td>Starke</td>
<td>574-772-3411</td>
</tr>
<tr>
<td></td>
<td>812-547-7068</td>
<td>Steuben</td>
<td>260-665-3713</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sullivan</td>
<td>812-268-3905</td>
</tr>
<tr>
<td>Pike</td>
<td>812-354-9716</td>
<td>Switzerland</td>
<td>812-427-3232</td>
</tr>
<tr>
<td>Porter</td>
<td>219-462-2112</td>
<td></td>
<td>812-427-3636</td>
</tr>
<tr>
<td>Posey</td>
<td>812-838-4429</td>
<td>Tippecanoe</td>
<td>765-742-0400</td>
</tr>
<tr>
<td>Pulaski</td>
<td>574-946-3312</td>
<td>Tipton</td>
<td>765-675-7441</td>
</tr>
<tr>
<td></td>
<td>574-946-6737</td>
<td></td>
<td>765-675-2111</td>
</tr>
<tr>
<td>Putnam</td>
<td>765-653-9780</td>
<td>Union</td>
<td>765-458-5121</td>
</tr>
<tr>
<td></td>
<td>765-653-5115</td>
<td></td>
<td>765-458-5194</td>
</tr>
</tbody>
</table>

**Note:** Where two phone numbers are provided for a county, the second number is to be called after hours.

A new CPS centralized call center has been fully implemented. All reports of suspected abuse or neglect must be made to 1-800-800-5556. All numbers listed above are for contacting the local office directly for purposes other than making a report of abuse or neglect. For counties not currently active on the central call center, calling 1-800-800-5556 will automatically connect to the local office.
DOMESTIC VIOLENCE / INTIMATE PARTNER VIOLENCE

Domestic violence is covered by any of the crimes summarized earlier, including battery. As of 1999, Indiana law also defines a special crime of domestic battery to clarify certain charge enhancements and to match federal laws on domestic violence. Domestic battery joins several other crimes—invasion of privacy, repeat battery against the same victim or another intimate partner—in addressing the unique problems of battered women. See page 35 for more about these crimes.

Patrol officers most often confront domestic violence when responding to disturbance calls. Officers should follow the general guidelines for responding to family disturbances as outlined beginning on page 27:

1 Protect against threats to your safety.
2 Secure the scene for the safety of disputants.
3 Calm the situation.
4 Investigate.
5 Act to protect victims.

Officer’s Responsibility to Act on Domestic Violence

✓ Protect the victims.
✓ Act on suspected crime.
✓ Arrest with probable cause.
✓ Be sure that whatever action you take does not jeopardize the victim or trap either party in a violent situation.
✓ Call for detectives or specialized units, if applicable.
✓ Refer victims to available services, including shelters.
✓ Provide information for victim-initiated legal action.
✓ Document investigation findings in a written report.
✓ Take any necessary action required under IC 35-33-1-1.5.

Most Likely Victims

Women are the most likely victims of domestic violence; 90% of domestic violence cases involve women as victims and men as perpetrators.
Violence by men against women tends to be more severe and more frequent than violence by women against men.

**The Battered Woman Syndrome**

Women subjected to frequent abuse tend to experience:
- Feelings of powerlessness and dependence
- Punishment with violence for seeking help
- Low self-confidence
- Feeling trapped in the relationship
- Violence in the context of a 3-phase cycle:

![Diagram of 3-phase cycle](image)

For those who commit crimes against their abusers, Indiana law allows evidence of a defendant’s suffering from the “effects of battery” (IC 35-41-1-3.3) in arguing self-defense and relief from harsh sentencing.

**Why Battered Women Stay**

- **Terror**
  - Risk of death, escalation of violence, threats against children and others

- **Lack of resources to leave**
  - Limited finances, education, or job skills; lack of community services; unavailability of suitable housing elsewhere

- **Lack of social support to leave**
  - Family pressures to stay, isolation from other social contacts, constraining religious beliefs
  - Belief that abuse is normal

- **Psychological abuse**
  - Loss of self-esteem and self-confidence, feelings of powerlessness and dependency, no perceived alternative to the abusive relationship

- **Love and commitment**
  - “For better or for worse”; belief that the man will change

- **Uncertain life outside the abusive relationship**
  - Fear of the unknown, predictability of the known relationship
Separation Violence

Women in violent relationships have a higher risk of being killed by their abusers during and shortly after leaving. Police officers should be especially vigilant and understanding of a victim’s need for protection when separating, divorcing, or otherwise terminating a relationship.

Effects on Children

Many men who abuse women also abuse their children. Even if the children are not abused, they suffer insecurity, helplessness, and terror. Their school performance and their relations with other children are affected. They may endanger their own welfare through dangerous acts such as drug use or prostitution.

Working with Victim Services Agencies

Victim assistance personnel are available in most Indiana counties through prosecutors’ offices or police departments. Some areas also have community task forces or networks that provide services to victims of domestic violence. Efforts to protect victims are more effective when police officers take advantage of these agencies’ services.

- Be prepared to refer victims to community services that help victims.
- Offer battered women the opportunity to contact a shelter.

There is a statewide network of shelters for battered women who need temporary housing in a safe place.

Statewide / National Information and Referral

Indiana Coalition Against Domestic Violence 1-800-332-7385

National Domestic Violence Hotline 1-800-799-SAFE

Directory of Shelters

In the directory that follows, the numbers are keyed to the map on page 66, which shows the locations of shelters around the state.
<table>
<thead>
<tr>
<th>Shelter</th>
<th>Phone</th>
<th>Counties Served</th>
</tr>
</thead>
</table>
| 1       | Gary Commission for Women The Rainbow Shelter
<pre><code>      | 219-883-4155 219-886-1600 | Lake.                                   |
</code></pre>
<p>| 2       | Haven House  | 219-931-2090                             | Lake                                     |
| 3       | St. Jude House| 800-254-1286                             | Lake, Porter                             |
| 4       | The Caring Place, Inc. | 219-464-2128 800-933-0466 | Porter, Starke, Lake                     |
| 5       | The Stepping Stone | 219-879-4615 | LaPorte                                 |
| 6       | YWCA of North Central Indiana | 574-232-9558 866-937-9922 | St. Joseph                              |
| 7       | Elkhart County Women’s Shelter | 574-294-1811 | Elkhart, surrounding counties          |
| 8       | North Central Indiana Rural Crisis Center | 219-866-8825 | Jasper, Newton, Pulaski               |
| 9       | The Beaman Home  | 574-267-7701                             | Kosciusko, Fulton, Marshall             |
| 10      | Noble House, Inc. | 260-704-4889 | Noble, LaGrange, Steuben, DeKalb      |
| 11      | YWCA Women’s Shelter and Outreach Services | 260-447-7233 800-441-4073 | Allen, LaGrange, Steuben, Noble, DeKalb, Whitley, Huntington, Wells, Adams |
| 12      | Adams Wells Crisis Shelter | 877-728-9800 | Adams, Wells                           |
| 13      | YWCA DV Intervention and Prevention Program | 765-423-1118 888-395-1118 | Tippecanoe, White, Carroll, Clinton, Benton, Warren |
| 14      | Family Service Association of Howard County | 800-725-8177 | Howard, Cass, Miami, Tipton           |
| 15      | Hands of Hope  | 765-664-0701 800-434-8973 | Grant, Wabash                           |
| 16      | Family Crisis Shelter, Inc. | 765-362-2030 800-370-4103 | Montgomery, Fountain, Putnam, Boone  |
| 17      | Alternatives Inc. of Madison County | 765-643-0200 | Madison, Hamilton, Hancock, Henry, Marion, Tipton |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Organization</th>
<th>Phone Numbers</th>
<th>Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>Council on Domestic Abuse (CODA)</td>
<td>812-232-1736</td>
<td>Vigo, Vermillion, Parke, Clay, Sullivan</td>
</tr>
<tr>
<td>20</td>
<td>Sheltering Wings Center for Women</td>
<td>317-745-1496</td>
<td>Hendricks &amp; surrounding</td>
</tr>
<tr>
<td>21</td>
<td>The Julian Center</td>
<td>317-920-9320</td>
<td>Marion &amp; surrounding</td>
</tr>
<tr>
<td>22</td>
<td>Salvation Army Social Service Center</td>
<td>317-637-5551</td>
<td>Marion</td>
</tr>
<tr>
<td>23</td>
<td>YWCA Genesis</td>
<td>765-935-3920, 800-886-4508</td>
<td>Wayne, Rush, Fayette, Union, Franklin</td>
</tr>
<tr>
<td>24</td>
<td>Middle Way House, Inc.</td>
<td>812-336-0846</td>
<td>Monroe, Morgan, Owen, Greene, Martin, Law-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>ren</td>
</tr>
<tr>
<td>25</td>
<td>Turning Point</td>
<td>800-221-6311</td>
<td>Bartholomew, Johnson, Brown, Jackson, Jen-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>nings, Jefferson, Switzerland, Dearborn,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ohio, Ripley, Decatur, Shelby</td>
</tr>
<tr>
<td>26</td>
<td>Safe Passage</td>
<td>877-733-1990</td>
<td>Switzerland, Dearborn, Ohio, Ripley, Fran-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>klin</td>
</tr>
<tr>
<td>27</td>
<td>Harbor House</td>
<td>812-882-7900</td>
<td>Knox, Pike, Daviess, Martin</td>
</tr>
<tr>
<td>28</td>
<td>Albion Fellows Bacon Center</td>
<td>800-339-7752</td>
<td>Vanderburgh, Gibson, Posey, Warrick, Pike,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Dubois, Spencer, Perry, Crawford, Orange,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Harrison</td>
</tr>
<tr>
<td>29</td>
<td>YWCA Domestic Violence Shelter</td>
<td>812-422-1191, 866-367-9922</td>
<td>Vanderburgh, Gibson, Posey, Warrick, Spenc-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>er, Perry, Crawford, Orange, Pike, Crawf-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>ord</td>
</tr>
<tr>
<td>30</td>
<td>Hoosier Hills PACT Domestic Violence Shelter</td>
<td>888-883-1959</td>
<td>Orange, Washington, Crawford, Harrison, Sc-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>ott, Lawrence</td>
</tr>
<tr>
<td>31</td>
<td>The Center for Women and Families</td>
<td>812-944-6743, 877-803-7577</td>
<td>Washington, Orange, Crawford, Harrison, F-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>loy, Clark, Scott</td>
</tr>
<tr>
<td>32</td>
<td>Desert Rose Shelter</td>
<td>765-342-7673</td>
<td>Morgan, surrounding counties</td>
</tr>
<tr>
<td>33</td>
<td>Heminger House Home</td>
<td>574-936-7233</td>
<td>Marshall</td>
</tr>
</tbody>
</table>
ABUSE OF ELDERLY AND DISABLED ADULTS

Officer’s Responsibility to Act on Abuse of the Elderly or Disabled

- Protect the elderly or disabled victim
- Act on any suspected crime
- Arrest with probable cause
- Call for detectives
- Call for Adult Protective Services (APS)
- Document investigation findings in a written report

Dependent Adult IC 35-46-1-1(2)

Anyone 18 years of age or older:
...who is mentally or physically disabled.

Endangered Adult IC 12-10-3-2

...an individual who is at least eighteen (18) years of age and who:

(1) is incapable by reason of insanity, mental illness, mental retardation, senility, habitual drunkenness, excessive use of drugs, old age, infirmity, or other incapacity, of either managing the individual’s property or providing self-care, or both; and

(2) is harmed or threatened with harm as a result of: (A) neglect; (B) battery; or (C) exploitation of the individual’s personal services or property.

Adult Protective Services (APS)

- Receives reports of known or suspected abuse of endangered adults
- Investigates or arranges for investigations
- Coordinates investigations
- Assists in obtaining protective services for endangered adults

APS units are organized throughout the state to investigate abuse of the elderly or disabled. Units are con-
tracted through the Department of Human Services.

Signs of Abuse in the Elderly and Disabled

You may encounter endangered adults on domestic disturbance runs, or when dispatched to check on an elderly or disabled person’s welfare or to assist APS.

Whenever an elderly or disabled person is present at the scene of a family disturbance, assume that he or she may have suffered some form of abuse, even if the current fight is among others. As you investigate the main parties to the disturbance, look for evidence that the elderly or disabled person may be an endangered adult.

Note: What you see as signs of abuse may actually be symptoms of illness or degeneration due to aging. The signs of abuse listed here should serve to arouse your suspicion, but you will need to investigate further to determine whether your suspicion is well-founded.

Living Conditions

- The elderly or disabled person lives alone.
- He or she is lost or a runaway.
- The living conditions appear unsafe or unsanitary.
- There is no food in the house.
- The person is unreasonably confined. For example, he or she is locked in a room or kept away from others in the household.
- There is inadequate heating, cooling, or ventilation.

Physical Appearance

- Visible injuries, such as bruises, welts, burns, cuts, bedsores, or abrasions.
- Untreated previous injuries, apparent in bruise patterns, disfigurement, unusual scarring.
- Bodily impairment, such as moving with pain.
- Malnutrition, such as a skeleton-like appearance, sores around the mouth, hair that falls out in patches, and cracked, dry nails.
- Dehydration, indicated by sunken eyeballs, hollow cheeks, cracked, dry lips, and skin that “tents”—if you pinch the skin, it stays pinched.
• **Unkempt appearance**, including dirty or mussed up clothing.

• **Poor personal hygiene**, indicated by uncleanliness and body odor.

**Caregiver Behavior**

If you think a caregiver may have battered or neglected an elderly or disabled person, test your suspicions by looking for telltale signs in the caregiver, such as:

• **Open hostility** towards the victim.

• **Threatening and/or violent behavior**.

• **Failure to seek immediate help** for the victim’s injuries.

• **Exaggerated defensiveness**.

• **Nervousness, unusual passivity or withdrawal** during the investigation.

• **Alcohol or substance abuse**.

• Signs or claims of considerable **stress and fatigue**.

• Signs of **exploiting the victim** for income, resources, or personal services.

**On-Scene Interviews with Abused Adults**

Regardless of your initial observations, you must interview the elderly or disabled person and others who might have relevant information. Be aware that there may be reasons for the elderly or disabled to hide abuse. For example, they may fear retaliation or fear being put in an institution. So proceed gently and be certain to conduct your interviews in private. Ask:

“**What’s your name?**”

“**How old are you?**”

“**Do you know what day it is today?**”

Answers to these questions can tell you whether the person is mentally sound enough to give reliable answers. If not, you must consider him or her to be a dependent and possibly endangered adult.

“**How do you feel?**”

“**Do you hurt someplace?**”

“**Were you injured?**”

“**Can you tell me what happened?**”

Ask the person to explain any injuries that you observe. Suspect abuse if the person does not want to talk about the injury, if the explanation is inconsistent with the nature of the in-
jury, or if the explanation changes as it is being told. Also be suspicious if others’ accounts of what happened differ from the victim’s account.

“Where do you live?”

“Do you live by yourself?”

An elderly or disabled adult may not know where he or she lives. Be concerned if that person claims to be living alone.

“Who do you like to spend time with?”

If the person does not answer with the caregiver’s name, that may point to a problem.

“Who takes care of you?”

“Do you like to spend time with them?”

“Do they take good care of you?”

Be suspicious if the elder or disabled person does not like to spend time with the caregiver or claims that the caregiver does not take good care of him or her. Follow up by asking why the person feels that the caregiver does not take good care.

“Do you have any children?”

“What are their names?”

These questions further indicate the person’s mental status and may suggest other people to question or get help from.

“Are you frightened?”

This question gives you a chance to show sympathy and concern while reassuring the person. Do not walk away from a frightened victim.

Interviewing Witnesses

An elderly or disabled person may not be able to give you the facts of what happened. Statements from witnesses may be essential to understanding the circumstances that brought you to the scene. Encourage reluctant witnesses to talk by reminding them of their legal responsibility—Indiana law requires anyone who knows of an abused or endangered adult to report his or her suspicions to police or Adult Protective Services.

Witness Reporting Requirement

IC 35-46-1-13(a)

A person who believes or has reason to believe that an endangered adult is the victim of battery, neglect, or exploitation...and fails to report the facts supporting that belief...commits a class B misdemeanor.
Law Enforcement Reporting Requirement IC 35-46-1-13(c)

Law enforcement officers must report to Adult Protective Service any endangered adult who is or may be a victim of battery, neglect, or exploitation.

Working with APS

Patrol officers are expected to:

- Provide back-up and assistance in dangerous or emergency situations.
- Follow through with court-ordered forcible entry.
- Intervene when aggressive behavior is aimed at an APS investigator.
- Assist in locating clients or perpetrators who cannot be found.
- Be alert to and report an endangered adult found in the course of a criminal investigation.
- Notify APS when an elderly or disabled person placed on probation or parole lacks the resources to maintain stability in the community.
- Recognize abuse and neglect in injured elderly and disabled persons who seek help at hospital emergency rooms.

- Provide information on perpetrators/family members which will aid APS in their investigation.
- Maintain evidence to use in court proceedings.

Note: Although APS investigates reports of abuse, police officers are responsible for immediate action on criminal violations and emergency assistance to victims. PS Hotline 800-992-6978 for reporting anywhere in Indiana

Directory of Indiana APS Investigators (2012)

The following list of Adult Protective Services agencies in Indiana is keyed to the map on page 73.
State Wide Hotline: 1-800-992-6978

<table>
<thead>
<tr>
<th>Unit</th>
<th>Agency</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lake Co. Prosecutor’s Office</td>
<td>219-755-3863</td>
</tr>
<tr>
<td>1A</td>
<td>LaPorte Co. Prosecutor’s Office</td>
<td>219-326-6808 (Ext. 2348)</td>
</tr>
<tr>
<td>2</td>
<td>St. Joseph Co. Prosecutor’s Office</td>
<td>574-235-5092</td>
</tr>
<tr>
<td>3</td>
<td>Allen Co. Adult Protective Services</td>
<td>260-449-7989</td>
</tr>
<tr>
<td>4</td>
<td>Tippecanoe Co. Prosecutor’s Office</td>
<td>765-420-1587</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1-877-749-9111</td>
</tr>
<tr>
<td>5</td>
<td>Cass Co. Prosecutor’s Office</td>
<td>574-753-7790</td>
</tr>
<tr>
<td>6</td>
<td>Madison Co. Prosecutor’s Office</td>
<td>765-641-9585</td>
</tr>
<tr>
<td>7</td>
<td>Vigo Co. Prosecutor’s Office</td>
<td>812-462-3286</td>
</tr>
<tr>
<td>8</td>
<td>Marion Co. Prosecutor’s Office</td>
<td>317-327-1403</td>
</tr>
<tr>
<td></td>
<td></td>
<td>317-327-5407</td>
</tr>
<tr>
<td>8B</td>
<td>Shelby Co. Prosecutor’s Office</td>
<td>1-888-387-2352</td>
</tr>
<tr>
<td>9</td>
<td>Wayne Co. Prosecutor’s Office</td>
<td>765-973-9256</td>
</tr>
<tr>
<td>10</td>
<td>Monroe Co. Prosecutor’s Office</td>
<td>812-349-2665</td>
</tr>
<tr>
<td>11</td>
<td>Bartholomew Co. Prosecutor’s Office</td>
<td>812-379-1670 (Opt. 5)</td>
</tr>
<tr>
<td>12</td>
<td>Dearborn Co. Prosecutor’s Office</td>
<td>812-537-8862</td>
</tr>
<tr>
<td>13A</td>
<td>Daviess Co. Prosecutor’s Office</td>
<td>812-254-8681</td>
</tr>
<tr>
<td>13B</td>
<td>Vanderburgh Co. Prosecutor’s Office</td>
<td>812-435-5190</td>
</tr>
<tr>
<td>14</td>
<td>Clark Co. Prosecutor’s Office</td>
<td>812-285-6364</td>
</tr>
<tr>
<td>15</td>
<td>Washington Co. Prosecutor’s Office</td>
<td>812-883-6560</td>
</tr>
</tbody>
</table>