IMPORTANT

Information provided herein is based on law, research, and customary practice by police agencies sensitive to victim protection. If you have questions about guidelines and best practices, be certain to raise them with your supervisors.

Please note that, in this handbook, excerpts of law from the Indiana Code are condensed and written in common language for quick reference on crimes of violence. Some laws have additional elements unrelated to family violence; these are not shown here. Always confirm your understanding of a law with the Code. Nothing herein is intended as legal advice.

This project was supported by Grant No. 2014-EW-AX-K010 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.
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### Responding to Family Disturbances 47

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- Receiving the Run
- Arrival at the Scene
- Approaching the Entrance
- Gaining Entry
- Securing the Scene

2–Secure the Scene for the Safety of Disputants

3–Calm the Situation
- Conversational Techniques
- Techniques to Use with Caution
- Aggressive Tactics to Avoid

4–Investigate
- Assume a Crime was Committed
- Investigation Techniques
- The Miranda Rule
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About the Indiana Project on Abuse in Later Life (INPALL)

INPALL is a federally funded demonstration project administered by the Indiana Supreme Court, Office of Judicial Administration. INPALL consists of two major components: training and service provision, including outreach. Partners commit to attending national trainings for judges, prosecutors, victim advocates, social service providers, and law enforcement. The law enforcement training, in turn, consists of a general training for street officers and a more in-depth training for detectives and investigators. This handbook was revised to meet the needs of officers undergoing INPALL training, while also assisting law enforcement at-large with best practices for handling family violence cases.

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 violence as a problem that can be addressed through informed police action. The Training Project on Family Violence for Indiana Law Enforcement Officers was a program of the Indiana Criminal Justice Institute that assisted Indiana law enforcement agencies in compliance with the Indiana Code using model procedures and a detailed curriculum for the police response to domestic violence.

Sponsor

Indiana Criminal Justice Institute

Content Revision


Handbook originally developed by David A. Ford and Wendy W. Ford

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 2016 edition were supported by Grant No. 2014-EW-AX-K010, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.
This handbook summarizes laws and procedures related to domestic and family violence, child abuse and neglect, and abuse and neglect of endangered adults. 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 54 for details.
THE PROBLEM OF FAMILY VIOLENCE

... for older adults:
“Studies in the United States and globally consistently show that the majority of elder abuse cases (including both physical and non-physical violence) involve female victims with spouses as perpetrators. A national study discovered the majority of physical violence against individuals 60 years and older was perpetrated by a partner. Emotional and psychological forms of intimate partner violence are as prevalent among older women as younger women—but health related trauma associated with non-physical abuse is often more severe for older women.”

... for children:
“Intimate partner violence within families puts children at high risk for severe and potentially lifelong problems with physical health, mental health, and school and peer relationships as well as for disruptive behavior. Witnessing or living with domestic or intimate partner violence often burdens children with a sense of loss or profound guilt and shame because of their mistaken assumption that they should have intervened or prevented the violence or, tragically, that they caused the violence. They frequently castigate themselves for having failed in what they assume to be their duty to protect a parent or sibling(s) from being harmed, for not having taken the place of their horribly injured or killed family member, or for having caused the offender to be violent. Children exposed to intimate partner violence often experience a sense of terror and dread that they will lose an essential caregiver through permanent injury or death. They also fear losing their relationship with the offending parent, who may be removed from
the home, incarcerated, or even executed. Children will mistakenly blame themselves for having caused the batterer to be violent. If no one identifies these children and helps them heal and recover, they may bring this uncertainty, fear, grief, anger, shame, and sense of betrayal into all of their important relationships for the rest of their lives.” – Report of the Attorney General’s National Task Force on Children Exposed to Violence (2012)

. . . for all of us:

“The costs of IPV [intimate partner violence] against women exceed an estimated $5.8 billion. These costs include nearly $4.1 billion in the direct costs of medical care and mental health care and nearly $1.8 billion in the indirect costs of lost productivity . . .” – Costs of Intimate Partner Violence Against Women in the United States, U.S. Dept. of Health & Human Services (2003)

More than 1 in 3 women (35.6%) and more than 1 in 4 men (28.5%) in the United States have experienced rape, physical violence, and/or stalking by an intimate partner in their lifetime. – National Intimate Partner and Sexual Violence Survey, Centers for Disease Control & Prevention (2010)
Harm to Victims

- On average, 24 people per minute are victims of rape, physical violence, or stalking by an intimate partner in the U.S. — more than 12 million women and men over the course of one year.
- 30% of female homicide victims are killed by their male partners.
- Intimate partner violence and child abuse often go hand in hand.
- More than half of all maltreated children are abused by a parent.
• Most children who are killed by abuse or neglect in this country are less than 3 years old; just under half are under 12 months old.
• Family violence is often passed from one generation to the next in a continuing cycle of abuse.
• More than 5 million older adults may be victims of elder abuse each year.
• One in 10 older adults reported experiencing elder abuse in the past year.
• The most common perpetrators of elder abuse and neglect are the victims’ adult children.
• For every case of elder abuse that is reported, another 23 go unreported.

Social Costs of Family Violence
• Diminished personal security and health
• Drain on social services
• Absenteeism and lost worker productivity
• Drain on criminal justice resources
• Compromised family values
• Violated human rights
• Increased crime
• For children in the home, intergenerational effects of adverse childhood experiences (ACEs)

Learn More from These Reliable Websites
• Office on Violence Against Women — U. S. Department of Justice
  http://justice.gov/ovw
• National Clearinghouse on Abuse in Later Life
  http://www.ncall.us/
• Futures Without Violence
  http://futureswithoutviolence.org
• Minnesota Center Against Violence and Abuse
  http://www.mincava.umn.edu
• National Domestic Violence Hotline
  http://thehotline.org
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 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 in IC 31-9-2-29.5, -42, -44.5; IC 34-6-2-34.5, and IC 35-31.5-2-76).

*Any act of family violence is a crime under Indiana law.*
Family or Household Member

For purposes of Indiana law on family violence, IC 35-31.5-2-128 defines a “family or household member” as including:

- current/former spouses
- current/former daters
- current/former sexual partners
- people related by blood or adoption
- people currently or formerly related by marriage (in-laws)
- someone with whom a person has or had an established legal relationship (guardian, ward, custodian, foster parent, or similar capacity)
- people with a child in common

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

Violence between family or household members, including those who share a child in common.

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. The type of crime may depend on the ages of the victim and offender.

Abuse of Older 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.
Officers’ Personal Experiences with Family Violence

Many law enforcement officers have strong emotional reactions to any discussion of family violence. Some were abused as children. Many have witnessed fathers hit and sometimes beat their mothers. Some resort to violence against their own children, spouses, or aging parents, either out of anger and frustration or as a means to dominate and control them. Each of us at least knows of others who have had these experiences. So it may be difficult to accept that family violence is criminal behavior that deserves an aggressive law enforcement response, including arrest.

But family violence is a major social problem. As agents of social control, law enforcement officers have a duty to protect victims, and in doing so, to help solve the problem. That means putting aside personal feelings and advocating effective law enforcement procedures, even when those procedures are contrary to personal feelings.

Police officers who are violent with their own families are not immune from prosecution. If convicted, they face losing their right to possess firearms and thus their job.

Summary of Selected Crimes of Family Violence

Crimes of violence or threatened violence in which families may be involved are summarized in the following pages for quick reference. Refer to your copy of the Indiana Criminal Code for complete descriptions with details relevant to arrest and legal proceedings.
CRIMES AGAINST PROPERTY

Arson

Lev.6 fel.: using fire or explosives to damage property with intent to defraud, or resulting in a loss of at least $250 but less than $5,000 35-43-1-1(d)

Lev.4 fel.: arson of a dwelling, or of any property under circumstances that endanger human life, or property valued at $5,000 or more, or a structure used for religious worship

arson for hire 35-43-1-1(b)

Lev.3 fel.: arson resulting in bodily injury to any person other than defendant; arson for hire resulting in bodily injury to any person other than defendant 35-43-1-1(a);(b)(1)

Lev.2 fel.: arson resulting in SBI to any person other than defendant; arson for hire resulting in SBI to any other person 35-43-1-1(a);(b)(2)
<table>
<thead>
<tr>
<th><strong>Forgery</strong></th>
<th>Lev.6 fel.: knowingly or intentionally making or uttering a written instrument in such a manner that it purports to have been made by another person, at another time, with different provisions, or by someone who did not give authority</th>
<th>35-43-5-2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fraud</strong></td>
<td>Lev.6 fel.: knowingly obtaining property with the intent to defraud</td>
<td>35-43-5-4</td>
</tr>
<tr>
<td><strong>Home Improvement Fraud</strong></td>
<td>B misd.: knowingly misrepresenting a material fact relating to the terms of a home improvement contract</td>
<td>35-43-6-12</td>
</tr>
<tr>
<td></td>
<td>Lev.6 fel.: same as above, and the consumer is at least sixty (60) years old and the contract is less than $10,000</td>
<td>35-43-6-13(b)</td>
</tr>
<tr>
<td></td>
<td>Lev.5 fel.: same as above, and the consumer is at least sixty (60) years old and the contract is more than $10,000</td>
<td>35-43-6-13(c)</td>
</tr>
<tr>
<td><strong>Identity Deception</strong></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Lev.6 fel.: knowingly or intentionally obtaining, possessing, transferring, or using identifying information of another person without his/her consent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35-43-5-3.5</td>
<td></td>
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<tr>
<th><strong>Residential Entry</strong></th>
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<tbody>
<tr>
<td>Lev.6 fel.: knowingly or intentionally breaking and entering the dwelling of another person</td>
</tr>
<tr>
<td>35-43-2-1.5</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Trespass</strong></th>
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</thead>
<tbody>
<tr>
<td>A misd.: committed by a person who has no contractual interest in a property, who knowingly or intentionally 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</td>
</tr>
<tr>
<td>35-43-2-2(b)</td>
</tr>
</tbody>
</table>

| Lev.6 fel.: committing trespass with a prior conviction concerning the same property |
| 35-43-2-2(b) |
# CRIMES AGAINST A PERSON

## Aggravated Battery

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lev.3 fel.</td>
<td>battery resulting in a substantial risk of death or causing serious permanent disfigurement or protracted loss or impairment of a bodily member or organ, or the loss of a fetus</td>
<td>35-42-2-1.5</td>
</tr>
<tr>
<td>Lev.1 fel.</td>
<td>aggravated battery committed by an adult, and resulting in the death of a child under age 14 years</td>
<td>35-42-2-1.5</td>
</tr>
</tbody>
</table>

## Battery

*Note: Battery with bodily fluid/waste is not summarized in this chart, but is included in IC 35-42-2-1)*

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>B misd.</td>
<td>touching someone in a rude, insolent, or angry manner</td>
<td>35-42-2-1(c)</td>
</tr>
<tr>
<td>A misd.</td>
<td>battery w/ injury; battery committed against a foster family member</td>
<td>35-42-2-1(d)(1-2)</td>
</tr>
<tr>
<td>Lev.6 fel.</td>
<td>battery w/moderate bodily injury</td>
<td>35-42-2-1(e)(1)</td>
</tr>
<tr>
<td></td>
<td>battery committed by an adult against a child less than 14 years of age</td>
<td>35-42-2-1(e)(3)</td>
</tr>
<tr>
<td></td>
<td>battery by a caretaker against a mentally or physically disabled dependent person</td>
<td>35-42-2-1(e)(4)</td>
</tr>
<tr>
<td></td>
<td>battery against an endangered adult</td>
<td>35-42-2-1(e)(5)</td>
</tr>
<tr>
<td></td>
<td>battery w/injury against a foster family member</td>
<td>35-42-2-1(e)(6)</td>
</tr>
<tr>
<td>Level 5 Fel.</td>
<td>Description</td>
<td>Code</td>
</tr>
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<td>------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td></td>
<td>battery resulting in serious bodily injury or committed with a deadly weapon</td>
<td>35-42-2-1(g)(1-2)</td>
</tr>
<tr>
<td></td>
<td>battery w/injury against a woman known to be pregnant</td>
<td>35-42-2-1(g)(3)</td>
</tr>
<tr>
<td></td>
<td>battery by a person previously convicted of battery against the same victim</td>
<td>35-42-2-1(g)(4)</td>
</tr>
<tr>
<td></td>
<td>battery w/injury by adult against child under 14 years of age</td>
<td>35-42-2-1(g)(5)(B)</td>
</tr>
<tr>
<td></td>
<td>battery w/injury by caretaker against a mentally or physically disabled dependent person</td>
<td>35-42-2-1(g)(5)(C)</td>
</tr>
<tr>
<td></td>
<td>battery w/injury against an endangered adult</td>
<td>35-42-2-1(g)(5)(D)</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Level 4 Fel.</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>battery w/serious bodily injury (SBI) against endangered adult</td>
<td>35-42-2-1(i)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Level 3 Fel.</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>battery by adult against child under 14 w/SBI</td>
<td>35-42-2-1(j)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Level 2 Fel.</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>battery by adult against child under 14 or endangered adult resulting in death</td>
<td>35-42-2-1(k)(1-2)</td>
</tr>
</tbody>
</table>
### Criminal Confinement

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lev.6 fel.:</td>
<td>substantially interfering with the liberty of another, or removing a person from one place to another, without his/her consent</td>
<td>35-42-3-3(a)</td>
</tr>
<tr>
<td>Lev.5 fel.:</td>
<td>confinement of a child less than 14 years old and who is not the child of the confiner; confinement using a vehicle; or, confinement resulting in bodily injury</td>
<td>35-42-3-3(b)(1)(A-C)</td>
</tr>
<tr>
<td>Lev.3 fel.:</td>
<td>confinement while armed w/deadly weapon or resulting in SBI</td>
<td>35-42-3-3(b)(2)(A-B)</td>
</tr>
<tr>
<td>Lev.2 fel.:</td>
<td>confinement w/intent to obtain ransom, while hijacking a vehicle, w/intent to obtain release/escape of a prisoner, or w/intent to use victim as a human shield or hostage</td>
<td>35-42-3-3(b)(3)(A-D)</td>
</tr>
</tbody>
</table>
Criminal Recklessness

B misd.: recklessly, knowingly, or intentionally performing an act that creates a substantial risk of bodily injury to another person 35-42-2-2(a)

Lev.6 fel.: recklessness committed while armed with a deadly weapon 35-42-2-2(b)(1)

aggressive driving under IC 9-21-8-55 resulting in SBI to another person 35-42-2-2(b)(2)

Lev.5 fel.: shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather 35-42-2-2(b)(2)(A)

aggressive driving under IC 9-21-8-55 resulting in the death of another person 35-42-2-2(b)(2)(B)
<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>A misd.: battery committed against a family or household member</td>
<td>35-42-2-1.3(a)</td>
</tr>
<tr>
<td>Lev.6 fel.: domestic battery by a person previously convicted of a battery offense under IC</td>
<td>35-42-2-1.3(b)(1)</td>
</tr>
<tr>
<td>35-42-2 or similar crime from another jurisdiction</td>
<td></td>
</tr>
<tr>
<td>domestic battery committed by an adult in the presence of a child less than 16 years of age,</td>
<td>35-42-2-1.3(b)(2)</td>
</tr>
<tr>
<td>knowing that the child might see or hear the offense</td>
<td></td>
</tr>
<tr>
<td>domestic battery w/moderate bodily injury to a family/household member</td>
<td>35-42-2-1.3(b)(3)</td>
</tr>
<tr>
<td>domestic battery by an adult on a child who is a family/household member under age 14 years</td>
<td>35-42-2-1.3(b)(4)</td>
</tr>
<tr>
<td>domestic battery by a caretaker against a mentally or physically disabled dependent person</td>
<td>35-42-2-1.3(b)(5)</td>
</tr>
<tr>
<td>who is a family/household member</td>
<td></td>
</tr>
<tr>
<td>domestic battery against a family/household member who is an endangered adult</td>
<td>35-42-2-1.3(b)(6)</td>
</tr>
</tbody>
</table>
Lev. 5 fel.: domestic battery w/SBI to a family/household member 35-42-2-1.3(c)(1)

domestic battery w/deadly weapon against a family/household member 35-42-2-1.3(c)(2)

domestic battery w/bodily injury to a family/household member who is known to be pregnant 35-42-2-1.3(c)(3)

domestic battery w/bodily injury by a person previously convicted of a battery offense under IC 35-42-2 or similar crime from another jurisdiction 35-42-2-1.3(c)(4)(A-B)

domestic battery by an adult w/bodily injury against a child who is under age 14 years who is a family/household member 35-42-2-1.3(c)(5)(A)

domestic battery w/bodily injury by a caretaker against a mentally or physically disabled dependent person who is a family/household member 35-42-2-1.3(c)(5)(B)

domestic battery w/bodily injury against a family/household member who is an endangered adult 35-42-2-1.3(c)(5)(C)
Lev.4 fel.: domestic battery w/SBI against a family/household member who is an endangered adult  
35-42-2-1.3(d)

Lev.3 fel.: domestic battery by an adult w/SBI to a child under who is a family/household member  
35-42-2-1.3(e)

Lev.2 fel.: domestic battery by adult against child under 14 or endangered adult (who are family/household members) resulting in death  
35-42-2-1.3(f)(1-2)

Involuntary Manslaughter

Lev.5 fel.: killing another person while committing or attempting to commit a Level 5 or Level 6 felony, or Class A misdemeanor, that inherently poses a risk of serious bodily injury; or, while committing or attempting to commit a battery offense in IC 35-42-2  
35-42-1-4(b)

Lev.5 fel.: killing a viable fetus while committing or attempting to commit a Level 5 or Level 6 felony, or Class A misdemeanor, that inherently poses a risk of SBI; or, while committing or attempting to commit a battery offense in IC 35-42-2; or, while operating a vehicle while intoxicated  
35-42-1-4(c)
## Kidnapping

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lev.6 fel.</td>
<td>removing another person by fraud, enticement, force, or threat of force from one place to another</td>
<td>35-42-3-2(a)</td>
</tr>
<tr>
<td>Lev.5 fel.</td>
<td>kidnapping a child less than 14 years old and who is not the remover’s child; kidnapping using a vehicle; or, kidnapping resulting in bodily injury</td>
<td>35-42-3-2(b)(1) (A-C)</td>
</tr>
<tr>
<td>Lev.3 fel.</td>
<td>kidnapping while armed w/deadly weapon or resulting in SBI</td>
<td>35-42-3-2(b)(2) (A-B)</td>
</tr>
<tr>
<td>Lev.2 fel.</td>
<td>kidnapping w/intent to obtain ransom, while hijacking a vehicle, w/intent to obtain release/escape of a prisoner, or w/intent to use victim as a human shield</td>
<td>35-4-3-2(b)(3)(A-D)</td>
</tr>
</tbody>
</table>

## Malicious Mischief

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>B misd.</td>
<td>recklessly, knowingly, or intentionally placing body fluid or fecal waste in a location with the intent that another person will involuntarily touch it</td>
<td>35-45-16-2(c)</td>
</tr>
<tr>
<td>A misd.</td>
<td>malicious mischief with food</td>
<td>35-45-16-2(e)</td>
</tr>
<tr>
<td>Level</td>
<td>Felony</td>
<td>Description</td>
</tr>
<tr>
<td>-------</td>
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<td>-------------</td>
</tr>
<tr>
<td>6</td>
<td>Lev.6 fel.</td>
<td>malicious mischief with body waste known to be infected by infectious hepatitis, HIV, or tuberculosis</td>
</tr>
<tr>
<td>5</td>
<td>Lev.5 fel.</td>
<td>malicious mischief resulting in the transmission of infectious hepatitis or tuberculosis to the other person</td>
</tr>
<tr>
<td>4</td>
<td>Lev.4 fel.</td>
<td>malicious mischief resulting in the transmission of HIV to the other person</td>
</tr>
</tbody>
</table>

**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 |

**Lev.1 fel.:** attempt to commit murder | 35-41-5-1 |

**Reckless Homicide**

**Lev.5 fel.:** recklessly killing another human being | 35-42-1-5 |
<table>
<thead>
<tr>
<th>Crime</th>
<th>Level</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Robbery</strong></td>
<td>Lev.5</td>
<td>taking property from another person by the use of or threatened use of force or by putting the person in fear</td>
<td>35-42-5-1</td>
</tr>
<tr>
<td></td>
<td>Lev.3</td>
<td>robbery committed while armed with a deadly weapon or resulting in bodily injury to any person other than defendant</td>
<td>35-42-5-1</td>
</tr>
<tr>
<td></td>
<td>Lev.2</td>
<td>robbery resulting in SBI to any person other than defendant</td>
<td>35-42-5-1</td>
</tr>
<tr>
<td><strong>Strangulation</strong></td>
<td>Lev.6</td>
<td>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</td>
<td>35-42-2-9</td>
</tr>
<tr>
<td><strong>Voluntary Manslaughter</strong></td>
<td>Lev.2</td>
<td>killing another person or a viable fetus while acting under sudden heat</td>
<td>35-42-1-3</td>
</tr>
</tbody>
</table>
## CRIMES AGAINST A CHILD/SEX CRIMES

### Child Exploitation – Possession of Child Pornography

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
<th>Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lev.5 fel.</td>
<td>managing, producing, filming, exhibiting, or disseminating any performance, incident, or matter with sexual conduct by a child under 18 years of age</td>
<td>35-42-4-4(b)</td>
</tr>
<tr>
<td>Lev.6 fel.</td>
<td>possession of child pornography (see statute for definition and categories of media included in crime)</td>
<td>35-42-4-4(c)</td>
</tr>
</tbody>
</table>

### Child Molesting (Fondling)

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
<th>Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lev.4 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>Lev.2 fel.</td>
<td>child molesting by fondling committed w/, or by threatened use of, deadly force; or w/deadly weapon; or facilitated by furnishing a drug without the victim’s knowledge</td>
<td>35-42-4-3(b)(1-3)</td>
</tr>
</tbody>
</table>

### Child Molesting (sexual intercourse or other sexual conduct)

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
<th>Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lev.3 fel.</td>
<td>performing or submitting to sexual intercourse or other sexual conduct with a child under 14 years of age</td>
<td>35-42-4-3(a)</td>
</tr>
</tbody>
</table>
Lev.1 fel.: child molesting by sexual intercourse or other sexual conduct, committed by a person at least 21 years old; or, child molesting by sexual intercourse or other sexual conduct, committed w/, or by threatened use of, deadly force; or w/ deadly weapon; or resulting in SBI; or facilitated by furnishing a drug without the victim’s knowledge; or results in transmission of a dangerous STD 35-42-4-3(a)(1-2)

Child Seduction

Generally, this crime involves an adult at least 18 who is in a position of trust/professional relationship w/ a victim/child who is 16 or 17 years old. Examples: adoptive or step-parent, teacher, law enforcement officer, counselor, etc.)

Lev.6 fel.: child seduction when the person or the law enforcement officer engaged in fondling or touching w/intent to arouse or satisfy the sexual desires of the person/ law enforcement officer or the child 35-42-4-7(q)(1)(A-B)

Lev.5 fel.: child seduction when the person or the law enforcement officer engaged in sexual intercourse or other sexual conduct w/the child 35-42-4-7(q)(2)
### Failure to Report Child Abuse or Neglect

<table>
<thead>
<tr>
<th>B misd.</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>knowingly failing to report child abuse or neglect</td>
<td>31-33-22-1</td>
</tr>
</tbody>
</table>

### Incest

<table>
<thead>
<tr>
<th>Lev.5 fel.</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>sexual intercourse or other 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</td>
<td>35-46-1-3(a)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lev.6 fel.</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>incest with a person less than 16 years old</td>
<td>35-46-1-3(a)</td>
</tr>
</tbody>
</table>

### Nonsupport of a Dependent Child

<table>
<thead>
<tr>
<th>Lev.6 fel.</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>committed by a person having care for a dependent child who fails to provide support for that child</td>
<td>35-46-1-5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lev.5 fel.</th>
<th>Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>nonsupport of a dependent child w/prior conviction</td>
<td>35-46-1-5</td>
</tr>
</tbody>
</table>
Performing Sexual Conduct in the Presence of a Minor

Lev. 6 fel.: committed by a person 18 years of age or older who engages in sexual intercourse, other sexual conduct, or who touches or fondles himself/herself 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)

Rape

Lev. 3 fel.: having sexual intercourse with another person or causing another person to perform or submit to other sexual conduct by force, threat of force, without the other’s consent, when they are unaware, or mentally disabled

35-42-4-1(a)(1-3)

Lev. 1 fel.: rape committed w/, or by threatened use of, deadly force; or w/deadly weapon; or resulting in SBI; or facilitated by furnishing a drug without the victim’s knowledge

35-42-4-1(b)(1-4)
### Sexual Battery

**Lev.6 fel.**
- Touching another person with the intent of arousing sexual desire compelled by force, threat of force, or without the other’s consent, as when they are unaware or mentally disabled

**Lev.4 fel.**
- Sexual battery committed with, or by threatened use of, deadly force; or with a deadly weapon; or facilitated by furnishing a drug without victim’s knowledge

### Sexual Misconduct with a Minor (*Fondling*)

**Lev.6 fel.**
- Performing or submitting to any fondling or touching with a 14- or 15-year-old committed by someone at least 18 years old

**Lev.5 fel.**
- Sexual misconduct by fondling with a 14- or 15-year-old committed by someone at least 21 years old

### Crimes Against a Child/Sex Crimes

- 35-42-4-8(a)
- 35-42-4-8(b)
- 35-42-4-9(b)
- 35-42-4-9(b)(1)
Lev.2 fel.: sexual misconduct by fondling with a 14- or 15-year-old committed w/, or by threatened use of, deadly force; or w/deadly weapon; or facilitated by furnishing a drug without the victim’s knowledge 35-42-4-9(b)(2)

### Sexual Misconduct with a Minor

*sexual intercourse or other sexual conduct*

Lev.5 fel.: sexual intercourse or other sexual conduct with a 14- or 15-year-old, committed by someone at least 18 years old 35-42-4-9(a)

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

Lev.1 fel.: sexual misconduct by sexual intercourse or other sexual conduct, committed w/, or by threatened use of, deadly force; or w/deadly weapon; or resulting in SBI; or facilitated by furnishing a drug without the victim’s knowledge 35-42-4-9(a)(2)
### Sexual Trafficking of a Minor

**Lev.2 fel.:** selling or transferring custody of a child less than 18 years of age by a person for the purpose of prostitution/participating in sexual conduct  
35-42-3.5-1(c)

### Various Sexual Gratification *(causing fondling)*

**Lev.5 fel.:** 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/herself or another child under the age of 16 with the intent of arousing sexual desire  
35-42-4-5(a)

**Lev.4 fel.:** vicarious sexual gratification involving a child under 14 years of age  
35-42-4-5(a)(1)

**Lev.3 fel.:** vicarious sexual gratification committed w/, or by threatened use of, deadly force; or w/deadly weapon; or resulting in SBI; or facilitated by furnishing a drug without the victim’s knowledge  
35-42-4-5(a)(2)
Various Sexual Gratification
*(causing sexual intercourse, sexual conduct, or bestiality)*

**Lev. 4 fel.:** committed by a person 18 years of age or older who directs, aids, induces, or causes a child under 16 to engage in sexual intercourse w/ another child under 16 years of age; or in sexual conduct w/ another person; or to engage in sexual conduct w/ an animal other than a human being w/intent of arousing sexual desire

**Lev. 3 fel.:** vicarious sexual gratification as immediately above, if any child involved is less than 14 years old

**Lev. 2 fel.:** vicarious sexual gratification committed w/, or by threatened use of, deadly force; or w/deadly weapon; or resulting in SBI; or facilitated by furnishing a drug without the victim’s knowledge
Aggressive Driving

A misd.: during one episode of continuous driving, knowingly or intentionally 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
## Animal Cruelty/Domestic Violence Animal Cruelty

**Lev.6 fel.:** beating a vertebrate animal w/intent to threaten, intimidate, coerce, harass, or terrorize a family or household member  

35-46-3-12

**Lev.6 fel.:** killing a vertebrate animal with intent to threaten, intimidate, coerce, harass, or terrorize a family or household member  

is a separate crime, domestic violence animal cruelty  

35-46-3-12.5

## Disorderly Conduct

**B misd.:** recklessly, knowingly, or intentionally engaging in fighting or conduct likely to result in serious bodily injury to another or substantial damage to property  

35-45-1-3(a)(1)

**B misd.:** making unreasonable noise and continuing to do so after being asked to stop  

35-45-1-3(a)(2)
### Exploitation of a Dependent Adult or an Endangered Adult

**A misd.:** unauthorized use of the personal services or property of an endangered or dependent adult for profit or advantage of another  

35-46-1-12(a)

**Lev.6 fel.:** same as immediately above, and amount at issue is more than $10,000 or the victim is at least 60 years old  

35-46-1-12(b)

### Failure to Report Abuse of an Endangered Adult

**B misd.:** knowingly failing to report battery, neglect, or exploitation of an endangered adult  

35-46-1-13

### Harassment

**B misd.:** making a telephone call, sending email, or otherwise communicating with a person with the intent of harassing, annoying, or alarming that person  

35-45-2-2
**Intimidation**

A misd.: threatening another person with the intent that the person engage in conduct against his/her will, or to place the other person in fear of retaliation for a prior lawful act

Lev.6 fel.: threat is to commit a forcible felony, or intimidation of a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat, or w/prior conviction on same victim

Lev.5 fel.: intimidation committed while drawing or using a deadly weapon

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**Interference with Reporting a Crime**

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

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35-45-2-1(a)(1-2)

35-45-2-1(b)(1)

35-45-2-1(b)(2)(A)

35-45-2-5
Invasion of Privacy

A misd.: knowing or intentional violation of a civil protection order to prevent domestic or family violence, a workplace violence restraining order, a no-contact order, or similar orders issued in a state other than Indiana or by an Indian tribe 35-46-1-15.1

Lev.6 fel.: if previously convicted of invasion of privacy 35-46-1-15.1

knowing or intentional violation of a no-contact order issued in a CHINS (IC 31-34-25) or juvenile delinquency (IC 31-37-25) proceeding 35-46-1-15.3

Neglect, Abuse, or Maltreatment of Mentally or Developmentally Disabled Person Under Care of State Institution

B misd.: neglecting, abusing, or maltreating an individual with a mental illness or developmental disability under the care of a state institution 12-24-17-3
Neglect of a Dependent

Lev.6 fel.: committed by a person having care of a dependent who endangers the dependent’s life or health, abandons or cruelly confines the dependent, or who deprives the dependent of necessary support or education 35-46-1-4(a)

Lev.5 fel.: neglect of a dependent resulting in bodily injury or where cocaine, narcotics, or meth. are dealt 35-46-1-4(b)(1)

neglect of a dependent by cruel or unusual confinement or abandonment 35-46-1-4(b)(4)

Lev.3 fel.: neglect of a dependent resulting in SBI 35-46-1-4(b)(2)

Lev.1 fel.: neglect by a person at least 18 years that results in the death of a dependent who is less than 14 years 35-46-1-4(b)(3)

Nonsupport of a Parent

A misd.: failure to provide support to a parent who needs support 35-46-1-7
## Nonsupport of a Spouse

Lev.6 fel.: failure to provide support to a spouse who needs support  
35-46-1-6

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## Pointing a Firearm (Other than self-defense)

A misd.: weapon not loaded  
35-47-4-3(b)

Lev.6 fel.: weapon loaded  
35-47-4-3(b)

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## Possession of Firearm by a Domestic Batterer

A misd.: knowing or intentional possession of a firearm by a person convicted of domestic battery under IC 35-42-2-1.3  
35-47-4-6(a)

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## Promotion of Human Trafficking/Promotion w/Minor Victim

Lev.4 fel.: 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, prostitution, or sexual conduct  
35-42-3.5-1(a)
Lev.3 fel.: recruiting, harboring, or transporting another person by force, threat of force, or fraud in order to engage the person in forced labor, involuntary servitude, prostitution, or sexual conduct but victim is child under 18 years of age; or, victim is under 16 years of age and intent is to induce or cause a child to participate in sexual conduct 35-42-3.5-1(b)

Promoting Prostitution

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

Stalking

Lev.6 fel.: repeated or continuing harassment causing the victim to feel terrorized, frightened, intimidated, or threatened 35-45-10-5(a)
Lev. 5 fel.: stalking with threat placing victim in fear of sexual battery, SBI, or death 35-45-10-5(b)(1)(A-B)

stalking in disregard of a protection order issued in Indiana or by another state or Indian tribe 35-45-10-5(b)(2)(A-E)

stalking in disregard of an order issued as a condition of pretrial release or diversion 35-45-10-5(b)(3)

stalking in disregard of an order issued as a condition of probation 35-45-10-5(b)(4)

stalking while criminal case of stalking involving same victim is pending in court 35-45-10-5(b)(8)

Lev. 4 fel.: stalking while armed with deadly weapon or if previously convicted of stalking the same victim 35-45-10-5(c)(1-2)
Violation of a Custody Order

(Interference with custody by taking or detaining and by concealing a child)

C misd.: taking or detaining and 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 misd.: 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

(Interference with custody by taking child out of Indiana)

Lev.6 fel.: removal of/failure to return a child less than 18 years old to/from a place outside Indiana in violation of a court’s custody order 35-42-3-4(a)(1-2)

Lev.5 fel.: violation of a custody order w/child under 14 years of age who is not the child of the offender 35-42-3-4(a)

Lev.4 fel.: violation of a custody order by taking a child out of state and committed w/deadly weapon or resulting in SBI 35-42-3-4(a)
Definitions

**Bodily injury:** IC 35-31.5-2-29: Any impairment of physical condition, including physical pain.

**Moderate bodily injury:**
IC 35-31.5-2-204.5: any impairment of physical condition that includes substantial pain.

**Other sexual conduct:**
IC 35-31.5-2-221.5: an act involving a sex organ of one person and the mouth or anus of another person; or, the penetration of the sex organ or anus of a person by an object.

**Serious bodily injury:**
IC 35-31.5-2-292: bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement; unconsciousness; extreme pain; permanent or protracted loss or impairment of the function of a bodily member or organ; or loss of a fetus.
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 the 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 situation 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 Child Protective Services?

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; case law limits 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 the existence of protection or no-contact orders (if applicable)
• Interview disputants
Use your notebook. Begin by asking “what happened?” and focus 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 have 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 35-33-1-1.5).

• 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)

A missing juvenile, or a missing endangered adult, qualifies as a “high risk missing person” under IC 5-2-17-1. A law enforcement agency receiving a report of a missing person who is less than 21 years old must follow the procedures in IC 5-2-17 and IC 31-36-2, and must begin an investigation within 24 hours after notification that the child is missing. A law enforcement agency receiving a report of a missing person who is an endangered adult must follow the procedures in IC 5-2-17 and IC 12-10-18, and must prepare an investigative report within 5 hours after notification that the adult is missing.

A law enforcement agency 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).

Law enforcement agencies should consult 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.
IMPORTANT

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.

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 officer
submits to court a written, sworn statement describing the basis for the officer’s belief that the person is dangerous. IC 35-47-14-1 defines a “dangerous individual” as a person who:

• 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 to possess a firearm. (Note comparable federal law on page 66.)

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.
Battery

Battery is the most common crime of family violence. There is little question whether to arrest for felony batteries, but some misdemeanor batteries may require special consideration.

Arrests for Level 6 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 was committed against:

• A child less than 14 years old by a person at least 18 years old IC 35-42-2-1(e)(3)
• A dependent of any age who is mentally or physically disabled IC 35-42-2-1(e)(4)
• An endangered adult IC 35-42-2-1(e)(5)
• A member of a foster family home by a nonresident IC 35-42-2-1(e)(6)

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 also make on-scene, warrantless arrests for domestic battery, with probable cause. Officers should arrest for domestic battery when they have information confirming a domestic relationship as defined under IC 35-42-2-1.3 (family or household member).

Domestic battery is a Level 6 felony if it is committed by a person at least 18 years of age in the physical presence of a child less than 16 years of age.

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/she batters 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 or domestic battery as a Level 5 felony when it is a battery with injury committed by a person previously convicted of a battery offense against the same victim. Domestic battery is a Level 6 felony when it is committed by someone previously convicted of a battery 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.

“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. There is no duty to retreat.

No person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting the person or a third person by reasonable means necessary.

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

It is improper, and contrary to law, to arrest people who use reasonable force to protect themselves or their families. But there are limits on the amount of force that can be used in self-defense. Indiana law says:

(g)...a person is not justified in using force if:

1. the person is committing or is escaping after the commission of a crime;

2. the person provokes unlawful action by another person with intent to cause bodily injury to the other person; or

3. the person has entered into combat with another person or is the initial aggressor, unless the person withdraws from the encounter and communicates to the other person the intent to do so and the other person nevertheless continues or threatens to continue unlawful action.
This statute draws a fine line between legitimate self-defense and unnecessary violence, which has implications for incidents of domestic violence.

- A person can’t claim self-defense if he or she beats up another person after taunting them into committing the first act of violence.

For example, if a man provokes his wife into slapping him, and he responds by punching her in the face, he cannot claim that his violence was in self-defense, and he may be arrested for battery.

- Even if there is no provocation and it’s not clear who started a physical fight, if one party tries to get away, the other must stop battering.

Thus if a man and woman are engaged in mutual combat, and she attempts to stop and turn away, he can be arrested for battery if he does not stop.

*Note: What looks like mutual combat to you may actually be the victim exercising his or her legal right to self-defense.*

*Don’t jump to the conclusion that everyone who has been violent should be arrested, or should be ignored as a victim.*

Investigate carefully to be sure you don’t place a victim “in legal jeopardy of any kind whatsoever for protecting himself or a third person by reasonable means necessary.” Don’t just find out who was violent and who started it. Find out what the circumstances were when the violence began, and whether any of the parties tried to back out of the fight.

**Warrantless Arrest for Interference with the Reporting of a Crime (IC 35-33-1-1(a)(10))**

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))

A civil protection order 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 protection order as invasion of privacy (IC 35-46-1-15.1), a Class A misdemeanor. The violation is a Level 6 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 35-46-1-15.1. (See comparable federal law on page 65.)

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

- Confirm via IDACS or the POR 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

Protection 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 or delinquency 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; the 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).

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 66.)
**Note on “Questionable” Violations**

Under IC 34-26-5-11, even if a petitioner (protected person) 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
  
  http://www.in.gov/judiciary/center/2645.htm

**Involuntary Protective Services Orders (APS) (IC 12-10-3-21)**

Can be sought by the adult protective services unit, either directly or through the prosecuting attorney’s office, if an alleged endangered adult does not or is unable to consent to the receipt of protective services, due to a mental or physical incapacity, and is involved in a life threatening emergency. The petition must include evidence that immediate and irreparable injury will result if there is a delay in the provision of services.

**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, and disturbs the peace
- Public Intoxication (IC 7.1-5-1-3) — when a suspect appears to be
drunk while on a public sidewalk or street, and a person’s life is endangered or the suspect harasses another person, or causes a disturbance

- 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 a person in another vehicle

**Citizen’s Arrest (IC 35-33-1-4)**

Indiana law allows a citizen to arrest another person for felonies or crimes involving a breach of peace:

(a) Any person may arrest any other person if:
1. The other person committed a felony in his presence;
2. A felony has been committed and he has probable cause to believe that the other person has committed that felony; or
3. A misdemeanor involving a breach of peace is being committed in his presence and the arrest is necessary to prevent the continuance of the breach of peace.

(b) A person making an arrest under this section shall, as soon as practical, notify a law enforcement officer and deliver custody of the person arrested to a law enforcement officer.

(c) The law enforcement officer may process the arrested person as if the officer had arrested him. The officer who receives or processes a person arrested by another under this section is not liable for false arrest or false imprisonment.

Do not use the citizen’s arrest statute as a way to make the victim
shoulder your responsibility to act. If you find probable cause to arrest for battery with injury, you should arrest. However, when you do not find probable cause but the victim wants an arrest, you can support the victim’s citizen’s arrest by documenting the circumstances.

**Warrantless 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 Level 6 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 Level 5 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 Level 5 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 Level 4 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.

- **National Stalking Resource Center**
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.

18 U.S. Code 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, intimate partner, or dating partner and attempting or committing a crime of violence against that person.

18 U.S. Code 2261(a)(1)

Causing a spouse, intimate partner, or dating partner to travel in interstate or foreign commerce, or to enter or leave Indian country by force, coercion, duress, or fraud and then attempting or committing a crime of violence against that person.

18 U.S. Code 2261(a)(2)

Interstate Violation of a Protection Order

Traveling in interstate or foreign commerce, or entering or leaving Indian country with the intent to violate a protection order prohibiting credible threats of violence, repeated harassment, or bodily injury and then engaging in such conduct.

18 U.S. Code 2262(a)(1)
Causing a protected person to travel in interstate or foreign commerce, or to enter or leave Indian country by force, coercion, duress, or fraud and intentionally violating the protection order.

18 U.S. Code 2262(a)(2)

**Interstate Stalking/Cyberstalking**

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, intimidate, or surveil 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.

18 U.S. Code 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.

18 U.S. Code 922(g)(8)

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

Possessing a firearm or ammunition by a person who has been convicted of physical 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 cohabitant, or against the person’s dependent child.

18 U.S. Code 922(g)(9)
Important: The MCDV crime 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 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 42).
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 civil protection order, whether or not criminal charges are filed
- 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

CLARK COUNTY SHERIFF'S OFFICE
INCIDENT REPORT FOR CASE NUMBER 98-1929

Type Incident: Battery with Injury
Premises: Residence
Run Number: 14113
Location: 2309 Tinker Bell Road
Date: 11/9/98
Time: 10:15 PM
Event Location 2309 Tinker Bell Rd.
Event Date: 11/9/98
Time: 10:00 PM
Date To: Time
Township: Silver Creek
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***

Name: John D Person
W / M DOB: 12/29/59 Age: 38 Tele: (555) 123-4567
Address: Tinker Bell Rd.
City: Sellersburg IN Zip: 47172-
Describe:
Warrant Active: No
Aka:
No#
Charge1: Battery/With Injury (Domestic)
Charge2:

Name: Jane D Person
W / F DOB: 12/29/59 Age: 38 Tele: (555) 123-4567
SSN: 111-22-3333 DLN: 12345678 HT: 5-2 WT: 120 Eyes: Blu Hair: Blo
Address: Tinker Bell Rd.
City: Sellersburg IN Zip: 47172-
Describe:
Warrant Active: No
Aka:
No#
Charge1: 
Charge2:

Note: The narrative for this report (see next page) 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

**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>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 the Department of Child Services (DCS) to determine whether a child is in need of services (CHINS). 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.

**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 Child Protective Services
- Take any necessary CHINS action
- Document investigation findings in a written report

**Child In Need of Services (CHINS) (IC 31-34-1)**

A child is a child in need of services (CHINS) if before the child’s 18th birthday, 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 repeatedly disruptive behavior in the school

A child is also a CHINS if the child:

• Is the victim of any of the sex offenses listed in IC 35-42-4-1 through -9
• Lives in the same household as an adult who committed human or sexual trafficking or who has been charged with human or sexual trafficking
• Is the victim of human or sexual trafficking, regardless of whether the child consented to the conduct

(The human or sexual trafficking CHINS provisions apply to crimes allegedly committed in Indiana and in other states, as well as to federal crimes.)
• 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 Protective Services (CPS)

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

Role of Child Protective Services IC 31-33-8-1 (summary)

DCS shall initiate an appropriate thorough child protection assessment of every report of known or suspected child abuse or neglect it receives. If DCS believes a child is in imminent danger of serious bodily harm, it shall initiate an onsite assessment immediately, but not later than 1 hour, after receiving the report. If the report alleges a child may be a victim of child abuse, the assessment shall be initiated immediately, but not
later than 24 hours after receipt of the report. If reports of child neglect are received, the assessment 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.

**Police Responsibility to Report to DCS**

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 Department of Child Services (DCS).

**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 who is not mobile
- 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 developmental level
• 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 whether 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 be mindful of your primary responsibility to protect a child from harm.

• The child appears **undernourished**—for example, he or she may have cracked lips at the corner of their mouths, look extremely thin but perhaps with a swollen stomach, and there might not be any food in the house
• The child is dehydrated—for example, he or she has sunken eyes, may be feverish, and has skin that “tents” (e.g., 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, including, poor sanitation, or drugs left where a child could ingest them
• A child is prevented from going to school—for example, depriving a dependent of required education is itself a crime of neglect and 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 and 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, however, 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 and 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 under IC 31-33-5-1 is a class B misdemeanor (IC 31-33-22-1).

**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 immediately 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 to the child. 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 31-34-25 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 not a 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 30 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 DCS, 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
assessment of the report along
with the department 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
assessment 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 department;
and (2) the juvenile court under
IC 31-34-7.

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
proceedings
Child Abuse Hotline
800-800-5556 for reporting anywhere in Indiana

Important Website
http://in.gov/dcs/2372.htm
Domestic violence is covered by any of the crimes summarized earlier, including battery. 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—invocation of privacy, stalking, repeat battery against the same victim or another intimate partner—in addressing the unique problems of intimate partner violence (IPV).

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 previously:

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; most reported 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.

**Why Victims Stay**

People subjected to frequent, coercive, controlling IPV tend to experience:

- Feelings of powerlessness and dependence
- Punishment with violence for seeking help
- Low self-confidence
- Feeling trapped in the relationship
- Loss of self-esteem and self-confidence
- Feelings of powerlessness and dependency
- Uncertain life outside the abusive relationship
- Fear of the unknown and predictability of the abusive relationship
- No perceived alternative to the abusive relationship
- Love and commitment, “For better or worse”
- A belief that the abuser will change
- 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 or cultural beliefs
- Belief that abuse is normal
- Psychological abuse

**The Effects of Battery**

For those who commit crimes against their abusers, Indiana law allows evidence of a defendant’s suffering from the “effects of battery” (IC 35-41-3-11) in arguing self-defense and relief from harsh sentencing.
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 physically 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. Witnessing violence is traumatic for children of all ages and developmental levels.

Effects on Older Adults

Most perpetrators of elder abuse are spouses, partners, family members, or other individuals on whom older adults (ages 50 and older) depend for their health, safety, and well-being. Those who choose to leave their abusers may need economic assistance to obtain safe housing and live independently. It is estimated that victims of elder abuse are four times more likely to be admitted to a nursing home and three times more likely to be admitted to a hospital than non-abused older adults. Older victims of abuse also have a 300% higher risk of death than non-abused older adults.

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.

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

- Offer victims the opportunity to contact a shelter.

Law enforcement officers should be familiar with regional shelters and the procedures for admitting victims and their children. In general, an officer can assist in calling a shelter hotline and making transportation arrangements per department policies.

**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**

To access a list of domestic violence shelters around the state of Indiana, please visit this website: [http://www.icadvinc.org/get-help/all-services-in-indiana/](http://www.icadvinc.org/get-help/all-services-in-indiana/)
**ABUSE OF OLDER AND DISABLED ADULTS**

**Officer's Responsibility to Act on Abuse of Older and Disabled Adults**

- Protect the older or disabled victims
- Act on any suspected crime
- Arrest with probable cause
- Call for detectives
- Call for Adult Protective Services
- Document investigation findings in a written report

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

Anyone 18 years of age or older:

...with a mental or physical disability.

**Endangered Adult (IC 12-10-3-2)**

...an individual who is

(1) at least eighteen (18) years of age; (2) is incapable by reason of mental illness, intellectual disability, dementia, habitual drunkenness, excessive use of drugs, or other physical or mental incapacity of managing or directing the management of the individual’s property or providing or directing the provision of self-care; and (3) 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 endangered adults. Units are contracted through the Family and Social Services Administration.
Signs of Abuse in Older and Disabled Adults

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

Whenever an older adult 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 older adult 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 older adult 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, broken bones, 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” (e.g., 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

• *Over- or under-medication*

• Signs of *being restrained*, such as rope marks or bruises on the wrists or feet

**Caregiver Behavior**

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

• *Open hostility* toward 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 older adult or disabled person and others who might have relevant information. Be aware that there may be reasons for the older adult 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?***”

“How do you feel?”

“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 injury, 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 older 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 older 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 older adult 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 immediately report to Adult Protective Services any endangered adult who is or may be a victim of battery, neglect, or exploitation.

**Immunity from Civil and Criminal Liability (IC 12-10-3-11)**

Any person who, in good faith, makes a report concerning an endangered adult...is immune from both civil and criminal liability.

**Assisting Victims of Financial Abuse and Exploitation**

Older adults and disabled persons are often vulnerable to many forms of financial abuse and exploitation, which includes:

- Sudden changes in finances
- Unauthorized transactions, such as unlawful withdrawals from bank accounts, ATMs, and forged documents
- Improper obtaining of legal guardianship or Power of Attorney
- Use of coercion, harassment, intimidation, force, duress, or undue influence
- Suspicious changes in wills, trusts, titles, and other estate planning documents

If financial exploitation is suspected, a report can be made to your local Adult Protective Services Unit and/or the Prosecutor’s Office (if criminal activity is suspected).
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 older adult or disabled person is placed on probation or parole and lacks the resources to maintain stability in the community
• Recognize abuse and neglect in injured older adults 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.

APS Hotline 800-992-6978 for reporting anywhere in Indiana

Important Website
http://.in.gov/fssa/da/3479.htm
## Directory of Indiana APS Investigators

The following list of Adult Protective Services agencies in Indiana is keyed to the map on page 94.

<table>
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<tr>
<th>Unit</th>
<th>Agency</th>
<th>Phone</th>
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<tbody>
<tr>
<td>1</td>
<td>Lake Co. Prosecutor’s Office</td>
<td>219-755-3863</td>
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<tr>
<td>1A</td>
<td>LaPorte Co. Prosecutor’s Office</td>
<td>219-326-6808 ext. 2420</td>
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<td></td>
<td>(Jasper, Newton, LaPorte, Porter, Pulaski, Starke)</td>
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<tr>
<td>2</td>
<td>St. Joseph Co. Prosecutor’s Office</td>
<td>574-235-5092, 800-626-8320</td>
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<tr>
<td></td>
<td>(Elkhart, Kosciusko, Marshall, St. Joseph)</td>
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<td>3</td>
<td>Allen Co. Adult Protective Services</td>
<td>260-449-7989</td>
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<tr>
<td></td>
<td>(Allen, Adams, DeKalb, Huntington, LaGrange, Noble, Steuben, Wells, Whitley)</td>
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<td>Tippecanoe Co. Prosecutor’s Office</td>
<td>877-749-9111</td>
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<td>(Benton, Carroll, Clinton, Fountain, Montgomery, Tippecanoe, Warren, White)</td>
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<td>5</td>
<td>Cass Co. Prosecutor’s Office</td>
<td>574-753-5808</td>
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<td>(Cass, Fulton, Howard, Miami, Tipton, Wabash)</td>
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<tr>
<td>6</td>
<td>Madison Co. Prosecutor’s Office</td>
<td>765-641-9585</td>
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<td></td>
<td>(Blackford, Delaware, Grant, Henry, Jay, Madison, Randolph)</td>
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<td>7</td>
<td>Vigo Co. Prosecutor’s Office</td>
<td>812-462-3286</td>
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<td>(Clay, Park, Putnam, Sullivan, Vermillion, Vigo)</td>
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<td>Marion Co. Prosecutor’s Office</td>
<td>317-327-1403</td>
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<td>(Boone, Hamilton, Hendricks, Marion)</td>
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<tr>
<td>County</td>
<td>Prosecutor’s Office</td>
<td>Phone Number</td>
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<tr>
<td>Shelby Co.</td>
<td>Shelby Co. Prosecutor’s Office (Hancock, Johnson, Shelby)</td>
<td>317-392-6495</td>
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<tr>
<td>Wayne Co.</td>
<td>Wayne Co. Prosecutor’s Office (Fayette, Franklin, Rush, Union, Wayne)</td>
<td>765-973-9256</td>
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<td>Monroe Co.</td>
<td>Monroe Co. Prosecutor’s Office (Monroe, Morgan, Owen)</td>
<td>812-349-2665</td>
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<td>Bartholomew Co.</td>
<td>Bartholomew Co. Prosecutor’s Office (Bartholomew, Brown, Decatur, Jackson, Jennings)</td>
<td>812-379-1670</td>
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<tr>
<td>Dearborn Co.</td>
<td>Dearborn Co. Prosecutor’s Office (Dearborn, Jefferson, Ohio, Ripley, Switzerland)</td>
<td>812-537-8862</td>
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<td>Daviess Co.</td>
<td>Daviess Co. Prosecutor’s Office (Daviess, Dubois, Greene, Knox, Martin, Pike)</td>
<td>812-254-8681</td>
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<tr>
<td>Vanderburgh Co.</td>
<td>Vanderburgh Co. Prosecutor’s Office (Gibson, Perry, Posey, Spencer, Vanderburgh, Warrick)</td>
<td>812-435-5190</td>
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<td>Clark Co.</td>
<td>Clark Co. Prosecutor’s Office (Clark, Floyd, Harrison, Scott)</td>
<td>812-285-6364</td>
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<tr>
<td>Washington Co.</td>
<td>Washington Co. Prosecutor’s Office (Crawford, Lawrence, Orange, Washington)</td>
<td>812-883-5988</td>
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• A victim has the **right to be treated with fairness, dignity, and respect** throughout the criminal justice process.

• A victim has the **right to be free from intimidation, harassment, and abuse** throughout the criminal justice process.

• Victims have the **right to be informed**, upon request, when defendants are released from custody or have escaped.

• A victim of a felony or of a crime of domestic or family violence has the **right to confer with a representative of the prosecuting attorney’s office** after the crime has been charged, before the trial, and before any disposition of a criminal case involving the victim.

• A victim has the **right to have the victim’s safety considered** in determining release from custody of a person accused of committing a crime against the victim.

• A victim has the **right to be heard at any proceeding** involving sentencing or a postconviction release decision.

• A victim has the **right to make a written or oral statement** for use in preparation of the presentence report.

• A victim has the **right to read presentence reports** relating to the crime committed against the victim, except those parts containing the source of confidential information, information about another victim, or information determined confidential or privileged by the judge in a proceeding.

• The victim **must be afforded a fair opportunity to respond** to the material included in the presentence report.

• A victim has the **right to pursue an order of restitution** and other civil remedies against the person convicted of a crime against the victim.

• A victim has the **right to information, upon request, about the disposition of the criminal case** involving the victim or the conviction, sentence, and release of a person accused of committing a crime against the victim.

• A victim has **the right to be informed of the victim’s constitutional and statutory rights**.

• A child victim of a sex crime has the **right to confer with the prosecuting attorney** prior to being interviewed by defense counsel.