



County-City Building  
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Relations

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The Prosecutor's Office will provide, upon request, information about any of our charged cases (within ethical and confidentiality guidelines). Please contact the Director of Media Relations by phone at 574-235-9919 or e-mail [jmcbrier@stjoepros.org](mailto:jmcbrier@stjoepros.org) with questions about any of our charged cases.

In order to receive a timely response to your inquiry, please have as much information as possible when you call or e-mail to inquire about a case. While we make every attempt to be informed about as many cases as we can, it can be a daunting task to stay up to date on up to 2,000 felonies and 7,000 misdemeanor cases filed each year. We can respond much more quickly if you provide as much of the following information as you can discern:

- Name of defendant/suspect
- Crime that he or she allegedly committed
- Date (or approximate date) crime occurred
- Where the crime occurred (South Bend, Mishawaka, or the County)

All media inquiries should go through the Director of Media Relations to be routed to the appropriate staff member for response. Contact the Director of Media Relations to request an interview with the Prosecuting Attorney or another member of the staff.

The Prosecutor's Office releases information with regard to:

- Charges filed in criminal cases
- Status of criminal cases
- Disposition of criminal cases (plea, verdict at trial, etc.)
- Sentencing of defendants convicted in criminal cases
- General information about criminal law
- General information about the procedure of criminal cases

Please feel free to contact the Director of Media Relations if you are not sure where to go for information. We will gladly assist you by pointing you in the right direction.

Please be aware that particular items of information cannot be released, due to ethical restrictions defined by the American Bar Association's *Model Rules of Professional Ethics* and the National District Attorneys Association *Prosecution Ethics*. Generally, the prohibited information includes:

- Whether a particular individual is under investigation
- Names of juvenile defendants (unless filed as an adult)
- Names of juvenile victims

- Details of cases filed in Juvenile Court (unless opened to the public by the Judge or waived to adult court)
- Names of victims of sexual assault (adult or child)
- Contact information for victims
- Whether a suspect has been charged or convicted in a previous case/cases
  - Call or visit the St. Joseph County Clerk's Office in the Courthouse to look up this information
- Further information not included in the charging documents, as specified in the American Bar Association's *Model Rules of Professional Conduct* (see below)

*Model Rules of Professional Conduct, Rule 3.6(a):*

“A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.”

*Model Rules of Professional Conduct, Rule 3.6(b):*

“Notwithstanding paragraph (a), a lawyer may state:

- (1) The claim, offense, or defense involved and, except when prohibited by law, the identity of the persons involved;
- (2) Information contained in a public record;
- (3) That an investigation of a matter is in process;
- (4) The scheduling or result of any step in litigation;
- (5) A request for assistance in obtaining evidence and information necessary thereto;
- (6) A warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and
- (7) In a criminal case, in addition to subparagraphs (1) through (6):
  - i. The identity, residence, occupation, and family status of the accused;
  - ii. If the accused has not been apprehended, information necessary to aid in apprehension of that person;
  - iii. The fact, time and place of arrest; and
  - iv. The identity of investigating and arresting officers or agencies and the length of the investigation.

The American Bar Association has provided additional comments to further guide attorneys, particularly prosecutors, in the disclosure of information. The following comments list six areas that are to be avoided when discussing a case:

1. The character, credibility, reputation, or criminal record of a party, suspect in a criminal investigation or witness, or the identity of a witness, or the expected testimony of a witness;



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2. In a criminal case or proceeding that could result in incarceration, the possibility of a plea of guilty to the offense or the existence or contents of any confession, admission, or statement given by a defendant or suspect or that person's refusal or failure to make a statement;
3. The performance or results of any examination or test or the refusal or failure of a person to submit to an examination or test, or the identity or nature of physical evidence expected to be presented;
4. Any opinion as to the guilt or innocence of a defendant or suspect in a criminal case or proceeding that could result in incarceration;
5. Information that the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and that would, if disclosed, create a substantial risk of prejudicing an impartial trial; or
6. The fact that a defendant has been charged with a crime, unless there is included therein a statement explaining that the charge is merely an accusation and that the defendant is presumed innocent until and unless proven guilty.

Additionally, under Administrative Rule 9(g) as codified by the Indiana Supreme Court and the Indiana State Court Administration, the Prosecutor's Office is prohibited from distributing certain specified identifying information about defendants, victims, and witnesses of crime.

*Model Rules of Professional Conduct*, Rule 3.8 (f):

"The prosecutor in a criminal case shall, except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose, refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused..."

*NDA National Prosecution Standards*, Third Edition, Rule 2-14.2, "Balancing Interests"

"The prosecutor should strive to protect both the rights of the individual accused of a crime and the needs of citizens to be informed about public dangers and the conduct of their government..."

*NDA National Prosecution Standards*, Third Edition, Rule 2-14.1, "Media Relations"

"The prosecutor should seek to maintain a relationship to the media that will facilitate the appropriate flow of information to and from the public. An appropriate and professional relationship with the media is necessary to promote public accountability and transparency in government."

During Office hours, please contact the Prosecutor's Office Director of Media Relations to inquire about the release of information in cases handled by these multi-jurisdictional, specialty units. After Office hours, the release of information is handled either by the Specialty Unit itself or by the Public Information Officer for the originating police agency.

### **How does the process of charging a person with a crime work?**

1. Police agency receives a complaint.
2. Police agency investigates the complaint
3. Police agency may contact Prosecutor's Office for consultation.
4. Police agency writes a report.
5. Police report is forwarded to the Prosecutor's Office for review. Officers may also meet with a prosecutor.
6. One of three things happens:
  - a. No crime can be charged – case is not prosecuted.
  - b. Crime may have occurred – case is returned to investigator for supplemental investigation.
  - c. Probable cause exists that a crime occurred and was committed by the suspect listed in the police report – criminal charges are filed.
7. When criminal charges are filed, the Prosecutor's Office sends the charging documents and an affidavit of facts to a Judge
8. The Judge will review them and determine if probable cause does indeed exist to charge the person with a crime.
9. If the Judge finds that there is probable cause, the Judge signs the charging documents and also sets the bond for the defendant (Murder is the only charge for which a defendant can be held without bond).

### **After the Prosecutor's Office receives a police report, how long does it take before charges are filed?**

1. If the suspect is arrested, charges must be filed within 48 hours or the suspect must be released.
2. If the suspect is not in custody, charges will be filed as soon as possible based upon the severity of the crime, the danger to the community if the suspect remains free, and the number of crime reports pending charging.

### **When charges are filed, what happens next?**

1. If the defendant is in custody, he or she will be arraigned the next day that court is in session.
2. If the defendant is not in custody, either a Summons to Appear or an Arrest Warrant will be issued.
  - a. If a Summons to Appear is issued, the defendant will be arraigned on the date listed on the summons.
  - b. If an Arrest Warrant is issued, the defendant will be arraigned following his or her arrest.

## What is an “arraignment?”

In St. Joseph County, arraignments occur in the second floor courtroom in the 1855 Courthouse in South Bend (112 South Lafayette Street). Defendants who are in the custody of the county jail are arraigned via closed circuit television; the defendants remain at the county jail and communicate with the Judge or Magistrate via the closed circuit connection.

During an arraignment, several things occur. A Magistrate will:

- Read the criminal charges to the defendant
- Inform the defendant of the amount of the bond
- Determine if the defendant will hire private counsel or will need the Court to assign a public defender
- Assign the case to the Judge who will handle the case on a permanent basis and set a date for the Initial Hearing

**The Prosecutor’s Office is in charge of several investigative units.** When a case is assigned to one of these units for investigation, the Prosecutor’s Office is responsible for all media contact:

- **County Metro Homicide Unit (CMHU)**
  - Investigates homicides, suspicious deaths, and injuries so serious that the victim may die as a result

- **Special Victims Unit (SVU)**
  - Investigates domestic violence and sexual assault/rape, as well as child sexual/physical abuse and neglect
- **Fatal Crash Team (FACT)**
  - Investigates every fatal car crash in the County where there is a surviving driver
  - Investigates crashes involving serious bodily injury where intoxication, drug usage or recklessness may be a factor
  - Investigates other crashes at request of the jurisdiction without regard to above criteria upon request of the Chief or Sheriff
- **Cybercrimes Unit**
  - Housed with the St. Joseph County Detective’s Bureau, this unit investigates cases involving technology and child exploitation
  - It is affiliated with Indiana Internet Crimes Against Children (ICAC) Taskforce and the FBI Cybercrime Taskforce
  - Involves a joint effort between the Prosecutor’s Office and the St. Joseph County Police Department and has been in operation since 2011
- **Drug Investigations Unit (DIU)**
  - Focuses on violent drug trafficking, major drug distribution, and drug overdose investigations

**Contact the Prosecutor's Office Media Relations Director for all inquiries involving one of these Units.** If it is appropriate for you to speak directly with a staff member assigned to the respective unit, the Media Relations Director will facilitate that contact.

**What documents are filed with the Court by the Prosecutor when an accused person is charged with a crime?**

- Criminal Information:
  - This document lists the charges that the State is filing against the defendant, including the appropriate Indiana Code sections.
- Supplemental Affidavit in Support of Probable Cause:
  - This document gives the details of the criminal act that are necessary to demonstrate to the Court that probable cause exists to charge the defendant with a crime.

While we are happy to provide you with information about criminal cases when we are able to do so, please understand **that ethical standards govern what information a Prosecutor and his staff may disseminate about a case.**

There is often information that may be of interest to the public, but is not appropriate for release by the Prosecutor or his staff.

- If a matter is under investigation by any local law enforcement agency, we will confirm that the investigation is ongoing, but cannot divulge details as this could jeopardize the investigation and any future prosecution of the matter.

- If criminal charges have been filed against an adult, we can forward the Criminal Information and the Supplemental Affidavit in Support of Probable Cause documents to you.
- If a minor (under age 18) has been taken into custody for delinquency (committing an act that would be a crime if committed by an adult), the matter is handled through the Juvenile Court. Most documentation in juvenile cases is confidential; therefore, details of the cases often are not available to the public.
- If a minor (under age 18) has been charged as an adult, we can forward the Criminal Information document to you. If a minor is charged initially as a child then waived to "adult court," probable cause will have been determined in a hearing by the Juvenile Court, therefore no Supplemental Affidavit in Support of Probable Cause will be filed.

**The following types of information can be disseminated by a Prosecutor and his staff, once criminal charges have been filed:**

- The name, age, residence, occupation, family status, and citizenship of a person charged with a crime;
- The substance or text of a charge such as complaint, indictment, information, and, where appropriate, the identity of the complainant;
- The existence of probable cause to believe that the accused committed the offense charged;

- The identity of the investigating and arresting agency, the length and scope of the investigation, the thoroughness of the investigative procedures, and the diligence and professionalism of the law enforcement personnel in identifying and apprehending the accused;
- The circumstances immediately surrounding the arrest, including the time and place of arrest, the identity of the arresting officer or agency, resistance, pursuit, possession, and use of weapons, and a description of items seized at the time of arrest or pursuant to a search warrant; and
- Matters which are of public record, the disclosure of which could serve the public interest, including correction and/or clarification of any misleading statements, or misrepresentations of any record by other persons.

**There are certain types of information in criminal cases that should not be disseminated, unless necessary in order to fulfill other ethical obligations concerning release of information, by a Prosecutor or his staff due to ethical standards.** These types of information include:

- Statements as to the character or reputation of an accused person or a prospective witness;
- Admissions, confessions, or the contents of a statement or alibi attributable to an accused person;
- The performance or results of tests or the refusal of the accused to take a test;

- Statements concerning the credibility or anticipated testimony of prospective witnesses;
- The possibility of a plea of guilty to the offense charged or to a lesser charge or other disposition; and
- Information about tactics, strategies, or arguments that will be used at trial.

In 2005, Administrative Rule 9 (AR9), written by the Indiana Supreme Court, went into effect. In essence, AR9 requires that prosecutors and other attorneys filing documents with the Court remove certain pieces of information from publicly accessible documents that would place a person in jeopardy of identity theft or other crimes. **Information that is not available at any time for release to the public or media includes, but is not limited to:**

- Dates of birth of the defendant, victim, or witness;
- Social Security Numbers; and
- Address, phone number, or other “specifically identifying information” of an individual person who is a victim of crime or a witness to a crime (this does not include the name of the victim or witness).

The St. Joseph County Prosecutor’s Office, in consultation with the Indiana Supreme Court, has also determined that the names of victims of sexual assault crimes will not be disseminated:

- The charging documents and other filings in criminal cases involving these victims will include only the initials of the victims.

We will also not confirm if pictures obtained from social media, and sent to us for victim or defendant identification purposes, are pictures of either a victim or defendant.

**Who do I contact to find out:**

- **A defendant's next court date?**
  - **Indiana Odyssey Case Management System, <https://mycase.in.gov/default.aspx>**
- **If a defendant is in the custody of the St. Joseph County Jail?**
  - **St. Joseph County Jail Booking Desk (574-245-6518) or [www.sjcpd.org](http://www.sjcpd.org), Inmate Search**
- **If I can obtain a mug shot for a story?**
  - **St. Joseph County Jail Booking Desk (574-245-6518) or [www.scjpd.org](http://www.scjpd.org), Inmate Search**
- **If the Prosecutor's Office will file charges against an individual?**
  - **Prosecutor's Office Media Relations Director**
- **What is going on with an investigation?**
  - **Prosecutor's Office Media Relations Director**
  - **Will only confirm if an investigation is ongoing or under review for prosecution**