

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ST. JOSEPH )  
 )  
STATE OF INDIANA )  
 )  
VS )  
 )  
TIMOTHY BARBER )  
DOB: 3/15/1985 )

IN THE ST. JOSEPH SUPERIOR COURT

CAUSE NUMBER. 71

INFORMATION FOR:

COUNT I:  
CHILD SEDUCTION  
A LEVEL 5 FELONY

COUNT II:  
CHILD SEDUCTION  
A LEVEL 5 FELONY

COUNT III:  
PUBLIC INDECENCY  
A CLASS A MISDEMEANOR

COUNT IV:  
OFFICIAL MISCONDUCT  
A LEVEL 6 FELONY

COUNT V:  
PUBLIC NUDITY  
A CLASS B MISDEMEANOR

COUNT VI:  
OFFICIAL MISCONDUCT  
A LEVEL 6 FELONY

COUNT I

KENNETH P. COTTER, upon information and belief, affirms under penalty of perjury that:

Between August 1, 2021 and September 2, 2021 in St. Joseph County, State of Indiana, Timothy Barber, a law enforcement officer who is at least 5 years older than a child who is less than 18 years of age, to wit: 16 years of age, had contact with the child while acting within the scope of the law enforcement officer's official duties with respect to the child and used or exerted the law enforcement officer's professional relationship with the child to engage with the child in sexual intercourse.

All of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-42-4-7(o) and I.C. 35-42-4-7(q)(2), and against the peace and dignity of the State of Indiana.

COUNT II

KENNETH P. COTTER, upon information and belief, affirms under penalty of perjury that:

Between August 1, 2021 and September 2, 2021 in St. Joseph County, State of Indiana, Timothy Barber, a law enforcement officer who is at least 5 years older than a child who is less than 18 years of age, to wit: 16

years of age, had contact with the child while acting within the scope of the law enforcement officer's official duties with respect to the child and used or exerted the law enforcement officer's professional relationship with the child to engage with the child in sexual intercourse.

All of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-42-4-7(o) and I.C. 35-42-4-7(q)(2), and against the peace and dignity of the State of Indiana.

### COUNT III

KENNETH P. COTTER, upon information and belief, affirms under penalty of perjury that:

Between August 1, 2021 and September 2, 2021 in St. Joseph County, State of Indiana, Timothy Barber did knowingly and in a public place, appear in a state of nudity, with the intent to arouse or satisfy the sexual desires of Timothy Barber or another person.

All of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-45-4-1(a)(3), and against the peace and dignity of the State of Indiana.

### COUNT IV

KENNETH P. COTTER, upon information and belief, affirms under penalty of perjury that:

Between August 1, 2021 and September 2, 2021 in St. Joseph County, State of Indiana, Timothy Barber, a public servant, to-wit: a law enforcement officer; knowingly committed an offense to-wit: Public Indecency in the performance of his official duties.

All of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-44.1-1-1(1), and against the peace and dignity of the State of Indiana.

### COUNT V

KENNETH P. COTTER, upon information and belief, affirms under penalty of perjury that:

Between August 1, 2021 and September 2, 2021 in St. Joseph County, State of Indiana, Timothy Barber did knowingly, at a public place, appear in a state of nudity, to-wit: expose his genitalia with the intent to be seen by another.

All of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-45-4-1.5(c) , and against the peace and dignity of the State of Indiana.

### COUNT VI

KENNETH P. COTTER, upon information and belief, affirms under penalty of perjury that:

Between August 1, 2021 and September 2, 2021 in St. Joseph County, State of Indiana, Timothy Barber, a public servant, to-wit: a law enforcement officer, did knowingly or intentionally committed an offense to-wit: Public Nudity in the performance of his official duties.

All of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-44.1-1-1(1), and against the peace and dignity of the State of Indiana.

I affirm under the penalties for perjury that the foregoing representations are true.



KENNETH P. COTTER  
PROSECUTING ATTORNEY

Probable cause found. Arrest Warrant Issued.

\_\_\_ Pursuant to Criminal Rule 26 and the St. Joseph County Release/Detention Matrix, Defendant ordered released on recognizance with a promise to appear. Defendant subject to any conditions listed in the attached Pretrial Supervision Order.

\_\_\_ Defendant to be held for initial bail hearing on \_\_\_ day of \_\_\_\_\_, 2021 at 1:00 p.m.

Defendant to be held for next available bail hearing after the warrant is served.

\_\_\_ Bond set in the amount of \_\_\_\_\_ corporate surety or \_\_\_\_\_ cash. Defendant subject to any conditions listed in the attached Pretrial Supervision Order.

So found this 19th day of October, 2021 at 3:18 pm am/pm.



JUDGE, ST. JOSEPH SUPERIOR COURT

WITNESSES:

Victim 1

All witnesses listed in police, medical and laboratory reports

STATE OF INDIANA )  
 )SS:  
COUNTY OF ST. JOSEPH )  
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VS )  
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TIMOTHY PAUL BARBER )  
DOB: 03/15/1985 )

IN THE ST. JOSEPH SUPERIOR COUR  
CAUSE NUMBER. 71  
SUPPLEMENTAL AFFIDAVIT IN  
SUPPORT OF PROBABLE CAUSE

Detective Jon Yoder affirms under the penalty for perjury and states:

I am a Detective with the Mishawaka Police Department, assigned to the Special Victims Unit of St. Joseph County. I have been an Officer for the Mishawka Police Department since October of 2013. I have been an investigator with the Special Victims Unit since June of 2019.

That facts which form the basis for the belief that there is probable cause to believe that TIMOTHY PAUL BARBER (“BARBER”) has committed the crime(s) of Count 1: Child Seduction, a Level 5 Felony, Count II: Child Seduction, a Level 5 Felony, Count III: Child Seduction, a Level 6 Felony, Count IV: Official Misconduct a Level 6 Felony, Count V: Official Misconduct a Level 6 Felony, Count VI: Public Indecency an A-Misdemeanor, Count VII: Public Nudity a B-Misdemeanor, are as follows:

On or about the 5<sup>th</sup> day of October, 2021 Mishawaka Police was contacted by [REDACTED] [REDACTED] and [REDACTED] Mr. [REDACTED] and Ms. [REDACTED] reported they discovered that their 16-year-old daughter, [REDACTED] (“VICTIM 1”) had a sexual relationship with a South Bend Police Officer on at least two occasions. One sexual encounter took place in August of 2021 and a second sexual encounter in September of 2021.

Mr. [REDACTED] and Ms. [REDACTED] reported that they checked VICTIM 1’s cell phone after coming home one evening and discovered the entry T.barber with a police officer “emoji” next to the name, and discovered some of the communication. When confronted with this information,

VICTIM 1 admitted to having sexual encounters with a police officer. They then contacted police. I was tasked with investigating this matter.

On or about the 6<sup>th</sup> day of October, 2021 VICTIM 1 was forensically interviewed at the CASIE Center. VICTIM 1 disclosed that she has been in communication with BARBER since July of 2021. VICTIM 1 disclosed that she met BARBER while she was working at [REDACTED] in the [REDACTED] in the city of South Bend which is located in St. Joseph County, Indiana.

VICTIM 1 disclosed that BARBER would come into [REDACTED] in full police uniform and talk to her while she was working. VICTIM 1 disclosed that BARBER then asked for her phone number (while in full police uniform) which VICTIM 1 provided. BARBER and VICTIM 1 continued to communicate with each other through messages and in person.

VICTIM 1 disclosed that in August of 2021, BARBER picked her up from work in his South Bend Police patrol vehicle while in full police uniform. BARBER drove her to a secluded location. There, VICTIM 1 engaged in sexual intercourse with BARBER in his South Bend Police patrol vehicle and while BARBER was in full police uniform.

VICTIM 1 disclosed that later that month, BARBER came through the drive through in his South Bend Police patrol vehicle on duty and in full police uniform while she was working outside in the drive through. VICTIM 1 disclosed that BARBER appeared in a state of nudity exposing his genitals with the intent to arouse the sexual desires of VICTIM 1. VICTIM 1 stated she was not expecting to see that and that she felt “awkward” when she saw BARBER’s genitals while working in the drive through.

VICTIM 1 disclosed that BARBER again came through the drive through in his South Bend Police patrol vehicle on duty in full police uniform while she was working outside the

drive through on a later date in August of 2021. VICTIM 1 disclosed that BARBER brought her candy. VICTIM 1 disclosed that while she attempted to retrieve the candy, BARBER grabbed her hand and placed her hand on his exposed genitals with the intent to arouse the sexual desires of VICTIM 1 or himself. VICTIM 1 stated she was not expecting to touch BARBER's genitals, and that she again felt "shocked" and "awkward" when BARBER's made her touch his genitals.

VICTIM 1 disclosed that the encounters with BARBER continued. According to VICTIM 1, BARBER picked her up from work again in his South Bend Police patrol vehicle while in full police uniform in September of 2021. VICTIM 1 disclosed that she had sexual intercourse with BARBER, again in his South Bend Police patrol vehicle while BARBER was in full police uniform.

VICTIM 1 disclosed that BARBER knew that she was 16 years old. VICTIM 1 disclosed when she discussed her age with BARBER, that BARBER told her that he looked it up "in the books" and discovered that there was nothing wrong with him having sex with a 16-year-old.

On the 8<sup>th</sup> day of October, Special Victims Unit Detective Jon Yoder obtained GPS coordinates from BARBER'S South Bend Police patrol vehicle. GPS coordinates showed BARBER'S South Bend Police patrol vehicle at [REDACTED] on the 6<sup>th</sup> day of August, 2021. GPS coordinates showed BARBER'S South Bend Police patrol vehicle leaving [REDACTED] and stopping at a secluded area in the City of South Bend, Indiana for a period of time. GPS coordinates showed BARBER'S South Bend Police patrol vehicle then leaving the secluded area and stopping at VICTIM 1's family member's residence.

GPS coordinates also showed that on the 2<sup>nd</sup> day of September, 2021, BARBER'S South Bend Police patrol vehicle was at [REDACTED] GPS coordinates showed BARBER'S South Bend Police patrol vehicle leaving [REDACTED] and stopping at a secluded area in the City of

Mishawaka, Indiana for a period time. GPS coordinates showed BARBER'S South Bend Police patrol vehicle then leaving the secluded area and stopping at VICTIM 1's residence. These dates and coordinates correspond to the times that VICTIM 1 disclosed that she had sexual intercourse with BARBER.

VICTIM 1 disclosed that she did not know what to do. VICTIM 1 disclosed that she felt like BARBER was "obsessed" with her by constantly coming into her workplace to see her while he was in full police uniform. VICTIM 1 disclosed that she felt like she had to have sexual intercourse with BARBER and felt intimidated by BARBER because he was a "cop".

All of the above events occurred in Saint Joseph County, Indiana.

I affirm under the penalty for perjury that the foregoing representations are true.



Detective Jon Yoder  
Special Victims Unit