

# **Victim Advocate Handbook**

A Reference and Resource Guide for  
Victim Advocates

2016



**Office of the Indiana Attorney General**  
*Victim Services and Outreach Division*



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## INTRODUCTION and OVERVIEW

This guide is intended to serve as a resource for victim advocates, law enforcement, prosecutors and other stakeholders seeking information about state laws, funding sources, case law or studies about victim advocacy. This guide *is not intended* to provide legal advice or counsel, and is not comprehensive of all statutes, laws, or resources applicable to victims, crime or other related topics.

The Office of the Indiana Attorney General (OAG) has always played a role in offering support to victims of crime by assisting victims and their families through the complex process of court proceedings when their cases were on appeal from the trial courts. In 2001, the Address Confidentiality Program (ACP) was passed into law to be administered by the Attorney General. In addition, the OAG offers Hope Cards to victims who have protective orders in place against their perpetrators and it serves hundreds of families each year ([in.gov/attorneygeneral/2972.htm](http://in.gov/attorneygeneral/2972.htm)). The work assisting victims of violent crime and domestic violence naturally developed over time to assist advocates and law enforcement in addressing sexual assault and human trafficking. The Attorney General also is a co-chair of the Indiana Protection of Abused and Trafficked Humans Task Force. This task force strives to increase education, coordinate assistance and develop initiatives to deter the demand for abused and trafficked individuals.

This handbook, while helpful to those who work with victims of crime of all kinds, is focused on those dedicated to working with victims of domestic violence, sexual assault, human trafficking, stalking and dating violence.

References to key statistics, articles and studies are included throughout the guide, and are also attached at the end. While traditionally most research, writing, and focus in the legal system has been on the rights of defendants, law and policy have evolved over time to place additional focus on victims, their needs, and their right to be heard. This handbook is a product of the OAG and *is not intended* to be a sole resource regarding victim services and advocacy. The OAG is pleased to provide the following information to continue the ongoing dialogue and support for victims, their families and the advocates who serve and support these individuals.

Thanks to all of those who serve victims in Indiana. It takes selfless, compassionate and dedicated people to step up to help those facing such difficult circumstances. Know that this work makes a difference in the lives of so many.

## **Part I: KEY FUNDING SOURCES for VICTIM PROGRAMS**

Although various sources of funding exist at the local, state and federal levels, in Indiana, a primary funding source for criminal justice victim services programs is found in Indiana Code and oversight rests with the Indiana Criminal Justice Institute (ICJI). The federal government allocates millions of dollars each year through ICJI, mostly through block grant or formula awards and these monies are governed by federal code and federal regulations. The types of awards and amounts vary each year. Thus ICJI is a central receiving point for most federal victim services dollars received by Indiana, with a few exceptions of grant funding streams that are allocated directly to other state agencies. These monies do not appear in the Indiana budget bill, but are managed through the State Budget Agency.

In addition to federal monies, state monies appropriated through the Indiana budget bill are also appropriated to ICJI from the legislature for distribution through grants, primarily to domestic violence and sexual assault service programs.

ICJI accepts applications for grants to victim advocate programs, law enforcement, prosecutors and other criminal justice-related agencies through solicitations. While victim advocates might not deal directly with funding sources, it is helpful to have a working knowledge and overview of how many critical grant funds are awarded, and to know from which federal and state grant funds awards are made. Outlined below are descriptions of a few of these grant funding sources.

### **Indiana Criminal Justice Institute (ICJI)**

The legislature established ICJI in 1983 in IC 5-2-6 et. seq., as the State Administrative Agency (SAA) to receive federal criminal justice funding through the federal Omnibus Crime and Control Act on behalf of the state government. At the time of passage, the federal Omnibus Crime and Control Act provided that each state designate an entity or agency to receive significant amounts of new federal funding, the result of dramatic increases in crime during the 1980s leading to new appropriations for victims of crime. New laws also began to recognize and emphasize the importance of supporting victims by giving notice of hearings and connecting funding sources to federal language pertaining to victim rights.

In Indiana Code ICJI is governed by a board of trustees. The Chair of the Board is appointed by the governor of Indiana as outlined in IC 5-2-6-4. Most of the appointees on the board are appointed by the governor as described in statute, while several are statutorily required to represent other entities, including the Office of the Attorney General, prosecutors and public defenders. The board is required to meet at least four times a year to make funding decisions based on applications for grants by local, state and non-profit agencies. Board and committee meetings are open to the public and as such must comply with the Open Door Law.

Although ICJI has several divisions, by statute, the Victim Services Division reviews grant funding applications and makes recommendations to a committee and the Board of Trustees.

To receive automated alerts from ICJI regarding the posting of grant solicitations, interested applicants and others should register their email address with ICJI's grant system. Information about ICJI can be found online at [www.in.gov/cji](http://www.in.gov/cji).

## **Federal Grant Funds**

The majority of grant dollars awarded by ICJI are federal monies. The grant award periods typically coincide with the beginning of the federal fiscal year, which begins on October 1. The block or formula grant awards are appropriated to each state, and ICJI receives these formula grants. ICJI then must comply with many federal requirements in accepting these monies. The requirements are outlined in the U.S. Code and federal regulations, among other sources. Primary issuers of these grants are federal agencies such as the U.S. Department of Justice, from which ICJI receives most of its criminal justice monies, and other agencies such as Homeland Security or the Department of Health and Human Services.

### **VOCA**

Key funding streams include VOCA or Victims of Crime Act (federal legislation originally passed in 1984) which supports many domestic violence, sexual assault service providers, law enforcement, prosecutors and others serving victims of crime. VOCA is funded by penalties and fines paid by individuals who receive felony sentences (and thus not taxpayer dollars). In the last federal budget cycle, ICJI received nearly \$40 million in VOCA monies. This amount represented almost five times more than prior funding levels. The significant increase was a result of the lifting of a mandatory funding cap that each state could receive from the federal government. As of the writing of this guide, approximately \$20 million had been allocated by ICJI to victim service providers through grants. There remains approximately \$20 million in VOCA monies available for programs. In the next federal budget cycle, Indiana is designated to receive another increase up to a total of approximately \$47 million.



Eligibility for VOCA funds is fairly broad, and programs which serve victims of crime, including domestic violence, sexual assault, elder abuse, crimes against children, and victims in underserved populations are highlighted as eligible for these funds. Requirements and limitations are found in federal statutes, and the Code of Federal Regulations. Applicants should consult the ICJI grant solicitations from prior years to anticipate upcoming open solicitations.

*Many victim services grant programs are managed by the Office of Justice Programs within the Department of Justice (DOJ). For information about discretionary (competitive) grant funding and additional information about federal requirements for all DOJ grants, see [www.ojp.gov/ovc/grants](http://www.ojp.gov/ovc/grants).*

## **State Grant Funds**

In addition to the millions of dollars in federal funds received by ICJI annually, the Indiana General Assembly appropriates state monies to ICJI in the budget bill which is passed every two years. Two key victim funds appropriated in the budget bill are described below with their Indiana Code citations.

### **Domestic Violence Prevention and Treatment Fund (Indiana Code 5-2-6.7 et. seq.)**

The primary source of state funds for domestic violence victims and programs is the Domestic Violence Prevention and Treatment Fund. This funding source is not tied to federal funding and the level appropriated is decided by the state legislature. In the most recent budget cycle, \$10 million was awarded to ICJI for grants. The \$10 million is appropriated as \$5 million for each of the two years of the budget cycle.

A key entity in reviewing and advising ICJI on awards of these grant monies is the Domestic Violence Prevention and Treatment Council, which is also tasked with developing a statewide plan regarding domestic violence. Appointments are made to the Council as outlined in Indiana Code 5-2-6.6. The chair of the Council is chosen, by statute, by the Council members. Members may only be removed for cause under the Indiana Code.

### **Sexual Assault Program Funds**

The General Assembly also has in past budget cycles appropriated money to ICJI for distribution through grants to sexual assault service providers. By law, a statewide sexual assault coalition advises and recommends funding decisions to ICJI. New legislation passed in 2015 further discusses subjects related to the Sexual Assault Standards Board, as well as the role of the Indiana Coalition to End Sexual Assault (ICESA) (See House Enrolled Act 1233 from the 2015-2016 session for changes to IC 5-2-6-23 et. seq.) Sexual assault funds were increased over past years, with a \$1 million funding appropriation for each of the two current budget years (a total of \$2 million). ICESA also is eligible under these Indiana Code provisions to receive up to 10 percent of the amount appropriated by the legislature from these state funds.

An important aspect of the new legislation is in the expanded definition of entities eligible to apply for funding. The definition of eligible applicants was expanded from “rape crisis center” to include service providers that utilize “trauma informed sexual assault services” for victim-centered, acute medical care or forensic medical services. The legislation also states that trauma informed sexual assault services address the physical, psychological, and emotional needs of sexual assault victims for the duration of their lives. The fund is designated to support the establishment of rape crisis centers, enhance services of the existing centers, and develop, implement and expand trauma informed sexual assault services.



## Part II: INDIANA LAW – VICTIM RIGHTS

### Indiana Constitution

In 1996, Indiana was one of 25 states to add a provision to its state Constitution in the Bill of Rights to provide for victims. While attempts have been made through the years to add a victim rights section to the U.S. Constitution, those efforts have not succeeded. Protections for victims are found through federal statutes and regulations. In 18 U.S.C. 3771, when the rights of crime victims are enumerated and include the right to be reasonably heard, be protected from the accused, and to be treated with dignity and respect, as well as to have their privacy respected. Rights specifically enumerated for child victims are also found in 18 U.S.C. 3509. (See addendum at the end of this guide for a full listing of enumerated rights under these federal statutes.)

This guide focuses on Indiana Code, studies and cases, law reviews and articles. An overview of the history of this area of law is found in *“The Swinging Pendulum of Victims’ Rights: The Enforcement of Indiana’s Victims’ Rights’ Laws.”* Published in the Indiana Law Review in 2001, the author provides a collection of historical information, legal research and references which are helpful to the study of victims’ rights.

### Indiana Code Provisions

Indiana’s Bill of Rights in its constitution enumerates protections for crime victims:

*Victims of crime, as defined by law, shall have the right to be treated with fairness, dignity, and respect throughout the criminal justice process; and, as defined by law, to be informed of and present during public hearings and to confer with the prosecution, to the extent that exercising these rights does not infringe upon the constitutional rights of the accused. (As added to the Indiana Constitution on November 5, 1996).”*

The legislature began elaborating upon the meaning of this provision in the state constitution by adding language to the Indiana Code to address specific areas of victim rights. While historically unusual for the Indiana legislature to describe its intent when passing legislation, it did so in the instance of victims’ rights in 1999, three years after the language was added to the Constitution’s Bill of Rights. In the passage below, the legislature also establishes a vision of its intent to continue to pass victim rights related legislation.

#### ***Legislative Intent: Intent to protect rights of victims, IC 35-40-1-1***

Sec. 1. The Legislature recognizes that many innocent persons suffer economic loss and personal injury or death as a result of criminal or delinquent acts. It is the intent of the legislature to do the following:

- Enact laws that define, implement, preserve, and protect the rights guaranteed to victims by Article 1, Section 13 of the Constitution of the State of Indiana.

- Ensure that Article 1, Section 13 of the Constitution of the State of Indiana is fully and fairly implemented. (As added by Public Law 139-1999, Section 1.)

### ***Victim Rights, IC 35-40-5-1***

Right to fairness, dignity, and respect; right to freedom from harassment and intimidation  
 Sec. 1. A victim has the right to be:

- Treated with fairness, dignity, and respect; and
- Free from intimidation, harassment, and abuse; throughout the criminal justice process. (As added by P.L.139-1999, amended in 2009).

### ***Standing of Victims to Invoke Rights, IC 40-2-1***

In addition to providing for victim rights in various forms originally in 1999 as above, in the same year, the legislature delineated these rights to preclude victims from the following:

- Provide grounds for a victim to challenge a charging decision or conviction, obtain a stay of trial, or compel a new trial
- Give rise to a claim for damages against the state of Indiana, a political subdivision, or any public official.
- Provide grounds for a person accused of or convicted of a crime or an act of delinquency to obtain any form of relief.

### **Notice to Victims**

While victims of crime may not intervene in criminal court proceedings as outlined above, they do have rights related to the process itself. Victims of crime have a right to receive notice of hearings as outlined in Indiana Code. (IC 35-40-10, et. seq.) The notice provisions in Indiana Code are included to ensure victims have the opportunity to attend and be kept up to date on proceedings and for safety planning reasons. They also have a right to receive notice of a hearing on victim compensation appeals, which will be highlighted further in a later section. Various entities assist in helping to notify victims depending upon the matter.

### **Victim Safety**

A key provision in Indiana Code pertaining to the rights of victims is to have his or her safety considered in determining release from custody of a person accused of committing a crime against the victim. (IC 35-40-5-4). The victim also has the right to be informed of a convicted person's release or escape from custody of a person who committed a crime directly against the victim. (IC 35-40-5-2). Several statewide programs, such as the victim



notification system through the Indiana Department of Correction, assist in helping notify victims of an offender's release. Additionally, victims and any other member of the public can utilize the sex offender registry to learn of an offender's location. Local sheriffs maintain information regarding sex offenders when they relocate, become employed in a location, and other details.

While a number of legal protections are in place to assist victims with safety, the Office of the Attorney General's Victim Services Division strongly encourages victims to work with local service providers, such as domestic violence shelters. These providers have extensive knowledge and are able to assist victims with specific safety planning.

### **Indiana Public Records Law – Exemptions from Disclosure**

Directly related to safety and other victim privacy concerns, the Indiana Access to Public Records Law (APRA) protects personal information related to victims when requested by an offender. Embodied in the APRA is the philosophy that records of government entities be accessible, open and available for copying by the public. These laws across the country are often referred to as "sunshine laws."



In the instance of victims of crime, however, the legislature recognized that victims may be vulnerable to further victimization, stalking, abuse and danger from offenders. Thus IC 5-14-3-4 prevents an offender from obtaining through a public records' request, a victim's personal information (such as home address and other identifying details). Thus Indiana Code states that this information is specifically not a public record.

An Indiana Supreme Court case applied this section of Indiana Code in its analysis and holding in *Post-Tribune v. Police Department of City of Gary*, (643 N.E. 2d 307) (1994). In this case, the newspaper requested a victim's personal information, and the police department refused to provide it, likely fearing for the safety of the victim. The Supreme Court upheld the exclusion of a victims' personal contact information and held that the statute was valid.

### **Impact Statements**

Indiana Code provides for Victim Impact Statements which at the defendants sentencing allow a victim of a crime to provide a statement about the impact of the crime on his or her life. Family members are also eligible to provide victim impact statements. The concept of a victim impact statement is to provide a means by which the victim can express emotional, physical, financial and other harms caused by a defendant in a case.

The means by which a victim may provide a statement to the court is quite broad. A victim may submit a statement in writing, or he or she may provide the statement orally or through an audio or videotape. Victim advocates and others should consult local court rules and other guidelines in addition to the Indiana Code for specific information and direction.

The right to be heard and present a victim impact statement rests solely with the victim and does not impact whether a case moves forward nor any other legal aspect of the criminal case. If the victim is not present at a hearing or chooses not to provide a statement, the court is not barred from proceeding. (IC 35-40-11, et. seq.) The defendant, the court, or any other person involved in the proceeding cannot force the victim to provide a statement.

For cases which discuss victim impact statements in Indiana, please see below.

**Indiana Cases for Reference (*Victim Impact Statements*)**

*Schwass v. State of Indiana, 554 N.E. 2d 1127 (Indiana Supreme Court, 1990)*

*Wallace v. State of Indiana, 486 N.E. 2d 445 (1985)*

**Additional Privacy and Safety Provisions for Victims**

***Indiana Protective Order Act: (IC 34-36-5-1 et. seq.)***

The Indiana Protective Order Act was added to Indiana Code in 2002 to promote the protection and safety of all victims of domestic or family violence in a fair, prompt, and effective manner and to prevent future domestic and family violence. In addition to outlining the requirements for the filling of protective orders, the Act establishes the Protective Order Database. A key provision for privacy and safety is found in IC 34-26-5-7, which allows the petitioner of a protective order to omit his or her address from public forms, and to instead submit this information on a uniform confidential form developed by the division of state court administration in accordance with the requirements of the section. In domestic violence, stalking, sexual assault and dating violence situations, the identifying address information of a victim can be critical to maintain confidentially from the abuser.

Likewise, name changes, which are not uncommon in instances of domestic violence, stalking and sexual assault, may be done by means of special court forms marked as confidential.

**Restitution for Victims of Crime**

Victims of crime may pursue civil claims outside of a criminal case. Prosecutors may also include a request for restitution for victims when working with criminal cases. In punitive damage civil cases, a percentage of monies awarded in such an instance are placed in the Victims of Crime Compensation Fund through the Indiana Criminal Justice Institute.

**Victim Compensation Fund (IC 5-2-6.1 et. seq.)**

The Victims Compensation Fund is a program housed within ICJI. The amount of funding deposited into the Victims Compensation Fund is determined by a formula set in federal law which involves a calculation of the amount of fines and penalties paid in felony cases collectively among all states, and then divided based on population and other factors. The amounts deposited are retroactive, meaning the dollars allocated are based on past years' fines and penalties paid. The fund is designated to compensate victims of crime with the goal of making the victim whole as best as possible, and to the extent possible within the confines of statutes.

State law provides some guidance in defining the scope of eligible covered claims. Each state's law varies and differs as to the range of services and other expenses covered by its individual crime funds. For example, in Indiana, a victim of a qualifying crime (a violent crime) may file an application with ICJI for expenses incurred directly because of the crime. Covered expenses include but are not limited to medical care, lost wages, counseling services and other costs. Caps are in place in statute to cover these costs. Family members may also file claims for funeral expenses of a deceased victim.

## **Appeals**

Staff at ICJI review each claim submitted and approve or deny the claim. A process is also required in the Indiana Code for appeals when ICJI denies a claim. An Administrative Law Judge (ALJ) provides a hearing by which the victim may present his or her claim. Victims must receive notice of these hearings. The ALJ must follow rules as established by the Indiana Administrative Code in reviewing, providing a hearing on claims, and making a written determination. Applications for victims of crime, who believe they may be eligible for compensation, are available on [www.in.gov/cji](http://www.in.gov/cji)

Applications for victims of crime, who believe they may be eligible for compensation are available on [www.in.gov/cji](http://www.in.gov/cji).

## **Emergency Services for Sex Crime Victims and Reimbursement to Emergency Service Providers**

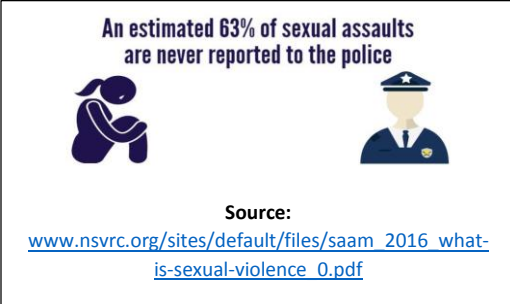
Indiana Code 16-21-8 et. seq. established the Emergency Services to Sex Crime Victims Fund to cover costs associated with services and costs incurred by victims for emergency services after a sexual assault. Sex crimes are listed in the Indiana Code for purposes of compensation under this fund as rape, child molestation, vicarious sexual gratification, sexual battery, sexual misconduct with a minor, child solicitation, child seduction, and incest. (IC 16-21-8-1) Sex crimes against children 18 or under, must be reported to the Department of Child Services or law enforcement. (IC 16-21-8-5).

Federal and state law preclude any provider from billing victims of sexual assault for emergency services rendered. Instead, hospitals and emergency providers bill the state directly, through ICJI. Victims should never be denied emergency services for sexual assault care. Federal and state law prohibits denial of emergency services after a sexual assault or denial of payment through the Fund, if the victim does not wish to contact or report the crime. Victims of sexual assault are never required to report a sexual assault to law enforcement in order to receive emergency services, nor are they required to report in order to have the services paid for by the Fund.

A "forensic exam," which is the general term used in statute for emergency services for sexual assault victims is not defined in Indiana Code, and thus emergency services can include other emergency medical treatment as a result of the sexual assault. For example, if a specially trained Sexual Assault Nurse Examiner (SANE) is not available, if the hospital or emergency service does not have a forensic exam kit, or if the victim is for any reason unable or unwilling – through trauma or otherwise to have a full exam – the victim is not barred from having emergency services covered by the Fund.

*IC 16-21-8-1: "To the extent practicable, the hospital shall use a sexual assault examination kit to conduct forensic exams and provide forensic services. The provision of services may not be dependent on a victim's reporting to, or cooperating with, law enforcement."*

No victim of sexual assault may be denied emergency services because she or he does not want to report it to law enforcement, while you may find an old administrative rule still in place, Indiana Administrative Code (203 IAC 1-2-1) is directly in conflict with state and federal law regarding requiring a victim to report a sexual assault to law enforcement. The entire IAC Section then, is void, meaning the federal and state law prevails. Additionally, an emergency service provider may not be denied payment for services because the victim did not want to report sexual assault. This old administrative rule, may have caused confusion in the past. In the meantime, it does not apply and must not be read to limit emergency services to victims for sexual assault, nor coverage for these services.



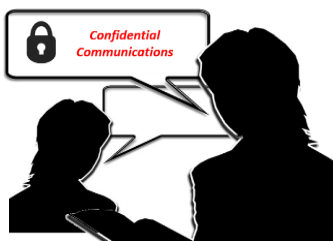
An estimated 63% of sexual assaults are never reported to the police

Source:  
[www.nsvrc.org/sites/default/files/saam\\_2016\\_what-is-sexual-violence\\_0.pdf](http://www.nsvrc.org/sites/default/files/saam_2016_what-is-sexual-violence_0.pdf)

## Victim Advocates – Indiana Code and Case Law

Indiana recognizes the critical role an advocate can take in supporting victims through the criminal justice process, which can be a confusing, emotional and difficult experience for victims. The General Assembly added provisions to Indiana Code to provide for additional assistance for victims by recognizing the importance of victim advocates, by ensuring that an advocate could be present at legal proceedings to support the victim.

## Confidentiality – Victims and Victim Advocates



Indiana Code recognizes that victims must feel safe in disclosing information in group counseling sessions and in meetings with victim advocates. The definition of “confidential communication” was added to Indiana Code originally in 1987 and has been expanded through amendments, with additional clarifying language added in the 2016 legislative session. The term “victim” applies only to victims of domestic violence, stalking, sexual assault, human trafficking, or dating violence and also extends to family members of the victim, provided that those family members have not committed the above stated crimes against the victim. (IC 35-37-6-3)

**“Confidential communication”** is defined in IC 35-37-6-1 as the following:

(a) As used in this chapter, "confidential communication" means any information: (1) exchanged between a victim and a victim advocate in the course of the relationship between the victim and the victim advocate; (2) exchanged or disclosed in a support group in which a victim is or was a participant; or (3) exchanged in the presence of a third

person who facilitates or facilitated communication between a victim and a victim advocate. (b) The term includes communication that is verbal or written and includes: (1) advice; (2) notes; (3) reports; (4) statistical data; (5) memoranda; (6) working papers; (7) records; and (8) personally identifying information; produced in the course of advocating for a victim. As added by P.L.136-1987, SEC.5. Amended by P.L.104-2008. The victim advocate and victim confidentiality provision was put to the test in *In Re Subpoena to Crisis Connection, Inc., (State of Indiana v. Fromme)*, 949 N.E. 2d 789 (2011). Fromme, who was found guilty of child molestation, contested the confidentiality provision in the Indiana Code, alleging that it violated his constitution rights to information contained in records held by Crisis Connection, a long-term sexual assault service provider with full time victim advocate staff.

The Supreme Court in this case held that the legislature created a privilege by protecting information shared by victims with victim advocates, and that although privileges are statutory in nature, that they did not violate the defendant's constitutional rights. Additionally, the court held that the state had a compelling reason to protect the privileged communication.

## Part III: STATEWIDE SPECIAL INITIATIVES for VICTIMS

### Office of the Indiana Attorney General – Victim Services and Outreach Division

In early 2015, the Indiana Attorney General launched a new Victim Services and Outreach Division, dedicated to offering statewide support of victims, advocates, enhanced training opportunities, guidance on victim legislative initiatives, and overall education about victims, services and advocates.

The new division has trained more than 3,000 service providers, health care workers, law enforcement, prosecutors and others on human trafficking, the Address Confidentiality Program, Hope Card, legislative updates and other topics related to victims. Additionally, the OAG advocated for passage of Senate Enrolled Act 14 in 2016 to increase penalties for child pornographers, supported legislation to create a “Child in Need of Services Category” at the Department of Child Services, and provided education on the need for additional attention to victim service issues in the state. These efforts supplemented other activities such as:



- Provided analysis and support for new anti-human trafficking initiatives at the federal level
- Created statewide victim advocate network of more than 450 participants
- Brought together service providers, law enforcement, lawyers and others for a statewide Criminal Justice Summit on victim and victim advocate subjects
- Coordinated efforts with the Indiana Supreme Court to help develop screening tools for human trafficking victims statewide
- Serving on a statewide Domestic Violence Fatality Review Committee



Since the creation of the Victim Services and Outreach Division, participation in the Address Confidentiality Program and the Hope Card program doubled due to additional outreach and training. Additionally, the Attorney General launched a victim advocate recognition program “Voices for Victims” and awarded 11 certificates of recognition in northern, central and southern Indiana during Domestic Violence Awareness Month in October of 2015.

#### The Address Confidentiality Program

Managed by the Office of the Attorney General, the ACP allows victims to maintain a confidential mailing address. Victims of domestic violence, stalking, sexual assault or dating violence with longer term protective orders in place can participate in the program.



The ACP requires that a victim advocate assist, sign and submit an application form for the victim. The involvement of victim advocates is an important part of the initial participation process because victims also often need safety planning and other assistance.

In addition to the applicant, any other person on the protective order is eligible for the program, including children, parents, relatives, and others.

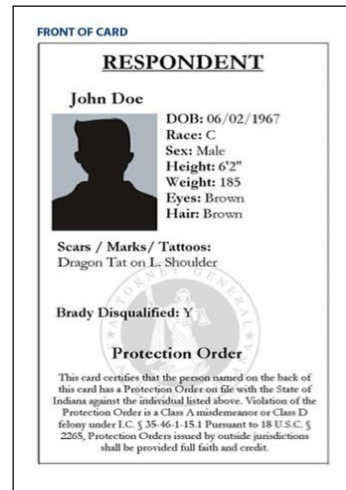
An ACP form for use by victim advocates is included in the Resource Addendum at the end of this guidebook. **The form is for use by victim advocates on behalf of victims with protective orders in place.** For questions please contact [confidential@atg.in.gov](mailto:confidential@atg.in.gov) or visit [www.in.gov/attorneygeneral/2972.htm](http://www.in.gov/attorneygeneral/2972.htm).

**HOPE Card Program**

The Indiana Hope Card Program allows anyone with a valid, long-term (12 months or more) order of protection for domestic violence, stalking, and/or sexual assault to request a card that summarizes the order's most important details. The Hope Card is a laminated card, similar in size and shape to a credit card. It contains essential information about a civil protection order in a durable, easy-to-read format, such as:

Identifying characteristics of the abuser

- A color photograph when available
- Issue date of the court order
- Expiration date of the court order
- Terms of the court order



The Hope Card provides law enforcement with critical information regarding an order of protection. In case of potential violation of an order, an officer can refer to the Hope Card for more information.

A Hope Card is not a substitute for an order of protection. It is simply a more durable means of providing pertinent information from the existing order. Law enforcement must verify

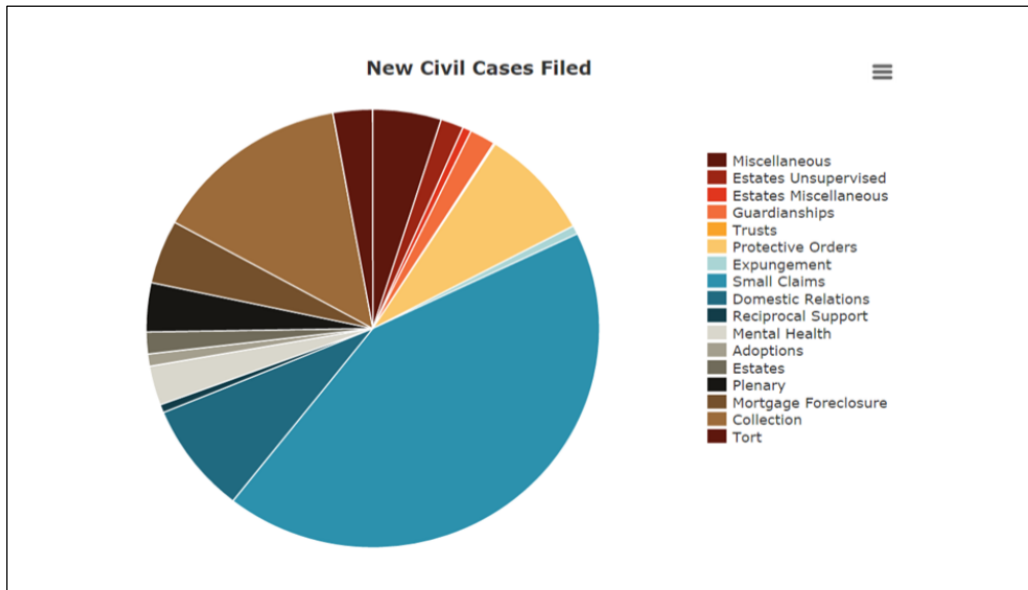
the order with the Indiana Protective Order Registry.

The Hope Card Program was made possible by a collaborative effort of the Office of the Indiana Attorney General and the HopeLine® from Verizon Program.

## Indiana Supreme Court - Protective Order Data

The Indiana Supreme Court maintains a website with resources which capture the numbers of civil protective orders filed in Indiana over the past few years. The graph below represents all new civil cases filed in Indiana in 2015, and of those, 32,766 protective orders were filed, consisting of 8.2% of all new civil cases filed in the state. Additional resources may be found at:

Supreme Court website: [www.in.gov/judiciary/supreme](http://www.in.gov/judiciary/supreme)  
The graph and website are found at: [www.public.courts.in.gov/ICOR](http://www.public.courts.in.gov/ICOR)



## Indiana Coalition Against Domestic Violence

The Indiana Coalition Against Domestic Violence (ICADV) is a statewide alliance of domestic violence programs, support agencies and concerned individuals. They provide technical assistance, resources, information and training to those who serve victims of domestic violence; and promote social and systems change through public policy, public awareness and education.

ICADV has been at the forefront of recognizing and working with special populations of underserved victims of domestic violence. Several of their new programs to reach underserved populations are highlighted below. Many current and new initiatives to reduce domestic violence, stalking and dating violence are ongoing in the state and at the local level. The section below highlights a few of the resources available as well as several new programs that raise awareness about their importance and availability. For more information on ICADV, go to [www.icadvinc.org](http://www.icadvinc.org)

### Lethality Screening Program

The Lethality Assessment Program (LAP) represents a collaborative partnership where members of law enforcement use a research based lethality assessment screening tools with victims of domestic violence, and connect those individuals determined to be

at high risk for lethal level violence with the domestic violence programs serving their community. The goal of the LAP is to prevent domestic violence homicides, serious injury and re-assault by encouraging more victims to use the shelter, counseling, advocacy and support services of domestic violence programs.

ICADV, through years of work with many law enforcement and other partners throughout the state, was key to the adoption of LAP by many of Indiana's communities to combat domestic violence. LAP consists of a series of screening questions utilized by law enforcement or other service providers to help determine risk of lethal levels of violence. Since its adoption, the lethality rate in locations of the state using LAP, has dramatically decreased. Based upon the Maryland Network Against Domestic Violence, LAP was launched in 2009 in Indiana as part of a national pilot project.

LAP data demonstrates incredibly powerful statistics in terms of effectiveness. For example, in a period of January-June of 2015, Hendricks County conducted 56 screens, and of those 40 were determined to be high dangers of a lethality occurring. A statewide total of 755 screens were conducted (in 18 counties) and of those, 568 were determined through the screening process to be high lethality. After the screens, victims are encouraged (but not required) to obtain safety planning and other services from domestic violence shelters and others.

Today 46 law enforcement agencies in 18 counties in Indiana use LAP. For more information about LAP, and data, please see [www.icadvinc.org/homicide-reduction-initiatives/lethality-assessment-project/](http://www.icadvinc.org/homicide-reduction-initiatives/lethality-assessment-project/) and the sample report from January-June of 2015 in the attached resource addendum.

### **Deaf and Hard of Hearing Population**

In 2015, ICADV launched a new initiative to serve deaf or hard of hearing victims of domestic violence. ICADV hired an individual trained in sign language to work with this special group of people. Trainings have been underway now for several months to educate victim advocates, policy makers, and other service providers about the needs of the deaf community. Great strides are being made in terms of awareness, education and steps are being made toward more services for these victims.

### **Immigrant Legal Resources and Outreach Program**

ICADV launched a new initiative to reach out to non-native English speakers, refugees, and immigrant populations by hiring a lawyer who came to the United States as a refugee from the Bosnia-Serbian-Croatian conflict.

### **Emergency Legal Services Program**

Recognizing that victims of domestic violence often are anxious about the legal process, in need of assistance, and often unable to afford an attorney, ICADV launched a statewide legal services program to provide new emergency advocacy assistance through

local lawyers. Domestic violence victims in need of assistance may apply for help through the ICADV website. Lawyers interested in assisting with the program across the state should contact them directly.

## Indiana Coalition to End Sexual Assault

Indiana Coalition to End Sexual Assault (ICESA) empowers Indiana communities to prevent sexual assault and serve those impacted by it through comprehensive training, advocacy, increased public awareness and coordinated sexual assault services. In 2015, a new statewide organization was launched with the hope of addressing the critical issues of sexual assault. Through an effort led by the Attorney General, ICESA was established, with the assistance of many key supporters, advocates and stakeholders. ICESA has held meetings across the state to gather feedback from advocates and survivors of sexual assault, and to begin to plan outreach, training and other key initiatives for 2016. For more information on ICESA, visit: [www.indianacesa.org](http://www.indianacesa.org)



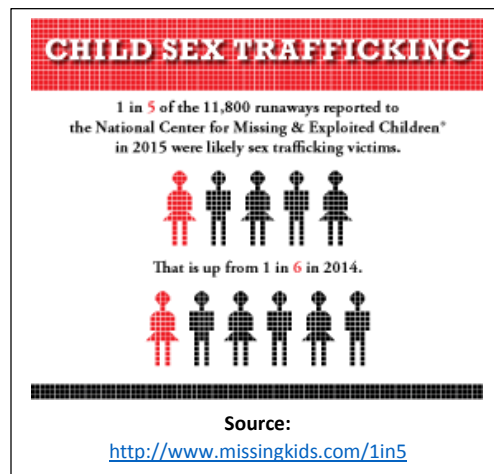
“It is estimated that **1 in 5** women and **1 in 33** men have been victims of sexual assault at some point in their lives.”

Source: Indiana Coalition to End Sexual Assault-Survivor Stories



## Sex Crimes Against Children—Study of Underreporting of Youth

A study conducted by an IUPUI researcher in 2015 concluded that under-reporting of sexual assault was critically high among Indiana among youth. A copy of the report is attached in the addendum to this guide. Initiated after the federal Centers for Disease Control and Prevention (CDC) noted Indiana to be 2<sup>nd</sup> highest in the country for sexual assault of youth, this issue has taken precedence in Indiana, as in many parts of the country. These initial studies, data and statistics are instructive in informing policy making decisions, resource allocation and how best to help victims of sexual assault among youth.



## Child Advocacy Centers

First established in Huntsville, Alabama, child advocacy centers began to be put into place in Indiana to help respond to the vast number of victims of sex crimes. Forensic interviewers work with child victims utilizing approaches least traumatic to the child. Child Advocacy Centers are critical to helping child victims in the State of Indiana. To learn more, visit [www.incacs.org](http://www.incacs.org), which also provides a listing and contact information for all centers in the state.

### Find a Child Advocacy Center

Find the child advocacy center in your community. Search by county or with this map.

Counties in dark blue have a center.

Counties in light blue are served by a neighboring county.

Counties in white do not have a center, but do have a "Finding Words" trained interviewer.

[Find a CAC Near You](#)



**Source:**  
[www.incacs.org/find-cac](http://www.incacs.org/find-cac)

## Child Pornography



Child pornography has become an epidemic according to the Federal Bureau of Investigation and others in law enforcement. Senate Enrolled Act 14 from the 2016 legislative session raised penalties on both manufacturing and possession of child pornography. Previously among the lowest level felonies in the Indiana Criminal Code, manufacturing of child pornography was raised from a Level 5 to a Level 4 and possession was increased from a Level 6 to a Level 5. Federal penalties for these crimes are much higher.

## Developing Programs, Areas of Law and Resources

### Limited English Proficiency

The Indiana Supreme Court's Domestic and Family Violence Advocate Program will soon distribute "I-Speak" language cards to courts and law enforcement across the state, to assist staff and those who work in the field to identify language needs of victims. These cards will be instrumental in supporting the work of victim advocates.

More information will be available through the Indiana Supreme Court website at [www.in.gov/judiciary/supreme](http://www.in.gov/judiciary/supreme)

### Language Interpreters

Language interpreters are available to victims during court hearings and can be requested by the victims at the courthouse managing their case. A Code of Conduct and Procedure for Disciplinary Process is found on the Indiana Supreme Court's website

setting standards for interpreters which include cultural, linguistic and subject matter fluency. Interpreters are required to convey what is said and refrain from altering, refining, embellishing or enhancing actual statements. Additionally, conflicts of interest in court proceedings apply to interpreters, as outlined in the Indiana Supreme Court Rules of Conduct. For a list of certified interpreters visit:

[www.in.gov/judiciary/interpreter/files/intrprt-certified-interpreter-registry.pdf](http://www.in.gov/judiciary/interpreter/files/intrprt-certified-interpreter-registry.pdf)

## Part IV: Statewide Resource List

*In emergency situations, always contact 911 for immediate assistance.*

Organization	Website
Indiana Coalition Against Domestic Violence	<a href="http://www.icadvinc.org">www.icadvinc.org</a>
Indiana Coalition to End Sexual Assault	<a href="http://www.indianacesa.org">www.indianacesa.org</a>
Indiana Child Advocacy Centers	<a href="http://www.incacs.org">www.incacs.org</a>
Center for Victim and Human Rights	<a href="http://www.cvhr.org">www.cvhr.org</a>
Indiana Supreme Court	<a href="http://www.in.gov/judiciary/supreme">www.in.gov/judiciary/supreme</a>
OAG Victim Advocate Network	<a href="mailto:victimadvocatenetwork@atg.in.gov">victimadvocatenetwork@atg.in.gov</a>
Address Confidentially Program	<a href="mailto:confidential@atg.in.gov">confidential@atg.in.gov</a>
Human Trafficking & Attorney General Training	<a href="mailto:info@atg.in.gov">info@atg.in.gov</a>

## Addendum: Reference List of Resources

### Indiana Law

Indiana Constitution, Bill of Rights

Indiana Code & IAC

Victim Rights	IC 35-4-5 et. seq.
Victim Rights	IC 35-40-1.
Indiana Civil Protection Order Act	IC 34-36-5 et. seq.
Access to Public Records Law	IC 5-14-3-1 et. seq.
Victim Notification System	IC 11-8-7 et. seq.
Privileged Communications and Victim Counseling	IC 35-37-6-1 et. seq.
Emergency Services to Sex Crime Victims Fund	IC 16-21-8 et. seq.
Indiana Criminal Justice Institute	IC 5-2-6 et. seq.
Compensation for Victims of Violent Crimes	IC 5-2-6.1 et. seq.
Victim of Crime Claim Procedures, etc.	203 IAC et. seq.
Domestic Violence Prevention and Treatment Act & Council	IC 5-2-6.6 & 6.7 et. seq.

Expansion of Victim Advocate Definition for Purposes of Confidentiality

**House Enrolled Act 1105      2016**

Child Pornography – Manufacturing and Possession Penalties

**House Enrolled Act 14      2016**

Sexual Assault State Funding

**House Enrolled Act 1233      2016**

Indian Rules of Court – Interpreter Code of Conduct and Procedure and Disciplinary  
Process for Certified Court Interpreters and Candidates for Interpreter Certification

Indian Rules of Evidence

Rule 412 – Sex Offense Cases

Victim or Witness Sexual Behavior or Predisposition -Prohibited Uses in Court.



## **Addendum: Reference List of Resources - continued**

### **Indiana Court Cases**

*"In Re Crisis Connection, Inc., State of Indiana v. Fromme,"* 949 N.E. 2d 789 (2011).

*"Post-Tribune v. Police Department of City of Gary,"* 643 N.E. 2d 307 (Indiana Supreme Court) (1994).

*"Schwass v. State,"* 554 N.E. 2d 1127 (Indiana Supreme Court) (1990).

*"Wallace v. State,"* 485 N.E. 2d 445 (Indiana Supreme Court) (1985).

### **Reports and Statistics**

Lethality Assessment Project—Reporting Period January—(June, 2015)  
(Indiana Coalition Against Domestic Violence).

Protective Order Filing Statistics (Indiana Supreme Court website  
[www.in.gov/judiciary/supreme](http://www.in.gov/judiciary/supreme))

### **Research Studies and Articles**

*"An Investigation into Adolescent Sexual Assault Underreporting in the State of Indiana, August 2015,"* by Dr. John Parrish-Sprowl. Global Health Communication Center, Indiana University-Purdue University Indianapolis.

*"The Swinging Pendulum of Victims' Rights: The Enforceability of Indiana's Victims' Rights Laws,"* by Dr. Mary Margaret Giannini, *Indiana Law Review* (2001).

### **Forms**

Address Confidentiality Program Application Form (for Victim Advocates)  
(Indiana Attorney General)

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