

Victim's Rights :

- 1.** You have the right to be treated with fairness, dignity and respect throughout the criminal justice system.
- 2.** You have the right to be informed, upon request, if someone who is accused of committing or who has been convicted of committing a crime against you is released from custody or has escaped.
- 3.** You have the right to confer with the prosecuting attorney's office: after charges are filed, before a trial is conducted, and before the disposition of any criminal case. This right does not mean that you will be able to direct the prosecution of the case.
- 4.** You have the right to have your safety considered when decisions are made determining release from custody of a person accused of committing a crime against you.
- 5.** You have the right to be heard at any sentencing hearing or hearings on post-conviction release.
- 6.** If the accused criminal is convicted, you have the right to make a written or oral statement to be used in a pre-sentence report.
- 7.** You have the right to pursue restitution and other civil remedies against the perpetrator from custody.
- 8.** You have a right to information, upon request, about the disposition of the case, the conviction or sentence on a case, and release of a perpetrator from custody.
- 9.** You have a right to be informed of your constitutional and statutory rights.

Aviso Sobre Los Derechos De La Victima

- 1.** La victima tiene el derecho de ser tratada con imparcialidad, dignidad y respeto durante el proceso de justicia criminal.
- 2.** La victima tiene el derecho de ser informado, si lo pide, cuando la persona acusada o condenada de cometer un delito directamente contra le victima, sea liberada de custodia o ha escapado. Eso incluye liberación o escape de instituciones mentales.
- 3.** La victima tiene el derecho a información, si lo pide, sobre la condena, sentencia y liberación de una persona acusada de cometer un delito en contra de la victima.
- 4.** La victima tiene el derecho a información, si lo pide, sobre el estado del caso criminal involucrando la victima o sobre la condena, sentencia y liberación de una persona acusada de cometer un delito en contra de la victima.
- 5.** La victima tiene el derecho a ser escuchada en cualquier proceso involucrando las decisiones sobre la sentencia o liberación después de la condena. El derecho de le victima de ser escuchada puede ser cumplido, a la discreción de la victima, por medio de una declaración oral o escrita, o sumisión de una declaración a través de un audio tape o video tape.
- 6.** La victima tiene el derecho de hacer una declaración oral o por escrito para ser usado en la preparación del reporte que recomienda la sentencia del acusado. La victima también tiene el

derecho de leer los reportes de recomendación de la sentencia relacionados al crimen cometido en contra de la víctima para que la víctima pueda responder a estos reportes.

7. La víctima tiene el derecho de hablar con el representante de la oficina del fiscal: *después de que hayan sido levantados los cargos del presunto crimen cometido en contra de la víctima. *antes del juicio del presunto crimen cometido en contra de la víctima y *antes de cualquier resolución del caso criminal involucrando la víctima.
8. La víctima tiene el derecho de pedir una orden de restitución y otras alternativas civiles en contra de la persona condenada de un crimen en contra de la víctima.
9. La víctima tiene el derecho a que se le de información sobre sus derechos constitucionales y legales.

Si ud. desea ejercer estas derechas, debe proveer una dirección corriente y número telefónico a la oficina del Procurador de Hendricks County. Oficina del Procurador de Hendricks County 745-9283 servicios de Soportar para Violencia Familiar centro de alas de protección para mujeres 745-1496.

Links:

National Organization for Victim Assistance: <http://www.trynova.org/>

Indiana Victim Assistance Resources: <http://www.aardvarc.org/victim/states/indvic.shtml>

Indiana Sex and Violent Offender Registry: www.insor.org

Indiana Department of Corrections: www.in.gov/idoc

SAVIN (Statewide Victim Information and Notification Service): www.vinelink.com

Violent Crime Compensation (Financial Assistance for Victims of Crime): www.state.in.us/cji

Turning Point Domestic Violence Services: <http://turningpointdv.org/index.html>

Indiana Coalition Against Sexual Assault: <http://incasa.org/>

Indian Coalition Against Domestic Violence: <http://www.violenceresource.org/>

Legacy House: www.legacy-house.org

Julian Center: <http://www.juliancenter.org/>

Indiana Legal Services: www.indianajustice.org

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

Sheltering Wings: www.shelteringwings.org

Latino Support: www.indianalatinocoalition.com

211 Human Services: <http://www.in211.org/>

Important Phone Numbers:

Emergency Phone Numbers:

Police & Sheriff..... 911

Domestic Violence Helpline answered 24 hours..... 1-800-332-7385

Abuse/Neglect/Family Violence:

Victim's Assistance Program....745-9283

Child Protection Services Hendricks County Office of Family & Children..... 272-4917

Sexual Assault/Date Rape..... 1-800-332-7235

Adult Protective Service....1-800-992-6978

Shelters:

Salvation Army Emergency Lodge..... 637-5551

Julian Center Shelter..... 920-9320

The Care Center..... 637-2916

Wings....251-7575

Sheltering Wings..... 745-1496

Dayspring....635-6780

Holy Family....635-7830

Christian Support Center....839-8976 OR 839-4297

24 Hour Helpline....745-1496

Hendricks County Animal Shelter....745-9250

Emergency/Medical Care:

Hendricks Community Hospital.... 745-3450

Partners in Care....745-9531

Support Groups/Counseling/Education:

Breaking Free.....923-5563 ex-18

Advantage Counseling 839-7323

Inter-Act.....718-0605

Hendricks County Mental Health....272-0027

Cummins Mental Health.....272-3330

Latino Support.....(317)926-HOPE (4673)

Other:

To check jail status.....745-9332

Hendricks County

Victim of credit fraud?

Contact one of the following agencies:

Trans Union 866-887-2673

Equifax 800-685-1111

Experian 888-397-3742

Safety Plan

Safety Signal (to alert neighbor to call police)

Have bag packed (include the following if possible):

- Change of clothes for yourself and children
- Address book- include phone numbers of friends, relatives, doctors, lawyers.
- Money- include change for pay phone
- Extra Keys- to house and car
- Emergency Medicines
- Important Papers- include checking and savings account numbers; copy of lease; copy of No Contact Order/Protective Order; birth certificates; social security numbers for yourself, children and partner; ADC/SS/Medicaid cards, etc.

REMEMBER: Avoid long distance calls if possible (long distance calls can be traced). Advise school system, court, welfare not to give out any information.

NOTE: To be notified when your batterer is released from jail (Hendricks County), call 745-9332.

Victim Impact Statement

Only you know how to best describe the effects this crime has had on you and those close to you. A Victim Impact Statement is your opportunity to tell the judge about the crime in your own words. You decide how to present the statement. You may present the statement in written form or orally to the court, or you may request the prosecuting attorney or victim advocate present the statement to the court.

Tips for preparing a Victim Impact Statement:

- You might find it helpful to prepare a rough draft before preparing your final statement.
- Areas to consider in preparing your statement:
 - **Immediate impact of the crime** (what did you feel and experience during the crime and/or *immediately* following the crime?)
 - **Short-term impact** (what did you feel and experience in the weeks, months following the crime?)
 - **Long-term impact** (what have you continued to experience as a result of the crime?)
 - **What would you like to happen as a result of sentencing?** (Remember to be realistic. Consider what the law allows as well as any terms already outlined in a plea agreement.)
 - **Any particular facts about the crime the judge may not know or should consider** (for example-was the person who committed the crime in a position of trust?)
- Other areas to consider...Did you experience physical pain? Describe the physical injuries and how long they lasted or are expected to last. Describe any medical treatment you have received or will continue to receive. Did you experience emotional pain? How has the crime affected your lifestyle? Have your feelings about yourself changed since the crime? Has your ability to relate to others changed? Did you experience financial loss or hardship?
- As you begin to consider writing a Victim Impact Statement it may be helpful to keep a journal to record all of your thoughts and the information you want to include in your statement, but try to keep your final statement two pages or less. A very lengthy statement may lose its impact.

If you have any questions about your Victim Impact Statement or need assistance preparing your statement, please feel free to contact your Victim Advocate.

*****Include Victim Impact Statement Form

Tips for Testifying:

1. **TELL THE TRUTH.** A lie may lose the case. Honesty is the best policy. Telling the truth, however, means more than refraining from telling a deliberate lie. Telling the truth requires that you testify accurately about what you know. When you tell the truth and tell it accurately no one can confuse you.
2. **DO NOT GUESS.** If you do not know, say you do not know.
3. **UNDERSTAND.** Be sure that you understand the question before you attempt to give an answer. You cannot give a truthful and accurate answer unless you understand the question. If you do not understand the question, ask the attorney to repeat it. The attorney will probably ask the court reporter to read it back.
4. **TAKE YOUR TIME.** Give the question enough thought needed to understand it and form your answer, then give the answer.
5. **ANSWER THE QUESTION** that is asked and then stop. Do not volunteer information. Do not volunteer information. Do not answer so quickly that the prosecutor does not have time to object to the question.
6. **TALK LOUD** enough so everyone can hear you. Do not chew gum and keep your hands away from your mouth. You need to speak distinctly.
7. Give an audible answer so the court reporter can hear it. Do not nod your head yes or no, or answer with "uh-huh" or "uh-mm".
8. Do not look at the prosecutor for help when you are on the stand. If you look at the prosecutor when a question is asked on cross-examination or for their approval after answering a question, the jury or judge will notice and it will create a bad impression.
9. Beware of questions involving distance and time. If you make an estimate make sure that everyone understands that you are estimating.
10. **DO NOT ARGUE** with the defense attorney. He/she has the right to question you. If you give him/her smart talk or evasive answers the judge may reprimand you.
11. **DO NOT LOSE YOUR TEMPER.** If you lose your temper, you may lose the case.
12. **BE COURTEOUS.** Being courteous is one of the best ways to make a good impression on the court and the jury, "Yes sir" and "No sir" and address the judge as "Your Honor".
13. If asked whether you have talked to the prosecutor, admit it freely.
14. Avoid joking and wise cracks. A deposition and trial are serious matters.
15. Give a positive answer when you can. If you were there and know what happened or did not happen, do not be afraid to "swear" to it. You were sworn to tell the truth.
16. Bring notes, photographs or anything else you feel might be helpful to the case.
17. If you need a break during deposition or trial, ask the judge or the prosecutor.
18. Finally, **LOOK AT THE JURY** if it is a jury trial or the judge if it is a bench trial when answering the questions.

Frequently Asked Questions by Victims/Witnesses:

What if someone threatens me or offers me money to drop the charges?

Only on extremely rare occasions are witnesses threatened or intimidated. If anyone has threatened you in connection with the case in which you are involved, either in or out of court, that person may have committed a new crime. Immediately contact your local police department or sheriff's department and report the threat. Then notify the Prosecutor's Office.

Do I need a lawyer?

No. As a victim or witness to a crime, your rights are protected by the Prosecuting Attorney for the State of Indiana. If you wish to pursue a civil action, you should speak to a private attorney. There is no charge for the prosecutors' services. You may hire an attorney at your expense if you wish.

What if I change my mind about prosecuting or testifying?

A crime committed against any person is a crime against all persons. You and our community deserve protection. A citizen, victim, or witness has a duty to report and help with the prosecution of that crime. Without your cooperation, the Judge or jury may not have all the evidence it needs to see that justice is done. If criminals go free, it is likely they will commit more crimes. The Judge can require testimony of any victim or witness to a crime. Should you have any concern about testifying, talk to Victim Assistance or the Deputy Prosecutor handling your case.

Are witnesses permitted to be in the courtroom before and after testifying?

Usually there is a "separation of witness order" so witnesses are not allowed to watch the trial. Such an order also means witnesses are not to discuss their testimony with each other while the trial is going on.

How will I know if the trial date is changed?

You can look up a chronological case summary for any pending or recent case that can be accessed at <http://hendricks.nasaview.com/>. You may also call the Prosecutor's Office the day before the trial to see if the date has changed.

What is a No Contact Order?

A no contact order is usually issued in any personal crime case. The defendant cannot have any contact with the protected person until the criminal case is over. Also, as part of sentencing, the no contact order may continue for a period of time specified by the Judge (typically through the term of probation).

What is a Protective Order?

A protective order is a written court order, signed by the judge, which requires an abusive household or family member to do or not to do certain things. Protective Orders are valid from one State to another. If you are in fear because your partner has threatened you with bodily injury, caused you bodily injury, or attempted to do so, you may be granted a Protective Order. There is no requirement that the other person live in the same household or be married to you. A protective order essentially has the same effect as a no contact order, but it is initiated by the victim when (s)he feels threatened by someone. Protective Order forms are found in the self-help office on the first floor of the Courthouse in Danville and they are filed in the Clerk's Office on the second floor of the Courthouse, then taken to a Judge who will either approve or deny the Protective Order request. The allegations in the Protective Order application must be sworn to or affirmed. When filling one out, be truthful, specific, and do not exaggerate. As a result of the protective order request, criminal charges might be brought against the respondent.

***PRINTABLE VERSION OF PROTECTIVE ORDER?**

What happens if a violation of a protective or no contact order takes place?

Call the police. A knowing or intentional violation of a Protective Order is a criminal offense called Invasion of Privacy (Class A Misdemeanor), punishable by up to 365 days imprisonment and/or a \$5,000 fine. If the violation was accomplished by committing other crimes (e.g., Battery, Confinement, Intimidation), those crimes may also be charged. A police officer need not witness the violation in order to make an arrest as long as there is proof that the Protective Order has been served on the other person, and there is probable cause to believe that the other person committed the violation. Always keep your Protective Order with you and show it to the police who respond to your call. If the respondent cannot be located, the police officer will submit a report to the Prosecuting Attorney, who will file charges in court if appropriate. It may be necessary later for you to appear in the Prosecutor's Office to give a statement regarding the incident.

How long does the Protective Order last?

A Civil Protective Order is good for two years. If the Protective Order is issued as a condition of bail, it will remain in effect until final disposition of the criminal charge. If the Protective Order is issued as a condition of Probation, it will remain in effect during the term of probation. It should be noted that a protective and no contact order only begins to be valid when the respondent is notified that the order is in place. This typically means he must be served by the sheriff or in court with the order.

What if I want to change the order?

Any modifications must be made by the Judge. You must return to court and request that the Judge amend the order.

How can I drop charges?

In Indiana, a victim does not have the power to "drop" criminal charges. A criminal action involves a crime against the State of Indiana, not a particular victim. The Prosecuting Attorney represents the State of Indiana. Charges will be "dropped" only if the Prosecuting Attorney is convinced that it is in the best interests of the State of Indiana to do so.

What is a Victim Impact Statement?

A victim impact statement is used by the Prosecutor to decide how best to handle your case. Many aspects are taken into consideration, past criminal history, the crime itself, applicable law, and your victim impact statement.

What is a Restitution?

Restitution is the amount of out of pocket expenses you as a victim have incurred. This amount must be documented. The Deputy Prosecutor may ask the Judge to order restitution as part of sentencing. This is discretionary upon the Deputy Prosecutor and the Judge.

How can I get my property back?

All property, if recovered, will be returned to its rightful owner, if possible. Sometimes, it may be held for evidence until the case is over. Depending on the type of case, once the case is over it is held for another 60 days, pending an appeal. Sometimes it is possible for the evidence to be photographed after the case is over. Call the investigating police agency on the case regarding this.

What if the defendant's attorney contacts me about the case?

As a witness you are expected to be an impartial spokesperson for the facts as you know them. So, you are not a witness for one side or the other, but for the truth. The defendant's attorney may want to talk to you about the case and is permitted to do so. You do, however, have the right to decide whether you want to discuss the case with the defendant's attorney or not. If you choose to talk to him you also have the right to request that a representative from the Prosecutor's Office be with you during the interview. Be sure you know whom you are talking to when you discuss the case. Always ask for identification from any person who wants to talk to you about the case.

As a victim, will I be involved in the defendant's sentencing if he is convicted?

A defendant who has been found guilty or has pleaded guilty is sentenced by the Judge. If the case is a felony, sentencing usually takes place about thirty days later. This allows the Probation Department time to prepare a pre-sentence investigation report for the Judge. If you are the victim in the case, the Probation Department will be in contact with you to ask what your feelings are about sentencing. Your statements will be included in the report and considered by the Judge. You may also write your feelings in a letter addressed to the Judge and have that letter attached to the pre-sentence investigation report. You will also have the option of speaking in court during the sentencing. If you want to speak at the sentencing hearing, tell the Prosecutor or Victim Assistance before that day. Using state law as a guideline, the Judge may sentence the defendant to prison or jail, place him on probation, order him to make restitution, or order him to pay court costs and/or a fine.

If I want to know where the defendant is sent to serve his time and his release date, who can I contact?

For Indiana, you may contact the Department of Correction at 1-800-447-5604 or 317-232-1756