Indiana

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OVERALL SCORE	61
Ranking	12

Time Limits and Wait Times
Indiana has no time limit, restriction, or wait time for survivors to clear their criminal records.

Burden of Proof
The current burden of proof in Indiana is a preponderance of the evidence which is most in line with the level of proof survivors will be able to access and use to establish their victimization.

Official Documentation
If a survivor has official documentation in Indiana, it does not create a presumption or impact the burden of proof. This creates the risk that the process of seeking criminal record relief itself may be unnecessarily difficult and could cause additional trauma.

Confidentiality
There is no provision in Indiana that protects the confidentiality of the information survivors provide as they go through the criminal record relief process.

PROPOSED CATEGORIES	AWARDED POINTS
Range of Relief	8
Arrests and Adjudications Relief	5
Offenses Covered	17
Judicial Discretion	5
Nexus to Trafficking	6
Time Limits and Wait Times	8
Hearing Requirement	5
Burden of Proof	5
Official Documentation	0
Confidentiality	0
Additional Restrictive Conditions on Relief	2
TOTAL	**61**

Visit polarisproject.org/RecordRelief to learn about criminal record relief and how to raise your state's grade.

Polaris Freedom happens now.

AMERICAN BAR ASSOCIATION Commission on Domestic & Sexual Violence

Brooklyn Law School

UNIVERSITY OF BALTIMORE School of Law

Scoring System:

Guidelines: Grades and rankings are determined by comparing elements of existing criminal record relief statutes against an ideal statute, as defined by Polaris and the Survivor Reentry Project. Laws are scored out of a maximum 100 points. This project looks solely at criminal record relief statutes **specifically intended for victims of human trafficking arrested or prosecuted as adults**. Accordingly, states that only offer relief to survivors with arrests from when they were juveniles do not earn credit in this report. These states scored a "0." Additionally, the research team prioritized the inclusion of specific and clear language within each criminal record relief statute, rather than having to rely on, locate, or incorporate other state law sanctions. This means a state that, for example, has strong confidentiality language in another section of law, but does not mention confidentiality protections in the trafficking-specific statute will not get points for confidentiality in this analysis. States with zeros - that is, states with no law for adult trafficking survivors in place - did not receive letter grades.

Range of Relief

0	No statute specific to victims of human trafficking.
4	Statute only provides partial relief (e.g. some combination of sealing or expungement).
8	Statute provides vacatur of convictions.
10	Statute provides vacatur of convictions based on a substantive defect or on the merits.

Nexus to Trafficking

2	Survivors must prove that offenses were committed "while under duress."
4	Survivor must prove that offenses were committed "as a direct result" of the trafficking.
6	Survivor must prove that offenses were committed "while they were a victim" of trafficking.
8	Survivor must prove that offenses were "proximately caused" by the trafficking.
10	Survivor must prove that crimes were committed "as a result" of the trafficking.

Confidentiality

0	There is no provision in the statute that protects confidentiality or allows for filing documents under seal.
5	There is an express provision in the statute that protects confidentiality or allows for filing documents under seal.

Burden of Proof

0	Statute silent on standard of proof.
2	Clear and convincing evidence.
5	Preponderance of the evidence.

Offenses Covered

5	Only prostitution-related or sex-related crimes are eligible for relief.
8	Only prostitution and specifically-enumerated misdemeanor offenses are eligible for relief.
12	All misdemeanor offenses are eligible for relief.
17	All misdemeanor and nonviolent felony offenses are eligible for relief.
23	All misdemeanor offenses, non-violent felonies, and specifically-enumerated violent felony offenses are eligible for relief.
30	All offenses are eligible for relief.

Time Limitations and Wait Times

0	Statute provides an explicit statute of limitations running from the end of the trafficking situation, or requires the survivor to wait an explicit amount of time since the last conviction to apply for relief.
4	Statute provides leniency regarding time limits (such as allowing survivors to apply in a "reasonable time" after trafficking has ended).
8	Statute provides no time limit, restriction, or wait time.

Official Documentation

0	Official documentation does not create presumption of eligibility.
5	Official documentation creates a presumption of eligibility.

Additional Restrictive Conditions on Relief

0	Statute places explicit additional restrictive conditions on survivors being able to apply for relief.
2	Statute places no explicit additional restrictive conditions on survivors being able to apply for relief.

Arrests and Adjudication Relief

0	No statute specific to victims of human trafficking.
5	Statute applies only to convictions (formal adjudications of guilt).
10	Statute comprehensively includes arrests, non-prosecuted cases, adjudications, and/or other records that are not exclusive to convictions.

Level of Judicial Discretion Permitted

0	Statute does not allow any judicial discretion.
5	Statute allows the court to grant relief in spite of prosecutor's objection as long as prosecutors had notice of the request for relief.
10	Statute allows the court to grant relief in spite of prosecutor's objection as long as prosecutors had notice and to "take such additional action as is appropriate in the circumstances."

Hearing Requirement

0	Hearing required in all instances and survivor must appear.
1	Hearing required in all instances, but survivor can appear by alternate methods (e.g. telephone, video, written statements).
2	Hearing required only if opposition and survivor must appear in person.
3	Hearing required only if opposition, but survivor can appear by telephone, video, or other alternate methods.
4	Hearing required only if opposition but survivor can waive right to be present.
5	No hearing required.