Protecting Ohio's Families

OHIO CRIME VICTIMS' RIGHTS

Helping crime victims rebuild their lives

MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

Dear Friend,

As a former prosecutor, I learned early in my career about the pain and suffering that crime victims and their families endure. My office and many other agencies stand ready to help you.

This publication spells out your rights as a victim, the steps necessary to take full advantage of various services, and the responsibilities of the criminal justice system. Distributed with the help of local law enforcement, it has been revamped to share the latest information for victims as clearly and effectively as possible.

For more information or assistance, please contact my office's Crime Victim Services Section at **800-582-2877** or **CV@OhioAttorneyGeneral.gov**. Additional resources are listed at **www.OhioAttorneyGeneral.gov/Victims**.

Very respectfully yours,

Mike DeWine
Ohio Attorney General

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The Attorney General's Crime Victim Services Section

The Attorney General's Crime Victim Services Section is here to serve victims of crime throughout Ohio. We offer a variety of services, including crime victim compensation, outreach, and training. If you are a victim of crime and need assistance, we will make every effort to assist you in the compensation process and to connect you with resources available in your community. If you have questions, concerns, or need assistance in completing an application, please contact us at **800-582-2877**.

Compensation for Economic Loss Resulting from Crime

Victims and their families may encounter physical, emotional, and economic hardship long after a crime occurs. The Ohio Attorney General's Crime Victim Services Section assists eligible victims and their families with certain out-of-pocket expenses related to the incident.

Eligible offenses include crimes that cause a substantial threat of personal injury or death:

- Assault
- Sexual assault
- Domestic violence
- Homicide
- Menacing and stalking

Certain motor vehicle crimes are considered eligible offenses, such as:

- Operating a vehicle while impaired
- Fleeing a felony
- Vehicular assault or homicide
- Hit and run

Common Questions

What expenses can the program cover?

- Medical
- Counseling
- Transportation or mileage costs for medical appointments or to attend certain court hearings
- Work loss
- Protection orders that separate the victim from the offender

Should I report the crime to police?

Yes. If the crime was not reported to police, the claimant must inform the appropriate law enforcement agency and cooperate with the officer who investigates the crime.

[Ohio Revised Code (ORC) 2743.60(A); 2743.60(C)]

When should I apply for compensation?

An adult victim of crime may file an application at any time. If the victim is a minor, the application must be filed by his or her 20th birthday or within two years of the date a complaint, indictment, or information is filed against the alleged offender, whichever is later.

Can I file for compensation if the crime occurred outside Ohio?
Yes. If the victim of a crime resides in Ohio and is victimized while in another state, then he or she may file for compensation in Ohio. However, a claim must first be filed in the state where the crime occurred.

Do I have to be an Ohio resident?
No. If the crime occurred in Ohio and the victim is a resident of the United States or a foreign country that compensates United States' residents, an application can be filed in Ohio. If the crime occurred in a foreign country that compensates United States' residents, an application should be filed in the foreign country and in Ohio.
[ORC 2743.51(A)(1)]

Will I automatically receive compensation once I apply?
No, compensation is not automatically given. However, all victims of crime are encouraged to file an application, because that is the only way to determine eligibility.

Do I need an attorney to apply?
No.

How do I begin the compensation process?
The process is started by filing an application, which is available by:

- Visiting **www.OhioAttorneyGeneral.gov/Victims**
- Calling the Attorney General's Crime Victim Compensation Program hotline at **800-582-2877**
- Contacting a prosecutor or victim assistance program

Can parents/guardians of child victims receive compensation?
Yes. Expenses include:

- Treatment for the minor child
- Counseling
- Mileage
- Lost wages

Who pays for forensic examinations in sexual assault cases?
The Attorney General's Sexual Assault Forensic Examination (SAFE) program pays for the cost of the exam and antibiotics to prevent sexually transmitted infections. For related expenses not covered under the SAFE program, please apply to the Ohio Victims of Crime Compensation Program. If you have questions regarding the SAFE program, call the Ohio Attorney General's Crime Victim Services Section at **614-446-4797** or email **SAFE@OhioAttorneyGeneral.gov**.

What Are My Rights as a Crime Victim?

Right to Fairness, Dignity, and Respect

"Victims of criminal offenses shall be accorded fairness, dignity, and respect in the criminal justice process, and, as the General Assembly shall define and provide by law, shall be accorded rights to reasonable and appropriate notice, information, access, and protection and to a meaningful role in the criminal justice process."
[Constitution of Ohio, Article I, Section 10a]

Right to a Victim Representative

"If a victim is a minor or is incapacitated, incompetent, or deceased, or if the victim chooses to designate another person, a member of a victim's family or another person may exercise the rights of the victim under this chapter as the victim's representative."
[ORC 2930.02]

Right to Receive Criminal Investigation Information

"As soon as practicable after its initial contact with a victim of a crime, the law enforcement agency responsible for investigating the crime shall give to the victim all of the following information:

1. *The business telephone number of the law enforcement officer assigned to investigate the case;*

2. *The office address and business telephone number of the prosecutor in the case; and*
3. *A statement that, if the victim is not notified of the arrest of the offender in the case within a reasonable period of time, the victim may contact the law enforcement agency to learn the status of the case."*
   [ORC 2930.04(B)]

Right to Notification

■ Notification When a Suspect is Arrested or Released

Within a reasonable time after a suspect is arrested or detained, a law enforcement officer must give a victim:

- Name of the person arrested or detained
- Information on whether the suspect is eligible for pretrial release
- The law enforcement agency's phone number
- Information on how to check the status of the suspect's bond and custody
  [ORC 2930.05]

■ Notification if a Violent Offender Escapes Custody Before Trial or Sentencing

The county prosecutor must notify the victim if a person indicted or charged with a violent offense escapes custody before trial or sentencing.
[ORC 309.18]

Notification of Substantial Delay

If there is a motion or request to substantially delay prosecution of the case, the prosecutor must inform the victim. If the victim objects, the prosecutor must inform the court, and the court, to the extent possible, must consider the objection in ruling on the motion or request.
[ORC 2930.08]

Notification of Criminal Case Results

Upon request, the victim will be notified of the results of the case. If charges against the suspect are proven, the prosecutor will provide:

- Crimes the defendant was convicted of
- Date, time, and location of the sentencing or dispositional hearing
- Explanation that a victim may make a victim impact statement, which may be made available to the defendant
- Address and phone number of the probation office or person preparing a presentence or disposition investigation and victim impact statement
- Any sentence imposed, including judicial release or modification after an offender's successful appeal
  [ORC 2930.12]

Right to Attend Court Proceedings

A victim has the right to attend the trial and any related hearings or proceedings (except for grand jury proceedings) unless the court finds that the victim's presence interferes with the suspect's right to a fair trial. A victim may request that an advocate or support person accompany him or her to the court hearing.

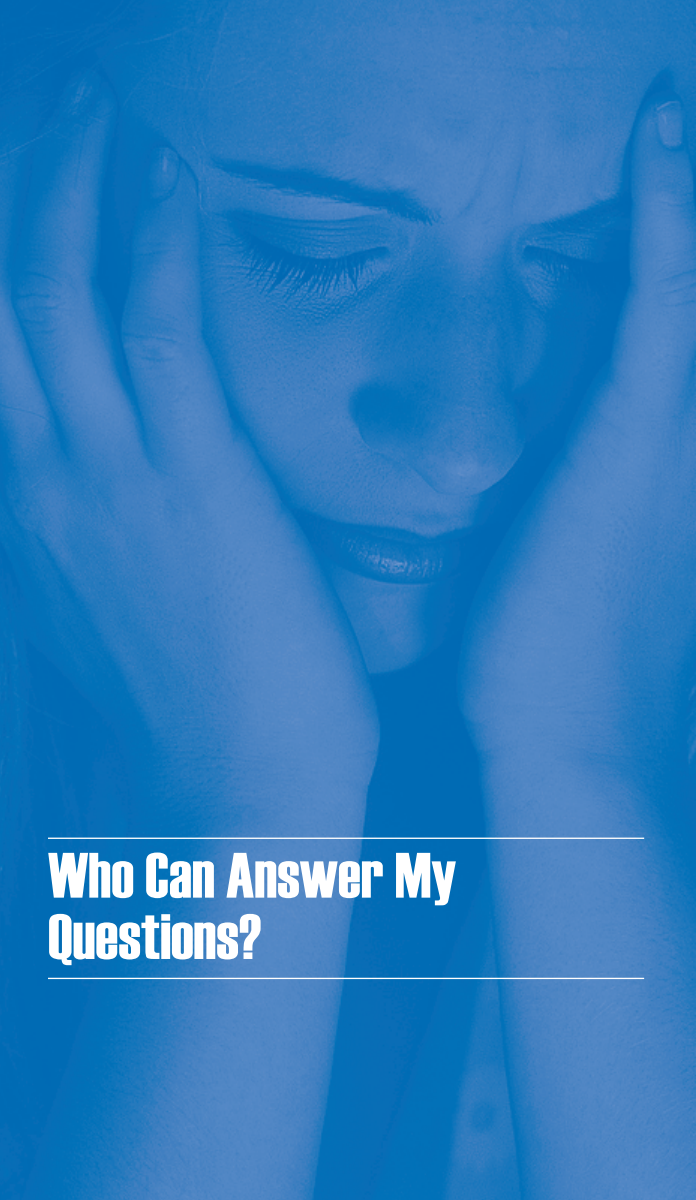
The court must make a reasonable effort to minimize contact between the victim, victim's family, victim's representatives, or witnesses for the prosecution and the defendant, defendant's family, or witnesses for the defense before, during, and immediately after court proceedings.
[ORC 2930.09 and 2930.10]

Note: Ohio Rule of Evidence 615(B)(4), Separation and Exclusion of Witnesses, does not authorize excluding a victim of the offense from the hearing.

Right to Confidentiality and Anonymity

A victim has the right to ask the judge to order that the information included in the police report not be released. If such a request is granted by the judge, all names and details will remain confidential until after a preliminary hearing or an arraignment or until the case is dismissed. The agencies involved, as well as the media, have adopted policies that may prevent the release of a victim's identity.

[ORC 2907.11]



Who Can Answer My Questions?

Ohio Attorney General's Help Center
Provides assistance concerning ID theft, scams, fraud, and consumer complaints
800-282-0515

Your Local Prosecutor's Office
Provides assistance with questions regarding victims' rights, protection orders, victim impact statements, grand jury proceedings, trial dates, sentencing, and restitution

VINE (Victim Information and Notification Everyday)
Provides information on the location or status of an inmate
800-770-0192

Ohio Department of Rehabilitation and Correction's Office of Victim Services
Provides additional information about location of an inmate, communication between offenders and victims, and other services
888-842-8464

Ohio State Bar Association
Provides referrals to attorneys who can assist with victims' needs
800-282-6556

Protection Orders

What is a protection order?

A protection order is granted by a judge. It orders the defendant to stay away from a victim. The defendant should not enter your home or approach you at your place of work or school. If the defendant violates the protection order, a new charge could be filed, and the defendant could be arrested.

Temporary Protection Order (TPO)

- Limits or prohibits contact between the abuser and the victim
- Granted by municipal and county courts at no cost to the victim
- Can be granted if an abuser is arrested for domestic violence or if the victim wants to press criminal charges against the abuser by filing a complaint
- Only lasts as long as the criminal proceedings
- Abusers can be arrested, charged, and jailed for violating a TPO

Civil Protection Order (CPO)

- Granted by the county's domestic relations court
- Intended to prevent further domestic violence
- No filing fee

- May do the following:
  - Grant possession of the residence or household to you and/or other family members, to the exclusion of the abuser; evict the abuser; order the abuser to vacate the premises; or (if the abuser has the duty to support you) order the abuser to provide suitable, alternative housing
  - Award temporary custody and establish temporary custody orders of minor children (if no other court has determined custody and visitation rights)
  - Require the abuser to maintain support if the abuser customarily provides for or contributes to the support of the family or household, or if the abuser has a duty to support under the law
  - Require counseling
  - Grant any other relief that the court considers fair

Civil Stalking (CSPO) or Sexually Oriented Offense Protection Order (SOOPO)

- Granted by Common Pleas Court, General Division
- Intended to ensure the safety and protection of victims of stalking or sexual assault

- No family or household member relationship required, but any parent or adult family or household member may seek relief for any other family or household member
- No filing fee

Stay Away and Restraining Orders

- Often issued by judges in criminal cases as conditions of bond or probation
- Defendant not automatically arrested if order is violated; victim must contact prosecutor or probation department to have the bond revoked or a probation revocation hearing held
- Restraining orders issued in divorces are not enforceable by police

For additional information on protection orders, contact your local prosecutor's office or the Ohio Attorney General's Office.

What Can I Expect from Other Agencies?

Law Enforcement

Reasonable Return of Property

Law enforcement officers must promptly return any property taken from the victim during the investigation unless:

- The physical property, rather than a photograph of it, is needed as evidence
- A judge grants the defendant a motion to use the property in his or her defense [ORC 2930.11]

Employer

Allowing Time off for Criminal Proceedings

Ohio law prohibits employers from firing employees who miss work to attend grand jury, delinquency, or criminal proceedings that they are subpoenaed to attend. However, an employer is not required to pay an employee for time that he or she didn't work unless an employee is subpoenaed because of a crime that happened at work or if the suspect is the employer. In that case, the employer cannot decrease or withhold pay when the employee misses work to obey the subpoena. In addition, the employee cannot be discharged, disciplined, or retaliated against for participating, at the prosecutor's request, in

the preparation of the criminal case against the suspect. An employer can be found in contempt of court for taking such action.
[ORC 2151.211; 2939.121; 2945.451; 2930.18; 2151.211; 2939.121; 2945.451; 2930.18]

Prosecutor

Communication with the Prosecutor

The prosecutor, to the extent possible, must talk with you before:

- Granting a suspect a pretrial diversion
- Amending or dismissing a charge
- Negotiating a plea agreement
- Beginning a trial or hearing

If a juvenile court disposes of a case before a prosecutor's involvement, the court will notify you.
[ORC 2930.06(A)]

If the prosecutor fails to confer with you regarding the above legal actions, the court — upon being notified of the failure — will note on the record the failure to confer and the reason. The failure to confer will not affect the validity of any action.
[ORC 2930.06(A)]

After legal action against the defendant begins, the prosecutor or prosecutor's representative will provide you, to the extent possible, the following:

- Name of defendant
- Name of offense
- Case file number
- Explanation of upcoming procedure
- Summary of the victim's rights
- Procedure to follow if the victim is threatened
- Name and number of a contact for more information about the case
- Notice of the victim's right to representation
- Notice of court proceedings or delays if the victim requests this information

  [ORC 2930.06(B)]

Ensuring Victim Safety During Court Proceedings

If you have been intimidated or threatened regarding court proceedings, you should immediately report the incident to a law enforcement officer. The prosecutor may file a motion prohibiting that person from intimidating the victim or a witness or directing the defendant to stay away from and not communicate with the victim or witness. The prosecutor also may ask the court to withhold the victim's address, place of employment, or similar identifying information.
[ORC 2921.04; 2945.04; 2930.07]

If a suspect has been released from custody and you give the prosecutor an affidavit stating the suspect has committed or threatened to commit a violent act or to intimidate you, your family, or your representative (or the suspect is having someone else do so), the prosecutor may ask the court to reconsider the suspect's bond conditions or consider arresting or detaining the suspect. [ORC 2930.05]

Receiving Information after Sentencing

Upon request, the prosecutor must notify you of details about the offender's sentencing, any motions for early release, or modification of the offender's sentence or an appeal.

When the court considers releasing the offender, you can make an additional statement about the effects of the crime and share an opinion about whether the suspect should be released. [ORC 2930.15; 2930.16; 2930.17]

Making a Victim Impact Statement

In all felony cases, the court shall order the preparation of a victim impact statement. You may provide a written or verbal statement, and it should include the following information:

- Explanation of any physical, psychological, or emotional harm suffered as a result of the offense
- Explanation of any property damage or other economic loss suffered as a result of the offense
- An opinion regarding how much compensation is needed for harm the offender caused because of the offense
- Information about any previous compensation the victim has applied for or received
- A recommendation for an appropriate penalty for the offender's illegal behavior

In all criminal or juvenile cases, the court may order the preparation of an investigation report prior to sentencing or disposition. If the court orders such a report, you may make a written or oral statement regarding the impact of the crime.

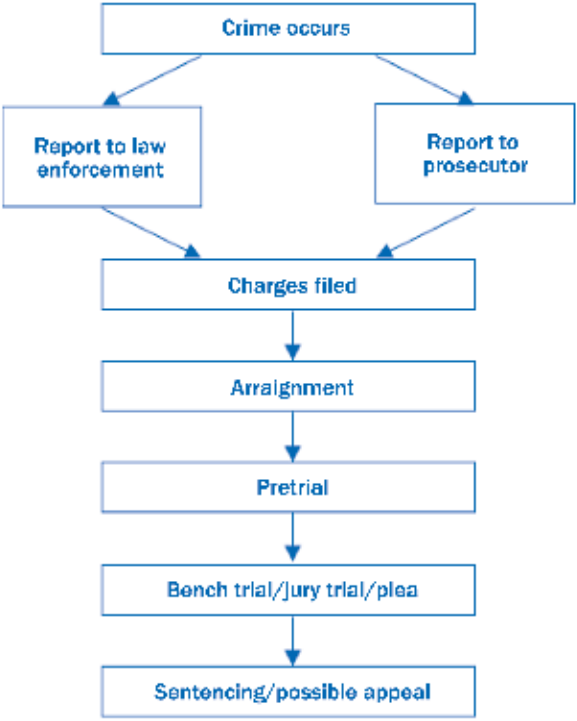
Before sentencing or disposition, the court must permit the victim to make the statement orally.

Any written statement that you provide is confidential and is not a public record, although it can be shared with the offender and the defense attorney. The court must consider the statement, along with other factors it is required to consider, in imposing the sentence or determining the disposition.
[ORC 2947.051; 2951.03; 2930.12; 2930.13; 2930.14]

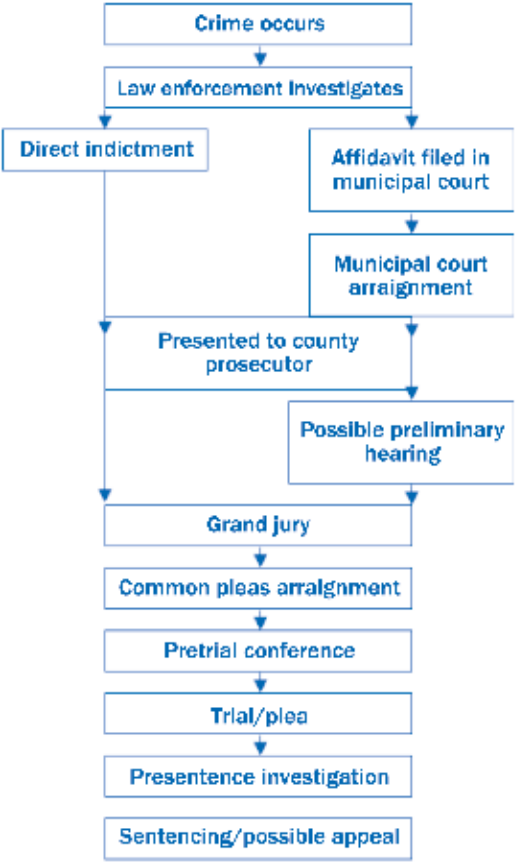
If Your Case Goes to Court

The following provides a general guide of what to expect if your case goes to court. However, there may be slight variations based on the county in which the court is located. A legal advocate or victim witness assistant may be available to help you through the court process. It is solely up to the prosecutor to decide to continue with charges or to dismiss. If a legal advocate or victim witness assistant is not available, please call the Ohio Attorney General's Office at **800-582-2877** for assistance.

Misdemeanor Cases



Felony Cases



Court Terms

Arraignment: The offender enters a plea of guilty or not guilty during an arraignment. A victim who intends to get a protection order must be present.
Claimant: A person who brings a civil action in a court of law, formerly called plaintiff.
Defendant: An individual (or business) against whom a lawsuit is filed.
Felony: A crime punishable by confinement in the penitentiary or death. See ORC 18.2-10 for classification of felonies and the punishment for each classification.
Grand jury: The prosecutor presents law enforcement findings to a jury, which then decides if criminal charges should be filed. The victim may be required to testify. The defendant is not present. This is not public information, and the information presented to a grand jury is kept confidential.
Misdemeanor: Offenses punishable by a fine not exceeding $2,500 or being jailed for a term not exceeding 12 months or a combination of fine and jail within these limits.
Pretrial conference: This is when the case is assigned to a judge and a trial date is set.
Trial/plea: A victim generally must testify and will have the right to present a victim impact statement.

Ohio Department of Rehabilitation and Correction

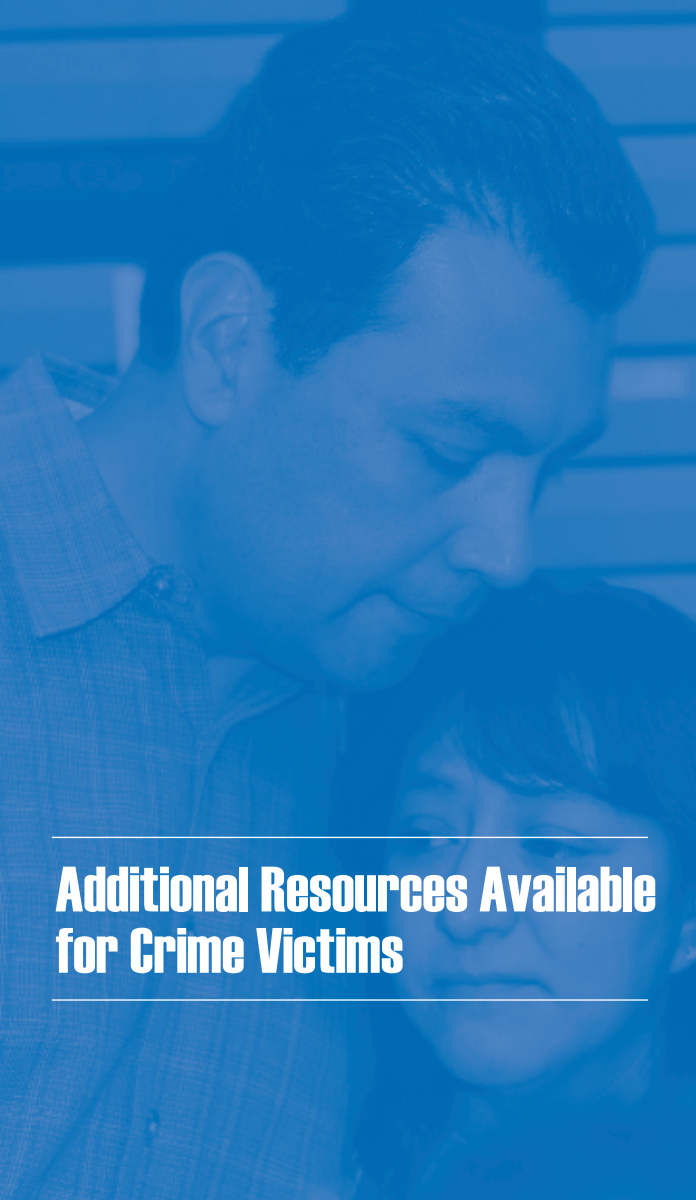
Receiving Information and Input Regarding a Defendant's Incarceration and Parole Status

Upon request, the Ohio Department of Rehabilitation and Correction's Office of Victim Services will notify a victim of the following regarding adult offenders who are incarcerated or under supervision through the Adult Parole Authority:

- Parole board hearings
- End of definite sentence
- Expiration of stated term
- Offender's release and conditions of that release
- Offender's death
- Escape
- Pending execution
  [ORC 2930.16; 2949.25; 2967.12; 5120.60]

To request notification about a particular offender, contact:

Office of Victim Services
Ohio Department of Rehabilitation and Correction
770 W. Broad St.
Columbus, OH 43222
614-728-1976 or
toll-free, 888-VICTIM4 (842-8464)
www.drc.ohio.gov



Additional Resources Available for Crime Victims

Victim Information and Notification Everyday (VINE)

VINE is free, anonymous, and easy to use. It makes vital information on the custody status of inmates accessible to the people who need it most: victims, law enforcement, prosecutors, judges, probation and parole officers, advocates, neighbors, family members, and the general public.

The Ohio Attorney General's Office administers VINE in partnership with the Buckeye State Sheriffs' Association, the Ohio Department of Rehabilitation and Correction, and the Ohio Department of Youth Services.

If you are concerned about the custody status of an inmate in an Ohio state prison, county jail, or juvenile facility, call VINE at **800-770-0192** or visit **www.VINELink.com**.

What should a person do if he or she suspects that a child is being abused, neglected, or victimized?

Anyone can anonymously report child abuse. A person who makes a child abuse/neglect report should provide the child's name, address, age, parents' names, and the reason abuse is suspected so the agency can locate the child more quickly.

Every county in Ohio has a 24-hour hotline for reporting suspected child abuse/neglect. These can be found at **http://jfs.ohio.gov/ocf/reportchildabuseandneglect.stm** or by calling the Ohio Department of Job and Family Services at **855-642-4453**. Anyone who believes a child is in immediate danger should call local law enforcement.

Can a victim be notified of the address of the offender who committed the crime?

Yes, if the offender committed one of these offenses:

- Aggravated murder
- Murder
- Felonious assault
- Involuntary manslaughter
- Kidnapping, abduction
- Unlawful restraint
- Criminal child enticement
- Rape
- Sexual battery
- Unlawful sexual conduct with a minor
- Gross sexual imposition
- Importuning
- Felonious sexual penetration
- Compelling prostitution
- Pandering obscenity involving a minor
- Pandering sexually oriented matter involving a minor

- Illegal use of a minor in nudity-oriented material or performance
- Endangering children
- Voyeurism involving a minor

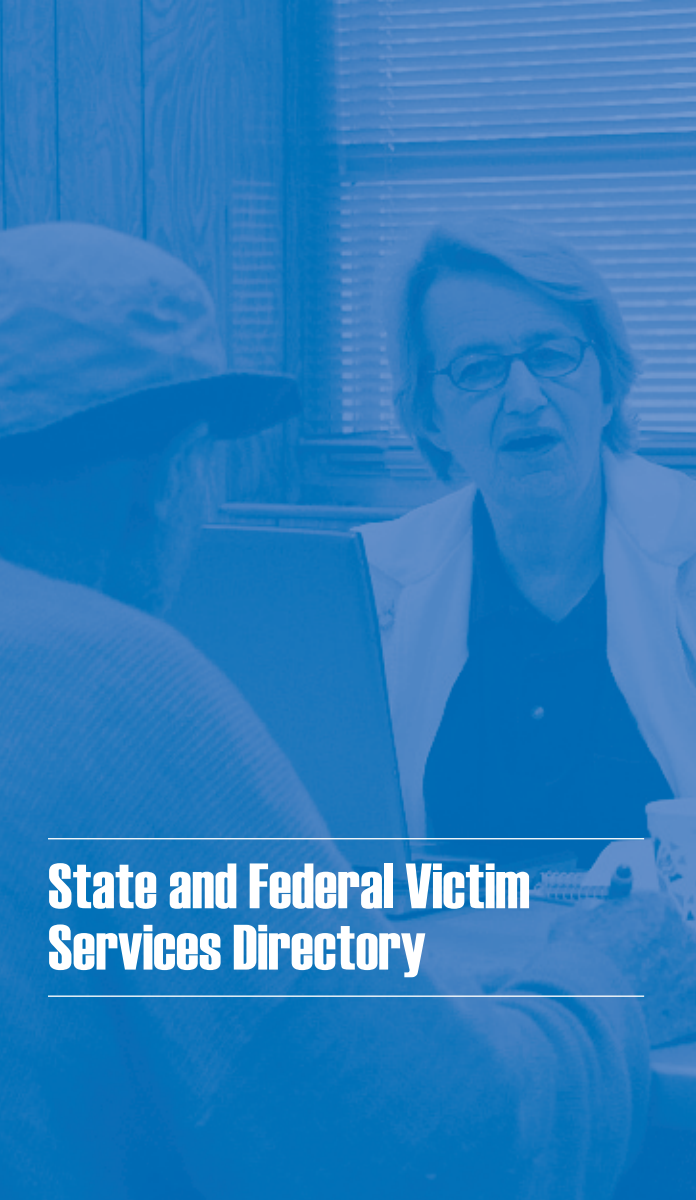
Under Ohio law, if an adult offender (or juvenile offender registrant) is found guilty of a sexually oriented offense or child-victim oriented offense that is not registration exempt, the offender must register with the sheriffs of all the counties in which the offender will live, work, and/or attend school. The offender must keep the name and address of each location updated as long as required by law. This information is available to the general public through each sheriff's office. Additionally, the Ohio Attorney General has established a website with information concerning all adult registered sex offenders in Ohio. There is a link at **www.OhioAttorneyGeneral.gov**.

Is testing of the alleged offender for any communicable disease mandatory, and can the victim find out the results?

Yes. Upon the request of the prosecutor or victim, the police or court with authority will require the alleged offender to be examined for communicable diseases.

[ORC 2907.27]

The results will be given to the court and are available if the victim asks to see them. If the alleged offender is a child, the arresting authority, court, or probation officer will notify the victim of any detected communicable diseases.
[ORC 2151.14(C); 2907.27; 2907.30]



State and Federal Victim Services Directory

Ohio Attorney General's Office

Crime Victim Services
150 E. Gay St., 25th Floor
Columbus, OH 43215
614-466-5610
Toll-free: 800-582-2877
www.OhioAttorneyGeneral.gov/Victims

Consumer Protection
30 E. Broad St., 14th Floor
Columbus, OH 43215
614-466-1305
Toll-free: 800-282-0515
www.OhioAttorneyGeneral.gov/Consumers

Missing Children Clearinghouse
150 E. Gay St., 25th Floor
Columbus, OH 43215
Toll-free: 800-325-5604
www.OhioAttorneyGeneral.gov/MissingChildren

Ohio Department of Rehabilitation and Correction's Office of Victim Services
770 W. Broad St.
Columbus, OH 43222
614-728-1976
Toll-free: 888-842-8464
www.drc.ohio.gov/web/victim.htm

Ohio Department of Youth Services Office of Victim Services
30 W. Spring St., 5th Floor
Columbus, OH 43215
Toll-free: 800-872-3132
www.dys.ohio.gov

Ohio Department of Health Sexual Assault and Domestic Violence Prevention Program
246 N. High St., 8th Floor
Columbus, OH 43215
614-466-2144
www.healthyohioprogram.org/sadv/sadv.aspx

Ohio Department of Public Safety Office of Criminal Justice Services
1970 W. Broad St.
Columbus, OH 43223
Toll-free: 888-448-4842
www.ocjs.ohio.gov

Ohio Department of Developmental Disabilities Major Unusual Incident/Registry Unit
1810 Sullivant Ave.
Columbus, OH 43223
Toll-free: 866-313-6733
http://odmrdd.state.oh.us/healthandsafety/Pages/default.aspx

Ohio Domestic Violence Network
4807 Evanswood Drive, Suite 201
Columbus, OH 43229
Toll-free: 800-934-9840
www.odvn.org

Ohio Court Appointed Special Advocate/ Guardian Ad Litem Association
150 E. Mound St., Suite 210
Columbus, OH 43215
614-224-2272
www.ohiocasa.org

Action Ohio Coalition for Battered Women
5900 Roche Drive, Suite 445
Columbus, OH 43229
614-825-0551
Toll-free: 888-622-9315
www.actionohio.org

Central Ohio Rescue and Restore Coalition
966 E. Main St.
Columbus, OH 43205
614-285-4357
www.centralohiorescueandrestore.org
(This agency provides services related to human trafficking.)

Justice League of Ohio
3956 N. Hampton Drive
Powell, OH 43065
614-848-8500
www.thejusticeleagueofohio.org
(This agency provides free legal services to protect the rights of victims of violent crimes throughout the legal process.)

Mothers Against Drunk Driving
5900 Roche Drive, Suite 250
Columbus, OH 43229
614-885-6233
Toll-free: 800-552-8641
www.MADD.org

Ohio Network of Children's Advocacy Centers
655 E. Livingston Ave.
Columbus, OH 43205
614-578-8029
www.oncac.org

Parents of Murdered Children
National Headquarters
4960 Ridge Ave., Suite 2
Cincinnati, OH 45209
513-721-5683
Toll-free: 888-818-7662
www.pomc.com

Ohio Prosecuting Attorneys Association
196 E. State St., Suite 200
Columbus, OH 43215
614-221-1266
www.ohiopa.org

Office of United States Attorney, Northern District of Ohio
801 W. Superior Ave., Suite 400
Cleveland, OH 44113
216-622-3600
www.usdoj.gov/usao/ohn

Office of the United States Attorney, Southern District of Ohio
303 Marconi Blvd., Suite 200
Columbus, OH 43215
614-469-5715
www.usdoj.gov/usao/ohs

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OHIO ATTORNEY GENERAL

OHIO CRIME VICTIMS' RIGHTS

Helping crime victims rebuild their lives

OHIO ATTORNEY GENERAL'S OFFICE
CRIME VICTIM SERVICES
150 E. GAY ST., 25TH FLOOR
COLUMBUS, OH 43215
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