



DAVE YOST

OHIO ATTORNEY GENERAL

O · H · I · O
CRIME VICTIMS'
RIGHTS

Helping crime victims rebuild their lives



PROTECTING ★ THE ★ UNPROTECTED

Fellow Ohioan,

Being the victim of a violent crime is traumatic. People wronged by, say, a used-car salesman or a builder who does shoddy work don't experience that same level of personal violation. I learned the difference when I served as a prosecutor, bringing to justice criminals who hurt people like you.

My office wants to help you cope and recover. For starters, we offer this booklet to help you navigate what can be a complicated criminal justice system. It explains your rights and how to apply for compensation and other services from the state.

For additional assistance, please contact my office's Crime Victim Services Section at 800-582-2877 or CV@OhioAttorneyGeneral.gov. Other resources can be found online at www.OhioAttorneyGeneral.gov/Victims.

I hope my team can help carry at least some of the burden, for you and your family, as you take the journey from victim to survivor.

Respectfully yours,

A handwritten signature in black ink that reads "Dave Yost". The signature is written in a cursive, flowing style with a large loop at the end of the last name.

Dave Yost,
Ohio Attorney General

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The Attorney General's Crime Victim Services Section

The Crime Victim Services Section of the Ohio Attorney General's Office assists victims of crime statewide. We offer a variety of services, including crime victim compensation, outreach and training. If you are a victim of crime and need help, 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 or 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 Crime Victim Services Section of the Ohio Attorney General's Office assists eligible victims and their families with certain out-of-pocket expenses related to the incident.

Victims eligible for potential compensation experienced crimes that pose a substantial threat of injury or death. Some examples:

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

Also eligible for potential compensation are victims of motor-vehicle crimes, such as:

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

Common Questions

What expenses might the program cover?

- Medical
- Counseling
- Transportation or mileage costs for medical appointments or to attend certain court hearings
- Lost wages
- 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. Victims who do not report the crime are not eligible for compensation.

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

When should I apply for compensation?

A crime victim can apply for an award of compensation at any time after the crime occurs.

Do I get only one chance to apply?

No. If more expenses arise after a compensation filing — say, follow-up treatment or services — a person may file again. A Supplemental Application may be filed for costs not considered in the previous decision by the attorney general or an Ohio Court of Claims magistrate or judge. The

Supplemental Application may be filed within six years of the previous decision.

Can I file for compensation if the crime occurred outside Ohio?

Yes. If the victim of a crime resides in Ohio and is victimized in another state, 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 U.S. residents, an application can be filed in Ohio. If the crime occurred in a foreign country that compensates U.S. residents, an application should be filed in the foreign country and in Ohio.

[ORC 2743.51(A)(1)]

Will I automatically receive compensation after 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 that might be covered 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 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 attorney general's Crime Victim Services Section at **614-466-4797** or email **SAFE@OhioAttorneyGeneral.gov**.



**What Are My Rights
as a Crime Victim?**

Right to Privacy

Victims have the right to refuse interview, deposition or discovery requests made by the accused or by someone else on behalf of the accused.

[Ohio Constitution, Article I, Section 10a(A)(6)]

Victims of certain sex crimes have the right to ask the judge to order that the information in the police report not be released. If the judge grants the request, all names and details will remain confidential until after a preliminary hearing or an arraignment or until the case is dismissed.

[ORC 2907.11]

Right to a Lawful Representative

Victims, upon request, have the right to exercise their rights by themselves, with counsel or through the prosecutor.

[Ohio Constitution, Article I, Section 10a(B)]

If a victim is a minor or is incapacitated, incompetent or deceased, or if the victim chooses to designate another person, a relative or another person may exercise the victim's rights as his or her representative.

[ORC 2930.02]

Right To Receive Criminal Investigation Information

As soon as practicable after its initial contact with a crime victim, the law enforcement agency responsible for investigating the crime shall give the victim:

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.
3. A statement that, if the victim is not notified of the arrest of the offender in the case within a reasonable period, the victim may contact the law enforcement agency to learn the status of the case.

[ORC 2930.04(B)]

Rights 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 the victim:

- The 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]

Victims have the right to reasonable protection from the accused or people acting on behalf of the accused.

[Ohio Constitution, Article I, Section 10a(A)(4)]

■ Notification of Release or Escape of Offender

Victims have the right to receive notice of any release or escape of an offender.

[Ohio Constitution, Article I, Section 10a(A)(5)]

Victims of first-, second- or third-degree violent felonies whose offenders are incarcerated in the Ohio Department of Rehabilitation and Correction will receive automatic notification of release, transfer, escape, possible parole and other updates.

Other victims must request notifications.

[ORC 2930.16]

The county prosecutor must notify the victim when a person indicted or charged with a violent offense escapes custody before trial or sentencing and, if applicable, of the person's subsequent recapture. [ORC 309.18]

■ **Notification of Public Proceedings**

Upon request, victims have the right to receive notice of public proceedings involving the criminal offense or delinquent act against the victim.

[Ohio Constitution, Article I, Section 10a(A)(2)]

■ **Notification of Substantial Delay and Right To Object**

Victims have the right to proceedings free from unreasonable delay and the right to a prompt conclusion to the case.

[Ohio Constitution, Article I, Section 10a(A)(8)]

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, victims will be notified of the results of the case. If charges against the suspect are proved, the prosecutor will provide:

- Crimes the defendant was convicted of.
- The date, time and location of the sentencing or dispositional hearing.
- An explanation that a victim may make a victim impact statement, which may be made available to the defendant.
- The 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 Confer With Prosecutor

Upon request, victims have the right to confer with the prosecutor about their case.

[Ohio Constitution, Article I, Section 10a(A)(9)]

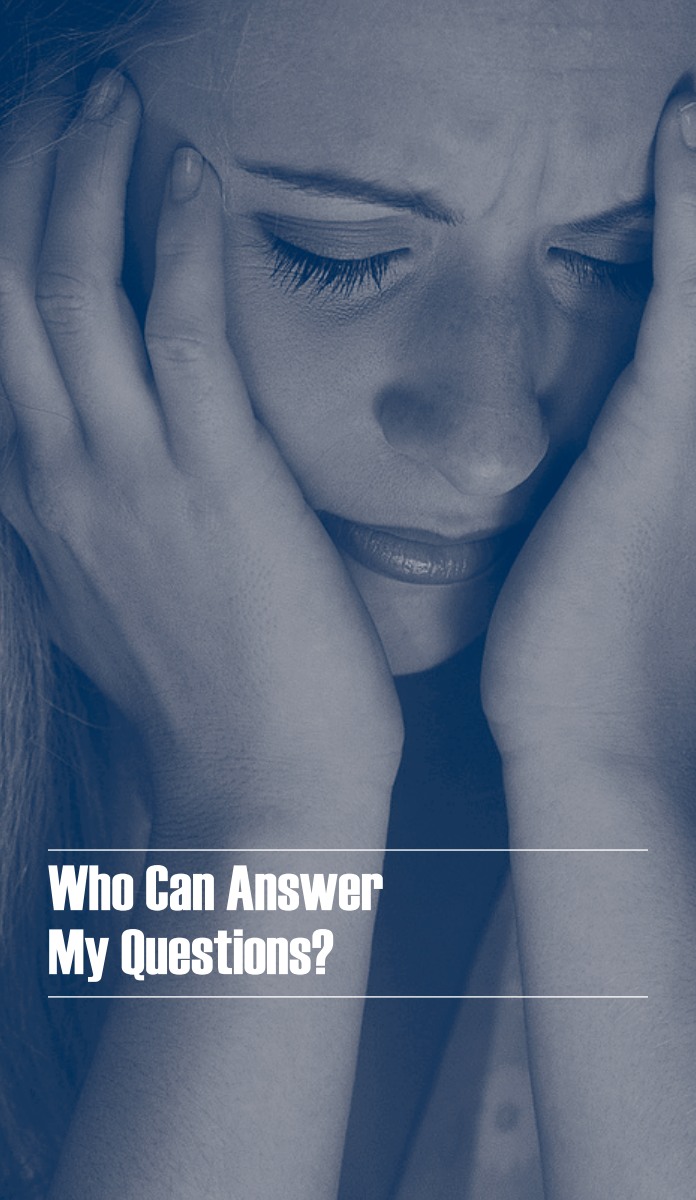
Right To Attend Court Proceedings

Victims have the right to be present in any public proceeding and the right to be heard in any public proceeding involving release, plea, sentencing, disposition or parole, or any time their rights are implicated.

[Ohio Constitution, Article I, Section 10a(A)(2)-(3)]

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

[ORC 2930.09 and 2930.10]



**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?

Granted by a judge, a protection order compels the defendant to stay away from the victim. The defendant is prohibited from entering your home or approaching you at your workplace or school. If the defendant violates the order, a new charge could be filed and the defendant could be arrested.

Temporary Protection Order

- Limits or prohibits contact between the abuser and the victim.
- Is granted by a municipal or county court at no cost to the victim.
- Can be granted when an abuser is arrested for domestic violence or the victim wants to press criminal charges against the abuser by filing a complaint.
- Lasts only as long as the criminal proceedings.
- If violated, can lead to the arrest, charging or jailing of the abuser.

Civil Protection Order

- Is granted by a county's Domestic Relations Court.
- Is intended to prevent further domestic violence.
- Does not carry a filing fee.

A civil protection order may:

- Grant possession of the residence or household to you and/or other family members, excluding 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 the family under the law.
- Require counseling.
- Grant any other relief that the court considers fair.

Civil Stalking or Sexually Oriented Offense Protection Order

- Is granted by a Common Pleas Court.
- Is intended to ensure the safety and protection of victims of stalking or sexual assault.
- Does not require a family- or household-member relationship, but any parent or adult family or household member may seek relief for any other family or household member.
- Does not carry a filing fee.

Stay-Away and Restraining Orders

- Are often issued by judges in criminal cases as a condition of bond or probation.
- If violated, does not automatically result in the defendant's arrest. Victim must contact the prosecutor or probation department to have the bond revoked or a probation revocation hearing held.
- When issued in divorces, are not enforceable by police.

For additional information about 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 for which they are subpoenaed to attend. However, an employer is not required to pay an employee for time that he or she did not work, unless an employee is subpoenaed because of a crime that happened at work or when the suspect is the employer. In those cases, 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 the victim 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, to the extent possible, will provide you:

- The name of the defendant.
- The name of the offense.
- The case file number.
- An explanation of upcoming procedure.
- A summary of the victim's rights.
- A procedure to follow if the victim is threatened.
- The 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 are 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 other identifying information.

[ORC 2921.04; 2945.04; 2930.07]

The prosecutor may ask the court to reconsider a suspect's bond conditions or consider detaining a released suspect if the victim gives the prosecutor an affidavit stating that the suspect (or someone acting on behalf of the suspect) has committed or threatened violence or intimidation against the victim, family members or another representative.

[ORC 2930.05]

Receiving Information After Sentencing

Upon the victim's request, the prosecutor must notify you of details about the offender's sentencing, any motions for early release, any 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]

Court

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, which should include:

- An explanation of any physical, psychological or emotional harm suffered as a result of the offense.
- An 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 required factors, in imposing the sentence or determining the disposition.

[ORC 2947.051; 2951.03; 2930.12; 2930.13; 2930.14]

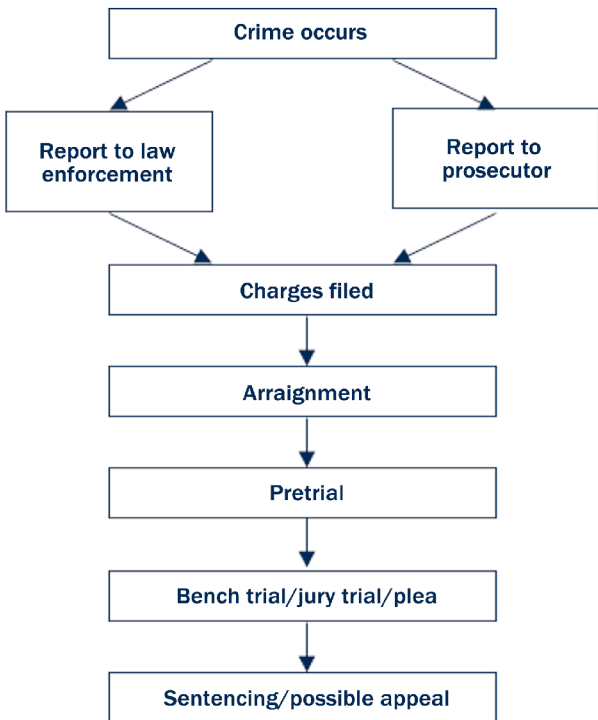
If Your Case Goes to Court

The following provides a general guide regarding what to expect if your case goes to court. There might 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.

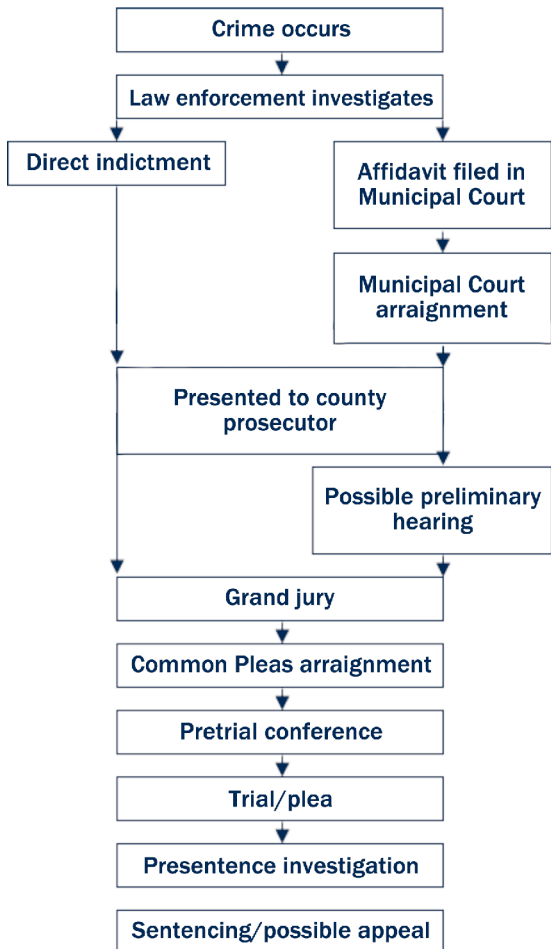
It is solely up to the prosecutor whether to continue with charges or to dismiss them.

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 court hearing during which the charges are read aloud to the accused, who then enters a plea of guilty or not guilty. A victim who intends to obtain a protection order must be present.

Claimant: A person, formerly called a plaintiff, who brings a civil action in a court of law.

Defendant: An individual (or business) against whom a charge or lawsuit is filed.

Felony: A crime punishable by more than six months of incarceration. See ORC 2929.13 for classification of felonies and the punishment for each classification.

Grand jury: A jury that considers a prosecutor's law enforcement findings and then decides whether criminal charges should be filed. The victim may be required to testify; the defendant is not present. The information presented to a grand jury is kept confidential; it is not public information.

Misdemeanor: Offenses punishable by a fine not exceeding \$2,500 or a prison term not exceeding 12 months, or a combination of the two.

Pretrial conference: The meeting during which a case is assigned to a judge and a trial date is set.

Trial/plea: The proceedings during which a victim generally must testify and has 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 a victim's request, the Ohio Department of Rehabilitation and Correction's Office of Victim Services will notify the victim of the following regarding adult offenders who are incarcerated or under supervision via the Adult Parole Authority:

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

To request notification about a particular offender, contact:

Ohio Department of Rehabilitation and Correction's Office of Victim Services

770 W. Broad St.

Columbus, OH 43222

614-728-1976 or 888-VICTIM4 (842-8464)

www.drc.ohio.gov

A close-up photograph of a man and a woman in a close embrace, looking down. The image is overlaid with a semi-transparent blue filter. The man is on the left, and the woman is on the right. The text is centered in the lower half of the image, flanked by two horizontal white lines.

**Additional Resources Available
for Crime Victims**

What is VINE, or Victim Information and Notification Everyday?

The free, anonymous and easy-to-use service makes vital information about the custody status of inmates accessible to those who need it most: victims, law enforcement officers, 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 otherwise 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 child can be located more quickly.

Every county in Ohio has round-the-clock options for reporting suspected child abuse or neglect.

These can be found at http://jfs.ohio.gov/County/County_Directory.pdf 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 a local law enforcement agency.

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

Yes, if the offender committed one of these offenses:

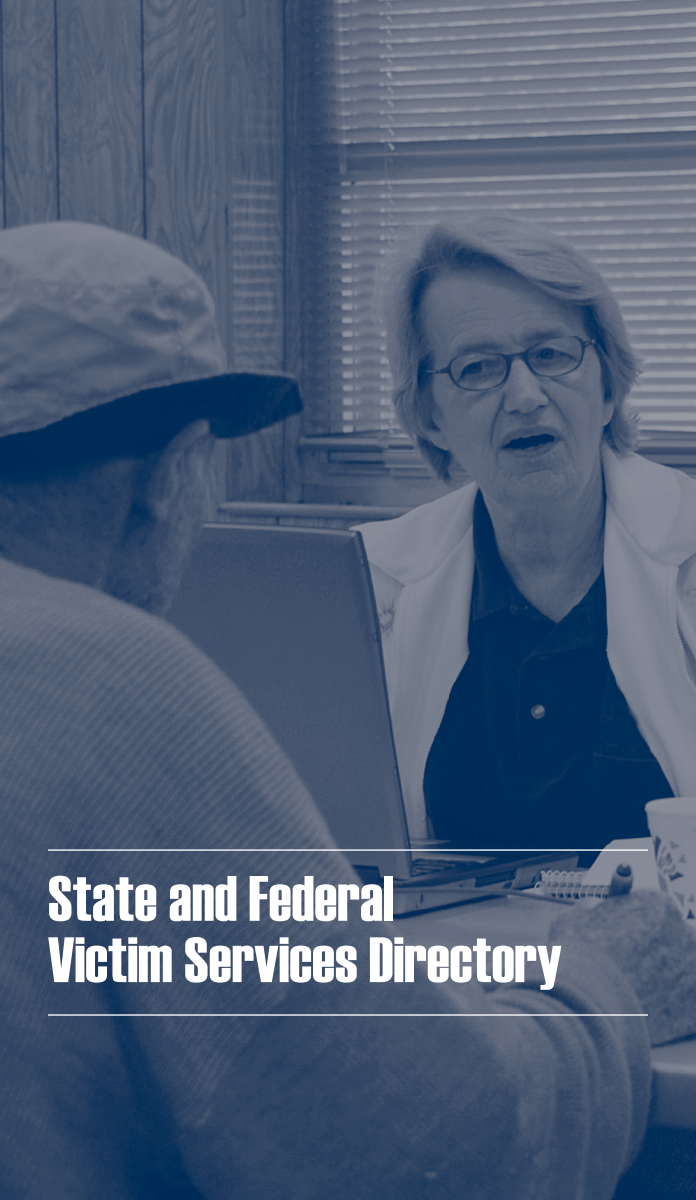
- Aggravated murder
- Murder
- Felonious assault
- Involuntary manslaughter
- Kidnapping, abduction
- Unlawful restraint
- Criminal child enticement
- Rape
- Sexual battery
- Unlawful sexual conduct with a minor
- Gross sexual imposition
- Importuning
- Felonious sexual penetration
- Compelling prostitution
- 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's Office has established a website with information concerning all adult registered sex offenders in Ohio. The link can be found at **www.OhioAttorneyGeneral.gov**.

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

Yes. Upon the request of a prosecutor or victim, the police or court with authority will require the suspect to be examined for communicable diseases. [ORC 2907.27]

The results will be given to the court and are available to a victim who asks to see them. If the suspect 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

30 E. Broad St., 23rd 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 Persons Unit

1560 State Route 56 SW

P.O. Box 365

London, OH 43140

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/victim-services

**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 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**

1800 Sullivant Ave.
Columbus, OH 43222
Toll-free: 800-617-6733
Abuse/neglect hotline: 866-313-6733
<http://dodd.ohio.gov/HealthandSafety/Pages/default.aspx>

Ohio Domestic Violence Network

1855 E. Dublin-Granville Road
Columbus, OH 43229
614-781-9651
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

P.O. Box 423

Worthington, OH 43085-0423

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.)

Ohio Crime Victim Justice Center

3976 N. Hampton Dr.

Powell, OH 43065

614-848-8500

ocvjc.org

(This agency provides free legal services to protect the rights of crime victims throughout the criminal justice process.)

Mothers Against Drunk Driving

5900 Roche Drive, Suite 250

Columbus, OH 43229

614-885-6233

Toll-free: 877-623-3435

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

635 W. 7th St., Suite 104

Cincinnati, OH 45203

513-721-5683

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



DAVE YOST

OHIO ATTORNEY GENERAL

O · H · I · O
CRIME VICTIMS'
RIGHTS

Helping crime victims rebuild their lives

**OHIO ATTORNEY GENERAL'S OFFICE
CRIME VICTIM SERVICES**

30 E. BROAD ST., 23RD FLOOR
COLUMBUS, OH 43215

614-466-5610

800-582-2877

www.OhioAttorneyGeneral.gov