



# RICHARD CORDRAY

OHIO ATTORNEY GENERAL

## PICKING — *up the* — PIECES

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*Helping crime victims rebuild their lives*

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*Dear Friend,*

Victims of crime need to know that there are many services and resources to assist them in their time of need. They also need to be aware of and exercise their many rights under Ohio law.

Those rights are described here in "Picking Up the Pieces," a guide to the Ohio laws that protect victims of crime.

Additionally, at the back of this booklet is a listing of many state government agencies and victim advocacy groups. If you need help after being victimized in a crime, there are many worthwhile groups located across the state that you can contact.

For more information, contact my office's Crime Victims Assistance and Prevention Section at **(800) 582-2877, CV@OhioAttorneyGeneral.gov** or online at **www.SpeakOutOhio.gov**.

*Sincerely,*

A handwritten signature in blue ink that reads "Richard Cordray".

Richard Cordray  
Ohio Attorney General



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## CRIME VICTIM RIGHTS

*Those victimized by someone who committed a felony or one of the following misdemeanor crimes are entitled to specific rights before, during and after criminal and juvenile court proceedings:*

- Negligent homicide
- Vehicular homicide
- Aggravated vehicular homicide
- Assault
- Aggravated menacing
- Menacing
- Menacing by stalking
- Sexual imposition
- Domestic violence
- Attorney, victim or witness intimidation in a criminal case
- Operating a vehicle, motorcraft or aircraft while under the influence of alcohol or drugs
- Operating a vehicle, motorcraft or aircraft while over certain alcohol or drug limits
- A first degree misdemeanor motor vehicle accident that results in on-scene emergency treatment or a trip to the doctor, hospital or other medical care facility.



A crime victim may encounter physical, emotional and economic hardships long after the crime occurs. Victims who experience physical or emotional harm resulting in expenses or lost wages may be entitled to compensation through the Ohio Victims of Crime Compensation program.

Victims may be entitled to benefits in cases with an unknown or uncharged suspect. Please refer to page 33 for additional information about the Compensation Program.


Crime victims are entitled to certain rights as guaranteed by the Ohio Constitution and Ohio Revised Code Section 2930. A summary follows:

## **THE OHIO CONSTITUTIONAL AMENDMENT FOR VICTIMS' RIGHTS**

A victim's state constitutional rights are found in Article I, Section 10 of the constitution of Ohio:

### **Article I, Section 10 (Adopted Nov. 8, 1994)**

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. This section does not confer upon any person a right to appeal or modify any decision in a criminal proceeding, does not abridge any other right guaranteed by the Constitution of the United States or this constitution, and does not create any cause of action for compensation or damages against the state, any political subdivision of the state, any officer, employee, or agent of the state or of any political subdivision, or any officer of the court.

## **VICTIMS' RIGHTS UNDER THE OHIO REVISED CODE**

### **RECEIVING INFORMATION ABOUT VICTIM RIGHTS AND LOCAL SERVICES**

Law enforcement officers must provide a copy of this booklet promptly after their first contact with the victim in order to provide the victim with information about their rights in the criminal and juvenile justice systems. The law enforcement agency must also give the victim important information about local contacts for medical, counseling, housing, emergency services and other types of assistance. (ORC §2930.04)



## **APPOINTING A REPRESENTATIVE**

A victim may designate a family member or another person to serve as a representative during criminal or juvenile proceedings. A victim representative can also be selected when the victim is incapacitated, incompetent, deceased or is a minor. The representative participates in the proceedings on behalf of a victim, has the same rights as a victim and will be the only one to receive all official notices. (ORC § 2930.02)


## **RECEIVING CONTACT INFORMATION ABOUT THE CRIMINAL INVESTIGATION**

The victim must receive the investigating officer's business phone number and the prosecutor's office address and business phone number as soon as practical after initial contact with the police or sheriff. (ORC §2930.04(B))

## **NOTIFICATION WHEN A SUSPECT IS ARRESTED OR RELEASED BEFORE TRIAL**

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



- 
- The name of person arrested or detained.
  - Information on whether the suspect is eligible for pretrial release.
  - The law enforcement officer's phone number.
  - Telephone contact information to verify the status of the suspect's bond and custody.

If a suspect has been released from custody and the victim gives the prosecutor an affidavit stating the suspect has committed or threatened to commit a violent act or to intimidate the victim, victim's family or the victim's representative, or that the suspect is having someone else do so, the prosecutor may file a motion asking the court to reconsider the suspect's bond conditions or to consider arresting or detaining the suspect. [ORC §2930.05]

## **REASONABLE RETURN OF PROPERTY**

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

1. The physical property, rather than a photograph of it, is needed as evidence.



2. A judge grants the defendant a motion to use the property in his or her defense. (ORC§2930.11)

## **COMMUNICATION WITH THE PROSECUTOR**


The prosecutor must talk with the crime victim before:

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

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

If the prosecutor fails to confer with the victim 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 his representative will provide the victim, to the extent practical, the following:

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

[ORC §2930.06(B)]

## **FREEDOM FROM INTIMIDATION**

A victim who has been intimidated or threatened by anyone 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]




## **NOTIFICATION OF SUBSTANTIAL DELAY**

If there is a motion or request to substantially delay prosecuting the case, the prosecutor will inform the victim. If the victim objects, the prosecutor will inform the court, and the court will consider the objection in ruling on the motion or request. [ORC § 2930.08]

## **PRESENCE DURING THE TRIAL**

A victim has the right to attend the trial and any related hearings or proceedings (except for grand jury proceedings), unless the court finds the victim's exclusion is needed to protect the suspect's right to a fair trial. If the victim requests it, a support person may accompany the victim.

The court must make a reasonable effort to minimize contact between the victim, victim's family, victim's representatives or witness for the prosecution and defendant, defendant's family, or witness for the defense, before, during and immediately after court proceedings. [ORC §§ 2930.09 and 2930.10] (*Note: Ohio Rule of Evidence 615, Separation and Exclusion of Witnesses, does not authorize excluding from the hearing a victim of the offense – Rule 615(B)(4)*)




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

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

## **MAKING A STATEMENT AT SENTENCING ABOUT THE IMPACT OF THE CRIME**


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

- 
- Explanation of any physical, psychological or emotional harm suffered by the victim as a result of the offense.
  - Explanation of any property damage or other economic loss suffered by the victim as a result of the offense.
  - An opinion regarding how much compensation is needed for harm caused by the offender 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 a pre-sentence investigation report or pre-disposition investigation report. If a report is ordered by the court, the victim may make a written or oral statement regarding the impact of the crime.

Before sentence or disposition, the court shall permit the victim to make the statement orally.

Any written statement of the victim is confidential and is not a public record, though it can be shared with the offender and the defense attorney. The court shall consider the statement, along with other factors it is required to consider, in imposing



sentence or determining disposition. [ORC §§ 2947.051; 2951.03; 2930.12; 2930.13; 2930.14]

## **PARTICIPATING IN CRIMINAL PROCEEDINGS WITHOUT JEOPARDIZING EMPLOYMENT**

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 the employee didn't work, unless an employee is subpoenaed because of a crime that happened at work or if the suspect is the employer. In this 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 offender. An employer can be found in contempt of court for taking such action. [ORC §§ 2151.211; 2939.121; 2945.451; 2930.18]; [ORC §§ 2151.211; 2939.121; 2945.451; 2930.18]



## **NOTIFICATION IF A VIOLENT OFFENDER ESCAPES CUSTODY BEFORE TRIAL OR SENTENCING**

The victim will be notified by the county prosecutor if a person indicted or charged with a violent offense escapes custody before trial or sentencing. [ORC § 309.18]

## **RECEIVING INFORMATION AFTER SENTENCING**

Upon request, the victim will be notified by the prosecutor 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, the victim can make an additional statement about the effects of the crime and an opinion on whether the suspect should be released. [ORC §§ 2930.15; 2930.16; 2930.17]





## **RECEIVING INFORMATION AND INPUT ABOUT ADULT DEFENDANT'S INCARCERATION AND PAROLE STATUS**

Upon request, the Office of Victim Services in the Ohio Department of Rehabilitation and Correction (DRC) will notify a victim of the following regarding adult offenders who are incarcerated or are under community supervision through the Adult Parole Authority. [ORC § 2930.16]

- Parole board hearings.
- End of definite sentence.
- Expiration of stated term.
- The offender's release and the conditions of that release. [ORC 109.42]
- Offender's death.
- When an offender leaves an institution for court proceedings.
- Escape.
- Pending execution.



To request notification about a particular offender, contact:


The 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** or  
**[www.drc.ohio.gov](http://www.drc.ohio.gov)**.

It is the victim's responsibility to keep the DRC informed of any change in address or phone number in order to continue receiving notification.

Additional services available through the DRC's Office of Victim Services include:

- Presentations regarding victim services and the corrections systems.
- Support through the execution process for surviving family members.
- Victim awareness programming for offenders.
- Victim/offender dialogue.
- Victim issues while the offender is in custody or on supervised parole, and support and information about the custody or parole.
- Safety planning.

- 
- Victim conference day (regarding upcoming parole hearings).
  - Petitioning for full board hearings.

## **RIGHTS AFTER BEING VICTIMIZED BY A JUVENILE OFFENDER**

When a juvenile has been found to be delinquent by a judge or magistrate, the victim has several rights. First, the victim can file a civil action to recover \$10,000 or less (plus costs) from the juvenile's parents for willful and malicious assault, willful damage to property or damage due to a theft offense. [ORC §§ 3109.09; 3109.10].

The court must then also:

- Notify the victim of the right to recover damages. [ORC § 2152.18(E)]
- Notify the victim of the right to file an application with the Ohio Victims of Crime Compensation Program. [ORC § 2152.18(E)]
- Order the preparation of a victim impact statement if the crime is classified as a felony. [ORC § 2152.19(D)]
- Impose reimbursement for damaged or stolen property or community service. [ORC § 2152.19]



The court may also:

- Place the juvenile on community control.
- Commit the juvenile to temporary custody of an institution, facility, camp or school.
- Order the juvenile to be placed in the custody of the Ohio Department of Youth Services (DYS).
- Impose a fine upon the juvenile.
- Impose a period of electronically monitored home detention upon the juvenile and any changes to status.

**A victim of a juvenile offender who has been committed to DHS has the following notification rights:**

- Upon request and completion of a Victim Notification Form, the victim will be notified of the juvenile's status.
- It is the victim's responsibility to keep DHS informed of any change in address or phone number in order to continue receiving notification. [ORC § 2930.16]



To request a Victim Notification Form, visit:

The Office of Victim Services  
Ohio Department of Youth Services  
51 N. High St.  
Columbus, OH 43215

**(800) 872-3132**  
**(614) 466-4314**  
**[www.dys.ohio.gov](http://www.dys.ohio.gov)**

The DYS Office of Victim Services also provides additional services, including:

- Presentations regarding victim services and juvenile corrections.
- Opportunity for an office conference with Release Authority members.
- Victim/offender dialogue.
- Victim issues while the juvenile is in custody or on supervised parole, and support and information about the custody or parole.
- Safety planning.
- Victim awareness programming for juvenile offenders.
- Victim impact panel presentations.



## **REQUESTING A STALKING OR SEXUALLY ORIENTED OFFENSE PROTECTION ORDER**

A person who causes someone to believe that he or she will be physically harmed or causes someone mental distress can be charged with menacing by stalking if the offender's actions occur at least twice within a short time period. However, in sexual assault situations, an anti-stalking or sexually oriented offense order can be obtained after only one incident.

After the criminal charge has been filed, a victim may request the court to issue a protection order. Under a different law, a person can be charged with aggravated trespassing for entering someone's property and threatening to physically harm the residents or actually harming them. [ORC §§ 2903.211; 2903.213; 2903.214; 2911.211]

## **SPECIAL RIGHTS OF VICTIMS OF SEXUAL ASSAULT**

Sexual assault and rape are violent crimes that often leave victims feeling alone and frightened. The following are answers to the most common questions regarding sexual assault.



## **Who will pay the medical expenses?**

If medical personnel conduct an exam for the purpose of gathering evidence for a possible prosecution, the Attorney General's Sexual Assault Forensic Examination program (SAFE) will pay for the exam, including any antibiotics administered as part of the examination.

In conducting the exam, medical personnel are required to adhere to the Ohio Protocol for Sexual Assault Forensic and Medical Examination. Pursuant to the protocol, adult sexual assault victims have the right to decide whether or not to speak to law enforcement personnel.

The hospital will bill the Attorney General directly for qualifying costs of the examination. The victim or the victim's insurance company will be responsible for any additional medical treatment the victim receives. A victim may be eligible for compensation through the Ohio Victims of Crime Compensation Program described on page 33 of this booklet for expenses not covered by insurance or other sources. [ORC § 2907.28]



## **Is there mandatory testing of the alleged offender for sexually transmitted diseases?**

Yes. Upon the request of the prosecutor or victim, the police or court with authority will require the alleged offender to be examined for sexually transmitted diseases. [ORC § 2907.27]

## **Can a victim find out if the offender is HIV-positive?**

At the request of the prosecutor, victim or another who had certain contact with the offender, the court can order that the defendant be examined for the HIV virus. 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 sexually transmitted diseases. [ORC § 2151.14(C); 2907.27; 2907.30]

## **What protection is available to a crime victim and the victim's family?**

The local advocacy program, victim/witness program or a private attorney should be able to explain all available courses of action to protect sexual assault victims, their family and their possessions. A stalking protection order can be obtained against the offender, even if there was only one sexual assault incident.





## **Will a victim's name be given to the news media?**

A victim has the right to ask the judge to order that no information from the police report be released. All names and details will remain confidential until after a preliminary hearing or an arraignment, or until the case is dismissed. The agencies involved, including the media, have adopted policies that may prevent the release of a victim's identity. [ORC § 2907.11]

## **How much of a victim's personal history will be made public during the trial?**

The judge will determine whether a victim must answer personal sexual history questions at a hearing in chambers. With approval from the judge, the victim may be represented by counsel at the hearing. If the victim is indigent or unable to obtain counsel, the court may appoint counsel at no cost. [ORC § 2907.02 (D)(E)(F)]

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


Yes, if the offender committed one of the following 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 of a Minor

Under Ohio law, if an adult offender (or juvenile offender registrant) is found to be guilty of a sexually oriented offense or child-victim oriented offense that is not registration exempt, the offender must register with the sheriff 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 for 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 Web site with information concerning all adult registered sex offenders in Ohio. This information is available at **[www.OhioAttorneyGeneral.gov/SexOffenderSearch](http://www.OhioAttorneyGeneral.gov/SexOffenderSearch)**.

Where the offender is found to be a sexual predator, child-victim predator, a habitual sex offender, aggravated sexually oriented offender or habitual child-victim offender, then upon the request of the victim, the sheriff of the county where the offender resides, works or goes to school shall notify the victim in writing of these locations within five days and of any changes as they are registered. [ORC 2950.10]

Exceptions to registration, provisions for ending an offender's duty to register and specific definitions of the various terms used may affect a given situation regarding victim notification.



## SPECIAL RIGHTS OF DOMESTIC VIOLENCE VICTIMS

When a person is hurt by someone they care about, it can be embarrassing, confusing and sometimes life-threatening. No one has the right to hurt other people, their children, or another family member, and we all deserve to be safe in our homes. Getting help is the first step toward a safe future. This section has answers to questions about the rights of domestic violence victims.

### **Is domestic violence a crime?**

Yes. In Ohio, it is illegal to harm or threaten to harm a spouse, a person living as a spouse, former spouse, child, sibling, parent or a person with whom you have a child. After a domestic violence charge is filed, the victim may ask the court to issue a Temporary Protection Order, which orders the defendant to stay away from the victim while the charges are pending.

If a victim goes to court for a hearing in a criminal case, the victim can be accompanied by a victim advocate. [ORC §§ 2919.25; 2919.26; 3113.31] A list of advocacy groups is found on the Ohio Attorney General's Web site at **[www.OhioAttorneyGeneral.gov/Victim](http://www.OhioAttorneyGeneral.gov/Victim)**.



## **What protection is available to a crime victim and the victim's family?**

The local shelter, domestic violence advocacy program, victim/witness program or a private attorney should be able to explain all available courses of action to protect domestic violence victims, their family and their possessions. Protection orders can be helpful in providing protection, but victims should develop individual safety plans as well.

Local domestic violence shelters have information on developing safety plans to assist in an emergency. The Ohio Attorney General's Crime Victims Assistance and Prevention staff keeps a list of shelters and can be contacted at **(614) 466-3552**; toll free **(800) 582-2877**; fax **(877) 639-7608**; and e-mailed at **CV@OhioAttorneyGeneral.gov**.

## **What kinds of protection orders are available?**

Criminal courts can issue either a Temporary Protection Order or a Criminal Protection Order, depending upon the type of criminal charge and the victim's relationship to the defendant. Civil (domestic relations) courts can issue a Civil Protection Order or a Civil Stalking or Sexually Oriented Offense Protection Order, even if no criminal charges have been filed. Note that Civil



Protection Order costs may be paid through the Crime Victim Compensation Program. [ORC § 3113.31]

### **Who can help a victim with domestic violence problems?**

A victim can contact a domestic violence shelter, local police or sheriff, a victim/witness program, local advocacy program, local children's services agency or the prosecutor's office.

**The Ohio Domestic Violence Network** has a toll-free, 24-hour information line to help a victim find a local shelter or other local services; call **(800) 934-9840**. Many domestic violence shelters offer counseling, support groups and victim advocates to assist the victim during the arrest of the offender and in subsequent court proceedings.

### **How can the children of a domestic violence victim go to school if they are in a shelter?**

If a domestic violence victim and the victim's children are forced to leave the home and go to a domestic violence shelter, children may attend school free of tuition in the school district where the shelter is located. [ORC § 3313.64]



## **SPECIAL RIGHTS OF CHILD VICTIMS**

### **What should a person do if he or she suspects child abuse?**

Every county in Ohio has a 24-hour hotline for reporting suspected child abuse. These can be found at <http://jfs.ohio.gov/county/cntydir.stm> or call the Ohio Department of Job and Family Services at **(877) 852-0010**. If anyone believes a child is in immediate danger, they should call local law enforcement. [ORC § 2151.421 (B)]

### **Can someone make an anonymous child abuse report?**

In Ohio, anyone can anonymously report child abuse. A person who makes a child abuse report should provide the child's name, address, age, parent's name and the reason abuse is suspected so the agency can locate the child more quickly. [ORC §§ 2151.421(H)(1); 2151.421(C)]

### **Who will interview a child victim?**

Local children services agency staffers, law enforcement officers and the prosecutor may interview the child. Many counties in Ohio combine the interview process to limit the number of interviews. [ORC § 2151.421(J)]



## **Will the family of a sexually abused child be updated on the location of a sexual offender?**

The child and family of a sexually abused child usually can be notified of the offender's release from incarceration and the current residence of the offender.

## **CLAIMING AN OFFENDER'S MOVIE OR BOOK PROFITS**


Criminals are not allowed to make money from their crimes by selling their stories to book publishers or filmmakers.

Under current Ohio law, the Ohio Court of Claims administers special accounts that hold profits from the sale of an offender's publication rights. These accounts prevent criminals from making money from their crimes by selling their stories to book publishers or filmmakers. [ORC § 2969]

## **COMPENSATION FOR ECONOMIC LOSSES RESULTING FROM CRIME**

The Ohio Crime Victim Compensation Program helps innocent victims of violent crime, intoxicated driver offenses and hit-and-run victims recover





economic losses suffered as a result of the crime. Victims or their survivors who apply for compensation must meet certain eligibility requirements before an award can be made. This section answers some of the most commonly asked questions about crime victim compensation.

### **Can a victim get help paying bills related to the crime?**

The Ohio Crime Victim Compensation Program may help pay specific expenses that are not covered by insurance or other benefits if a victim is:

- A victim of a violent or menacing crime.
- A victim of a sex offense.
- A victim of a crash caused by an intoxicated driver.
- A victim of a hit and run collision.
- A dependent of a deceased victim.
- A parent or guardian of a crime victim who is responsible for the victim's expenses.
- Someone who has taken legal responsibility to pay the expenses incurred due to a crime.  
[ORC§ 2743.51]
- An immediate family member of a victim of homicide, sexual assault, domestic violence or permanent, life-altering condition resulting from crime.



## **What type of expenses will the compensation fund cover?**

An award may be made for:

- Medically necessary treatment expenses and for care for the victim that are not covered by insurance.
- Funeral expenses.
- Loss of income.
- Counseling costs.
- Civil Protection Order expenses.
- Other costs as specified by law.

(Awards are not made for property loss or for pain and suffering.) [ORC § 2743.51]

## **If police were not notified that the crime occurred, is the victim still eligible for compensation?**

No. Police must be notified of a crime in order for a victim to be eligible for compensation. The crime should be reported to police within 72 hours after it occurs. If not reported within 72 hours, the victim must show a reason for the delay. (Child abuse cases and many domestic violence cases fall within this exception). The victim must cooperate with the law enforcement officer or agency assigned to investigate the crime to be eligible for compensation. [ORC § 2743.60 (A)]



## **When must an application for compensation be filed?**

An application must be filed within two years of the date that the crime occurred. A juvenile victim must file an application before turning 20 years old. [ORC § 2743.56]

## **Can a victim file for compensation if the crime occurred outside Ohio?**

Yes, if the victim lived in Ohio at the time of the crime.

## **Is a victim still eligible even if the victim does not reside in Ohio?**

Yes, if the crime occurred in Ohio and the victim is a resident of the United States or of a foreign country that will compensate crime victims who are residents of Ohio. [ORC 2743.51(A)(1)]

## **Can a victim's criminal record affect eligibility to receive compensation?**

Yes. Anyone convicted of domestic violence, child endangering or any felony or who has engaged in violent felonious criminal activity or felony drug trafficking within 10 years of the crime for which they seek compensation or during the application process is ineligible for compensation. However, if a homicide victim had a disqualifying criminal history, or had felony drugs in his or her system



at the time of his or her death, then the surviving minor dependents of the victim might still receive a crime victim award, provided that the victim was not engaged in contributory misconduct at the time of the crime. [ORC §§ 2743.60 (E); 2743.60 (F)(1)(2)].

### **How can a victim apply for compensation?**

An application can be found on the Ohio Attorney General's Web site, **[www.OhioAttorneyGeneral.gov/Victim](http://www.OhioAttorneyGeneral.gov/Victim)**. Or you can call the Attorney General's Crime Victim Compensation Program hotline at **(800) 582-2877**. Local prosecutors and victim assistance programs also have applications available.

### **Does a victim need an attorney to fill out the claim application?**

An attorney can help fill out the claim, but one is not required.

### **What happens if a victim disagrees with the finding of the Attorney General?**

A victim has the right to request that the Attorney General's Office reconsider its decision. The Attorney General will review any new information provided and issue a final decision. A victim has the right to appeal the final decision to the Court of Claims of Ohio if the victim still disagrees. [ORC § 2743.61]



## **If a victim is awarded money in a civil lawsuit, how will that affect the claim?**

If the money awarded is for expenses already paid by the compensation program, the victim must reimburse the program for these expenses. If a victim has not yet received any money from the compensation program, any money actually received from a civil settlement or verdict will be considered in determining the true out-of-pocket costs. [ORC § 2743.72]

## **OTHER ASSISTANCE TO VICTIMS**

Many Ohio organizations and local agencies assist victims with the emotional, financial and legal consequences of their victimization. Most counties have a prosecutor-based victim/witness program. Many have rape crisis centers, domestic violence shelters, child abuse treatment centers, homicide survivor support groups and programs that help victims of impaired drivers.

To find out if a victim assistance program operates nearby, contact the city or county prosecutor's office. A list of local victim assistance providers is on the Ohio Attorney General's Web site at **[www.OhioAttorneyGeneral.gov/Victim](http://www.OhioAttorneyGeneral.gov/Victim)**.




## VICTIM INFORMATION AND NOTIFICATION EVERYDAY (VINE)

If you are concerned about the custody status of an inmate in an Ohio state prison, county jail or juvenile facility, call the VINE toll-free hotline or visit the VINELink Web site 24-hours-a-day to obtain current information. You may also choose to register for automated phone or e-mail notification when the inmate has a change in custody, including release, transfer, escape, re-arrest (return from escape), change in parole or supervised release status or death.

Call **(800) 770-0192** and follow the prompts given by the system or visit **[www.VINELink.com](http://www.VINELink.com)**. Both methods use basic information to search the VINE database. VINE will quickly provide you with an inmate custody status information.

VINE is free, anonymous and easy to use. VINE makes vital information 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.

## IDENTITY THEFT

The Identity Theft Verification Passport Program provides victims of identity theft with a way to demonstrate that their identities have been stolen and to begin rehabilitating their credit history and identifying any fraudulent criminal charges. Information about the Passport program is available by calling **(888) MY-ID-4-ME** or visiting **[www.OhioAttorneyGeneral.gov/IdentityTheft](http://www.OhioAttorneyGeneral.gov/IdentityTheft)**.

## MISSING PEOPLE

The Ohio Missing Children Clearinghouse collects information about missing children in Ohio in order to assist law enforcement in their searches. The Clearinghouse issues missing child and adult alerts and works to educate the public about missing and abducted children. More information is available by calling the toll-free hotline, **(800) 325-5604** or visiting **[www.OhioAttorneyGeneral.gov/MissingKids](http://www.OhioAttorneyGeneral.gov/MissingKids)**.



If your child is missing your first step should be to file a police report. Be prepared to give the police any information that may help them locate your child, including a recent photograph.

## **HUMAN TRAFFICKING**

On April 4, 2009, Ohio's first human trafficking law went into effect, which puts tougher penalties on criminals who force women and children into involuntary servitude, prostitution or sex trafficking rings.

Recent reports estimate that between 100,000-300,000 American youth are at risk of being trafficked for sex. Ohio is a recruitment, transit and destination state for victims, and cases are being identified throughout the state. For more information on human trafficking contact:

National Human Trafficking Resource Center:  
A Program of the Polaris Project

**(888) 373-7888**

**<http://nhtrc.PolarisProject.org/>**





## LIST OF STATE AND FEDERAL VICTIM SERVICES

Action Ohio Coalition for Battered Women  
5900 Roche Dr.

Columbus, OH 43229

**(614) 825-0551**

Toll free: **(888) 622-9315**

**[www.ActionOhio.org](http://www.ActionOhio.org)**

Ohio Department of Public Safety  
Office of Criminal Justice Services (OCJS)  
1970 W. Broad St.

Columbus, OH 43223

**(614) 466-7782**

**[www.PublicSafety.Ohio.gov](http://www.PublicSafety.Ohio.gov)**

Central Ohio Rescue and Restore Coalition  
*(for human trafficking services)*

966 E. Main St.

Columbus, OH 43205

**(888) 881-5465** (24-hour hotline)

**[info@CentralOhioRescueAndRestore.org](mailto:info@CentralOhioRescueAndRestore.org)**,

**[www.CentralOhioRescueAndRestore.org](http://www.CentralOhioRescueAndRestore.org)**



## Cincinnati Rescue and Restore Coalition

*(for human trafficking services)*

898 Walnut St.

Cincinnati, OH 45202

**(513) 361-2146**

**[esc@ywcacin.org](mailto:esc@ywcacin.org)**

## Justice League of Ohio

*(for human trafficking services)*

74 A S. Liberty St.

Powell, OH 43065

**(614) 848-8500**

(private organization that accepts claims of victim rights violations in Ohio)

**[www.TheJusticeLeagueOhio.org](http://www.TheJusticeLeagueOhio.org)**

## Lucas County Human Trafficking Coalition

*(for human trafficking services)*

Second Chance

Business Line: **(419) 244-6050**

Crisis Line: **(888) 897-3232**

**[www.SecondChanceToledo.org](http://www.SecondChanceToledo.org)**

## Mothers Against Drunk Driving (MADD)

5900 Roche Dr., Ste. 250

Columbus, OH 43229

**(614) 885-6233**

Toll free: **(800) 552-8641**

**[www.MADDOhio.org](http://www.MADDOhio.org)**



Ohio Attorney General's Office

Consumer Protection

30 E. Broad St., 14th Fl.

Columbus, OH 43215-3400

**(614) 466-1305**

Toll free: **(800) 282-0515**

**[www.SpeakOutOhio.gov](http://www.SpeakOutOhio.gov)**

Ohio Attorney General's Office

Crime Victims Assistance and Prevention

150 E. Gay St., 25th Floor

Columbus, OH 43215

**(614) 466-5610**

Toll free: **(800) 582-2877**

**[www.OhioAttorneyGeneral.gov/Victim](http://www.OhioAttorneyGeneral.gov/Victim)**

Ohio Court Appointed Special Advocate/ Guardian  
Ad Litem (CASA) Association

261B E. Livingston Ave.

Columbus, OH 43215

**(614) 224-2272**

Toll free: **(800) 891-6446**

**[www.OhioCasa.org](http://www.OhioCasa.org)**



Ohio Department of Health  
Sexual Assault and Domestic Violence  
Prevention Program

246 N. High St.  
Columbus, OH 43215

**(614) 466-2144**

**[www.ODH.ohio.gov/odhprograms/hprp/SADV](http://www.ODH.ohio.gov/odhprograms/hprp/SADV)**

Ohio Department of Developmental Disability  
Major Unusual Incident/Registry Unit

1800 Sullivant Ave.  
Columbus, OH 43222

**(614) 995-3810**

Ohio Department of Rehabilitation and Corrections  
(DRC)

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](http://www.drc.ohio.gov/web/victim.htm)**



Ohio Department of Youth Services (DYS)

Office of Victim Services

51 N. High St., Ste. 851

Columbus, OH 43215

**(614) 466-4314**

Toll free: **(800) 872-3132**

**[www.dys.ohio.gov/dysweb/victimservices.aspx](http://www.dys.ohio.gov/dysweb/victimservices.aspx)**

Ohio Domestic Violence Network (ODVN)

4807 Evanswood Dr., Ste. 201

Columbus, OH 43229

**(614) 781-9651**

Toll free: **(800) 934-9840**

**[www.odvn.org](http://www.odvn.org)**

Ohio Attorney General's Office

Missing Children Clearinghouse

150 E. Gay St., 25th Fl.

Columbus, OH 43215

Toll free: **(800) 325-5604**

**[www.OhioAttorneyGeneral.gov/MissingKids](http://www.OhioAttorneyGeneral.gov/MissingKids)**

Ohio Network of Children's Advocacy Centers

655 E. Livingston Ave.

Columbus, OH 43205

**(937) 512-1675**

**[www.oncac.org](http://www.oncac.org)**




Ohio Prosecuting Attorneys Association  
196 E. State St., Ste. 200  
Columbus, OH 43215  
**(614) 221-1266**  
**[www.ohiopa.org](http://www.ohiopa.org)**

Ohio Victim/Witness Association  
c/o Greene County Prosecutor's Office  
61 Greene St., 2nd Floor  
Xenia, OH 45385  
**(937) 562-5087**

Parents of Murdered Children  
National Headquarters Office  
100 E. Eighth St., Ste. 202  
Cincinnati, OH 45202  
**(513) 721-5683**  
Toll free: **(888) 818-7662**  
**[www.pomc.org](http://www.pomc.org)**

Southwest Ohio Critical Incident Stress  
Management Team  
P.O. Box 62445  
Cincinnati, OH 45262-0445  
**(513) 563-2172** (On-call pager)  
Toll free: **(888) 226-0435**



Office of United States Attorney,  
Northern District of Ohio  
801 West Superior Ave., Ste. 400  
Cleveland, OH 44113  
**(216) 622-3600**  
**[www.usdoj.gov/usao/ohn/](http://www.usdoj.gov/usao/ohn/)**

Office of the United States Attorney,  
Southern District of Ohio  
303 Marconi Blvd., Ste. 200  
Columbus, OH 43215  
**(614) 469-5715**  
**[www.usdoj.gov/usao/ohs/](http://www.usdoj.gov/usao/ohs/)**

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or Toll free **(800) 582-2877**  
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**[www.SpeakOutOhio.gov](http://www.SpeakOutOhio.gov)**



## DEFINITION OF TERMS

**Acquit** — To find a defendant not guilty in a criminal trial.

**Affirm** — A finding by a higher court (appeals court) that the decision of the lower court (criminal or civil court) was correct and should stand.

**Agent** — A person authorized to act for another.


**Appeal** — A process by which a convicted person asks for a review of a conviction by a higher court.

**Arraignment** — The initial criminal court appearance, to inform the accused of the charges and to take a plea of guilty, not guilty or no contest.

**Bail/Bond** — An amount of money determined by a judge or magistrate that ensures the offender will appear in court at future hearings. It is posted with the court clerk.

**Charge** — A formal accusation by a local municipality or the state of Ohio that a person has committed a criminal offense.





**Civil Action** — A lawsuit to enforce or protect private rights, to obtain compensation for a violation of those rights, or to recover monetary damages. A civil action is brought directly by the person who is complaining, usually with the help of a private attorney. Civil actions are all types of legal actions that are not criminal proceedings.

**Commutation** — The substitution by the governor of a lesser punishment than the original sentence imposed by the court.

**Complaint** — 1. (criminal) Formal written charge alleging a person has violated a city or state criminal code; 2. (civil) Initial document entered by the plaintiff that states the claims against the defendant.

**Contempt of Court** — Any act that may hinder or obstruct the court in administering justice, or lessen its authority or its dignity.

**Costs** — An allowance for expenses in prosecuting or defending a case in court, not including attorney fees.



**Court** — Governmental body whose purpose is to administer justice. Types of courts: juvenile, mayor's, municipal, county, common pleas, appellate and supreme.


**Court Costs** — Amount paid by the losing party in a civil case or by the defendant who is found guilty in a criminal case. Court costs include the expenses in prosecuting or defending an action but do not include attorney fees. Amounts of court costs are determined by statute or court rule.

**Criminal Proceeding** — A criminal action brought by a governmental body, such as a city or state. In a criminal proceeding, the prosecutor brings the action against the defendant.

**Custodial Agency** — The agency that has custody of an offender who is incarcerated or otherwise detained.

**Defendant** — 1. (criminal) - The person who is being prosecuted; 2. (civil) - Individual or entity being sued.

**Delinquent Child** — A minor who has violated criminal laws or who engages in disobedient, indecent or immoral conduct and may be in need of treatment, rehabilitation or supervision.



**Delinquency Proceeding** — Any proceedings in a juvenile court that relates to a criminal case against an alleged juvenile offender.

**Delinquent Act** — An act committed by a juvenile that would be considered a crime if committed by an adult.

**Evidence** — Any form of proof legally presented in a court proceeding.

**Felony** — A crime that is punishable by more than six months of incarceration.

**Grand Jury** — A group of people whose duty is to review accusations in felony criminal cases, hear the prosecutor's evidence, and decide whether there is enough evidence to issue a formal written accusation, known as an indictment.

**Guardian** — Any person, association or corporation appointed by probate court to have the care and management of the person and/or estate of an incompetent person or a minor.

**Habitual Sexual Offender** — Any person who is convicted two or more times, in separate criminal actions, of sex offenses specified by statute.



**Hearing** — An in-court proceeding before a judge, generally open to the public.

**Hung Jury** — A jury whose members cannot agree on a verdict.

**Indictment** — A written determination issued by the grand jury that a particular person has probably committed a certain crime, typically a felony.


**Judgment** — The official or final decision of a court.

**Judicial Release** — Process by which an offender meeting certain requirements may be released from incarceration by a judge.

**Jurisdiction** — Authority of a court to hear certain types of cases.

**Mental Distress** — Any mental illness or condition that involves some temporary substantial incapacity or mental illness or condition that would normally require psychiatric treatment.

**Misdemeanor** — An offense less serious than a felony, having a maximum punishment of six months in jail and a \$1,000 fine.



**Mistrial** — An erroneous or invalid trial. Usually declared because of an extraordinary event; prejudicial error that cannot be corrected at trial; or because of a hung jury. In some instances, the defendant may be retried.

**Motion** — An oral or written request made to a court to obtain a ruling or order directing some act to be done.

**Notices** — Information, advice or written warning intended to inform people of proceeding where their interests are involved, or to inform them of some fact that they have a right to know. Victims of crime in Ohio are entitled to certain notices without request. Other notices are “triggered” by the victim’s specific request.

**Oath** — Pledge by a person to speak the truth.

**Offender** — A person accused of committing a criminal or delinquent act. An adult offender becomes known as the defendant after criminal charges are filed with a court. A juvenile offender becomes known as an alleged juvenile offender after delinquency charges are filed.



**Offenses** — Criminal or delinquent acts that include felony and misdemeanor violations of state, city or local municipality statutes, codes or ordinances.


**Pardon** — An act of the governor releasing a prisoner from serving the remainder of a sentence.

**Parole** — A supervised release from jail or prison after the offender actually serves part of the sentence. May also be referred to as post-conviction control.

**Plea** — A defendant's official statement of "guilty," "not guilty," or "no contest" to the charges. If the defendant enters a "guilty" or "no contest" plea, there will be no need for a trial.

**Preliminary Hearing** — A hearing in felony cases after the arrest of the offender and before an indictment. At the hearing, the prosecutor must produce evidence to establish a crime probably has been committed, and the offender probably committed it.

**Pre-sentence Investigation** — Investigation of the relevant background of a convicted offender, usually conducted by a probation officer and given to the judge for use during sentencing. An impact



statement by the victim is usually included in this report.

**Pretrial** — A meeting at some point before trial between the prosecutor and the defense attorney to discuss the merits of the case, exchange information about witnesses and attempt to negotiate an appropriate resolution of the case. Many cases are finalized at pretrial.

**Pretrial Diversion** — Allows the offender of certain offenses to be referred to community agencies at some point before trial to complete certain conditions such as drug counseling and community service. If the offender responds successfully, the charges will usually be dismissed by the court.

**Probable Cause** — Existence of facts and circumstances that would cause a reasonable person to believe that a crime is being committed. Probable cause is the basis for all lawful searches, seizures and arrests.

**Probation** — A period during which the defendant's jail time or fine is suspended. During this time, the defendant is under court supervision and must obey certain rules. If any of these rules are broken, the court can order the defendant to



serve the jail time. May also be referred to as post-conviction control or community control.

**Prosecution** — A criminal action initiated by a government attorney and the representation of the governmental entity at court proceedings.

**Prosecutor** — A city, county, state or federal government attorney designated to appear in the prosecution of a criminal action.

**Reasonable Doubt** — An accused person is entitled to acquittal if the jury or judge finds the defendant's guilt has not been proven beyond a "reasonable doubt"; that is, the jury or judge cannot say they are firmly convinced the charge is true.

**Restitution** — A court order requiring the offender to pay a victim for any monetary loss, damage or injury.

**Search Warrant** — A written order, issued by a judge or magistrate, directing an officer to search a specific place and seize any property as evidence of a commission of a crime.

**Sentencing** — The judgment of a court concerning the offender's punishment, which may





include restitution, community service, probation, imprisonment or the death penalty.

**Sexual Predator** — A person who has previously been convicted of a sexually-oriented offense and is found by the court to likely engage in another sexually-oriented offense in the future.

**Speedy Trial** — Right of a defendant to have a trial within a period of time defined by law.

**Subpoena** — A written order to appear at a certain time to give testimony or produce documents. Failure to do so can lead to an arrest or contempt of court proceeding.

**Summons** — Document directing the sheriff or other court officer to give notice to a person or entity of a court action filed against them and requiring their appearance and answer the complaint by a certain date.

**Testimony** — Any statement made of the court action by a witness under oath in a legal proceeding.

**Verdict** — Formal decision made by a judge or jury.

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# **RICHARD CORDRAY**

**OHIO ATTORNEY GENERAL**

## **CRIME VICTIMS ASSISTANCE AND PREVENTION**

150 E. Gay St., 25th Fl.  
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### **FOR GENERAL INFORMATION:**

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