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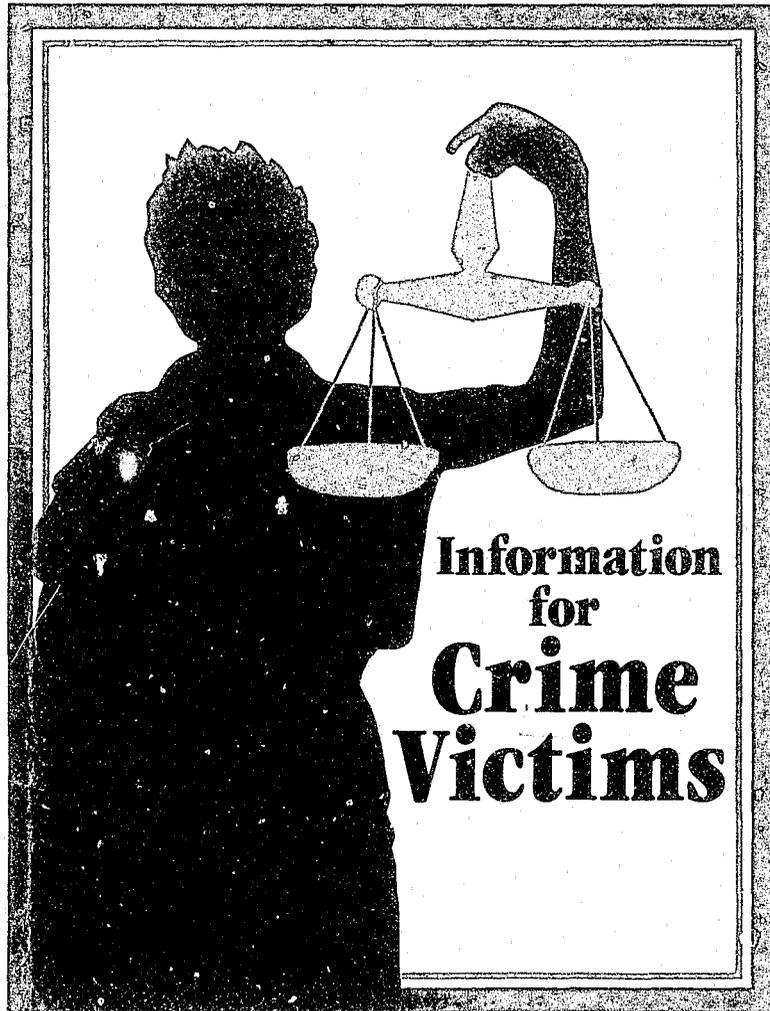
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Information
for
**Crime
Victims**

109363



Dear Fellow Ohioan:

In the aftermath of violent crime often come pain, financial loss, and court proceedings that may seem impersonal and confusing. Fortunately, you are now involved with law enforcement officials who recognize that this difficult time is when you most need advice about your rights as a victim of violent crime.

In the weeks ahead you will be asked to assist as the charges against the perpetrator proceed through court. You may also find yourself in need of medical care and counseling services. Later, you may want to obtain compensation in order to pay your bills. In each of these areas, Ohio's legislators have given you certain basic rights.

This booklet is intended to provide you with an explanation of those rights. It should also serve you as a guide to our justice system, which depends so much on your willing participation. And finally, it lists public and private agencies that can offer the detailed information that I know is so critical to you. Don't hesitate to contact them.

NEJRS

Sincerely,

A handwritten signature in cursive script that reads "Anthony J. Celebrezze, Jr.".

Anthony J. Celebrezze, Jr.

Attorney General

ACQUISITIONS

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I. Compensation and Recovery

Am I Eligible for Crime Victims Compensation?

Ohio Revised Code Sections 2743.51 through 2743.72

Innocent victims of crime may apply for money under the Ohio Crime Victims Compensation Program. The program is designed to pay expenses which are not covered by insurance or other benefits. You may use the money to pay:

- Medical, drug and rehabilitation expenses
- Wages lost as a result of the crime
- Replacement service costs (the cost of services the victim can no longer perform)
- Dependent's economic loss in death claims.

No payments are made for property loss or damage.

You might be eligible if

- the crime occurred in Ohio;
- you filed your application for compensation within one year after the crime;
- the crime was reported to law enforcement officials within 72 hours after it happened; and,
- you cooperate in the investigation and prosecution of the crime.

An attorney cannot charge you for helping you with your claim. The attorney's fees will be paid by the State of Ohio.

You can apply for compensation through your county common pleas court or the Ohio Court of Claims. To learn more about the program, contact:

The Ohio Court of Claims
65 East State Street, Suite 1100
Columbus, Ohio 43215

Telephone: 1-800-824-8263

Who Will Pay for My Medical Exam?

Ohio Revised Code Section 2907.28

You might get assistance if you are the victim of a sex crime. Sex crime victims are usually examined by a doctor at the request of law enforcement officers. If the exam was conducted to gather evidence for prosecution, it will be paid for by the city, the county, or both.

In some cases, the exam bill will be paid by the city or county where the crime occurred. Other times, it is paid by the city or county where the exam was done.

What if the Offender Was a Juvenile?

Ohio Revised Code Section 2151.355

A delinquent child may be put on probation, placed in the custody of the Ohio Department of Youth Services or fined.

If the court orders probation, the child may be required to pay you for damaged property or for the value of stolen property. This can be done in several ways. You can be paid in cash or through labor that equals the value of the property damaged or stolen. The child can also pay by performing community service work.

Children committed to the Department of Youth Services are often released before they reach age 21, but they are never held after they reach 21. The level of security at the facility will be determined by the seriousness of the crime.

It is important to remember that a court may modify the penalty or fine in the interests of justice.

For more information, contact:

The Ohio Department of Youth Services
51 North High Street
Columbus, Ohio 43266-0582

Telephone: 614/466-4314

Who Is Responsible for a Delinquent Child?

Ohio Revised Code Section 2151.411

Parents and guardians are responsible for control over their children. If a delinquent child violates a probation agreement (by committing another delinquent act, for ex-

ample) parents are expected to pay for any damages caused by the child. Court officials sometimes require the parents to set aside up to \$500 for this purpose.

Can I Recover My Losses from the Child's Parents?

Ohio Revised Code Section 3109.09

You might be able to get back up to \$3,000 plus court costs (or any stolen property) from the parent of a delinquent minor. You can't recover these costs in all cases, so talk to an attorney. If you are eligible, you can file a civil action against the parents. The parents aren't responsible, however, if the minor is married.

What Can I Do if I've Been Assaulted by a Minor?

Ohio Revised Code Section 3109.10

You have the right to file a civil action against the parents of a minor who has willfully and maliciously assaulted you. The parents must have had custody of the child at the time of the assault. You can get up to \$2,000 for damages.

What Is an "Offender's Profits Special Account?"

Ohio Revised Code Section 2969.04

The Ohio Court of Claims administers special accounts that hold the profits from the sale of offenders' publication rights. These accounts are designed to prevent criminals from making money from their crimes by selling their stories to book publishers or film makers, for example. The accounts are in the offender's name.

You may bring a civil action against an offender to recover any funds within these special accounts. *You must bring the action within three years of when the account was established.*

For more information, contact:

The Ohio Court of Claims
65 East State Street, Suite 1100
Columbus, Ohio 43215
Telephone: 1-800-824-8263

Is There Special Recovery for Victims of Arson?

Ohio Revised Code Section 2929.11(H)

A court may order someone found guilty of arson or aggravated arson to pay for all or part of the property

damage. In addition, the court may order someone to pay for other expenses and impose other penalties.

When Will My Property Be Returned?

Ohio Revised Code Section 2933.41

Law enforcement officials hold property that has been lost, abandoned, stolen, or lawfully seized. It will be safely kept until it is no longer needed as evidence.

The agency holding the property can answer your questions concerning how and when the property will be returned.

II. The Trial, Sentencing, and Parole

What Are My Rights if I Miss Work to Appear in Court?

Ohio Revised Code Sections 2151.211; 2939.121; and 2945.451

Your employer cannot punish you because you miss work to attend a grand jury, delinquency, or criminal proceeding when you are subpoenaed to attend. However, your employer is not required to pay you for time you didn't work.

The law gives you special protection if you are subpoenaed because of charges against your employer or because of something that happened at work. In that case, your employer cannot decrease or withhold your pay because you obeyed the subpoena.

Who Will Contact Me about the Trial? What Happens if There Is No Trial?

Ohio Revised Code Section 2937.081

The prosecutor will notify you of when and where a trial will take place if the charge filed was:

- Aggravated murder, in most cases
- Murder
- Voluntary manslaughter
- Involuntary manslaughter
- Aggravated vehicular homicide, felonious vehicular homicide

- Felonious assault
- Kidnapping
- Abduction
- Extortion
- Rape
- Felonious sexual penetration
- Aggravated arson
- Aggravated robbery
- Robbery
- Aggravated burglary
- Burglary.

Sometimes a case ends without a trial. The prosecutor will notify you before that happens. You will be told when and where the prosecutor will request that the case be dismissed or when and where the offender will plead "guilty" or "no contest." Your case should not be closed without your knowledge. The prosecutor will notify you of new developments and court dates.

You can select an agent to receive the notices if you prefer. An attorney can be your agent but someone who is not an attorney can be your agent, too. Notify the prosecutor immediately if you select an agent.

The prosecutor is required to notify you or your agent only if you provide the following information in writing:

- Your agent's name, if you have an agent
- Your mailing address or your agent's address
- Your home telephone number or your agent's number
- Your business telephone number or your agent's business telephone number
- The days and times when you or your agent can be reached
- The name of any organization your agent represents.

Write the prosecutor immediately if any of this information changes and deliver the message in person, if possible.

The prosecutor may notify you (or your agent) by mail or telephone. Prosecutors who use the telephone will try at least three times to reach you. A fourth attempt is not required, even if no message was left. Remember to keep the information you submitted to the prosecutor up to date.

If someone other than you (or your agent) answers the phone the prosecutor will leave a message. The prosecutor will record the number called, the date and time of the call, and the name of the person who was given the message.

Prosecutors have performed their duty if one of the following people is notified:

- The victim's closest relative if the victim is dead or the victim's parent, legal guardian, or closest relative if the victim is a minor;

- an officer or agent of the victim, if the victim is not an individual or if the victim is the government;
- the three victims the prosecutor believes suffered the most, if there are more than three victims;
- the victim's representative or agent, closest relative, parent, or legal guardian; or
- the victim.

What Are My Rights at the Offender's Trial?

Ohio Revised Code Section 2945.07

Crime victims and their families can attend the trial of the person accused of the crime. If the person was charged with one of the crimes listed below, your presence will be noted on the court record.

- Aggravated murder, in most cases
- Murder
- Voluntary manslaughter
- Involuntary manslaughter
- Aggravated vehicular homicide, felonious vehicular homicide
- Felonious assault

- Kidnapping
- Abduction
- Extortion
- Rape
- Felonious sexual penetration
- Aggravated arson
- Aggravated robbery
- Robbery
- Aggravated burglary
- Burglary.

The court will provide you with the following information:

- the name of the offender;
- the case number assigned to the crime; and
- a telephone number that you can use to learn more about your case in the future.

If you are present at the trial, you can provide the Adult Parole Authority with your telephone number, your address and the offender's name. Parole authorities will use the information to notify you when the offender is considered for parole, pardon or a sentence reduction.

This law gives you the right to attend the trial and obtain the information mentioned above. It does *not* give you the right to make a statement at a prisoner's trial.

What Are My Rights at a Hearing or Proceeding?

Ohio Revised Code Section 2943.041

This law applies if the charge is one of those listed below and the case ends without a trial.

- Aggravated murder, in most cases
- Murder
- Voluntary manslaughter
- Involuntary manslaughter
- Aggravated vehicular homicide, felonious vehicular homicide
- Felonious assault
- Kidnapping
- Abduction
- Extortion
- Rape
- Felonious sexual penetration
- Aggravated arson
- Aggravated robbery
- Robbery
- Aggravated burglary
- Burglary.

The court may permit you to make a statement at a hearing or other proceeding. The fact that you made a

statement at the proceeding will be noted on the court record. The statement will be sent to the Adult Parole Authority.

Regardless of whether or not you make the statement, if you attend the proceeding the court will provide you with the following information:

- the name of the offender;
- the case number assigned to the crime; and
- a telephone number that you can use to learn more about your case in the future.

If you are present at the proceeding, you can provide the Adult Parole Authority with your telephone number, your address, and the offender's name. Parole authorities will use the information to notify you when the offender is considered for parole, pardon, or a sentence reduction.

Will the Judge Find Out about How the Crime Hurt Me?

Ohio Revised Code Section 2947.051

A "Victim Impact Statement" will be prepared for you by a county probation official or by another county or city agency. It will describe the injuries you suffered and the crime's effect on your family life and finances. A copy of the

statement may be furnished to the offender or his attorney, but must be returned and is a confidential record. The Victim Impact Statement will be considered by the court when the offender is sentenced.

What if I Am Threatened?

Ohio Revised Code Section 2921.04

No one has the right to intimidate you or your witness because you participate in a criminal case. An attempt to frighten you can result in a misdemeanor charge. The use of force or threats can result in a felony charge.

Can I Get Protection?

Ohio Revised Code Section 2945.04

If someone threatens you or a witness, notify the prosecutor or your attorney. The court can provide you with law enforcement protection. The court can also order the person to keep away from you. A person who disobeys the court can be penalized.

What Are My Rights Once the Offender Is in Prison?

Ohio Revised Code Section 2967.03

The Adult Parole Authority may recommend pardons, commutations, and reprieves for prisoners. They may also grant parole to prisoners. However, before they take any action they must consider any statement you make about the case. (This section will be amended effective July 1, 1987).

When Should I Contact the Adult Parole Authority?

Ohio Revised Code Section 2967.12

Write the Adult Parole Authority immediately after the trial and send them your address, telephone number, the case number, the county where the offender was convicted, and the offender's name. Parole officials will notify you if the offender is considered for a pardon, reduced sentence, or parole. When you receive a notice send the Authority a written statement about your case immediately.

Also write the board if you would like to name an agent to receive the notice for you. Your letter will be put on file and the notice will be sent to your agent instead of you.

Parole officials are required to contact you only if they have the following information:

- ◉Your name or your agent's name
- ◉Your address or your agent's address
- ◉Your home telephone number or your agent's home telephone number
- ◉Your business telephone number or your agent's business telephone number.

Parole officials will notify you by mail or telephone. If they use the phone, they will try at least three times to reach you or your agent. They are not required to try a fourth time even if no message was left.

If a message is left with someone other than you or your agent, parole officials will record the number called, the time of the call, the name of the person who took the message, and the message that was given.

You will be notified if the hearing for a pardon, reduced sentence, or parole has been postponed.

The Adult Parole Authority functions under the Division of Parole and Community Services of the Ohio Department of Rehabilitation and Correction.

For more information, contact:

The Ohio Adult Parole Authority
1050 Freeway Drive North
Columbus, Ohio 43229

Telephone: 614/431-2727

III. More Information for Crime Victims

Will I Be Told if the Offender Has a Disease?

Ohio Revised Code Sections 2151.14 and 2907.30

Sex crime victims are notified immediately if authorities learn that the offender has a communicable disease.

Where Can I Find an Attorney?

Ohio Revised Code Section 122.95

Neighborhood organizations may employ attorneys to assist crime victims. Organizations can apply to:

The Governor's Office of Criminal Justice Services
Communications Section
65 East State Street, Suite 312
Columbus, Ohio 43215

Telephone: 614/466-7782

You can also ask your friends and relatives to recommend an attorney to you. If you need more help locating an attorney, contact your local bar association or call the Ohio State Bar Association at 1-800-282-6500. They will refer you to a local attorney who is a member of their organization.

An attorney can answer your questions and help you exercise your rights. An attorney also can act as your agent during legal proceedings, help you to meet deadlines and make court appearances.

What Are the Penalties for Misdemeanors?

Ohio Revised Code Section 2929.21

The penalties for misdemeanors vary according to the seriousness of the crime. The minimum fine is \$100 for a minor misdemeanor. The maximum penalty is six months in jail and a fine of \$1,000 for a first degree misdemeanor.

A court may require the offender to pay you for property damage caused by the offense. The offender can also be required to pay you for the value of property that was stolen.

If you are a senior citizen or disabled the court can take that into consideration when determining the penalty. It is important to remember that a court may modify the penalty or fine in the interests of justice.

What Are the Penalties for Felonies?

Ohio Revised Code Section 2929.11

The penalties for felonies vary greatly and depend on the nature of the crime. Punishment can include prison, a fine, restitution, or a combination of the three. The least serious felonies may be punished by six months in jail or a \$2,500 fine. The most serious felonies or "capital offenses" are punishable by death in the electric chair.

Ohio law instructs judges to weigh many factors before sentencing a felony offender. They must consider the offender's criminal history, the crime committed, and the danger which the offender presents to society.

If you are a senior citizen or disabled the court can take that into consideration before determining the penalty. It is important to remember that a court may modify the penalty or fine in the interests of justice.

What Can I Do about Domestic Violence?

Ohio Revised Code Sections 2919.25 — 2919.27; and 3113.31

It is a crime in Ohio to threaten or abuse a spouse, ex-spouse, roommate, child, or relative who lives with you. If this happens, you or the officer who arrests the offender may file a domestic violence charge. After that charge is

filed, you or the officer may also request the court to issue a temporary protection order.

A hearing will be held soon after, and the court may order the offender to stay away from you or your family until the domestic violence charge is decided. The offender can be punished for violating this order.

You may also request your county domestic relations court to hear your case. The judge can order the offender to leave your house, or prevent him or her from going into your school or the place where you work. The judge can also require the offender to pay support and obtain counseling, if necessary. This order may stay in effect for up to one year, or until you file for divorce. The offender can be punished for violating any court order.

If you have a domestic violence problem, contact your local police, a victim/witness program, or a lawyer that handles domestic relations cases. In emergencies, a county children's service agency or a shelter for battered and abused spouses can help you.

Can I Get More Copies of This Booklet?

Ohio Revised Code Section 109.42

The information in this booklet has been prepared by Attorney General Anthony J. Celebrezze, Jr. If you would like additional copies, please contact:

Attorney General Anthony J. Celebrezze, Jr.
Crime Victims Services Section
65 South Front Street, Suite 310
Columbus, Ohio 43266-0329

Telephone: 614/466-5610

Definitions

You might not be familiar with some of the terms used in the criminal justice system or in this booklet. A few terms are defined below.

Agent — a person authorized by another to act for him.

Arraignment — the initial court appearance of the offender, held for the purpose of having him enter a plea to the charge.

Capital offense — a crime punishable by death.

Civil action — a lawsuit to enforce private rights or to obtain compensation for a violation of those rights. In general, all types of actions other than criminal proceedings.

Commutation — a change in the offender's sentence to make the sentence less severe.

Competency hearing — a hearing held to determine the ability of an offender to defend himself or of a witness to testify.

Contempt of court — any act that embarrasses, hinders, or obstructs the court in administering justice, or that lessens its authority or its dignity.

Criminal proceeding — one of several stages through which a criminal case passes, beginning with the initial investigation of a crime and ending with the unconditional release of the offender.

Delinquent child — a minor who has violated criminal laws or who engages in disobedient, indecent, or immoral conduct and is in need of treatment, rehabilitation, or supervision.

Delinquency proceeding — a stage in the criminal proceedings against a minor.

Dependent's economic loss — a family member's loss, after a victim's death, of income the victim would have provided if he or she had not died.

Felony — a crime of a more serious nature than a misdemeanor; the punishments for committing a felony range from six months in prison to death.

Grand jury — a jury whose duty is to receive complaints and accusations in criminal cases, hear the prosecutor's evidence, and decide whether that evidence is sufficient to issue an indictment.

Indictment — a written accusation issued by the grand jury that the offender has committed a crime.

Judgment — the official decision of a court; the final decision of the court resolving legal questions, including the guilt or innocence of the offender and the severity of the sentence.

Minor — a person who is under eighteen years of age.

Misdemeanor — an offense less serious than a felony; punishment for a misdemeanor ranges from a \$100 fine to 30 days in jail and a \$200 fine.

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.

Rehabilitation expenses — expenses incurred in the process of restoring a person's physical or emotional health.

Restitution — a sentence imposed by a court that requires the offender to pay for damaged or stolen property or the cost of medical treatment.

Sentencing — the judgment of a court concerning the offender's punishment, ranging from death, imprisonment, or fine to probation, restitution and community service.

Subpoena — a written command to appear at a certain time to give testimony about a crime or other matter. You can be held in contempt of court if you don't obey a subpoena.