

Know Your Rights

Crime Victim Rights Information

Victims of crime have constitutionally protected rights. This form provides important information about your rights as a victim of a criminal offense or delinquent act. You will be asked to complete and sign this form so that criminal justice officials know which rights you wish to exercise. The criminal justice official will also sign the form and provide you with a copy of the completed form. You or your victim's representative may request additional copies of the completed form at any time.

WHAT IS A VICTIM?

A victim is a person against whom the criminal offense or delinquent act is committed OR someone who has been directly and proximately harmed by the commission of a criminal offense/delinquent act.^I

A criminal offense means an alleged act or omission that is punishable by incarceration and is not eligible to be disposed of by the Traffic Violations Bureau.^{II} A delinquent act is a criminal offense committed by a person under the age of 18.^{III}

WHAT IS A VICTIM'S REPRESENTATIVE?

You can designate a victim's representative to exercise your rights as a victim for you or with you. A victim's representative can be anyone you choose other than the person who is alleged to have committed the criminal offense or delinquent act. If the victim is a minor, incapacitated, incompetent, or deceased, the victim's representative can be a member of the victim's family or a victim advocate.^{IV}

You must tell law enforcement, the prosecutor, or the court if you are going to name a victim's representative. You can designate a victim's representative on this form now. You can also designate a victim's representative later or change or remove a victim's representative at any time by notifying law enforcement, the prosecutor, or the court.^V

WHAT IS A VICTIM ADVOCATE?

A victim advocate is a person who will support you and assist you with the court proceedings related to the criminal offense/delinquent act.

WHAT ARE MY RIGHTS AS A VICTIM?

You have rights as a victim. Some rights you are automatically entitled to and some rights you must request. You can choose to exercise all, some, or none of your rights, and you can change your selections at any time.

AUTOMATIC RIGHTS

You are automatically entitled to:

- Be informed of your rights;
- Be treated with fairness and respect for your safety, dignity, and privacy;
- Reasonable protection from the accused or any person acting on behalf of the accused;
- Receive information about the status of the case;
- Refuse a defense interview, deposition, or other discovery request unless ordered by the court;
- Object to defense requests for access to your confidential information, including medical, counseling, school, or employment records, access to your personal devices, online accounts, or other personal information;

- Be present at all public proceedings;
- Have a support person with you during proceedings;
- Tell the court your opinion in public proceedings involving release, plea, sentencing, disposition, parole, and any other hearing that involves victims' rights;
- Object to unreasonable delays; and
- Full and timely restitution from the offender.

RIGHTS THAT MUST BE REQUESTED

You must REQUEST the right to:

- Receive notice of the arrest, escape, or release of the offender;
- Reasonable and timely notice of all public court proceedings;
- Confer with the prosecutor assigned to the case;
- Be notified of subpoenas, motions, or other requests to access any of your personal information;
- Appoint a Victim's Representative.

Of the rights that must be requested, you will be asked to select on this form which rights you want to exercise. If you cannot or do not decide when law enforcement first contacts you, then you will be treated as if you chose to exercise all of your rights. **You can change your mind at any time about which rights you choose to exercise.**

Once a prosecutor contacts you about the case, if you have not done so already, you will have to choose which of the rights that are not automatically granted that you want to exercise, or it will then be treated as if you chose not to exercise (waived) those rights. **You can change your mind at any time about which rights you choose to exercise.**

HOW DO I CHANGE THE RIGHTS I WANT TO EXERCISE?

If you did not choose to exercise some or all of your rights that are not automatically granted to you, you or your victim's representative can request those rights at any time. However, if you choose not to exercise some rights and then request them later, you may give up some rights that only apply during certain stages of the case.

To change the rights you wish to exercise, you must complete a new Victim's Rights Request Form or make a request in writing and return it to the appropriate criminal justice official.

WHAT TO DO IF THERE ARE CHANGES TO MY CONTACT INFORMATION?

If you have changes to your contact information, you have a responsibility to inform the appropriate criminal justice official of these changes. You must complete a new "Victim Contact Information" page of the Victim's Rights Request Form.

CAN I HIRE AN ATTORNEY?

You have the right to hire an attorney to represent you in court. Your attorney will receive notices about court hearings and meetings that involve your rights in order to represent you.

WHAT HAPPENS IF MY RIGHTS ARE DENIED?

If any of your rights are denied, you may ask the prosecutor to help, hire an attorney, request free legal assistance from Ohio Crime Victim Justice Center at www.ocvjc.org/request-for-assistance or (614) 848-8500, or represent yourself.

CAN I GET AN INTERPRETER?

Yes. If you are in need of a foreign language or American Sign Language (ASL) interpreter, you have the right to an interpreter at all court proceedings, meetings with the prosecutor, and all investigative proceedings at no cost to you.^{vi} You can indicate on this form that you need one and ask the criminal justice official you are working with to help get the interpreter at any time.

CAN I KEEP MY PERSONAL INFORMATION PRIVATE?

Yes, you may register for the Ohio Secretary of State's "Safe at Home" program to keep your home address private. Participants receive a "safe" mailing address to use official documents. Information is available at www.ohiosos.gov/secretary-office/office-initiatives/safe-at-home/survivors/ or (614) 995-2255.

To keep your identifying information private, you or your victim's representative must make a written request for redaction to any law enforcement agency, prosecutor, or court that has your personal information as part of their official duties. For more information on how to do this, contact a victim advocate in your area or the Ohio Crime Victim Justice Center at www.ocvjc.org/request-for-assistance or (614) 848-8500. These requests should be made as soon as possible to keep your personal information private.

HOW CAN I ADDRESS SAFETY CONCERNS REGARDING THE DEFENDANT?

If you have concerns about your safety and keeping your information private, you have the following options:

- Seek a protection order if you are eligible. The investigating officer will provide resources in your area to assist with requesting a protection order.
- Receive texts, calls, or emails to receive notice of a defendant or offender's release or escape from jail or prison. Register at: www.vinelink.com/#state-selection or (866) 277-7477.

You do NOT have to talk to, provide information, or provide materials to the defendant, defendant's attorney, or anyone else acting on behalf of the defendant unless it has been ordered by the court. You should contact the prosecutor immediately to let them know you have been contacted.

WHAT IS AN ARRAIGNMENT AND HOW IS IT IMPORTANT TO MY RIGHTS?

An arraignment is a hearing that can happen within a couple days after the defendant is charged with a crime. The judge will decide whether or not to release the defendant on bond, set any bond conditions, and whether or not to issue a protection order.

You have the right to attend the arraignment and tell the judge about any safety concerns and your opinion regarding the defendant's release, bond conditions, and whether or not you would like a protection order.

Law enforcement will notify you of the defendant's arrest and give you a phone number for the clerk of the court where you can get information on the date, time, and location of the arraignment proceeding.

CAN I BE COMPENSATED FOR MY LOSSES?

You have the right to reimbursement for certain financial losses relating to your victimization.

You may be eligible for financial assistance through the Crime Victim's Compensation Fund for expenses such as medical counseling bills, work loss, and funeral expenses even if the suspect has not been arrested or convicted. For more information and to apply, visit www.ohioattorneygeneral.gov/individuals-and-families/victims/apply-for-victims-compensation or (800) 582-2877.

If the defendant is convicted, you are eligible for restitution. This means the court orders the offender to pay you for certain financial losses relating to your victimization. It is important to keep a record of all expenses incurred as a result of the crime (receipts, invoices, estimates, etc.). The court will use this information to determine what costs are properly included in the amount of the restitution order. *See separate Restitution Information Sheet.*

FOR MORE INFORMATION

- *Crime Victims' Rights*, Ohio Attorney General's Office available at <https://www.ohioattorneygeneral.gov/Files/Publications-Files/Publications-for-Victims/Crime-Victims-Bill-of-Rights> or (614) 466-5610.
- General resources for crime victims: Ohio Attorney General's Office, Services for Victims available at www.ohioattorneygeneral.gov/individuals-and-families/victims.
- *Victim's Rights Toolkit*, Ohio Crime Victim Justice Center available at www.ocvjc.org/victims-rights-toolkit.

ⁱ Ohio Constitution Article I, Section 10a(D)

ⁱⁱ R.C. 2930.01(A)

ⁱⁱⁱ R.C. 2930.01(O)

^{iv} R.C. 2930.02(A)

^v R.C. 2930.02(A) and (D)

^{vi} R.C. 2930.041