

The Rights of a Crime Victim

The Victim's Right's Bill became law in October 1994. (Ohio Revised Code §2930). This law gives specific rights to all victims of felony crimes and the following misdemeanor crimes:

Assault, Aggravated Menacing, Domestic Violence, Intimidation of a Crime Victim or Menacing

If a victim is a minor or is incapacitated, incompetent, or deceased, or if the victim chooses to designate another person, a member of a victim's family or another person may exercise the rights of the victim under this chapter as the victim's representative. If more than one person seeks to act as the victim's representative for a particular victim, the court in which the criminal prosecution or delinquency proceeding is held shall designate one of those persons as the victim's representative. If a victim does not want to have anyone act as the victim's representative, the court shall order that only the victim may exercise the rights of a victim under this chapter. (§2930.02 (a)O.R.C.)

The victim has a right to be notified about information regarding their case. Notice to victims may be oral or written. It is the responsibility of the victim to keep his/her address and phone number current with the prosecutor's office. (§2930.03 O.R.C.)

The victim has the right to information from the law enforcement agency responsible for investigating the crime. If an officer is assigned to the case, the agency shall notify the victim of the officer's name and business telephone number. The victim has the right to contact the law enforcement agency regarding the status of his/her case. (§2930.04 O.R.C.) Note: In misdemeanor cases, the Clerk of Courts Office or the City Prosecutor's Office will have current information regarding the case.

The victim has the right to know when an arrest has been made and whether the defendant is eligible for pretrial release and the right to know whether the defendant has been released from custody. Note: In misdemeanor cases, the City Prosecutor's Office will contact the victim after the arrest and notify the victim about the defendant's bond and conditions of his/her release. To verify whether or not the defendant has been released, call the Franklin County Jail (462-3340 or 462-7100), or the Municipal Clerk of Courts (645-8819 or 645-8186). (§2930.05 O.R.C.)

If the victim experiences acts of threats of violence or intimidation by the defendant, or at his/her direction against the victim or the victim's family or the victim's representative, the prosecutor may file a motion asking the court to revoke the defendant's bond. (§2930.05 O.R.C.)

The victim has the right to speak with the prosecutor, to the extent practicable, before a.) pretrial diversion is granted the defendant; b.) amending or dismissing a charge; c.) agreeing to a negotiated plea; or d.) a court or jury trial. Failure of the prosecutor to confer with the victim shall be noted on the court record and will include the reason for that failure. Failure of the prosecutor to confer with the victim does not affect the validity of an agreement entered into by the prosecutor. (§2930.06 O.R.C.)

Once prosecution begins, the prosecutor, if practicable, shall give the victim: 1.) offense(s) with which the defendant has been charged; 2.) case number; 3.) a brief statement regarding the procedural steps in a criminal case and the victim's right to be present; 4.) a summary of the victim's rights; 5.) steps the victim can take if threatened or intimidated; 6.) who to contact for further information about the case; and 7.) the right of the victim to appoint a representative. At the request of the victim, the prosecutor shall give the victim notices of any scheduled court proceedings and notices of any changes in the scheduled case. If notice is requested, the victim shall keep the prosecutor informed of current address and phone number. (§2930.06 O.R.C.)

If the prosecutor determined there are reasonable grounds for the victim to be apprehensive about acts or threats of violence or intimidation by the defendant, the prosecutor may file a motion with the court requesting that the victim or other witnesses not be compelled to give testimony that would disclose the victim's address, employer or other personal identification without the victim's consent. The court file or court documents in a case shall not contain the address or telephone number of the victim unless contained in a transcript of the trial or used to identify the location of the crime. (§2930.07 O.R.C.)

The victim has the right to notice of substantial delays in prosecution of the case. If the victim objects to the delay, the prosecutor shall inform the court of the victim's objection. (§2930.08 O.R.C.)

The victim has the right to be present whenever the defendant is present during any critical stage of a criminal case conducted on the record, other than a grand jury proceeding. At the victim's request, the court shall permit another person to accompany the victim to provide support, unless the presence of that person would deny the defendant's right to a fair trial. (§2930.09 O.R.C.)

The court shall make a reasonable effort to minimize unwanted contact between the victim and the defendant, before, during and immediately after court proceedings. The court shall provide a waiting area for the victim, members of the victim's family, the victim's representative, or witnesses for the prosecution that is separate from the waiting area provided for the defendant or alleged juvenile offender, members of the defendant's or alleged juvenile offender's family, and defense witnesses if a separate waiting area is available and the use of the area is practical. (§2930.10 O.R.C.)

The victim has the right to have any property being held by a law enforcement agency returned promptly unless it is being held for further court proceeding. (§2930.11 O.R.C.)

At the victim's request, the prosecutor shall give the victim notice of the outcome of the case. If the defendant is convicted, this information shall include: a.) the crimes of which the defendant was convicted; b.) address and phone number of probation office that is to prepare a presentence investigation report and the person who is to prepare the victim impact statement; c.) notice that the victim may make a statement about the impact of the offense to the probation officer or person who completes the victim impact statement, and that either will be made available to the defendant unless exempted by the court; d.) notice of the victim's right to make an impact statement at sentencing; e.) the date, time and place of sentencing; f.) the sentence that is imposed by the court, and any modification of that sentence. (§2930.12 O.R.C.)

If the court orders the preparation of a victim impact statement, the victim may make a written or oral statement to the person ordered to prepare the statement. Such statement may include: 1.) the nature and extent of any physical, psychological or emotional harm suffered by the victim as a result of the crime or specified delinquent act that is the basis of the case; 2.) the extent of property damage or economic loss; 3.) an opinion regarding restitution and whether the victim has applied for and received any compensation; 4.) the victim's recommendation for an appropriate sentence. (§2930.13 O.R.C.)

Before the court imposes a sentence upon the defendant, the victim has the right to make a statement regarding the impact of the crime on the victim. At the judge's option, the victim can present the statement in writing prior to the sentencing hearing, orally at the hearing, or both. The court will consider the statement, along with other factors, in determining the sentence. (§2930.14 O.R.C.)

If the victim requests notice of the filing of an appeal, the prosecutor shall notify the victim of the following: 1.) a brief explanation of appellate process; 2.) whether the defendant has been released pending the disposition of the appeal; 3.) the time and place of the appellate court proceedings; 4.) the result of the appeal. If the defendant's conviction is reversed and the case is returned to the trial court, the victim may exercise all previously requested rights. (§2930.15 O.R.C.)

The victim has a right to request to be informed by the prosecutor if the defendant has been incarcerated. The prosecutor shall notify the victim of: 1.) the date on which the defendant will be released or a reasonable estimate of that date; 2.) the name of the custodial agency where the defendant is being held and how to contact that agency; 3.) any motion for early release or modification of the sentence and the court's ruling on the motion. Upon request of the victim, the custodial agency shall notify the victim of the following: 1.) the governor's intention to grant a commutation or pardon, or a parole hearing at least three (3) weeks prior to the action; 2.) thirty (30) days notice of a defendant's furlough, or as soon as practicable prior to the furlough, and the victim's right to submit a statement regarding the impact of the defendant's furlough on the victim; 3.) three (3) weeks notice of the defendant being allowed to serve a portion of the sentence under electronic monitoring; 4.) prompt notice to the victim of the defendant's escape and if the defendant is recaptured; 5.) notice to the victim of the defendant's death while in custody; 6.) notice to the victim of the defendant's release from confinement and the condition of the release. (§2930.16 O.R.C.)

Prior to releasing the defendant from a term of incarceration, the court shall permit the victim to make an additional statement, orally or in writing at the court's discretion, concerning the impact of the crime. The court shall consider this statement in deciding whether to release the defendant. (§2930.17 O.R.C.)

No employer shall discharge, discipline, or otherwise retaliate against the victim, a member of the victim's family or a victim's representative for participating in the criminal justice proceedings at the prosecutor's request or for attendance, pursuant to a subpoena. (§2930.18 O.R.C.)

PROTECTION ORDERS

Criminal Protection Orders (*TPO/SPO*)

There are two types of criminal protection orders: Temporary Protection Order (TPO) and Criminal Protection Order (CRPO). If you are considered a family/household member, you may be eligible to request a protection order if the defendant is charged with: aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, aggravated assault, assault, domestic violence, permitting child abuse, aggravated menacing, menacing, menacing by stalking, kidnap, abduction, extortion, felonious sexual penetration, rape, sexual battery, gross sexual imposition, aggravated arson, arson, terrorism, aggravated robbery, robbery, aggravated burglary, inciting to violence, aggravated riot, riot inducing panic, intimidation, intimidation of attorney, victim or witness in a criminal case, discharge firearm into school, child endangering, criminal damaging, criminal mischief, burglary, or aggravated trespass. If you are not considered family/household member, you may be eligible for a protection order if the defendant is charged with: felonious assault, aggravated assault, assault, menacing by stalking, aggravated trespass, aggravated menacing, menacing, rape, sexual battery, gross sexual imposition, sexual imposition, importuning, voyeurism, compelling prostitution, pandering obscenity, pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, or illegal use of minor in nudity oriented material or performance.

The criminal protection order instructs the defendant not to have any contact with the victim while the criminal case is pending. The criminal protection order is only valid while the criminal charge is pending. Violation of the criminal protection order is a separate crime. To get a criminal protection order the victim must come to court on the day the defendant is scheduled to be in arraignment court. The Clerk of Courts has this date. It is best to call the Clerk's office at 645-8819 between 6:00 a.m. and 8:00 a.m. to see if the defendant has been arrested and is scheduled that day in arraignment court. You need to get in touch with the Whitehall Domestic Violence Advocate (614) 306-4777 to get your protection order. The arraignment date cannot be changed. If you want a protection order, you need to be at 375 South High, 4th floor in courtroom 4D, before 9:00 a.m. Monday-Saturday. The prosecutor will not dismiss the case if you don't show up for the arraignment. If you have any questions, please call the Domestic Violence Advocate (614) 306-4777.

Civil Protection Order (CPO)

A Civil Protection Order (CPO) may be granted by the Franklin County Domestic Relations Court to a victim of domestic violence. Like the criminal protection orders, the CPO is intended to prohibit the abuser from contacting or harassing the victim. You need not have initiated a criminal charge, or filed a divorce to apply for a CPO. Violation of the CPO can be a criminal offense. CPO's can also address many different areas such as child support, custody, visitation, counseling, etc. Additional information regarding CPO's is available by contacting the Legal Aid Society of Columbus or a private attorney.

WHITEHALL CITY ATTORNEY'S OFFICE

Prosecutor..... 237-9802
360 S. Yearling Rd., Whitehall, Ohio 43213

If you call the Police Department regarding a Domestic Violence Assault, you may be referred to the Prosecutor's division of the City Attorney's Office.

Domestic Violence Advocate 237-9802
.....Cell 306-4777
Education, support, information and assistance is available for the victim/witness of a Domestic Violence by calling the Prosecutor's Office.

EMERGENCY HOUSING

CHOICES 224-4663
Provides emergency shelter for women and children (ages 0-17 years.) Individual and/or group counseling, substance abuse counseling, crisis hotline, outreach counseling at hospital locations, referral information and victim advocacy are also available. 24-Hour Service.

FRIENDS OF THE HOMELESS..... 360-0251
Provides emergency shelter, food clothing, Social Security Assessment and referral to homeless persons over 18 years of age.

NANCY'S PLACE..... 224-6617
Provides emergency shelter and meals for women.

SALVATION ARMY..... 221-6561
Provides emergency shelter and meals for women and children (boys must be under 13). 24-Hour Service.

VOLUNTEERS OF AMERICA 224-4322
Provides emergency housing, meals, support services and referrals to families with children.

LEGAL SERVICE

The Legal Aid Society of Columbus 241-2001
..... 253-6100
Monday – Friday9:30 a.m. – 3:30 p.m.
Provides free and reduced fee representation and referrals for low-income persons in civil matters.

*Columbus Bar Association
Lawyer Referral Services* 221-0754
Monday – Friday9:00 a.m. – 5:00 p.m.
Provides free referral to experienced attorneys

COUNSELING SERVICES

Catholic Social Services 221-5891
Family, individual, group, marriage and substance abuse counseling, crisis intervention and emergency housing.

*Nationwide Children's Hospital
Clinical Social Work*.....722-6300
Individual, group and family counseling.

*Nationwide Children's Hospital
Divorce Service*.....355-8080
Counseling for families, child custody mediation and assessment of children during divorce. Family education and support groups.

CHOICES224-4663
Individual and group counseling at Riverside, Mt. Carmel and Choices Administration Office. Domestic violence peer support groups.

Directions for Youth and Family294-2661
Counseling, community support and clinical services to young people and adults both as individuals and as families.

Project Linden, Inc. 294-5677
Men and women programs. Variety of groups on parenting, sexual abuse, stress management, etc.

Southeast Community Mental Health Center 444-0800
Individual, group and family counseling. Offers a women's support group for victims and a men's support group for batterers. The men's program is structured to help the batterer examine his responsibility for the violence and to introduce behavior modification techniques. 24-Hour Emergency Services.

Mt. Carmel Crime & Trauma Assistance Program...
.....234-5900
Provides free trauma focused therapy for all ages. Individual and group counseling available.

MORE VICTIM SUPPORT SERVICES

Hands-on..... 224-6866
Provides 24-hour information and referral services for the Columbus area. 24-Hour Service.

Center for New Directions 849-0028
Monday – Friday 9:00 a.m. – 4:00 p.m.
Provides programs, material and support to advise, educate and assist victims in attaining financial self support.

Elizabeth Blackwell Center 566-5153
Monday – Friday 8:00 a.m. – 5:00 p.m.
Provides individual counseling and support programs. Call for appointments and fee information. (Riverside Hospital).

CRIME VICTIM COMPENSATION

Ohio Victims of Crime Program1-800-824-8263
..... 466-6480
May provide reimbursement for out-of-pocket personal injury expenses caused by a crime. The crime *must* be reported within 72 hours. Lost, damaged or stolen property is *not* covered. Court of Claims of Ohio, 65 E. State Street, #1100, Columbus, Ohio 43215.

MEDICAL SERVICES

All Columbus area hospitals provide referral and social service support for Crime Victims.

EMERGENCY SERVICES

Life-Threatening Emergency –
Police, Fire, Medical **911**
Non-Emergency – Whitehall Police..... 237-6333
Franklin County Sheriff's Office 462-3333
Whitehall Prosecutor's Office 237-9802
Whitehall Mayor's Court Clerk of Courts.. 338-3109
CHOICES..... 224-4663

THIS BROCHURE IS INTENDED
AS A REPRESENTATIVE RATHER THAN
EXCLUSIVE LISTING OF VICTIM SERVICES.



**MISDEMEANOR
CRIME VICTIM'S
SERVICES**

CITY OF WHITEHALL
POLICE DEPARTMENT
365 S. YEARLING ROAD
WHITEHALL, OHIO 43213
(614) 237-6333

This brochure provides
general information for
misdemeanor crime victims
who seek help in Whitehall,
Ohio, Franklin County.

OFFICER'S NAME BADGE#

REPORT NUMBER DATE