

# **Know Your Rights**

## INFORMATION FOR CRIME VICTIMS FROM THE OFFICE OF THE FRANKLIN COUNTY PROSECUTING ATTORNEY

*Victims of crime should realize they are not helpless bystanders in the criminal justice system. Victims possess specific rights from the time of the crime until the offender, whether an adult or juvenile, is released from the Ohio Department of Rehabilitation and Correction or the Department of Youth Services. This pamphlet includes a summary of those rights under Chapter 2930 of the Ohio Revised Code. It also includes a brief explanation of the early procedural steps in the criminal justice system.*

### **OHIO VICTIMS RIGHTS LAW**

If you have been a victim of a crime listed below, you could be eligible to receive notification of the criminal proceedings.

**Eligible Victims:** ALL felony crimes against people and property and the following misdemeanor crimes — including similar municipal ordinances:

- Domestic Violence
- Assault
- Vehicular Homicide
- Negligent Homicide
- Sexual Imposition
- Menacing by Stalking
- Menacing
- Aggravated Menacing
- Intimidation

### **REQUIRED NOTICES IF REQUESTED BY VICTIM**

A victim has a right to be notified of information regarding the case either orally or in writing. A letter including the name of the defendant or juvenile, the offense, and the case number will be sent to each victim along with a postcard to request notification. It is the responsibility of each victim to request notification, if desired, and to maintain a current address or phone number with the agency responsible for notification (2930.03[C]). If the victim is unable to receive notification, the victim has a right to select a representative to receive these notices on the victim's behalf (2930.06[B]). If the victim returns the postcard requesting notification, the prosecutor must notify the victim of the following (where applicable):

- All court proceedings and schedule changes, including date, time and location (2930.06[C]);

- Victim's right to attend hearing;
- Procedure to follow if victim is subject to threats or intimidation;
- To the extent practicable, confer with the victim before an agreement to a negotiated plea, amendment, dismissal of a charge, diversion, or trial. Failure of the prosecutor to confer with the victim shall be noted on the court record (2930.06[A]);
- Acquittal or conviction in a trial (2930.12);
- Dismissal of the complaint against the alleged juvenile offender or of the adjudication of the alleged juvenile offender as a delinquent child (2930.12);
- Crimes of which the defendant or juvenile offender was convicted (2930.12[A]);
- Phone number and address of Probation Department or other representative preparing pre-sentence investigation (2930.12[B]);
- Notice that victim may make a statement as part of the pre-sentence investigation. Court may show the victim's statement to the defendant (2930.12[C]);
- 2930.12[E]), and the victim's right to make a written and/or oral statement before sentencing (2930.12[F]);
- The sentence and any change to the sentence (2930.12[F]);
- An appeal being filed and the subsequent procedural process (2930.15[A]) and (2930.15[A] [1]);
- The release of the defendant on bond or the conditions imposed by the court upon a juvenile, pending the disposition of appeal (2930.15[A] [2]);
- The time, place, and location of appellate court proceedings and any subsequent changes in those proceedings (2930.15[A] [3]);
- The result of the appeal (2930.15[A] [4]);
- Incarceration and likely release date of defendant or juvenile and the business address and phone number of the custodial agency for victim to contact (2930.16[A]);
- Hearings for judicial release and the victim's right to make a statement. The court shall notify the victim of its ruling in each of those hearings (2930.16[B]).

## **OTHER VICTIM RIGHTS**

### **Confidentiality**

The prosecutor may ask the court to suppress victim's or victim's representative's identifying information if there is fear of threats or violence. The court shall hold a recorded hearing in chambers (2930.07[A]).

The court may suppress victim information from files, except when determining the crime location, and seal the transcript of the hearing (2930.07[B]).

### **Speedy Prosecutions**

If practicable, the prosecutor must inform victim of possible delays in the process and, if the victim objects, the prosecutor shall inform the court which shall consider the victim's concerns before approving delays (2930.08).

### **Attendance at Hearings**

Victims may attend any hearing where the defendant or juvenile offender is present unless the judge rules exclusion of the victim is necessary to guarantee a fair trial (2930.09).

At the victim's request, the court must permit a support person to accompany the victim unless the judge rules this will cause an unfair trial for the defendant or juvenile offender (2930.09).

### **Separated Waiting Areas**

The court must attempt to minimize contacts between the victim and the defendant or juvenile offender and shall provide a separate waiting area for each (2930.10[A]) and (2930.10[B]).

### **Bond Re-Hearing**

If a defendant is released on bond or a juvenile from detention, and the victim or victim's family has been harmed or threatened by the defendant or juvenile offender or at the defendant's or juvenile offender's direction, then the victim may request the prosecutor to ask the court to reconsider bond or release conditions (2930.05[B]) and (2930.05[D]).

### **Property Return**

Law enforcement must promptly return property to the victim unless it is contraband, ownership is disputed, or the prosecutor certifies that it must be kept instead of photographed, or the court promptly rules evidentiary value to defendant or juvenile offender is greater than the victim's need for the property to be returned (2930.11).

## **Victim Impact Statement**

Victims may make a written or oral statement for any pre-sentence investigation that a court orders. The victim's written statement shall be included in the pre-sentence investigation (2930.13[A]). Any statement may include physical and emotional harm, economic losses, restitution needs, compensation requests, and the victim's recommendation for an appropriate sentence for the defendant or juvenile offender (2930.13[C]). The court may give copies of any written statements to both victims and defendants or juvenile offenders. Written statements are not public record and must be returned to the court (2930.14[D]) and (2947.051[C]). Before a judicial release or an early release hearing, the court shall permit and consider a victim impact statement (2930.17[A]).

## **Employee Protections**

Employers cannot take punitive action against victims for preparing for or attending court hearings at the prosecutor's request or by subpoena. A violation of this section is contempt of court (2930.18).

## **Early Release or Change in Custodial Circumstances**

If a victim so requests, the agency having custody of the defendant or juvenile offender must notify the victim of any release hearings and/or releases and of the victim's right to make a statement prior to such hearings. It must also notify the victim should the defendant or juvenile offender escape.

## **Court Disposes Juvenile Case**

If the juvenile court disposes of a case prior to the prosecutor's involvement in the case, the court shall notify the victim that the alleged juvenile offender will be granted diversion, the complaint will be amended or dismissed, or the court will conduct an adjudication hearing. The court shall also give all other required information (2930.06[A]).

**IF YOU WISH TO RECEIVE ADDITIONAL INFORMATION or have any questions** about the rights of victims, contact the VICTIM WITNESS NOTIFICATION UNIT of our office at:

(614) 462-3555 regarding ADULT DEFENDANTS

Or

(614) 462-4440 regarding JUVENILE OFFENDERS

*“We care about you as the victim of a crime and your rights are important to us. Our office will do our best to protect your rights as a victim and to help you achieve any of these rights which you choose to exercise. “*

**G. Gary Tyack**  
**Prosecuting Attorney**