

VICTIM'S RIGHTS REQUEST/WAIVER FORM

As a crime victim in Ohio, you have rights. Criminal justice system officials are required to perform certain duties to ensure that you know your rights. Some rights are automatic, but most rights require your request.

This document provides important information about your rights that begin when you report to law enforcement. Page two of this document lists rights that must be requested and provides a form to officially notify law enforcement, jail or other custodial agencies, prosecutors, and judges that you wish to request or waive certain rights. Law enforcement will forward this document to the prosecutor if the suspect is charged.

Law enforcement will provide you with information, in writing, about additional rights that may be available to you. An online resource to help you research and understand your rights is the Victims' Rights Toolkit (www.victimrights toolkit.org).

- **Who is a victim? Who can act as a victim's representative?**
 - A victim is any person against whom a criminal offense or delinquent act is committed or any person who is directly and proximately harmed by the commission of the offense or act. The suspect, defendant, or offender is not a victim.
 - Crime victims can exercise their rights themselves, and/or appoint a representative to exercise their rights. A suspect, defendant, or offender cannot be a representative. Victims can appoint a representative at any time, and always have the right to change their representative.
 - If the victim is a minor, incapacitated, incompetent, or deceased, a member of the victim's family or another person may act as the victim's representative. If there is a conflict of who will act as the representative, each person can petition the judge to determine whom to appoint.
- **Requesting or waiving your rights**
 - Your decision to request or waive your rights DOES NOT mean that you cannot change your mind later. However, if you first waive your rights and then request them at a later time, you may give up some rights that only apply at certain stages of the criminal justice process.
 - Arraignment is a hearing that can happen quickly after the defendant is charged. During arraignment the judge often decides whether or not to release the defendant on bond, conditions of bond, or issue a protection order. To attend arraignment and be heard by the judge, you should call the clerk of courts, jail, or investigating officer to confirm the time and date.
- **Your right to restitution and information about the Crime Victim Compensation Fund**
 - Restitution: Upon conviction, the court shall order the offender to pay you for verifiable financial costs relating to your victimization.
 - Crime Victim Compensation Fund: You may be eligible to apply for reimbursement of verifiable financial costs relating to your victimization once a police report is filed, even if the suspect has not been arrested or convicted. You may apply for compensation at <http://www.ohioattorneygeneral.gov/VictimsCompensation.aspx> or call 800-582-2877.
 - In both instances, you may contact a victim's advocate and/or a victim's rights attorney and/or a victim's compensation attorney for assistance. You must save receipts, estimates, invoices, pay stubs for lost wages, medical or other bills, mileage logs, and other written documentation of your losses as this documentation will be required.
- **Your right to refuse an interview, deposition, or discovery request from the accused or any person acting on the accused's behalf.**
 - If the defendant, defendant's attorney, or anyone else acting on behalf of the defendant contacts you to request an interview or attempt to obtain any information or materials, immediately contact the prosecutor. If the suspect has not yet been charged contact a victim's rights attorney.

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Pursuant to Ohio Constitution Article I, § 10a, I assert or waive the rights checked below. I understand that if I change my mind, I must complete a new form and return it to the investigating officer, or, if the suspect has been charged, to the appropriate prosecutor. The investigating officer will provide the prosecutor's contact information.

<u>FORM USE</u> <input type="checkbox"/> Initial contact	DATE: _____ <input type="checkbox"/> Victim initiated change	Report No.: _____ Case No.: _____ County: _____ Badge No.: _____ Suspect: <input type="checkbox"/> Adult <input type="checkbox"/> Juvenile
Reporting Agency: _____		Reporting Officer: _____
Reporting Agency Phone: _____		
<u>REQUEST</u>	<u>WAIVE</u>	
<input type="checkbox"/>	<input type="checkbox"/>	The right to notice of the escape or release of the offender.
<input type="checkbox"/>	<input type="checkbox"/>	The right to reasonable and timely notice of all public proceedings.
<input type="checkbox"/>	<input type="checkbox"/>	The right to be present at all public proceedings.
<input type="checkbox"/>	<input type="checkbox"/>	The right to be heard in all public proceedings, including those involving release, plea, sentencing, disposition, parole, and any other hearing that involves victims' rights.
<input type="checkbox"/>	<input type="checkbox"/>	The right to confer with the prosecutor in the case.
<input type="checkbox"/>	<input type="checkbox"/>	The right to full and timely restitution from the offender.
<input type="checkbox"/>	<input type="checkbox"/>	The right to appoint a Victim's Representative. Representative Name _____ Address _____ Phone _____ Email _____ Representative's Relationship to Victim _____
<input type="checkbox"/>	<input type="checkbox"/>	The victim would also like to receive notices and exercise their rights.
Victim Name: _____ Phone: _____		
Email: _____ Other Phone: _____		
Address: _____		

You have the right to exercise your rights on your own behalf, through a victims' representative, and/or through an attorney that you retain. You may request free legal assistance through nonprofit organizations such as Ohio Crime Victim Justice Center at OCVJC.org, (866) 665-3330, (614) 848-8500, or info@ocvjc.org.

Victim/Representative's Signature: _____ Date: _____
Signature of Officer/Prosecutor: _____ Date: _____