

FREQUENTLY ASKED QUESTIONS:

Q. What is needed when requesting restitution?

Answer:

Supporting documentation is needed for any crime-related, out of pocket expenses, repairs or replacement of property for adult cases. (In juvenile cases, this will be requested later by the probation department.)

Some examples include estimates, actual receipts, insurance deductibles, medical bills, co-pays, gas receipts for trips to medical providers or court appearances, etc. Please provide any applicable documentation to your Victim Assistance Specialist as soon as possible.

If you have a personal injury due to your victimization, you may qualify for reimbursement through the Ohio Attorney General's Office Victims of Crime Compensation Program. Visit www.ohioattorneygeneral.gov for more information on eligibility requirements and to obtain an application form.

Q. How long do I have to request restitution?

Answer:

The Court loses jurisdiction to order restitution at the time the defendant is sentenced. We recommend you give your restitution information to your Victim Assistance Specialist within 15 days after you receive your first letter from our office; however we know in some instances this is not always possible. In this case, please get your information to our office as soon as possible.

Q. Is there a maximum amount of restitution that can be ordered?

Answer:

Restitution can be ordered for some or all of your crime-related, out-of-pocket expenses, regardless of the amount.

Q. Who do I notify if my address or any contact information changes?

Answer:

You should be sure to update your contact information with any agency you are working with, pre and post-conviction, including:

- (1) **County Prosecutor's Office- Victim Assistance Division** (Please contact your Victim Assistance Specialist)
- (2) **Fairfield County Clerk's Office** (If restitution was ordered to be paid to you)
- (3) **Ohio Department of Rehabilitation and Correction or Ohio Department of Youth Services, Offices of Victim Services** (If you have asked for offender notification from their office)
- (4) **VINE** (If your telephone number or email has changed, and you have registered for notification with them)

Q. What if the County Prosecutor doesn't file FELONY charges & my case is declined?

Answer:

- You can contact the Victim Coordinator in the office of the City Prosecuting Attorney's Office at 740-687-6616 who handles MISDEMEANOR charges or you can print off their intake form to request charges by going to their website at <http://www.ci.lancaster.oh.us/dept/lawdirector/default.asp>.
- You always have the option to seek legal advice from an attorney of your choice regarding civil and/or criminal matters. One resource for finding an attorney is the Fairfield County Bar Association at their website <http://www.fairfieldcountybar.org/index.htm>
- You may also want to check the Municipal Court website www.fcmcourt.org regarding Small Claims Court.

Note: There are still financial remedies for victims of personal injury crimes, even if their case has been declined. See your Victim Assistance Specialist for more details.

Q. How can I get a protection order?

Answer:

Speak to a Victim Assistance Specialist in our office or a victim advocate at *The Lighthouse* at 740-687-4423.

Q. What are the different kinds of protection orders / no contact orders?

Answer:

See our resource page under 'protection orders'

Q. Will I receive notifications when an offender is released from custody?

Answer:

You must first register for notifications with one or more of the following agencies. Please remember it is your responsibility to keep all your contact information up to date with these agencies for.

VINE (Victim Information & Notification Everyday) – VINE is a service provided by the Ohio Attorney General. This is a FREE and anonymous, automated service, that lets you track the custody status of offenders in jail or prison. You can also register to be notified by phone or e-mail if the custody of an offender changes. For more information about VINE visit their website at www.vinelink.com .

ODRC's (Ohio Department of Rehabilitation & Corrections) Office of Victim Services - Register for inmate custody notifications from their office by contacting a Victim Advocate at 1-888-842-8464 or by completing the notification form online at www.drc.state.oh.us - Victim Services.

Q. How can I receive notification of hearings set by the court?

Answer:

Victims in criminal cases will most generally receive written notification of hearings; however, sometimes, if there is a short notice, you may be called by the Victim Assistance Specialist instead. If another family member would also like notifications, please advise your Victim Assistance Specialist. It is your responsibility to keep our office informed of any changes in your contact information so that we can continue to keep you informed of case activity.

Q. Who do I contact if my identity or credit has been compromised?

Answer:

- (1) Contact your bank or credit card company to report stolen checks or cards, and to report to them that your credit may be compromised.
- (2) Call all three major credit agencies as soon as possible after you realize you have been a victim of financial crime.

Equifax – 1-800-525-6285 www.equifax.com

Experian – 1-888-397-3742 www.experian.com

TransUnion – 1-800-680-7289 www.transunion.com

Q. How long does a criminal case usually take?

Answer:

Because of the nature of the judicial systems (adult & juvenile), cases can move very fast or very slow, depending on many different circumstances. Juvenile cases tend to move quickly and can sometimes be concluded in a matter of weeks. Adult cases, on the other hand, move much slower and can take months to even years to complete.

Q. What are the different types of hearings and what happens at each one?

Unless you receive or expect to receive a subpoena, you do not have to attend hearings; however, you do have the right to attend if you choose.

ARRAIGNMENT –

Adult Cases: This is the first hearing held after the defendant has been arrested. The defendant is brought before the Judge and is advised of the charges that were filed against him/her, their potential consequences and the defendant is read his/her constitutional rights. He/she will then enter a plea of guilty or not guilty. If he/she cannot afford an attorney, the Court will appoint one. The matter of bond, which insures a defendant's appearance at hearings, is decided by the Court. Victims do not need to attend this hearing, but they have the right to do so if they choose. If you do want to attend, contact your Victim Assistance Specialist to arrange for accompaniment.

Juvenile Cases: This is the first hearing held after a youth has been arrested or charged for committing a delinquent act. The juvenile is brought before the Judge and is advised of the charges that were filed against him/her, their potential consequences and the juvenile then makes an admission or denial of the allegations. If the juvenile cannot afford an attorney, the Court will appoint one. In Fairfield County, a Prosecutor does not usually attend arraignments and we have not often notified by the Court of the hearing date and time. On many occasions the juvenile will enter an admission to the charge(s) and the Court will proceed to disposition. If victims are made aware of the arraignment, they are not required to attend, but are encouraged so if the juvenile admits to the charge(s) the Court can take into consideration the victims Victim Impact Statement.

PRE-TRIAL –

Adult Cases: The prosecutor, counsel for the defendant and the Judge are present for the pretrial. Both sides advise the Court of the basic facts in the case and discuss if there are any possibilities for a plea. The Court may also inquire about any legal issues that need resolved prior to trial. It is not necessary for victims to attend; however, if they wish to be present, they should contact their Victim Assistance Specialist to arrange for accompaniment.

Juvenile Cases: Pre-Trials don't typically take place in juvenile court. However if they do, they are very similar to the adult pre-trials.

PLEA -

Adult Cases:

A plea indicates that the defendant is going to plead guilty to some charge(s). He/she may plead guilty as charged, or to some lesser charge(s). You have the right to be present at any plea. Often times, the defendant is sentenced at this time. You have a right to be at this hearing and, if you intend on making a Victim's Impact Statement, this is your opportunity to do so.

Juvenile Cases: A plea/admission indicates that the juvenile is going to plead guilty to some charge(s). The juvenile may plead guilty as charged or to some lesser charge(s). In juvenile cases, this can happen as early as the arraignment stage. Juveniles are typically sentenced at this time. You have the right to be at this hearing and if you intend on making a Victim's Impact Statement, this is your opportunity to do so. You can tell the Court in your own words what occurred and how you or your family has suffered physically, emotionally and/or financially.

TRIAL –

Adult Cases: This proceeding is where evidence pertaining to the case is presented to either a jury or the Judge. Victims and witnesses are generally excluded from the trial due to a motion for "separation of witnesses." This is to prevent a witness from hearing and being influenced by another person's testimony. However, if any family members, relatives, or friends wish to attend the trial, they certainly have the right to do so. Please confer with your Victim Assistance Specialist to keep you informed as to the status of the trial.

Juvenile Cases: This proceeding is where evidence pertaining to the case is presented to the Judge. There are no jury trials held in Juvenile Court. Victims and witnesses are generally excluded from the trial due to a motion for "separation of witnesses." This is to prevent a witness from hearing and being influenced by another person's testimony. However, if any family members, relatives, or friends wish to attend the trial, they certainly have the right to do so. Please confer with your Victim Assistance Specialist to keep you informed as to the status of the trial.

SENTENCING/DISPOSITION -

Adult Cases: Except in the case of mandatory sentences, sentencing is up to the Court within general guidelines. The sentencing occurs in open court and you have the right to be present. You will have the chance to make a statement if you choose. You may prepare a Victim's Impact Statement prior to this hearing and read it to the Court. A Victim's Impact Statement should tell how you and your loved ones have been affected by this crime financially, physically and emotionally. It should be honest and sincere. It should not minimize or exaggerate the situation, nor should it duplicate existing evidence or introduce new evidence. You may ask for a No Contact Order at this time and verbally request restitution for your unreimbursed out-of-pocket expenses. This statement can be as short or as long as you would like, but please try to keep under (5) five minutes long.

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Q. Do I need to attend all court hearings?

Answer:

No, unless you receive or expect to receive a subpoena, you do not have to attend any hearings. However, you have the right to attend if you choose. We recommend you to contact your Victim Assistance Specialist so they may attend with you. To ensure you are not missing an opportunity to exercise your rights, be sure to familiarize yourself on what takes place at each hearing (above).

Q. How can I contact the Victim Assistance Division within the Fairfield County Prosecuting Attorney's Office with more questions?

Answer:

By Email – vicwit@fairfieldcountyohio.gov

By Telephone – Main Prosecutor's Office Line – 740-652-7560
Ask to speak to someone within the Victim Assistance Division

By Fax – 740-653-4708 – (Please direct attention to the Victim Assistance Division)

Q. What victim assistance is available to me in Fairfield County?

Answer:

See our resource page under 'Victim Assistance in Fairfield County'