

REQUESTING RESTITUTION

How to Prepare a Victim Impact Statement (VIS)

What is a VIS?

If you so choose, you can write a statement directly to the Judge that he/she can take into consideration before the sentencing of a defendant. This statement is different than what you may have previously given to law enforcement. A VIS is usually read aloud to the Court just before sentencing, by you, your advocate, or by another representative you choose.

Who sees or hears the VIS?

These are read in open court and anyone present in the Courtroom will hear your statement, including the defendant.

Preparing a VIS:

- To be written to the Judge
- Limit to 3-5 minutes of oral reading time
- Be sincere, honest, and from the heart
- Explain what happened
- Don't minimize or exaggerate
- Don't repeat yourself
- You may ask for a NO CONTACT order
- You may ask for RESTITUTION
- Start writing your thoughts down early, and then revise the statement until you're satisfied with the end result. You may also speak to your advocate to get their thoughts/suggestions.

If restitution is ordered, you may be contacted by the Probation Department at a later date.

STEP 1: Collect & Complete these items:

- **Complete these forms:**
 - 'Your Victim Rights' form
(The form will be blue or orange)
 - 'Restitution Request' form
(The form will be green, and only applies to adult cases.)
- **Collect supporting documentation** of your out-of-pocket crime related expenses.
- Prepare a 'Victim Impact Statement' and request any restitution you wish to ask for in this statement.

STEP 2: Provide your Victim Assistance Specialist with all items listed above, as soon as possible.

It is important that you do this before the Pretrial Conference date, otherwise restitution may not be ordered.

STEP 3: After the sentencing, if the offender is ordered by the Court to pay restitution to you, it will be documented on the Judgment Entry of Sentence.

STEP 4: An offender makes payments to the Fairfield County Clerk of Courts Office, not directly to you.

STEP 5: Restitution checks are issued by the Fairfield County Clerk of Courts office to the last known address of the victim/other party. If checks are returned, the Fairfield County Clerk of Courts Office will contact the Prosecutor's Victim Assistance Division to try to get a current address. If one is found, the check will then be reissued. If one is not found, the payments will be transferred to the Fairfield County General Fund.

STEP 6: If funds are deposited in the Fairfield County General Fund, you will need to contact the Fairfield County Treasurer's Office at 740-652-7140, and follow their procedure to have the check re-issued.

At the beginning of each year the list for Unclaimed Funds is updated, to see if you have unclaimed funds visit, www.co.fairfield.oh.us

While on Community Control, restitution is paid in this order unless otherwise ordered. *Cost of Prosecution, Restitution, Fines*

While a person is in prison, you will need to request collection of restitution with the Ohio Department of Rehabilitation & Correction (ODRC), Office of Victim Services at 1-888-842-8464.

While on parole or post-release control, a request will need done through ODRC and the Ohio Adult Parole Authority 614-752-0800.

Fairfield County Prosecuting Attorney, KYLE WITT

Victim/Witness Division

740-652-7560 / 614-322-5265

Ask to speak to a Victim Assistance Specialist

239 West Main Street, Suite 101
Lancaster, Ohio 43130

Fax: 740-653-4708

Email: vicwit@fairfieldcountyohio.gov

Visit Our Website at:

<http://www.co.fairfield.oh.us>

(Prosecutor-Victim Assistance)

OHIO CRIME VICTIM RIGHTS

This brochure will help you to better understand your rights as a crime victim/survivor, help you to prepare a Victim Impact Statement, provide you with contacts of agencies and programs that are available to help victims/survivors and their families.

Let Your Voice Be Heard

*Ohio Victim Rights are found in the
Ohio Revised Code
Section 2930*

*They are also summarized in the
Ohio Crime Victim's Rights booklet
(Formerly - Picking up the Pieces)*

Found online at:
www.ohioattorneygeneral.gov

Know your Rights as a Crime Victim:

- To be treated with respect
- To receive information about your rights
- To assign a representative/advocate, and to have them with you at court
- To receive status information of the investigation
- To be notified when a violent offender is arrested, released or escapes before trial or sentencing
- To reasonable return of property
- To have discussions with the prosecutor
- To be free from intimidation
- To be notified and to participate in hearings any time the defendant is required to be present
- To make a Victim Impact Statement at sentencing
- To participate in criminal proceedings without jeopardizing employment
- To receive information after sentencing and to provide input about parole status
- To request a protection order
- To receive special rights as a sexual abuse, domestic violence, or child abuse victim
- To have support, advocacy and referrals
- To receive information about financial compensation through the Ohio Victims of Crime Compensation Program
- Upon request, to be provided with the contact information for any Law Enforcement, Prosecutor, Victim Advocate and Probation Officer handling the case

You may choose which hearings you attend, UNLESS you receive a subpoena, and then you are obligated to appear.

Ohio Victims of Crime Compensation Program

If you or your family members are innocent victims of a violent crime, financial assistance may be available.

The Ohio Victims of Crime Compensation Program helps victims with certain out-of-pocket expenses caused when people are physically injured, emotionally harmed or killed by violent criminal acts.

You must be eligible to receive compensation.

Program costs are paid by criminal fines and not by Ohio's taxpayers.

To find out if you qualify for this program, call or visit the Ohio Attorney General's Office or speak to your Victim Assistance Specialist.

www.ohioattorneygeneral.gov

1-800-824-8263

What can our Victim Assistance Specialists help you with?

- We offer FREE victim advocacy to all victims of crimes, especially those of Felony crimes
- To provide you with information and referrals
- To attend Court hearings with you
- To speak on your behalf to prosecutors, the Court and others
- To provide you with hearing information and notifications
- To provide you and your family with emotional support
- To help guide you through the criminal justice system
- To assist you with other issues as a result of your victimization
- To make sure the victim's voice is heard
- To provide personal advocacy

IT IS IMPORTANT that you keep our office up to date on your current contact information, especially if you plan to request restitution.

VINE - *Victim Information & Notification Everyday*

1-800-770-0192

VINE is an automated service that lets you track the custody of offenders in jail or prison.

By calling the toll-free number or visiting www.vinelink.com, you can find out the custody status of an offender. You can register to be notified by phone or email if the custody changes. **This is a FREE AND ANNOYMOUS system.**

For more information call your Victim Assistance Specialist.