



KNOW YOUR RIGHTS

Understanding Your Rights
as a Victim of Crime with a Disability

JUNE 2018



**Disability
Rights** OHIO

We have the legal right of way.



Sometimes, when a crime happens to you, you may feel scared, embarrassed, unsafe or alone. These feelings might be very strong if someone you know, live with, or trust has hurt you. Sometimes, when people experience crime against them they may not know what to do. You have rights if something bad has happened to you. This document will help you understand what rights you have.

Who is allowed to exercise these rights?

If you have been hurt by a crime or hurt by a crime that happened to someone else, that makes you a “victim of crime.” A crime is something that breaks the law. Examples of crime are:

- **Theft** - when someone has taken something from you without your permission.
- **Assault** - when someone has hurt your body. For example, they hit you, pushed you or cut you.
- **Sexual Assault** - when someone has raped you. When someone has made you do something sexual that you did not want to do.
- **Harassment** - when someone is always making you feel unsafe by what they do, such as yelling at you, calling you names or threatening you.

You can tell the police that a crime has happened to you. Any person who has been hurt by a crime has these rights.

1. You have the right to be treated with fairness and respect for your safety, dignity and privacy.

The Constitution of Ohio states that you must be treated fairly, with dignity and respect. You have the right to be told what is going on with the criminal case. You have the right to be safe and to have privacy. You have these rights so you can participate in the criminal justice process.

2. You have the right to an interpreter if you are deaf or hard of hearing.

You have the right to make the choice to have an interpreter or not. You can ask for the interpreter at any time. You do not have to pay for your interpreter, and your friends and family don't have to be your interpreters. You do not have to write things down instead of getting an interpreter.

3. You have the right to choose to tell the police.

You can call the police about the crime or decide not to make a police report. If you tell someone at a hospital that you have been sexually assaulted or hurt, the law says that the hospital must tell the police. However, the hospital should not tell the police your name if you don't want them to. You may still get medical treatment even if you decide not to tell the police. The hospital should tell you about this. They will give you written information about this and also tell you about it in person. The hospital will then give you an exam.

4. You have the right to not be given a polygraph, voice stress analyzer, or other truth-telling tests.

The police and hospital cannot make you take any tests to prove that you are telling the truth. These tests might include tests called polygraph tests or voice stress tests. You do not have to take any of these tests. The police must look into what happened to you even if you do not take these tests.

5. You have the right to refuse to be interviewed, deposed or to give the accused person any documentation, unless it says otherwise in Ohio's Constitution.

You do not automatically have to give an interview or documents to the accused person or their attorney. There are ways for a court to order you to provide some information, but the accused person must follow the proper court rules first. It is a good idea to talk to your advocate or your attorney before saying yes or no to any request.

6. You have rights during the exam after a sexual assault.

If someone has sexually assaulted you, the hospital can perform an exam. You have the right to say no to the exam or any part of the exam. You also have the right to say no if you are offered any medication or treatment. You have the right to have someone with you during the exam if you want. This person can be anyone, such as a family member or friend. This person is also allowed to be there if the police talk to you. You have the right to have the same exam as a person who does not have disabilities. This means that the hospital must give you accommodations if you need them. Accommodations may include an interpreter or assistive technology.

7. You have the right to be told about the criminal case and talk with the prosecutor, if you request it.

If you decide to tell the police what has happened to you, they will give you information on your rights and resources. After you tell the police what has happened, they have to look into what happened to you. This means that they will talk to other people who may have seen what happened, they will talk to the person who you said hurt you, and they may talk to other people, including the people at the hospital. You have the right to speak



with the person in charge of looking into what happened to you. You also have the right to talk to the prosecutor. If the person who has hurt you is arrested, released or escaped, then the police have to tell you about it.

8. You have the right to a lawyer and a personal representative.

You have the right to a lawyer. You can have a personal representative. A personal representative is someone who can do things for you on your behalf, such as speak to lawyers. If you choose to have a personal representative, they will see all of the private information about your case, even if it is something that is only for you. You can choose a trusted family member or an advocate to serve as your personal representative.

9. You have the right to have your personal property returned to you.

While the police are looking into what has happened to you, they may need to collect information. This information can

include things that you own that you want back, like your clothing that the nurses look at. Once these things are not needed for your case, you should get them back.

10. You have the right to be safe.

No one should threaten you, intimidate you, harass you or make you feel unsafe. If you are threatened or feel unsafe, you should tell the police or the prosecutor right away. You can get a protection order. A protection order is when a judge tells someone to stay away from you and not talk to you. The prosecutor can also ask the judge to revoke the accused person's bond or ask for a separate waiting area for you during court hearings.

11. You have the right to be there when there are hearings or a trial.

You have the right to request to be told of all court hearings so that you can be there. You have the right to bring a support person with you to any hearings or a trial. You have the right to tell what has happened to you and how it hurt you. You can also have your representative tell what has happened to you.

12. You have the right to participate in these hearings and cannot get fired from your job.

Your boss is not allowed to punish you if you need time off of work to go to a hearing or trial. Your boss does not have to pay you for your time off. But your boss may have to pay you for your time off if someone at work has hurt you or if what happened to you happened while you were at work. You also cannot get in trouble at work if you want to go to a hearing.

13. You have the right to apply for victims' compensation.

Victims compensation is money that is given to victims of crime to help them after someone has hurt them. The Ohio Attorney General's office may be able to give you money to help pay for things that you have paid for because of a crime. You have the right to fill out a form for this money.

14. You have the right to be paid back for any damages you experienced by the person who hurt you.

This is called restitution, when the person who hurt you has to pay you back. You should keep records of your expenses and make sure to keep your receipts. You will have to tell the judge about the expenses you have that are related to the crime. Keep in mind that even though restitution is mandatory, payment may still depend on how much the person who hurt you can afford to pay.

15. You have the right to use your rights.

You have the right to be told about these rights in writing, and you have the right to enforce your rights. This might mean asking the court to protect your rights.

If you have a question about your rights, or if you think that your rights have been violated, you can call Disability Rights Ohio at 800-282-9181 and select option 2. We can help you understand your rights and work with you to make you can use your rights.



This publication was supported by a Victim of Crime Act (VOCA) and/or State Victim Assistance Act (SVAA) grant award administered by the Ohio Attorney General's Office. Victims of federal crimes will be served.



**Disability
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We have the legal right of way.

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