



**Ohio Senate
Finance Committee
Interested Party Testimony - House Bill 33
Catherine Harper Lee, Ohio Crime Victim Justice Center
May 25, 2023**

Chair Dolan, Vice Chair Cirino, Ranking Member Sykes, and members of the Senate Finance Committee, thank you for the opportunity to testify today. My name is Cathy Harper Lee and I am the Founder and Executive Director of Ohio Crime Victim Justice Center, a statewide nonprofit organization that provides free legal representation for crime victims to protect and seek enforcement their rights during criminal proceedings. Ohio Crime Victim Justice Center serves crime victims in all of Ohio's 88 counties. I am here today to respectfully request your assistance to help ensure that crime victims have equal access to justice.

Prior to founding Ohio Crime Victim Justice Center, I was a crime victim. After discovering that my stepfather was abusing another child, I knew I had to report in order to protect her. I reported within the statute of limitations and had witnesses. However, law enforcement refused to investigate, handed me the recording of my statement, and escorted me to the door. I reached out to other law enforcement, prosecutors, and judges who provided valuable advice on how to navigate the criminal justice system and taught me how to draft and file an affidavit in support of arrest and prosecution. With their assistance and the assistance of a remarkable detective, my stepfather was finally indicted and convicted. Unfortunately, from the time I first reported my stepfather had sexually assaulted at least 15 other children.

What I learned during that process is that although crime victims have rights, there was no place for us to report or receive free legal assistance when our rights were violated. In fact, we were told that we not allowed to have an attorney to protect and seek enforcement of our rights.

In 2017, the Marsy's Law Victims' Rights constitutional amendment passed by an overwhelming 83%. The amendment serves as a promise that victims' rights "*... shall be protected in a manner no less vigorous than the rights afforded to the accused.*"

However, for many crime victims, especially those who cannot afford to hire an attorney, victims' rights are still illusory paper promises.

Founded in 2000, the [Ohio Crime Victim Justice Center](http://www.OCVJC.org) (OCVJC) is:

- The **primary provider of no-cost legal** assistance to Ohio crime victims, having served over **5,470 crime victims** since the passage of Marsy's Law.



Ohio Crime Victim Justice Center

- The **primary provider of victims' rights training** for advocates, criminal justice officials, and other allied professionals, having trained over **11,630** advocates, law enforcement, prosecutors, judges, and other allied professionals since the passage of Marsy's Law.
- The **developer of the [Victims Rights Toolkit](#)**, an intuitive self-help resource that provides information about victims' rights during each stage of the criminal justice process and provides tools to help crime victims exercise their rights.
- The **leading legal service provider for victims' rights litigation in Ohio**, generating favorable case law in Ohio's appellate courts and the Supreme Court of Ohio, which not only serves to protect individual crime victims, but serves to reduce future victims' rights violation.
- **A national leader in the victims' rights enforcement movement.** OCVJC's favorable case law is utilized by victims' rights legal clinics throughout the country. OCVJC is routinely invited to provide victims' rights training via a variety of national platforms.
- Known for its **innovative work in protecting and advancing crime victims' rights.** OCVJC has received state and national recognition from the Ohio House and Senate, Ohio Attorney General's Office, Ohio State Bar Foundation, National Foundation for the Improvement of Justice, National Crime Victim Law Institute, National Organization for Victim Assistance, People Magazine and others.
- OCVJC and prosecutors' offices respectively provide very critical, but very different, services to crime victims. Nearly 50% of crime victim referrals come from advocates, law enforcement, and prosecutors. Referrals from prosecutors have doubled during the past two years. *(Please see attached letters from prosecutors in support of OCVJC funding)*

As the ***demand for OCVJC services has increased, funding has decreased.*** Last year, OCVJC provided no-cost legal assistance to 1,237 crime victims and had to turn away 156 crime victims in need of assistance due to lack of funding. Only two grants—the Victims of Crime Act (VOCA) and Justice Assistance Grant (JAG) –provide limited funding. OCVJC VOCA funding has been cut by \$416,081 per year. OCVJC requested \$4 million in ARPA funding to meet the increased demand from crime victims in need of assistance and to prepare for what was predicted to be a 400% increase when Victims' Rights Request Forms are provided to every crime victim. OCVJC received \$900,000 in ARPA funding. The emergency ARPA funding allows OCVJC to maintain current staff, but it does not provide funding to manage the increase in cases we are experiencing now or the increase we will see when every crime victim receives a Victims Rights Request Form.

Due to **ONE DAY of media coverage** announcing the effective date of H.B. 343 on April 6, 2023, OCVJC saw a dramatic increase from crime victims in need of assistance.

- **[The Ohio Victims Rights Toolkit](#)** (a web-based portal that helps victims' understand their rights) has seen **traffic increase by 1800%**.
- **[OCVJC website](#)** traffic increased by 646%.
- **And requests for pro-bono legal assistance increased by 450%.**



Ohio Crime Victim Justice Center

Over the coming year this 450% increase will equate to over 6800 crime victims throughout the state contacting OCVJC in need of assistance and a projected budget of \$4.6m in order to meet the need. With over 700,000 crime victims each year, this increase represents less than 1% of all crime victims. OCVJC predicts an even greater increase.

Ohio law now requires victim's to be given a [Victim' Bill of Rights Palm Card](#) that includes OCVJC contact information should their rights be denied.

In addition, every crime victim must be provided a [Victims' Rights Request Form](#). The Victims' Rights Request Form also provides crime victims OCVJC contact information to help crime victims protect their privacy rights and to request no cost legal assistance if their rights are denied. When these two forms begin to be distributed to every Ohio crime victim over the next few months, there will be another dramatic rise in requests for assistance.

Financial support is needed to ensure Ohio Crime Victim Justice Center's ability to provide no-cost legal assistance to crime victims across Ohio. Without this critical funding, OCVJC will be forced to turn away thousands of crime victims in need of assistance each year. With this in mind, **OCVJC is seeking immediate legislative assistance in the form of GRF funding. Specifically, \$2 million per year designated in the state budget for Ohio Crime Victim Justice Center.** This funding will allow OCVJC to:

- Provide no-cost legal assistance to crime victims throughout the state to protect and enforce their rights.
- Provide intake specialists to navigate the significant increase in requests for assistance from crime victims when the Victims' Rights Request Form and Marsy's Law Card are implemented.
- Provide assurance to crime victims who are concerned their rights are being violated when, in fact, they are not. As a victim-centered organization, crime victims are more inclined to trust in assurance from OCVJC that their case is going *right*. This in turn helps to build the trust between crime victims and criminal justice officials that is critical to ensuring victims maintain confidence in the criminal justice system.
- Conduct outreach and public education to reduce victims' rights violations with an emphasis on underserved populations.
- Provide victims' rights training to criminal justice officials and allied professionals to reduce victims' rights violations.
- Update and maintain OCVJC's Victims' Rights Toolkit.
- Establish and maintain a statewide victims' rights pro bono attorney referral network.



Ohio Crime Victim Justice Center

We all build trust with crime victims by working together to eliminate barriers to their access to justice. Crime victims need and deserve access to free legal assistance to protect and enforce their rights. The dramatic increase in requests for assistance from my office demonstrates the need. I'm asking you to please help OCVJC help Ohio victims of crime. Please approve our request for funding.

Sincerely,

Catherine Harper Lee

OHIO CRIME VICTIM JUSTICE CENTER APPELLATE AND SUPREME COURT CASES

While the Marsy's Law amendment to the Ohio Constitution went into effect nearly five years ago, now is perhaps the most critical time for victims' rights litigation in Ohio's history.

Ohio Crime Victim Justice Center has helmed the majority of significant victims' rights litigation in Ohio, both pre- and post-Marsy's Law. In addition, OCVJC often offers both formal and informal support and guidance to criminal justice system officials on trial and appellate level cases implicating victims' rights.

Pre-Marsy's Law

-When Ohio law denied victims access to appeals courts, OCVJC filed a unique legal action to get a trial moving after a rape victim suffered through five years of delay.

State ex rel. Miller v. Sweeney, 7th Dist. Mahoning No. 2015 MA 00027

-When a murderer sought access to a victim's computer, phone, medical, and counseling records, OCVJC blazed a legal trail, establishing a right to appeal for victims in Ohio.

State v. Hendon, 9th Dist. Summit Nos. 28067, 28119, 2017-Ohio- 352.

Post-Marsy's Law

-OCVJC filed the first post-Marsy's Law victims' appeal, obtaining the first interpretation of post-Marsy's Law victims' appeal rights. The Ohio Supreme Court later expanded these rights considerably.

State v. Hughes, 2019-Ohio-1000, 134 N.E.3d 710 (8th Dist.)



Ohio Crime Victim Justice Center

-OCVJC led the nation in victims' rights innovation by establishing a statewide right to appeal for crime victims.

State ex rel. Thomas v. McGinty, 164 Ohio St.3d 167, 2020-Ohio-5452, 172 N.E.3d 824

-OCVJC vindicated two victims' rights to restitution when offenders caused victims financial harm and trial courts refused to order the defendants to repay the victims.

State ex rel. Seawright v. Russo, 8th Dist. Cuyahoga No. 108484, 2019-Ohio-4983

State ex rel. Howery v. Powers, 12th Dist. Butler No. CA2019-03-045, 2020-Ohio-2767

-OCVJC protected a client's home from a warrantless search by the criminal defendant. *State ex rel. S.L. v. Judge, Muni. Ct. Hamilton Co.*, 1st Dist. Hamilton No. C-190248, 2020-Ohio-584

-OCVJC obtained a first of its kind victory in the nation when it successfully challenged a trial court's attempt to return firearms to an offender convicted of domestic violence. *State ex rel. Suwalski v. Peeler*, 2020-Ohio-3233, 155 N.E.3d 47

-OCVJC asserted a victim's privacy rights in public records in the Ohio Supreme Court. *State ex rel. Summers v. Fox*, 163 Ohio St. 3d 217, 2020-Ohio-5585, 169 N.E.3d 625

-OCVJC asserted a victim's right to be treated with fairness and respect for her dignity and safety when a trial court refused to order the offender who assaulted her to submit to infectious disease testing. The Court of Appeals stated that infectious disease testing certainly implicated the victim's right to be treated with fairness and respect for her dignity and remanded the case to the trial court for full consideration of the constitutional question. Notably, the court of appeals held that an appeal was an appropriate mechanism for victims to seek appellate review. *State v. Beach*, 10th Dist. Franklin No. 20AP-589, 2021-Ohio-4497

-Most recently, OCVJC won an appeal for a client who had requested notice of proceedings, yet was not advised of the plea and sentencing hearing. The appeals court held that the failure to inform the victim of the hearing and give him the ability to make a statement and seek restitution violated the Ohio constitution.

City of Cleveland v. Rudolph, 8th Dist. Cuyahoga, No. 111128, 2022-Ohio-2363

OTHER NOTABLE CASES

Decided



Ohio Crime Victim Justice Center

-The Ohio Supreme Court recently held that allowing a victim to sit at the prosecutor's table *and* designating the victim as the state's representative violated the defendant's fair trial rights.

State v. Montgomery, Slip Op. No. 2020-0312, 2022-Ohio-2211

-The Ohio Supreme Court decided that a city that sent law enforcement to respond to a false alarm report of a mass shooting was not a victim entitled to restitution.

City of Centerville v. Knab, 162 Ohio St. 3d 623, 2020-Ohio-5219, 166 N.E.3d 1167

-The Twelfth District Court of Appeals recently held that provisions of Ohio's restitution statutes that require a trial court to consider a defendant's ability to pay or reduce the restitution owed to a victim are unconstitutional following the passage of Marsy's Law. *State v. Oliver*, 2021-Ohio-2543, 176 N.E.3d 1054 (12th Dist.)

Pending

-Currently pending before the Ohio Supreme Court on review, the Seventh District Court of Appeals held that a victim cannot obtain restitution for losses caused by the attendance at court proceedings. OCVJC, OAESV, NCVLI, CVS, and AO filed an amici brief in support of the state's position that victims are constitutionally entitled to restitution for losses incurred attending court.

State v. Yerkey, 7th Dist. Mahoning No. 20 MA 0087, 2021-Ohio-3331

-Currently pending before the Ohio Supreme Court on review, the Second District Court of Appeals held that a prosecutor cannot assert the rights of victims under Marsy's Law on appeal. The state appealed this decision and Ohio Crime Victim Justice Center and National Crime Victim Law Institute filed an amici brief in support of the notion that the state must be allowed to assert victims' rights under Marsy's Law on appeal.

State v. Fisk, 2d Dist. Montgomery No. 28798, 2021-Ohio-1973

MARSY'S LAW VICTIMS' RIGHTS TRAINING

Ohio Crime Victim Justice Center (OCVJC) provides monthly free four-hour cross-disciplinary victims' rights training throughout Ohio via live interactive webinars. The webinars are approved for 3.5 hours CLE for prosecutors, judges, defense attorneys, and other attorneys (with 2.5 hours being professional conduct credit) and 3.75 hours of CEU for counselors, social workers, and marriage and family therapists. These trainings focus on new rights under House Bill 343, which became effective on April 6, 2023, and serve to provide the education and tools necessary to help



Ohio Crime Victim Justice Center

protect victims' rights at each stage of the criminal justice process and provide guidance on when to refer crime victims to Ohio Crime Victim Justice Center to request free legal assistance.

OCVJC also provides specialized in-person Marsy's Law Victims' Rights Training for groups who prefer in-service training specific to their profession such as city and county prosecutors, police and sheriffs, courts, and others.

Recent & Upcoming Specialized Victims' Rights Training Post HB 343

3/10/23 Summit Co. Prosecutor's Office
3/23/23 Ohio Federation Women's Club
4/04/23 Huron Co. Prosecutor's Office
4/10/23 Brenda Glass Trauma Center
4/14/23 Ohio Municipal Attorneys' Association
4/14/23 Medina Co. Prosecutor's Office
4/19/23 Buckeye State Sheriff's Association
4/19/23 Cuyahoga SART
4/20/23 Ohio Prosecuting Attorneys' Association Spring Conference
4/25/23 International Association of Forensic Nursing
4/26/23 Wood Co. Prosecutor's Office
4/26/23 Ohio Supreme Court Judicial College Retired Judges
5/09/23 Ohio Attorney General's Two Days in May Conference
5/22/23 Harrison Co. Sheriff's Office
6/16/23 Cuyahoga Co. Prosecutor's Office
6/22/23 Painesville Municipal Court

*OCVJC will continue to provide specialized Marsy's Law Victims' Rights Training as requested.

Specialized Victims' Rights Training provided prior to March 2023

Statewide Annual Forum on Aging—Elder Victims' Rights
Statewide Buckeye State Sheriffs Association

Statewide Disability Rights Ohio
Statewide Forensic Nursing Network
Statewide Legal Action – OH/MI/WI



Ohio Crime Victim Justice Center

Statewide Ohio Army National Guard
Statewide Ohio Association of Chiefs of Police Conference
Statewide Ohio Association of Juvenile Courts Conference
Statewide Ohio Association of Magistrates Annual Meeting
Statewide Ohio Attorney General Two Days in May Conference
Statewide Ohio Common Pleas Judges Association Summer
Conference
Statewide Ohio Department of Mental Health and Addiction Services
Statewide Ohio Department of Rehabilitation and Correction
Statewide Ohio Federation Women's Club
Statewide Ohio Justice Alliance for Community Corrections
Statewide Ohio Municipal Attorneys Association
Statewide Ohio Municipal Judges Association Summer Conference
Statewide Ohio National Guard
Statewide Ohio Peace Officer's Training Academy
Statewide Ohio Prosecuting Attorney's Association Conference
Statewide Ohio State Bar Association
Statewide Ohio Victim Witness Association
Statewide Ohio Supreme Court Retired Judges Conference

Ashtabula County Victims' Rights Training

Athens Co Ohio University Survivor Advocacy Program

Belmont & Guernsey County Prosecutor's Offices
Belmont County Prosecutor's Office

Brown Co. Women Helping Women
Butler County Sexual Assault Task Force Staff

Clark Co. Project Woman

Clark County Project Woman Staff Training

Clermont County Prosecutors Office
Clermont County Victims' Rights Training

Cuyahoga Co Brenda Glass Trauma Center



Ohio Crime Victim Justice Center

Cuyahoga Co Garfield Heights Court
Cuyahoga Co SART
Cuyahoga Co. Asian Services in Action
Cuyahoga Co. Judicial College
Cuyahoga Co. Cleveland Clinic – Forensic Nurses
Cuyahoga Co. Jewish Family Services
Cuyahoga Co. Mayfield Heights Police Department
Cuyahoga Co. Municipal Prosecutors
Cuyahoga Co. Northeast Ohio Municipal Prosecutor’s Association
Cuyahoga Co. Prosecutor’s Office

Cuyahoga Co. - John Carroll University

Defiance County Multi-Agency Victims’ Rights Training

Delaware County Helpline
Delaware County Juvenile Court
Delaware County SART

Erie County Domestic Violence Conference

Fairfield County Ohio University
Fairfield County Victims’ Rights Training

Franklin Central Ohio Association of Criminal Defense Attorneys
Franklin Co. Judicial College
Franklin Columbus Safety Initiative
Franklin County Central Ohio Sexual Assault Task Force Staff
Franklin County Common Pleas Court
Franklin County Juvenile Courts Retreat
Franklin County Prosecutor’s Office
Franklin Mt. Carmel CTAP Team

Greene County Juvenile Court
Greene County Victims’ Rights Training



Ohio Crime Victim Justice Center

Hamilton - City of Cincinnati Marsy's Law In-service Training

Hamilton Co. The Children's House

Hamilton County Prosecutor's Office

Hamilton County Victims' Rights Training, with Xavier University

Hamilton End Slavery Greater Cincinnati

Hamilton Greater Cincinnati Human Trafficking Conference

Hamilton Mercy Health

Harrison County Sheriff's Office

Hocking County Prosecutor's Office

Huron Co Prosecutor's Office

International Association of Forensic Nurses

Knox County Victims' Rights Training

Lake County SART

Lorain County Bar Association

Lorain County Safe Harbor House

Lucas Co. Family and Child Abuse Prevention Center

Lucas Co. Judicial College

Lucas County DV Task Force

Lucas County Prosecutor's Office

Marion County Victims' Rights Training, with Marion County
Prosecutor

Medina County Prosecutor's Office

Meigs County Prosecutor's Office

Montgomery Co. Judicial College

Montgomery Co. Single Parents Rock



Ohio Crime Victim Justice Center

Muskingum Co. Family Health Services of East Central Ohio-

Muskingum County Zane State & Family Health Services

North Central Crime Victims Regional Group

Pike County Partnership Against Domestic Violence

Portage County Prosecutor's Office

Stark County Prosecutor's Office

National Training

National Center for Victims of Crime

National Crime Victim Law Institute

National Organization for Victim Assistance