



Ohio Crime Victim Justice Center

Chair Stewart, Vice Chair Dovilla, Ranking Member Sweeney, and members of the House Finance Committee:

Thank you for the opportunity to provide interested party testimony on House Bill 96, the state operating budget.

My name is Elizabeth Well, and I am the Legal Director of Ohio Crime Victim Justice Center. For those of you who may be unfamiliar with us, we provide legal representation and advocacy services to victims of crime in all 88 Ohio counties, ensuring that victims' rights are protected and that victims have a meaningful role in the criminal justice process. In addition, we provide victims' rights training and technical assistance to prosecutors, judges, law enforcement, and victim advocates in each town, city, and county of Ohio.

To date, we have provided victims rights' training to over 14,800 criminal justice officials and allied professional, and assistance to over 10,700 crime victims.

All of our services are free of charge.

In 2017, the Marsy's Law constitutional amendment passed by an overwhelming 83%. Ohio voters passed the amendment ensure victims receive justice and due process, as well as treatment that is respectful and protects victim safety, dignity, and privacy. Critically, the amendment provides crime victims meaningful participation in the criminal justice process, makes clear that victims can seek enforcement of their rights through an attorney or pro se, and if victims' rights are violated, the amendment affirms that victims can seek appellate review.

Perhaps most significantly, Marsy's Law guarantees that victims' rights "shall be protected in a manner no less vigorous than the rights afforded to the accused."

At the same time that Marsy's Law was passed by Ohio voters, dramatic cuts to the Victims of Crime Act (commonly referred to as VOCA) funding for Ohio victim service programs began.

In 2022 and 2023, this legislature passed House Bill 343 and Senate Bill 16 to implement Marsy's Law and ensure that Ohio crime victims are truly treated with the fairness and respect that the constitution guarantees. We are incredibly grateful for the work of so many in this room and in this General Assembly to make these rights a reality for Ohio's crime victims. Ohio has truly become a leader in the nation on victims' rights, and, as you may be aware, other states look to us for guidance and inspiration when drafting their own laws to protect victims.

Due to requirements in these bills that victims be informed of their rights in order to meaningfully protect them, I am pleased to report that more victims than ever are aware of their rights and aware of our services. In fact, at first contact with law enforcement, every victim in Ohio is given OCVJC's contact information.



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While many victims find us this way, the vast majority of our referral cases come directly from law enforcement, prosecutors, and courts. For instance, prosecutors often call us in cases where victims of child sexual abuse, sex crimes, and domestic violence face defense demands to obtain and review the victim's private records, such as privileged counseling records. We work side by side with prosecutors to fight these invasions of victim privacy. We also work closely with prosecutors to ensure victims have access to the full and timely restitution guaranteed by the Ohio Constitution. In addition, we represent victims of assault, robbery, elder abuse and fraud, co-survivors of homicide victims, and many other crimes to protect and enforce their rights, such as the rights to be notified of, and present and heard during, arraignment, plea, sentencing, parole hearings, and any other hearing that involves victims' rights.

When we aren't working cases directly, we are assisting criminal justice officials throughout Ohio by providing legal advice, sample forms, and sample motions to help them protect the victims in each Ohio county.

While we sincerely wish we could provide services to every single victim, every single time, we are severely limited by the funding cuts affecting victims' services.

The simple fact is that, as I stand here today, OCVJC's VOCA funding has been cut by nearly 50%. To be candid, this has led to a significant reduction in staff and an accompanying reduction in capacity. Since the passage of House Bill 343, due to funding cuts, we have turned hundreds of victims away. Yet despite this, 33% of all victims served by OCVJC have been served since the passage of House Bill 343. To give some perspective, this organization has existed for 25 years, and one in every three victims we've served have been in the last two years.

At the same time we face these funding and staffing cuts, Ohio appellate courts have produced significant case law interpreting Marsy's Law and HB 343/SB 16. And, unfortunately, some of those court interpretations have only made things more challenging for Ohio victims. In many cases, victims are facing impossible hurdles to protecting their rights. In one recent case, an Ohio appellate court held that a victim was NOT entitled to the restitution ordered by the trial court simply because the trial court improperly journalized the sentencing entry. The court, prosecutor, and defense attorney did not notice the error, but somehow the victim was supposed to notice and address this error within 30 days of the sentencing. This is an impossible standard for victims without counsel.

In another district, the prosecutor appealed on behalf of victims who were excluded from sentencing, unable to give a victim impact statement, and unable to seek restitution. But because the prosecutor failed to use the correct phrasing in his appeal, the victims lost these rights forever.



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Even victims with counsel are being denied their rights, such as in a recent case of mine where a victim followed the letter of the law to attempt to view a presentence investigation report, but was still denied his rights by the trial court and on appeal.

It is becoming increasingly clear that, without counsel, crime victims' rights are *always* in jeopardy. To share just one example, OCVJC recently represented a child victim of sexual assault. The defendant hired an out of state "expert" lawyer who filed motions seeking access to this child's privileged medical records EIGHT TIMES. Each time, we fought these motions for this child victim and won. Many times, the prosecutor stated that our involvement in the case was critical and she was not sure the outcome would have been the same without us. This child is only one of the hundreds and hundreds of victims we serve each year. And this case is one of many cases that demonstrates that, without counsel, it can be nearly impossible for victims to realize fulfillment of the promises of Marsy's Law and its implementing legislation.

As I stand here today, OCVJC is at a critical juncture. We need your help to truly fulfill the promise that this legislature made to Ohio victims when it passed the transformative Marsy's Law legislation over two years ago today. Without this funding, OCVJC will be forced to reduce staff by nearly 50% and turn away hundreds more crime victims each year. Please support funding for OCVJC in the state operating budget and allow us the privilege of continuing to help Ohio crime victims protect their rights.