



Adult Advocacy  
Centers

# **An Advocacy Guidebook for People with Developmental Disabilities**

Summer 2021

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## Purpose and Acknowledgements

This guidebook was created to provide information and resources to people with developmental disabilities, professionals and family members to help with advocacy in a variety of settings using different methods and strategies.

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## Disclaimer

The contributors to the advocacy guidebook, including the AACs, cannot guarantee the continued accuracy of the referenced information, websites, or statements. The information provided is accurate at the time of publication, but it is subject to change. Users of the advocacy guidebook are encouraged to contact the AACs to contribute information or to report inaccuracies. It is the goal of the AACs to continually update materials with the assistance and expertise of those in the field.



# Part 1 - General Advocacy



## Developing Advocacy Skills

### What is Advocacy?

Advocacy is acting to support a person, cause or policy. People can advocate for themselves, others or both. Advocacy may mean different things to different people and may change depending on the situation.

### Advocacy Training Options

Advocacy training is available from several organizations in Ohio. Details about these training resources are described below.

#### *The Ohio Self Determination Association (OSDA)*

The OSDA offers Project STIR (Steps Toward Independence and Responsibility). Project STIR focuses on policy advocacy and has a training program for advocates. The program provides advocacy tools, leadership experiences and information about how to join with others to advocate on important issues.

**Address:** 6155 Huntley Road, Columbus, Ohio 43229

**Phone:** 614-562-1375

**Email:** [osdaohio2017@gmail.com](mailto:osdaohio2017@gmail.com)

**Website:** [osdaohio.org](http://osdaohio.org)

#### *People First of Ohio*

People First of Ohio is a statewide organization that works with state legislators and builds relationships with other advocacy groups and state agencies.

**Address:** 1335 Dublin Road, Suite 100-A, Columbus, Ohio 43215

**Email:** [PeopleFirstOhio@mail.com](mailto:PeopleFirstOhio@mail.com)

**Website:** [peoplefirstohio.org](http://peoplefirstohio.org)

## *County Boards of Developmental Disabilities*

County boards of developmental disabilities advocate for people with disabilities, and many provide advocacy training. The link below will help you find your county board and training opportunities offered in your area.

**Locate a County Board of Developmental Disabilities:** [dodd.ohio.gov/wps/portal/gov/dodd/your-family/all-family-resources/4-find-your-county-board](https://dodd.ohio.gov/wps/portal/gov/dodd/your-family/all-family-resources/4-find-your-county-board)

## *Alcohol, Drug Addiction and Mental Health (ADAMH) Boards*

There are currently 50 ADAMH boards in Ohio. ADAMH boards coordinate, plan, fund and monitor addiction and recovery programs and are represented by the Ohio Association of County Behavioral Health Authorities. Programs offered by the ADAMH Boards include opportunities to connect and strategize about advocacy.

**ADAMH County Directory:** [oacbha.org/mappage.php](https://oacbha.org/mappage.php)

**Find your ADAMH Board:** [oacbha.org/mappage.php](https://oacbha.org/mappage.php)

## *Ohio Victim Witness Association (OVWA)*

OVWA provides training and education to Ohio's crime victim advocates. Opportunities are available for both OVWA members and non-members.

**Address:** 90 Northwoods Blvd., Columbus, Ohio 43235

**Phone:** 614-787-9000

**Email:** [info@ovwa.org](mailto:info@ovwa.org)

**Website:** [ovwa.org](https://ovwa.org)

## *Ohio Crime Victim Justice Center (OCVJC)*

OCVJC provides free legal representation, self-help rights enforcement, and assistance with crime victim compensation. OCVJC also created a toolkit to provide a self-help legal resource that allows victims to understand and exercise their rights.

**Address:** P.O. Box 369, Powell, Ohio 43065

**Phone:** 614-848-8500

**Website:** [ocvjc.org](https://ocvjc.org)

**Toolkit:** [ocvjc.org/victims-rights-toolkit2](https://ocvjc.org/victims-rights-toolkit2)





## Advocacy Resources

### State Agencies

Some Ohio state agencies offer a variety of resources for advocates. Details regarding these resources are described below.

#### *Ohio Department of Developmental Disabilities (DODD)*

DODD supports individuals with intellectual and developmental disabilities. The department's advocacy opportunities include the Family Advisory Council (FAC) and the Interagency Work Group on Autism (IWGA). DODD also offers the opportunity to join various workgroups about disability-related services.

**Address:** 30 E. Broad St., Columbus, Ohio 43215

**Phone:** 800-617-6733

**Email:** [dodd.ohio.gov/wps/portal/gov/dodd/about-us/contact-us](https://dodd.ohio.gov/wps/portal/gov/dodd/about-us/contact-us)

**Website:** [dodd.ohio.gov/wps/portal/gov/dodd](https://dodd.ohio.gov/wps/portal/gov/dodd)

#### *Ohio Developmental Disabilities Council (DD Council)*

DD Council is made up of more than 30 members. Most members have a disability or are parents or guardians of people with disabilities. Members of DD Council decide what projects receive funding to make lives better for people with disabilities. The council produces monthly videos, a blog and a newsletter.

**Address:** 899 E. Broad St., Suite 203, Columbus, Ohio 43205

**Phone:** 614-466-5205

**Email:** [ddcinfo@dodd.ohio.gov](mailto:ddcinfo@dodd.ohio.gov)

**Website:** [ddc.ohio.gov](https://ddc.ohio.gov)

## *Ohio Department of Mental Health and Addiction Services (OhioMHAS)*

OhioMHAS has developed a variety of services for individuals with a mental health diagnosis or an addiction disorder, including the department's consumer and family Toll-Free Bridge (TFB) line. TFB staff members are peers who help callers find the resources they need, learn about the referral process to access those resources, and understand consumer rights and responsibilities. The goal of this free telephone service is to promote advocacy, independence and recovery for Ohioans with mental health diagnoses. OhioMHAS also offers: hotlines, warmlines and mobile crisis outreach; 23- to 48-hour observation beds, crisis urgent care centers and crisis stabilization units; peer support; crisis services, critical time intervention and crisis intervention teams; telehealth services; and transportation.

**Address:** 30 E. Broad St., 36th Floor, Columbus, Ohio 43215-3430

**Phone:** 614-466-2596

**Toll-Free Bridge:** 877-275-6364

**Email:** [askMHAS@mha.ohio.gov](mailto:askMHAS@mha.ohio.gov)

**Website:** [mha.ohio.gov](http://mha.ohio.gov)

**Community Board Advocates:** [mha.ohio.gov/Families-Children-and-Adults/Get-Help/Client-Rights/Community-Advocates](http://mha.ohio.gov/Families-Children-and-Adults/Get-Help/Client-Rights/Community-Advocates)

## *Ohio Department of Health (ODH)*

The mission of ODH is to improve the health of all Ohioans by preventing disease, promoting good health and assuring access to quality care. ODH investigates allegations of abuse and neglect at nursing homes and other types of facilities that provide services to individuals with disabilities.

**Address:** 246 N. High St., Columbus, Ohio 43215

**Phone:** 614-466-3543

**Email:** [odh.ohio.gov/wps/portal/gov/odh/help-center](http://odh.ohio.gov/wps/portal/gov/odh/help-center)

**Website:** [odh.ohio.gov](http://odh.ohio.gov)

## *Ohio Department of Aging (ODA)*

ODA supports programs that serve older Ohioans. ODA offers resources for older Ohioans, caregivers and professionals in the aging network.

**Address:** 246 North High St., 1st Floor, Columbus, Ohio 43215

**Phone:** 614-466-5500 or 1-800-266-4346

**Email:** [aging.ohio.gov/wps/portal/gov/aging/about-us/contact-us](http://aging.ohio.gov/wps/portal/gov/aging/about-us/contact-us)

**Website:** [aging.ohio.gov](http://aging.ohio.gov)



## Other Organizations

### *Adult Protective Services*

Adult Protective Services are administered at a county level and are often located in a county's Job and Family Services office.

**List of Job and Family Services Offices:** [jfs.ohio.gov/County/County\\_Directory.pdf](https://jfs.ohio.gov/County/County_Directory.pdf)

### *Arc of Ohio*

Arc of Ohio offers advice, resources and training sessions regarding advocacy.

**Address:** 1335 Dublin Road, Suite 104-d, Columbus, Ohio 43215

**Phone:** 614-487-4720

**Website:** [thearcofohio.org](https://thearcofohio.org)

### *American Council of the Blind of Ohio (ACB Ohio)*

ACB Ohio advocates to improve the quality of life for Ohioans who are blind or visually impaired.

**Address:** 3805 N. High St. #305, Columbus, Ohio 43214

**Phone:** 614-221-6688

**Email:** [acbohio.org/contact](mailto:acbohio.org/contact)

**Website:** [acbohio.org](https://acbohio.org)

### *Brain Injury Association of Ohio (BIAOH)*

BIAOH advocates to improve services and supports for Ohioans with brain injuries.

**Address:** 4210 Dane Ave., Cincinnati, Ohio 45223

**Phone:** 614-481-7100

**Email:** [help@biaoh.org](mailto:help@biaoh.org)

**Website:** [biaoh.org](https://biaoh.org)

### *Disability Rights Ohio (DRO)*

DRO advocates for the human, civil, and legal rights for people with disabilities.

**Address:** 200 Civic Center Dr., Columbus, Ohio 43215

**Phone:** 614-466-7264 or 800-282-9181

**Website:** [disabilityrightsohio.org](https://disabilityrightsohio.org)

### ***National Alliance on Mental Illness (NAMI) Ohio***

NAMI Ohio seeks to provide dignity and respect for persons with mental illness.

**Address:** 1225 Dublin Road #125, Columbus, Ohio 43215

**Phone:** 614-224-2700

**Website:** [namiohio.org](http://namiohio.org)

### ***Office of the State Long-Term Care Ombudsman***

The ombudsman program advocates for people receiving care at home, in assisted living or in nursing home facilities.

**Phone:** 800-282-1206

**Website:** [ohio.gov/wps/portal/gov/site/residents/resources/office-of-the-state-long-term-care-ombudsman](http://ohio.gov/wps/portal/gov/site/residents/resources/office-of-the-state-long-term-care-ombudsman)

### ***Ohio Association of Area Agencies on Aging (o4a)***

o4a engages in advocacy to help older Ohioans.

**Address:** 1263 E. Broad St, Columbus, Ohio 43205

**Phone:** 614-481-3511

**Website:** [ohioaging.org](http://ohioaging.org)

### ***Ohio Association of the Deaf (OAD)***

OAD works to promote the rights of deaf and deaf-blind Ohioans.

**Address:** P.O. Box 5452 Poland, Ohio 44514

**Phone:** 216-200-7222

**Email:** [president@oad-deaf.org](mailto:president@oad-deaf.org)

**Website:** [oad-deaf.org](http://oad-deaf.org)

### ***Ohio Statewide Independent Living Council (Ohio SILC)***

Ohio SILC works to empower Ohioans with disabilities by promoting consumer control, self-determination and equal access.

**Address:** 670 Morrison Road, Suite 200, Gahanna, Ohio 43230

**Phone:** 614-892-0390 or 1-800-566-7788

**Website:** [ohiosilc.org](http://ohiosilc.org)





## Advocacy Strategies

Advocacy can take many different forms. Examples of different advocacy strategies include working with elected representatives and policymakers, phone campaigning, letter and email campaigning, scheduling meetings, and contacting the media.

### Working with Elected Representatives and Policy Makers

Working with and educating federal, state and local elected representatives and policymakers is one way to advocate for change. Before talking to a representative, it is important to decide what your key points and questions will be. You should also consider whether the person has the power to help before you reach out to them. Below is information you can use to contact elected representatives for your area.

#### *President of the United States*

**Phone:** 202-456-111

**Email:** [whitehouse.gov/contact](https://www.whitehouse.gov/contact)

#### *United States Senate*

**Congressional Switchboard:** 202-224-3121

**Find Your Senators:** [senate.gov/general/contact\\_information/senators\\_cfm.cfm](https://www.senate.gov/general/contact_information/senators_cfm.cfm)

## *United States House of Representatives*

**Congressional Switchboard:** 202-224-3121

**Find Your Representative:** [house.gov/representatives](https://house.gov/representatives)

## *Ohio Governor*

**Email:** [governor.ohio.gov/wps/portal/gov/governor/contact](mailto:governor.ohio.gov/wps/portal/gov/governor/contact)

**Website:** [governor.ohio.gov](https://governor.ohio.gov)

## *Ohio Attorney General*

**Email:** [ohioattorneygeneral.gov/About-AG/Contact](mailto:ohioattorneygeneral.gov/About-AG/Contact)

**Website:** [ohioattorneygeneral.gov/Home](https://ohioattorneygeneral.gov/Home)

## *Ohio Senate*

**Find Your State Senator:** [ohiosenate.gov/senators/district-map](https://ohiosenate.gov/senators/district-map)

## *Ohio House of Representatives*

**Find Your State Representative:** [ohiohouse.gov/members/district-map](https://ohiohouse.gov/members/district-map)

## *Mayor*

**Find a Mayor for Cities with 30,000 People or More:** [usmayors.org/mayors](https://usmayors.org/mayors)

## *Local City, County and Town Officials*

**Find Your Local Government:** [usa.gov/local-governments](https://usa.gov/local-governments)

## **Planning What to Say**

Below are links to worksheets, sample letters and scripts that can help as you plan what you want to say or write.

- **Call Your Representative** from ProLiteracy: [proliteracy.org/Get-Involved/Letters-for-Literacy/Phone-Scripts-and-Marketing-Messaging](https://proliteracy.org/Get-Involved/Letters-for-Literacy/Phone-Scripts-and-Marketing-Messaging)
- **Advocacy Template** from KC Healthy Kids: [kchealthykids.org/uploads/1/3/2/6/132654074/advocacy-template.pdf](https://kchealthykids.org/uploads/1/3/2/6/132654074/advocacy-template.pdf)
- **Call Your Representative** from the Association of Christian Schools International - Pennsylvania: [champion.org/acsipa/RepresentativeScript\(EarlyChildhood\).pdf](https://champion.org/acsipa/RepresentativeScript(EarlyChildhood).pdf)
- **Talking with Legislators on the Phone** from the National Court Reporters Association: [ncra.org/home/get-involved/advocacy/Grassroots-Lobbying/Talking-with-Legislators-on-the-Phone](https://ncra.org/home/get-involved/advocacy/Grassroots-Lobbying/Talking-with-Legislators-on-the-Phone)
- **Action Alert** from TASH: [us8.campaign-archive.com/?u=64aeaf77d0e851aff85ca2d4d&iid=63890e2c72&e=%5bUNIQID%5d](https://us8.campaign-archive.com/?u=64aeaf77d0e851aff85ca2d4d&iid=63890e2c72&e=%5bUNIQID%5d)



## Advocacy Planning

When advocating for something or someone, it is often helpful to plan ahead. Below are links to planning tools that can be used before meetings or when talking to others about advocacy efforts.

- **Advocacy Checklist** *from the American Society for Radiation Oncology:* [preprod.astro.org/ASTRO/media/ASTRO/Meetings%20and%20Education/PDFs/ADay19/Advocacy-Day19\\_Checklist.pdf](https://preprod.astro.org/ASTRO/media/ASTRO/Meetings%20and%20Education/PDFs/ADay19/Advocacy-Day19_Checklist.pdf)
- **Effective Advocacy Checklist** *from the Association of Nutrition and Foodservice Professionals:* [anfonline.org/docs/default-source/legacy-docs/foodsafetycdm/effective-advocacy-checklist.pdf](https://anfonline.org/docs/default-source/legacy-docs/foodsafetycdm/effective-advocacy-checklist.pdf)

## Calling Campaigns

A calling campaign is a way for a group of people to call a government official, organization or service provider to advocate for change. The people who call should all have the same message. It can be helpful to provide people participating in the calling campaign talking points or a script to use.

## Letter and Email Campaigns

Letter and email campaigns happen when multiple people get together and write to a person in power about things that are important to them. Letters and emails can be written to someone who can help reach a goal, make a change or block a change from happening. Letters and emails could be written to the President of the United States, a member of Congress, a Governor or someone else who can help.

## Meetings

Meeting with other advocates, an organization or a legislator can also help with advocacy. To prepare for a meeting, it is helpful to make a list of talking points or important ideas you'd like to discuss. Talking points may include:

- The reason for the meeting.
- The goal of your advocacy.
- Ways people at the meeting can help advocate.

## Contacting the Media

Calling or emailing a local newspaper, radio station or television station is another advocacy strategy. Sharing a story with media sources can draw attention to a problem or issue by reaching a large number of people. This can help make change happen.



## How Advocates Can Stay Informed and Connected

Talking to other advocates can help you get support and develop new ideas for your advocacy efforts. Below are some ways that advocates can stay connected.

### Websites

State, federal and local government departments have websites. Looking at these websites is a good way to learn about new information, bills or proposals that are being considered, changes in policies and rules, and current events. Many nonprofit organizations that work on various issues may also have websites with useful information.

### Newsletters

Many organizations publish newsletters. Some newsletters can be sent by regular mail and others are sent by email. Newsletters usually have articles about issues, events or people that are important to the organization and the people it serves.

### Phone Meetings and Video Conferencing

Making weekly or monthly calls to people who are interested in the same issues is another way to stay in touch and learn about new things. Video conferencing is another way to stay connected, and many platforms are free if used for short meetings.

## Webinars

There are many free webinars available that teach about advocacy. A webinar is an online presentation by someone who is an expert on a topic. Many state agencies, such as the Ohio Department of Developmental Disabilities, Ohio Department of Mental Health and Addiction Services, Department of Aging and the Ohio Department Health, offer webinars. Many organizations and nonprofits do, too. Links to information about some advocacy-related webinars are listed below.

- **Center for Community Solutions:** [communitysolutions.com/category/blog/webinars](https://communitysolutions.com/category/blog/webinars)
- **Ohio Alliance to End Sexual Violence:** [oaesv.org/trainings-events](https://oaesv.org/trainings-events)
- **Ohio Department of Developmental Disabilities:** [dodd.ohio.gov/wps/portal/gov/dodd/training/all-training-resources/webinar\\_catalog](https://dodd.ohio.gov/wps/portal/gov/dodd/training/all-training-resources/webinar_catalog)
- **Ohio Center for Autism and Low Incidence (OCALI):** [ocali.org/media/webinars](https://ocali.org/media/webinars)
- **Ohio Victim Witness Association:** [ovwa.org/content.aspx?page\\_id=22&club\\_id=732110&module\\_id=355523](https://ovwa.org/content.aspx?page_id=22&club_id=732110&module_id=355523)

## Social Media

Social media is another way to share information and learn from other advocates. Social media includes Facebook, Twitter, Instagram, TikTok and YouTube. For example, there are several YouTube channels about disabilities, rights and advocacy. Many disability activists communicate on Twitter and even have live tweet conversations about specific disability-related topics, like discussing voting rights under the hashtag #CripTheVote. Additionally, many state departments use social media to communicate information about services, rule changes or other important matters.

## Peer Support

Peer recovery services are community-based services for people with a mental illness or substance use disorder. Peer recovery supporters are certified and offer activities to promote recovery, self-determination, advocacy, well-being and independence. A list of peer-led support groups can be found using the following link: [mha.ohio.gov/Portals/0/assets/HealthProfessionals/About%20MH%20and%20Addiction%20Treatment/Peer%20Support/PeerRunOrg/Peer-Run-Organizations-Contact-List.pdf?ver=2019-07-15-130922-500](https://mha.ohio.gov/Portals/0/assets/HealthProfessionals/About%20MH%20and%20Addiction%20Treatment/Peer%20Support/PeerRunOrg/Peer-Run-Organizations-Contact-List.pdf?ver=2019-07-15-130922-500).





## Part 2 - Advocacy for Crime Victims

### Rules and Laws Involving Rights and Advocacy

#### Ohio Revised Code and Ohio Administrative Code

Both the Ohio Revised Code and the Ohio Administrative Code have important information about rights and advocacy for people with disabilities.

The Ohio Revised Code (ORC) is a collection of all of the laws of the state of Ohio. These laws are created by Ohio's legislative branch, which is called the General Assembly. The Ohio General Assembly is made up of the Ohio House of Representatives and the Ohio Senate.

The Ohio Administrative Code (OAC) is a set of rules adopted by agencies in the state of Ohio, like the Ohio Department of Developmental Disabilities or the Ohio Department of Mental Health and Addiction Services. These rules explain how the government will carry out the laws passed by Ohio's General Assembly.

The OAC and ORC have important information regarding rights for individuals with disabilities. A summary of these rights and links to the code are listed below.

#### *OAC 5122-14-11: Patient rights, participation and education*

[codes.ohio.gov/ohio-administrative-code/rule-5122-14-11](https://codes.ohio.gov/ohio-administrative-code/rule-5122-14-11)

#### *ORC 5122.301: Civil rights of patients*

[codes.ohio.gov/ohio-revised-code/section-5122.301](https://codes.ohio.gov/ohio-revised-code/section-5122.301)

#### *ORC 5123.63: Distributing copies of rights*

[codes.ohio.gov/ohio-revised-code/section-5123.63](https://codes.ohio.gov/ohio-revised-code/section-5123.63)

#### *ORC 5123.62: Rights of persons with a developmental disability*

[codes.ohio.gov/ohio-revised-code/section-5123.62](https://codes.ohio.gov/ohio-revised-code/section-5123.62)

The OAC and ORC also include information about administrative and criminal investigations. Both of these types of investigations can help ensure that people with disabilities can tell their story, receive accommodations, remain safe and receive victim services.



# Administrative Investigations and Process

## A Note About Language

Throughout this guidebook, the terms “victim” and “survivor” are used interchangeably to encompass the preferences of all individuals with disabilities. Although both terms are used, definitions are listed below to provide a distinction between the possible uses of these terms.

- **Victim** – a legal definition for a person who has had a crime happen to them
- **Survivor** – a term that may be used to convey empowerment and healing for an individual after experiencing a crime

## Why Administrative Investigations are Important

Because most crimes that are reported to law enforcement do not result in an arrest, criminal charges or prosecution, administrative investigations may be the only possible pathway to justice for individuals with disabilities (Gramlich, 2017). Administrative investigations may also provide important health and safety benefits to a victim and survivor.

Administrative investigations are not completed by law enforcement and are not part of the criminal justice system. Administrative investigations include collecting evidence, determining facts, and making recommendations and conclusions. Administrative investigations are typically conducted to decide if a staff member will be placed on the abuser’s registry, receive disciplinary action, be fired from their job, or if the provider organization will receive a citation or some other form of penalty.

Information gathered from an administrative investigation is also used to develop a prevention plan or to provide restitution to the victim or survivor. Several state departments conduct administrative investigations, including the Ohio Department of Developmental Disabilities, Ohio Board of Nursing, Ohio Department of Job and Family Services/Adult Protective Services, the Ohio Department of Mental Health and Addiction Services, and the Ohio Department of Health.

## **Administrative Investigations for People with Developmental Disabilities**

County boards of developmental disabilities employ or contract with Investigative Agents (IAs) to conduct administrative investigations. DODD monitors and supervises the investigations, which are called Major Unusual Incidents (MUIs). MUIs are incidents when there is reason to believe that the health and welfare of an individual with a disability may be in jeopardy. Examples of MUIs are alleged physical abuse, alleged sexual abuse, and neglect. Contact information for these investigation types are listed below.

### ***DODD Abuse and Neglect Hotline***

**Hours:** 9 a.m. – 4 p.m. Monday through Friday

**Phone:** 866-313-6733

**Report Your Concern Online:** [ocf.prodapps.dodd.ohio.gov](https://ocf.prodapps.dodd.ohio.gov)

### ***County Boards of Developmental Disabilities***

**Hours:** MUI reporting available 24/7

**Find Your County Board:** [dodd.ohio.gov/wps/portal/gov/dodd/your-family/all-family-resources/4-find-your-county-board](https://dodd.ohio.gov/wps/portal/gov/dodd/your-family/all-family-resources/4-find-your-county-board)

## **Administrative Investigations for People with Mental Illness**

A person may file a complaint about residential facilities or services that are regulated by the Ohio Department of Mental Health and Addiction Services (OhioMHAS) by filling out and submitting a complaint form, which can be found using the link listed below. Complaints can be about neglect, physical harm, fraud, potential harm, use of force, restraint, sexual assault, verbal abuse, psychological harm, medication errors or another complaint type. After completing this form, it can be sent to OhioMHAS in several different ways:

**Address:** 30 E. Broad St., Suite 742 Columbus, Ohio 43215-3430

**Email:** [LicCert@mha.ohio.gov](mailto:LicCert@mha.ohio.gov)

**Submit a Complaint:** [mha.ohio.gov/Portals/0/assets/HealthProfessionals/License%20and%20Certification/ResidentialPrograms/nonSUD/Complaint\\_Form.pdf?ver=2019-10-02-120946-090](https://mha.ohio.gov/Portals/0/assets/HealthProfessionals/License%20and%20Certification/ResidentialPrograms/nonSUD/Complaint_Form.pdf?ver=2019-10-02-120946-090)



## Administrative Investigations for Older Ohioans

Several organizations conduct investigations involving older Ohioans who are victims of abuse or exploitation.

### *Office of the State Long-Term Care Ombudsman (LTCO)*

The LTCO Program is mandated by the Older Americans Act and, in Ohio, is coordinated by the Ohio Department of Aging. The Ombudsman Program can advocate for the rights of people who live in nursing homes, assisted living facilities and other adult care facilities, as well as for individuals receiving in-home services and community-based care. Ohio has 12 regional certified ombudsmen to provide information, investigate and resolve complaints, and offer advocacy services. The LTCO can investigate allegations of abuse or neglect and advocate for individuals with disabilities. Information on how to contact a LTCO in your area is listed below.

**Phone:** 800-282-1206

**Email:** [ohio.gov/wps/portal/gov/site/residents/resources/office-of-the-state-long-term-care-ombudsman](https://ohio.gov/wps/portal/gov/site/residents/resources/office-of-the-state-long-term-care-ombudsman)

### *Ohio Board of Nursing (OBN)*

OBN regulates Licensed Practical Nurses (LPNs), Registered Nurses (RNs), dialysis technicians, medication aides and community health care workers. Complaint forms can be found on the Board's website at [nursing.ohio.gov](https://nursing.ohio.gov). and the completed forms can be sent by mail and email.

**Address:** 17 S. High St., Suite 660 Columbus, Ohio 43215

**Phone:** 614-466-3947

**Email:** [complaints@nursing.ohio.gov](mailto:complaints@nursing.ohio.gov)

**Website:** [nursing.ohio.gov](https://nursing.ohio.gov)

### *Adult Protective Services (APS)*

Ohio's APS agencies are managed by the County Departments of Job and Family Services. APS provides services to Ohioans aged 60 years of age and older. APS is required to investigate allegations of abuse, neglect and exploitation that are considered an emergency within 24 hours. According to ORC 5101.60, "emergency" means that the adult is living in conditions that present a substantial risk of immediate and irreparable physical harm or death to self or any other person. If the case is not considered an emergency, an investigation must be initiated by APS within three working days after the report is received.

**JFS County Directory:** [jfs.ohio.gov/County/County\\_Directory.pdf](https://jfs.ohio.gov/County/County_Directory.pdf)



## Criminal Investigations and the Criminal Justice System

Only law enforcement conducts criminal investigations. Activities involved in criminal investigations include collecting evidence, reviewing the crime scene, and interviewing people who have information about the alleged crime. The results of these investigations help prosecutors decide if they will file charges and take a case to trial.

Understanding the criminal justice system is important for people with disabilities. The Bureau of Justice Statistics collected data from 2014 and concluded that people with disabilities were 2.5 times more likely to be victims of crime compared with people without disabilities. Below is additional data from that study.

- The rate of serious violent crimes (rape, sexual assault, robbery, and aggravated assault) committed against people with disabilities was more than three times higher than the rate for people without disabilities
- The rate of simple assault committed against people with disabilities was more than two times higher than the rate for people without disabilities
- One in five crime victims with disabilities believed they were targeted due to having a disability (Harrell, 2016).

People with disabilities may have some common experiences that make them more likely to become victims of crime. Some of these common experiences are listed below.

- **Isolation** - People with disabilities may be segregated or isolated. This isolation may make it more difficult for them to report abuse.
- **Limited accessibility** - In some instances, people with disabilities may not have equal access to services and justice. They may not have access to a phone, they may not know how to report abuse, or they may have physical barriers in buildings and transportation that make it hard to move around (OVC, 2020)
- **Underreporting of crimes** – Crimes committed against people with disabilities often do not get reported to law enforcement. This may be even more common if a person has mobility or communication barriers.
- **Abuse by a caregiver** - Being dependent on another person to meet basic care needs may increase an individual's likelihood of victimization. One study that investigated the mistreatment of adults with disabilities living in the community found that approximately 30% percent of abuse was committed by caregivers (Smith et al., 2017).

Although barriers exist, advocacy, knowledge, and meaningful victim and survivor services may create a pathway to equitable justice for individuals with disabilities.

## Forensic Interviews for Adults with Disabilities

### *The Adult Advocacy Centers (AACs)*

The AACs serve crime victims and survivors with disabilities. Staff at the AACs have been trained to conduct forensic interviews using Project FIND, which teaches people who work with crime victims with disabilities how to collect information in a way that is legally defensible and tailored to an individual's needs. Contact information for the AACs is listed below.

**Email:** [contact@adultadvocacycenters.org](mailto:contact@adultadvocacycenters.org)

**Website:** [adultadvocacycenters.org](http://adultadvocacycenters.org)

## The Criminal Justice Process

The criminal justice system is made up of federal, state and county courts. There are also several special criminal courts, such as military courts. Cases related to abuse and neglect in Ohio are most commonly prosecuted in county criminal courts.

In criminal cases, the prosecution must prove the defendant's guilt beyond a reasonable doubt before there can be a guilty verdict. In Ohio, a criminal trial may be a jury trial or a bench trial.

A jury trial is a trial where 6 to 12 people chosen from the community listen to the evidence and legal arguments and decide whether the defendant is guilty or not guilty of the charges. In a bench trial, there is no jury, only a judge.



Although there are many types of courts, criminal justice systems are based on the U.S. Constitution and include the same basic steps, which are listed below. These terms can also be found in the glossary section of this guidebook. It is important to know that in many instances, charges will not be filed and the case will not go to trial (Keegan, 2016).

- **Arrest** – The individual accused of a crime is taken into custody.
- **Criminal Charges** – Following an arrest, law enforcement completes a detailed written report outlining the alleged crime.
- **Arraignment** – After the accused person is arrested and criminal charges are determined, they are brought before a court. The accused person is also called “the defendant.” Generally, this is the defendant’s first court appearance.
- **Pretrial Proceedings** – Before a criminal trial, the prosecution and the defendant exchange information, typically through the defendant’s attorney. Motions, discovery requests and witness summaries are typically filed.
- **Trial** – During a trial, the defense and prosecution both state their cases, and the jury or judge determines whether the defendant is guilty.
- **Verdict** – The official determination about the defendant’s guilt or innocence.
- **Sentencing** – If the defendant is found guilty, the judge will determine the defendant’s punishment. Punishment may include jail or prison time, a fine, court-ordered counseling, rehabilitation, community service, restitution or probation. Typically, the judge is provided with guidelines regarding sentencing and what additional conditions should be included in the defendant’s sentence.
- **Appeal** – If a defendant is found to be guilty of a crime, they have the constitutional right to appeal. If the appeal is accepted, a higher court may affirm the decision of the trial court, reverse the decision to the trial court, or remand the case to the trial court.

## Reasonable Accommodations

People with disabilities have the right to reasonable accommodations under the Americans with Disabilities Act (ADA). The ADA requires that the criminal justice system makes sure that people with disabilities are treated equally. It obligates law enforcement to provide reasonable modifications to policies, practices and procedures to make the justice system accessible to people with disabilities.

The ADA defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activities. This includes a person with a history or record of such an impairment, or a person who is perceived by others as having an impairment (ADA National Network, 2020).

Examples of some accommodations that could be provided by the criminal justice system to people with disabilities are listed below:

- Use of sensory items in the courtroom
- Braille materials

- Use of a service animal
- Accessible courtroom
- Answering questions with yes and no responses (New York State Unified Court System, 2020).

## Reasonable Accommodations for Individuals who are Deaf or Hard of Hearing

The criminal justice system has an obligation under the ADA to take appropriate steps to communicate effectively with people with disabilities (United States Department of Justice Civil Rights Division Disability Rights Section, 2020). ORC Section 2311.14(A)(1) also supports the provision of reasonable accommodations and states “whenever because of a hearing, speech or other impairment a party to or witness in a legal proceeding cannot readily understand or communicate, the court shall appoint a qualified interpreter to assist such person.”

Some examples of reasonable accommodations for deaf or hard of hearing individuals who are victims or survivors of crime and are listed below.

- Inclusion of interpreters in legal proceedings
- Moving to a smaller courtroom to provide better acoustics
- The use of two interpreters. Some situations require the use of both a hearing American Sign Language (ASL) interpreter and a Certified Deaf Interpreter (CDI). The ASL interpreter translates the words of the court official and interprets it into ASL for the CDI interpreter. The CDI interpreter, who is deaf, then takes that information and interprets it for the deaf victim or survivor in a way that can be better understood.

## Court Credentialing for ASL Interpreters

According to Rule 82.01 of the Rules of Superintendence for the Courts of Ohio, the Supreme Court of Ohio will offer credentialing to sign language interpreters who do not possess a Specialist Certificate: Legal (SCL). The Supreme Court of Ohio maintains a roster of court interpreters, which includes individual contact information, and can be found at [supremecourt.ohio.gov/JCS/interpreterSvcs/certification/rosters/language.pdf](https://supremecourt.ohio.gov/JCS/interpreterSvcs/certification/rosters/language.pdf).

## How to Request a Reasonable Accommodation

It is important to meet with a prosecutor or victim advocate to establish a list of needed accommodations. After the list is completed, the prosecutor should file a motion requesting an order for the accommodations.



## Victim and Survivor Services

### Victim Services Agencies

In addition to the criminal justice system, the two agencies below may advocate for and help victims and survivors with disabilities. Contact information for two additional agencies, the Ohio Victim Witness Association and the Ohio Crime Victim Justice Center, can be found on page 6 of this guidebook.

#### *Adult Advocacy Centers (AACs)*

The AACs offer disability-specific services for crime victims and survivors with disabilities. These services include:

- Forensic interviewing specifically designed for people with disabilities
- Victim advocates
- Medical forensic exams
- Connection to law enforcement agencies, prosecutors and victim services

**Email:** [contact@adultadvocacycenters.org](mailto:contact@adultadvocacycenters.org)

**Website:** [adultadvocacycenters.org](http://adultadvocacycenters.org)

#### *Ohio Domestic Violence Network (ODVN)*

ODVN supports and strengthens Ohio's response to domestic violence.

**Address:** 1855 E. Dublin-Granville Road #301 Columbus, Ohio 43229

**Phone:** 800-934-9840 or 614-781-9651

**Website:** [odvn.org](http://odvn.org)



## Ohio's Crime Victims Compensation Program

Ohio's Crime Victim's Compensation Program is administered by the Ohio Attorney General and reviewed by the Ohio Court of Claims. This program can provide reimbursement to crime victims and survivors for out-of-pocket expenses that happened as the result of a crime that was not covered by insurance or another source of reimbursement. Expenses that are potentially reimbursable include, but are not limited to, mileage/parking reimbursement for attendance related to criminal justice matters and medical or counseling appointments related to the crime, medical bills, lost wages, counseling, crime scene cleanup and repair for safety, and funeral expenses. Recent amendments to this program include possible reimbursements for hearing aids, dental aids, glasses, walkers and wheelchairs. The program also has restrictions and caps on reimbursable expenses. The Ohio Revised Code sections implementing the program are subject to change.

To be eligible for the program:

- The crime must have been reported to law enforcement
- The victim or survivor must have
  - Cooperated with law enforcement's requests
  - Not committed a criminal act that caused or contributed to the injury
  - Incurred expenses that were not fully covered by other sources

There are strict rules to qualify for compensation through the OCVCP. For example, individuals who have been convicted of a felony are not eligible. The Ohio Attorney General's office can provide a full list of qualifications and help you start a claim.

**Phone:** 800-584-2846

**Online Application:** [ohioattorneygeneral.gov/Individuals-and-Families/Victims/Apply-for-Victims-Compensation](https://ohioattorneygeneral.gov/Individuals-and-Families/Victims/Apply-for-Victims-Compensation)

## Marsy's Law

Victims and survivors with disabilities have the same rights as all victims and survivors. Marsy's Law gives Ohio's victims specific constitutional rights in the criminal justice process. These rights are listed below.

- The right to be treated with fairness and respect for the victim's safety, dignity and privacy
- The right to be informed, in writing, of all rights listed in this section
- The right to an attorney to protect and enforce their rights (the state is not required to pay for a victim's attorney)
- Upon request, the right to reasonable and timely notice of all public proceedings involving the criminal offense or delinquent act against the victim, and to be present at all such proceedings

- The right to be heard in any public proceeding involving release, plea, sentencing, disposition or parole, or in any public proceeding in which a right of the victim is implicated
- The right to reasonable protection from the person accused of the crime or any person acting on behalf of the accused person
- Upon request, the right to reasonable notice if the accused person is released or escapes
- Except as authorized by section 10 of Article I of this constitution, the right to refuse an interview, deposition or other discovery request made by the accused person or any person acting on behalf of the accused person
- The right to full and timely restitution from the person who committed the criminal offense or delinquent act against the victim
- The right to proceedings free from unreasonable delay and a prompt conclusion of the case
- Upon request, the right to meet with the prosecutor (Ohio Crime Victim Justice Center, 2021)

Victims and survivors may exercise these rights themselves, or they may choose a representative to exercise these rights for them. This representative can exercise the rights with the victim or instead of the victim. The victim cannot choose the accused person to be their representative, and they also cannot choose anyone who will not act in their best interest. Representatives should be aware that it is illegal to practice law without a license and should seek the advice of an attorney for any legal questions and issues.



## Conclusion

Advocacy can be challenging, and it is the hope of the AACs that this guidebook can provide information, assistance and direction for individual, group and systemic advocacy. Additional publications created by the AACs that may assist in advocacy efforts include:

- *Needs Assessment: Human Trafficking and People with Disabilities:* [adultadvocacycenters.org/assets/documents/aacs\\_needs\\_assessment\\_human\\_trafficking.pdf](https://adultadvocacycenters.org/assets/documents/aacs_needs_assessment_human_trafficking.pdf)
- *Prosecutor's Guide for Crimes Involving Victims with Disabilities:* [adultadvocacycenters.org/assets/documents/prosecutors\\_guide\\_2020.pdf](https://adultadvocacycenters.org/assets/documents/prosecutors_guide_2020.pdf)
- *A Guide to Informed Consent for People with Disabilities:* [adultadvocacycenters.org/assets/documents/aacs\\_informed\\_consent\\_guide.pdf](https://adultadvocacycenters.org/assets/documents/aacs_informed_consent_guide.pdf)
- *Assisted Safety Planning Guidebook:* [adultadvocacycenters.org/assets/documents/safety\\_planning\\_guidebook\\_assisted.pdf](https://adultadvocacycenters.org/assets/documents/safety_planning_guidebook_assisted.pdf)
- *Self-Directed Safety Planning Guidebook:* [adultadvocacycenters.org/assets/documents/safety\\_planning\\_guidebook\\_self-directed.pdf](https://adultadvocacycenters.org/assets/documents/safety_planning_guidebook_self-directed.pdf)



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# Glossary

**Advocate:** A person acting to support a person, cause or policy.

**Aggravated Assault:** Attempt to cause serious bodily injury to an individual without regard for the life or well-being of the victim.

**Appeal:** Review of the trial court's activities for legal error.

**Armed Robbery:** Theft that involves the use of a lethal weapon to perpetrate violence or the threat of violence against a victim.

**Arraignment** (pronounced *uh-RAIN-munt*): A hearing where the court formally charges a person with a crime. An arraignment is typically the first step in a criminal proceeding, where the defendant is brought to court to hear the charges and enter a plea.

**Arrest:** An act of apprehending an individual and taking them into custody, typically because the person is suspected or accused of committing a crime.

**Arson:** A willful and malicious burning or charring of property.

**Assault:** An attempt to cause harm to another. The definition of assault varies by jurisdiction, but generally, assault is the intent to put another person in harm or offensive contact. Physical injury is generally not required to meet the definition of assault.

**Attorney:** A professional who is trained in the law and licensed to practice law in a particular jurisdiction. There are many fields of law. One example is criminal law, in which an attorney-at-law is a practitioner in a court of law and is legally qualified to prosecute or defend actions in U.S. courts.

**Bail:** Property or money given to the court in return for the temporary release of the person accused of committing a crime. If the accused person fails to appear before the court, the court may be allowed to keep any money that was given as bail. The purpose of bail is to secure the participation of a defendant in the court proceedings.

**Battery:** The act of beating someone with successive blows.

**Beyond a Reasonable Doubt:** Proving that there is no other rational explanation that can come from the evidence presented at trial.

**Blackmail:** The act of threatening to tell secret information about someone unless given money or performing certain acts.

**Burglary:** Unlawful entry into an individual's home or business with the intent to commit a crime.

**Criminal Charges:** A formal accusation made by a governmental authority.

**Criminal Hearing:** An opportunity for someone to be heard in a court before a judge. A criminal hearing is held after a defendant's first appearance in court. The hearing determines whether there is probable cause to believe that the defendant committed a crime.

**Defendant:** A person charged with committing a crime.

**Defense Attorney:** A lawyer who represents a defendant, perpetrator or offender in court proceedings.

**Domestic Violence:** The use of physical, sexual or psychological violence to try to get power or control of another individual in a relationship.

**Drug Trafficking:** Selling, transporting or illegally importing unlawful controlled substances.

**Embezzlement:** A type of white-collar fraud in which a person or entity misappropriates funds and uses the funds for unintended purposes.

**Evidence:** Information presented to the court in a criminal proceeding that supports the argument the prosecution or defense is making about what happened in the case. Evidence can be material items or assertions of facts that are submitted to establish the facts under investigation.

**Extortion:** Using force, violence or intimidation or threatening to use force, violence or intimidation to gain money or property from an individual or entity.

**Forgery:** A false document, signature or other imitation with an intent to deceive another person

**Grand Jury:** A grand jury consists of members of the community who determine if cases presented to them by prosecutors should be considered crimes and the people involved should be charged and proceed through the criminal justice process.

**Interrogation:** An interview conducted by law enforcement to obtain information related to an alleged criminal offense or delinquent act.

**Judge:** An elected or politically appointed official who oversees criminal cases in court.

**Jury:** A group of people from the community selected to sit in the courtroom, hear the facts presented in a trial and make findings of guilty or not guilty based on the evidence presented.

**Hate Crime:** Targeting and committing a crime against a person or group of people because of their membership or perceived membership in a social group or demographic.

**Homicide:** The killing of another individual.

**Identity Theft:** When someone wrongfully obtains and uses another individual's personal data in a fraudulent or deceptive way.

**Law Enforcement:** People who enforce laws, investigate crimes and make arrests. State law enforcement includes local, state and county police. Federal law enforcement includes the Federal Bureau of Investigation (FBI), Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE).

**Labor Trafficking:** Use of force, fraud or coercion to obtain labor or services from another person.

**Larceny:** Taking possessions from another with the intent to steal.

**Manslaughter:** Killing another person that does not involve the intent to seriously harm or kill, or extreme, reckless disregard for life.

**Magistrates:** Magistrates are appointed and preside over many aspects of criminal cases. Magistrates have the same authority as judges, except they can only conduct jury trials.

**Media:** Communication tools used to deliver information or data.

**Murder:** Killing another person without justification or excuse with hatred.



**Newsletter:** A publication issued periodically to members of a group, business, or organization.

**Obstruction of Justice:** An act where a person interferes with the orderly administration of justice.

**Perpetrator:** A person who committed a crime.

**Perjury:** Making a false statement under oath.

**Physical Abuse:** The intentional act of causing physical injury or trauma to another person.

**Preliminary Hearing:** A hearing held after a defendant's first appearance in court to determine whether there is probable cause to believe that the defendant committed a crime.

**Pre-Trial:** A proceeding that is held before a trial. A pre-trial is a meeting in which the opposing attorneys talk to each other, usually with a judge, and try to agree to end the case.

**Prosecutor:** A government attorney who presents a case against a defendant in a criminal trial. A prosecutor represents the government in the case brought against the accused person. Notably, they do not represent the victim, but they can advocate for the victim's interests in a criminal case.

**Rape:** Non-consensual sexual intercourse that is committed by physical force, the threat of injury or other duress.

**Reasonable Accommodation:** A modification or adjustment to a policy, procedure or process for an individual with a disability.

**Robbery:** Taking the property of another with the intent to permanently deprive the person of their property using force or fear.

**Sentencing:** A proceeding when the defendant is brought to court to find out what their penalty will be after they are found guilty. A criminal sentence is a formal legal consequence associated with the conviction.

**Sexual Assault:** Act in which the offender subjects the victim to sexual touching that is unwanted or offensive.

**Sexually Battery:** Unwanted or non-consensual sexual contact.

**Sex Trafficking:** The use of force, fraud or coercion to compel another individual to engage in a sex act for money or causes a child to engage in a sex act for money.

**Trial:** A hearing for a criminal court case.

**Verdict:** The findings or conclusions based on the factual issues that were presented during the trial. This may be made by a jury or a judge.

**Victim Advocate:** A professional person who is trained to help victims through the criminal justice process

**Victims' Rights Attorney:** An attorney who represents the victim in a criminal case. The Ohio Crime Victim Justice Center provides free legal services to Ohio's victims of crime when their rights have been violated.

**Victim/Survivor:** A person who suffered physical or emotional harm as the result of a crime. See page 16 for additional information.

**Witnesses:** A person who saw, heard or has information about a crime.



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