

A close-up, slightly blurred photograph of the stars and stripes of the United States flag, serving as the background for the entire page.

FROM THE OFFICE OF
ATTORNEY GENERAL LYNN FITCH

CRIME VICTIMS' GUIDE

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Lynn Fitch
ATTORNEY GENERAL

DEAR CRIME VICTIMS



If you are reading this, you or someone you know has been victimized by a criminal act, and may be uncertain about what happens next. I hope this Crime Victim's Guide will be of assistance to you as you navigate the judicial process and as you search for resources and support to help you recover from the victimization.

As Attorney General, I am dedicated to serving the needs of crime victims and their families. We have restructured our Bureau of Victim Assistance to provide a more personalized approach to victim advocacy. Each of our advocates is assigned to a geographic region of the State, where they work with law enforcement, courts, shelters, and other service providers to assist victims with resources and support. We also administer the Crime Victim Compensation Program, which provides financial assistance to victims of crime. Compensation may be available for a wide variety of services including counseling, crime scene cleanup, domestic violence relocation and temporary housing, medical and dental expenses, lost wages, and more. My team is dedicated to assisting applicants navigate the application process, and process applications as expeditiously as possible.

If you move away from your home due to domestic violence, sexual abuse, or stalking, we also offer the Address Confidentiality Program, which allows qualified participants to obtain a substitute address for receiving mail, obtaining a Mississippi driver's license, or enrolling children in school.

These are just a few of the victim services offered by my Office to help you recover from a crime with dignity and peace of mind. You can get more information at:

AttorneyGeneralLynnFitch.com



A handwritten signature in black ink that reads "Lynn Fitch". The signature is fluid and cursive, with "Lynn" on the left and "Fitch" on the right, connected by a loop.

MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS

Mississippi has adopted a Crime Victims' Bill of Rights that allows a victim to have involvement in their offender's case. For a complete list of these rights, please visit AttorneyGeneralLynnFitch.com.

THE CRIMINAL JUSTICE PROCESS



MISDEMEANOR AND FELONY CRIMES

Crimes are placed into two general categories: misdemeanors and felonies. **Misdemeanors** may carry a penalty or a fine and/or imprisonment in the County or city jail for one year or less. Some examples of misdemeanors are traffic offenses, domestic violence (first and second offenses), simple assault and driving under the influence-DUI (first and second offenses). **Felonies** are more serious crimes and may carry a penalty of imprisonment in a state penitentiary for more than one year or death. Some examples of felony offenses are aggravated assault, rape, child sexual assault, child physical abuse, murder, manslaughter, domestic violence (third offense), DUI (third offense or resulting in injury or death), armed robbery and burglary.

Misdemeanors and felonies are handled in different courts. The defendant in both a misdemeanor and a felony case has the right to a jury trial under our Constitution. A jury trial is automatic in felony cases if the matter goes to trial. The defendant in a misdemeanor case must specifically request a jury trial. Misdemeanor trials are rare.

DESCRIPTION OF COURTS

Different courts hear different types of cases. The jurisdiction of a case will determine what type of court will hear the case. The jurisdiction of criminal cases is determined by the type of crime (felony or misdemeanor) and the location of where the crime took place. Mississippi has several types of courts within our judicial system and each serves a different function. The following is basic information about some of the different courts of Mississippi.

JUSTICE COURT – Justice courts hear misdemeanor criminal cases that occur within their jurisdiction (county where the court is located). Justice Courts are also authorized to conduct pre-trial proceedings in felony cases. For example, a Justice Court Judge may set the amount of bond, hold bond reduction hearings, and hold preliminary hearings to determine whether there is enough evidence to present a felony case to the grand jury.

MUNICIPAL COURT – Every city must have a Municipal Court. These courts hear misdemeanor crimes which occur within the city or town limits.

COUNTY COURT – County Courts only exist in 22 counties in Mississippi. County Courts are unique because, in certain situations, they have the same jurisdiction as the Justice Courts and Circuit Courts and can hear many of the same cases.

CIRCUIT COURT – Circuit Courts hear felony cases. The State of Mississippi has 22 Circuit Court districts which may contain one or more counties. Most districts have more than one Circuit Court Judge. Circuit Courts have certain time periods during the year when the court will hear cases in each of the counties served by that court. These periods are called “terms of court.” During all other times, the court is considered to be “in vacation.” The term “vacation” does not mean that the Judge and his or her support staff are not working. The court may be actually hearing cases in another county within the same district.

CHANCERY COURT – Chancery Courts hear matters involving divorce, child custody, visitation and support, guardianships, mental commitments and probate matters. These courts serve as the Youth Court in counties where there is no County or Family Court.



YOUTH COURT – Youth Court has exclusive original jurisdiction in all proceedings concerning a delinquent child or child in need of supervision, except when a child commits an act or attempts to commit an act which, if committed by an adult, would be punishable under state or federal law by life imprisonment or death, or commits or attempts to commit an act involving the use of a deadly weapon.

APPELLATE COURT – Our State has two appellate courts: the Mississippi Supreme Court and the Court of Appeals. Both are located in Jackson, Mississippi. These Courts only hear cases where a final decision has been made by other courts. Appellate courts do not hear from witnesses or conduct trials.

These courts review records and transcripts of the cases from the lower courts and in certain cases, they will hear oral arguments by attorneys. Oral arguments are standard in death penalty cases. The primary function of an appellate court is to review the decisions of other courts and determine whether an error occurred in the trial process. An appellate court can uphold the decision of the lower court; overturn the decision of the lower court and return the case for further proceedings; or overturn the decision of the lower court and make a different decision.

COURT OF APPEALS – The Court of Appeals was established in 1995 to help the Mississippi Supreme Court with the overwhelming number of pending appeals. All appeals are filed with the Mississippi Supreme Court. The Supreme Court then determines which cases are to be assigned to the Court of Appeals. Decisions of the Court of Appeals are final. However, if a party is unwilling to accept the decision, he/she may ask the Supreme Court to review the case. The Supreme Court can decide whether or not to consider the case.

MISSISSIPPI SUPREME COURT – The Mississippi Supreme Court is the highest appellate court in our state.

THE CRIMINAL JUSTICE PROCESS

INVESTIGATION

An investigation usually begins with a complaint from a victim or a witness, knowledge from informants or ongoing surveillance which may reveal criminal activity. The primary purpose of the investigation is to determine whether a crime has been committed and by whom. A well-conducted investigation is one of the most valuable steps in the criminal justice process. The quality of the investigation may determine whether a case is won or lost in court. Law enforcement agencies will interview victims and witnesses, examine the crime scene, collect and process physical evidence, and attempt to locate the offender.



ARREST

Arrest is the act of taking a person into custody for the purpose of charging that person with a crime. Arrest warrants are written orders giving an officer the authority to make an arrest. Arrest warrants are not always required. If an officer observes a felony being committed or has reasonable cause to suspect and believe that a person has committed a felony, the officer may arrest the suspect without a warrant. The officer making the arrest must inform the accused of the reason for the arrest.

INITIAL APPEARANCE

The accused must be brought before a judge for an initial appearance within 48 hours of an arrest. The judge will advise the defendant of the charges, inform the defendant of his or her Constitutional rights, determine whether the defendant is entitled to have an attorney appointed, and set bond. Initial appearances normally occur in Justice Court. The initial appearance happens in a very short period, hours instead of days. Since this happens so quickly after the arrest, notification to the victim is not required.

PRELIMINARY HEARING

At the preliminary hearing, the judge will determine whether there is probable cause that the person charged committed the crime and will bind the defendant over to the grand jury. If it is determined that there is not sufficient probable cause, the judge may dismiss the case.

Many defendants choose to waive the proceeding and the case will go straight to grand jury.

The victim has the right to be notified of the date and time of the preliminary hearing, of any changes to the date and time, and to be present at the hearing.

BAIL

Bail is normally set at the initial appearance. If bail has not already been set, the judge may do so at the preliminary hearing. The purpose of bail is not to punish the defendant, but to ensure that the defendant appears at the trial. The defendant is presumed innocent at this point. The amount of bail depends on the circumstances. **Factors the judge may consider when setting bail include:**

- How long the defendant has lived in the community
- The defendant's employment status, history and financial status
- The defendant's family ties and relationships
- The defendant's reputation, character and mental condition
- The defendant's prior criminal record
- The nature of the offense

VICTIM ASSISTANCE COORDINATORS

Victim Assistance Coordinators have a special and important role within the criminal justice system. These individuals are specifically placed in the District Attorney's Office to provide services to crime victims. Victim Assistance Coordinators are an extremely helpful addition to the criminal justice process and crime victims. They have many different roles which vary, depending on the nature of the case.

INITIAL APPEARANCE

The accused must be brought before a judge for an initial appearance within 48 hours of an arrest. The judge will advise the defendant of the charges, inform the defendant of his or her Constitutional rights, determine whether the defendant is entitled to have an attorney appointed, and set bond. Initial appearances normally occur in Justice Court. The initial appearance happens in a very short period, hours instead of days. Since this happens so quickly after the arrest, notification to the victim is not required.



Services that Victim Assistance Coordinators provide include:

- Crisis intervention
- Information on the Mississippi Crime Victims' Bill of Rights
- Information on the status and progress of the victim's case
- Information on the criminal justice system
- Notification of court proceedings
- Accompanying the victim to court
- Provide a safe waiting area in the courthouse
- Referrals to victim service providers and social service agencies
- Information on the Mississippi Attorney General's Crime Victim Compensation program can be found at

AttorneyGeneralLynnFitch.com



GRAND JURY

The primary purpose of a grand jury is to determine whether there is sufficient evidence for an indictment of the defendant. Grand jury proceedings are closed to the public and are, by nature, secret proceedings.

If the grand jury determines that there is enough evidence for an indictment, they will return a "true bill." An indictment states the formal felony charges to be brought against a defendant.

A "capias" is issued once the grand jury returns a true bill of an indictment. The capias authorizes a law enforcement officer to arrest the accused. The accused will be served with a copy of the indictment at the time of the arrest.

The victim has the right to be notified of the grand jury meeting and any changes to the date and time. The victim does not have the right to attend. However, the victim may be present at the courthouse during grand jury proceedings. The victim cannot go into the grand jury room unless he/she is subpoenaed to testify. The District Attorney's Office may inform the victim or, if the victim is deceased, a member of the immediate family, as to the status of a charge at any time during presentation to the grand jury consistent with the rules of court. If the offender is indicted and arrested, the victim will be informed by the prosecutor's office.

ARRAIGNMENT

The defendant will be “arraigned” after an indictment. An arraignment is a court proceeding before a Circuit Court Judge. The judge will ask whether or not the accused is represented by an attorney. An attorney may be appointed if the accused is indigent (does not have the financial ability to hire a private attorney). Victims have the right to be notified of and to be present at the arraignment.

At the arraignment, the Prosecutor reads the indictment in open court, unless this is waived by the accused. The accused will then enter a plea of guilty or not guilty. If the accused enters a plea of guilty, the court may proceed with sentencing. If the accused enters a plea of not guilty, a trial date will be set.

The court may also set bail during the arraignment. Individuals who have remained in jail due to the inability to make bail may seek a reduction in the amount of bail at this time. The court may then hear arguments regarding the amount of bail.

PLEA BARGAINING

Plea bargaining is the process of negotiation between the Prosecutor and the defendant on charges or sentencing recommendations. This process usually involves a series of offers and counter-offers between the parties. The Prosecutor will typically offer to reduce the charges, or dismiss one or more charges, in exchange for a guilty plea by the defendant. The Prosecutor will then agree to make a recommendation to the court on sentencing.

Plea bargaining is an extremely important stage for victims, and victims are strongly encouraged to participate in this process. Victims should discuss their views about plea bargaining with the Prosecutor’s Office. **Victims who have submitted the Request To Exercise Victims’ Rights form to the Prosecutor have the following rights during plea bargaining:**

- To be informed about the plea bargaining
- To discuss with the Prosecutor offers that are being made and/or accepted
- To give the Prosecutor his/her views on:
 1. Dismissal of charge
 2. Reduction of the charge
 3. Sentence recommendation
 4. Pre-trial diversion programs

CRIME VICTIMS' GUIDE 2021

Victims also have the right to be present when the defendant enters a guilty plea. The court cannot proceed with the acceptance of a guilty plea unless the victim is present or the Prosecutor can assure the judge that a reasonable effort has been made to contact the victim, and inform them of the hearing and their right to be present. Victims also have the right to present an impact statement to the court if the defendant pleads guilty.

PRE-TRIAL HEARINGS

The judge will set a pre-trial hearing to hear motions from the Prosecutor or defense attorneys before the trial.

Points of law are argued by the attorneys and issues may include:

- Suppression of evidence
- Change of venue (location of trial)
- Dismissal of the case

Victims have the right to be notified of any pre-trial matters to be heard by the judge and to be present at any pre-trial hearings.

TRIAL

Victims have the right to be notified of the trial date, any changes made to that date, and to be present at the trial. The Prosecutor will confer with the victim before the beginning of the trial. If available, the court shall provide a waiting area for the victim separate from the defendant, relatives of the defendant, and defense witnesses. If you are the victim of or witness to the crime, you may be expected to testify at trial. (See section on testifying.)



JURY SELECTION

The first step of the trial phase is jury selection. Any citizen charged with a felony crime has a Constitutional right to a jury trial. A jury is selected by summoning registered voters to appear before the court on a certain date. This pool of jurors is called a "venire." The court will proceed with the "voir dire process." This is the procedure used to select the jury where the attorneys are allowed to question potential jurors.

Potential jurors may be questioned on:

- Their personal beliefs
- Their knowledge about the case
- Their ability to remain impartial

Jurors and alternates will then be selected to hear the case. Alternate jurors listen to the entire case and are available to serve if a juror is unable to continue.

OPENING STATEMENTS

After the jury is selected, the Prosecutor and defense attorney may make an opening statement to the jury. An opening statement gives each side the opportunity to explain the case and to give an overview of the events that will follow. The attorneys will describe the evidence and witnesses to be presented.

The Prosecutor will make the first statement. The defense may decide to give a statement after the prosecution has made its statement or the defense may wait until the prosecution has rested its case.

PROSECUTION AND DEFENSE CASE IN CHIEF

Once the opening statements are completed, each side will present its case (case in chief) using witnesses and physical evidence. The prosecution will go first. The Prosecutor calls witnesses to establish the elements of the crime and to introduce physical evidence. This is accomplished through the process of "direct examination." Direct examination is the questioning of witnesses by the side which has called that witness to testify.

Following the direct examination of each witness, the defense may cross examine each witness. After cross examination by the defense, the Prosecutor may then question the witness again to explain any testimony provided during the cross examination. This process is called "re-direct examination" of the witness.

The opposing attorney may object to certain questions during the examination or to the answers given by the witness. The judge will consider the legal basis of the objection, followed by the response from the opposing attorney, and will then rule on the objection. The court will either "sustain" or "overrule" the objection. If an objection is sustained, the judge will either disallow the question or request that the attorney rephrase the question. If an objection is overruled, the judge will allow the question and the testimony to continue.

The Prosecutor will announce to the court that the State "rests" its case after all witnesses and evidence have been presented. This simply means that the State has concluded its case.

The defense may then present witnesses and evidence using the same process as described above. However, the defense may make a Motion for Directed Verdict and/or Acquittal before presenting witnesses and evidence. Such a motion is routine, and the defense is basically requesting that the judge enter a Judgment of Acquittal, a ruling that the prosecution has not proved its case beyond a reasonable doubt. If the judge overrules this motion, the trial will proceed. If the judge grants the motion, the trial is over and the judge will enter a Judgment of Acquittal.

JURY INSTRUCTIONS

Jury instructions are written statements about the law, the weight of the evidence, the burden of proof, and the elements of the crime. These instructions are reviewed by the judge and attorneys for each side and then approved by the judge before they are read aloud to the jury. These instructions guide the jury in its deliberations.

CLOSING ARGUMENTS

After being instructed on the law by the court, the jury will hear closing arguments by each side. The prosecution is allowed to make its argument first. Each side receives an equal amount of time for closing arguments. The Prosecutor may decide to save a certain amount of this time for "rebuttal." Rebuttal is when the Prosecutor makes additional closing arguments to rebut (answer) what the defense has argued in its closing arguments.



JURY DELIBERATIONS

Following closing arguments, the jury is sent to the jury room to make a decision on guilt or innocence. The jury will first elect a foreperson who will guide the deliberations and announce the verdict to the court. Jury deliberations are confidential.

The verdict of the jury must be unanimous in a criminal case. All jurors must find a defendant "guilty" or "not guilty." Anything less than the agreement of all jurors will result in a "hung jury." If the case results in a hung jury, the Prosecutor must decide whether to try the case again, attempt to settle the case by plea bargaining, or dismiss the charges.

If the jury returns a not guilty verdict, the accused is released and is free to leave. If the jury returns a guilty verdict, the court may proceed with sentencing. In most cases, the court will set a date for sentencing. This allows time for a pre-sentence investigation to be conducted.

CRIME VICTIMS' GUIDE 2021

VICTIM IMPACT STATEMENT

Victim Impact Statements provide victims the opportunity to discuss the physical, emotional and financial effects the crime has had on them and their families. It is also an important tool to help the courts and corrections officials when making decisions about sentencing and release.

The Crime Victims' Bill of Rights allows the victim to provide a Victim Impact Statement at different times throughout the criminal justice process and to submit it to different offices. Victims can provide a statement to the court when the defendant enters a guilty plea, at sentencing, or at restitution proceedings; to the probation officer for their use in preparing a pre-sentence report, and to the Department of Corrections for their use in consideration of the offender's community status, release, parole or pardon.

The law also allows you to present the impact statement in different ways, such as written, oral, audio recording or video recording. The way in which victims can present their statement is determined by the court or office to which you submit the statement. Be sure to find out from the court or office how statements are to be submitted.

Helpful hints for completing the Victim Impact Statement:

- The length of your statement is important. A statement is not more effective simply because it is long
- Be brief and to the point, but not so short that important information is left out
- Keep in mind that a Victim Impact Statement is not an opportunity to criticize the legal system, the court or the defendant
- Oral, audio or video statements are more effective if they are no more than ten minutes

SENTENCING

Sentencing may occur immediately after the trial or at a later date. The period between the trial or a guilty plea and the sentencing hearing allows a probation officer to conduct and complete the pre-sentence investigation. After this investigation is complete, the probation officer will submit a (presentence) report to the judge. The presentence report will include a great deal of information for the judge to consider when determining an appropriate sentence for the defendant. Most reports will contain the following information: the nature and type of the offense, personal information about the defendant, previous criminal history of the defendant, medical, social and psychological history of the defendant, and the Victim Impact Statement. Pre-sentence reports will also include the sentencing recommendation of the probation officer and the Prosecutor. Sentences vary according to many factors such as the circumstances surrounding the crime, the minimum and maximum penalties allowed by law, and the characteristics and needs of the defendant.

TESTIFYING

Helpful hints if you have to testify at trial:

- First, arrive at court on time and appropriately dressed. Court is not a casual environment. Spectators and participants are expected to dress in a neat, professional and appropriate manner.
- Always tell the truth.
- Never chew gum while testifying. This is inappropriate and may distract the jurors. Remember, the jurors are judging your credibility. Jurors consider not only the information that you provide, but your mannerisms, dress and demeanor in deciding whether you are telling the truth.
- Be prepared. Do not attempt to memorize what you will say, but review important events, dates, and times prior to testifying. Many times, jurors will view a witness with a faulty memory as a witness without credibility. If you do not know the answer to the question, simply respond, "I do not know." Never attempt to speculate or guess about an answer to the question.
- Speak clearly and loudly. You are speaking to the judge or a jury and they need to hear and understand what you have to say. You should also speak clearly so the court reporter can accurately take down your testimony.
- Avoid nodding or shaking your head in response to questions. Always give verbal responses to the question.

CRIME VICTIMS' GUIDE 2021

- Listen carefully and answer only the question that is asked by the attorney. It is not in your best interest to volunteer additional information. If a question can be answered with a "yes" or "no," then do so. If you need to explain your answer, the court will allow you to do so, but keep your explanations brief and to the point.
- If you do not understand a question, say so. Never attempt to answer a question that you do not understand. The attorney can rephrase or ask the question in a different way.
- Maintain a courteous demeanor, even during cross examination. Court is not the appropriate time or place to lose your temper or to attempt to argue with the attorney. The jury may view witnesses who lose their temper or argue with attorneys as hostile. Remain calm, gather your thoughts and answer the question that you have been asked.
- Maintain eye contact with the judge or jury. Do not look away or hang your head. Many judges and jurors view the inability to maintain eye contact as an indication that the witness is not telling the truth.
- Lastly, be prepared to spend quite a bit of time waiting. You may wait minutes, hours or days to testify. No one is able to precisely predict when a particular witness is needed.

Witnesses are usually not allowed in the courtroom except during their testimony. At the beginning of the trial, one of the attorneys will most likely "invoke the rule." Doing so requires all witnesses to remain outside of the courtroom. This rule exists to insure that witnesses testify from their memory only and not from information given by others.

POST CONVICTION PROCEDURES

APPEALS

Defendants have the right to appeal their cases. Several different courts have authority over appeals, and several factors determine where a defendant must file their appeal.

Cases which were handled in municipal or justice courts must be filed in the county court. If the county does not have a County Court, the appeal must be filed with the Circuit Court. Appeals from Municipal and Justice Courts are to start at the beginning, as if no proceedings were held in the lower court.

Cases which occurred in County Courts must file an appeal with the circuit court. Cases which occurred in Circuit, Chancery and Youth Courts must file an appeal with the Supreme Court of Mississippi. The Supreme Court decides which cases stay in the Supreme Court and which cases are sent to the Court of Appeals. Certain cases, such as death penalty cases, always remain with the Supreme Court.

The Supreme Court or the Court of Appeals will review the proceedings that happened in the court that originally handled the case. The appellate court only considers the issues that have been presented for review. Each party submits a written statement of the issues presented for review and the legal argument in support of each issue. The Supreme Court also reviews a copy of the transcript of the lower court proceedings. The Supreme Court and Court of Appeals do not hear from witnesses or handle evidence, they only review the record presented to the court.

Appeals generally involve issues of facts as well as issues of law. Issues of fact usually challenge the evidence presented at trial. Issues of law vary and include such matters as Constitutional violations, wrongful admission of evidence, improper use of a legal standard or the use of an incorrect legal standard.

Issues of law vary and include such matters as:

- Constitutional violations
- Wrongful admission of evidence
- Improper use of a legal standard
- Use of an incorrect legal standard



CRIME VICTIMS' GUIDE 2021

Appellate courts closely consider issues involving trial court proceedings and only reverse where "reversible error" is present. Just because the proceedings may have contained an error, not every error justifies a reversal. Our appellate courts have often held that defendants are not entitled to a perfect trial, only a fair trial.

If an appellate court "affirms" a case, the conviction is upheld. If the appellate court finds reversible error, the case will either be "reversed and remanded" or "reversed and rendered." If a case is reversed and remanded, the conviction is overturned and the case is returned to the lower court for further proceedings. If a case is reversed and rendered, the conviction is overturned and no further proceedings will be held in the case. This decision is final and the case is not returned to the lower court.

The victim has the right to be informed of the status of any post-conviction court review or appellate proceeding or any decisions arising from those proceedings. The Office of the Attorney General or the Office of the District Attorney, whichever is appropriate, shall provide the information to the victim within five (5) business days. Witnesses are usually not allowed in the courtroom except during their testimony. At the beginning of the trial, one of the attorneys will most likely "invoke the rule." Doing so requires all witnesses to remain outside of the courtroom. This rule exists to insure that witnesses testify from their memory only and not from information given by others.

POST CONVICTION COLLATERAL RELIEF ACT

Defendants who are granted bail pending their appeal may not have to begin serving their sentence immediately. Crimes excluded from bail pending appeal include felony child abuse and any offense in which a sentence of death or life imprisonment is imposed. In these circumstances, the Circuit Court will set an appeal bond and the defendant will be released after meeting the requirements of that bond.

BAIL PENDING APPEAL

In Mississippi, individuals convicted of felony crimes may file for relief (appeal) under the Post Conviction Collateral Relief Act. These actions are filed and heard in the Circuit Court where the conviction was obtained. These cases may be appealed to the Supreme Court of Mississippi. This procedure is most commonly used when the defendant has pled guilty.

Once the appeal has been decided, the defendant begins serving his or her sentence. The decision to grant bond while an appeal is pending is solely within the discretion of the judge.

The convicted offender must show to the court clear and convincing evidence that the release would not present a special danger to any person or community.

The victim has the right to submit a written statement to the court objecting to the release of the offender on bail pending an appeal.

INCARCERATION

A defendant convicted of a misdemeanor and sentenced to a period of incarceration serves his/her time in the county or municipal jail. If convicted of a felony, a defendant becomes an inmate of the Mississippi Department of Corrections.

MISSISSIPPI DEPARTMENT OF CORRECTIONS, VICTIM SERVICES DIVISION

Victims may continue to receive information about the status and location of the inmate from the Mississippi Department of Corrections, Division of Victim Services. **Other rights provided to victims include:**

- Notice within fifteen (15) days prior to the release of an inmate at the end of his/her sentence; inmate's medical release; inmate's escape
- Right to submit a Victim Impact Statement for consideration of the inmate's community status
- For any release whether by executive order or judicial action

To receive assistance and/or notification of the events previously mentioned, victims must register with the Mississippi Department of Corrections. For more information regarding the registration process, please contact the Mississippi Department of Corrections Victim Services Division at 866-522-4087 or visit their website at www.mdoc.ms.gov. Offender information can also be obtained on the website.

CRIME VICTIMS' GUIDE 2021

PROBATION

The offender may also be sentenced to probation after being convicted of a criminal offense. Probation is typically used with first offenders and non-violent offenders. Probation is an option that allows the offender to remain in the community while being supervised to ensure the safety of the community. Probation usually results from two different situations: the court may simply sentence the offender to a period of probation or the court may sentence the offender to a term of incarceration, but suspend all or some of that term, and allow the offender to be placed on probation.

If an offender is placed on probation, they must agree to abide by certain conditions. The offender's ability to stay in the community is based on their good behavior.

Conditions of probation for the offender may include:

- Completing community service
- Finding and maintaining employment
- Meeting curfew
- Participating in substance abuse treatment
- Paying fines, fees and restitution
- Submitting to random drug screening
- Undergoing counseling

Violation of these conditions may result in their probation being revoked (cancelled) and their incarceration.

PAROLE

Parole is the early release of an inmate from incarceration after serving a portion of the original sentence. Parole is conditional and the offender must comply with conditions in order to remain in the community. If they fail to do so, they are considered to have violated the terms of their parole and may be returned to prison. Offenders on parole or probation must report to a probation/parole officer.

PAROLE BOARD

The Parole Board is a group of individuals appointed by the Governor to consider whether inmates should be released on parole. Parole is not automatic and the decision is at the discretion of the parole board.

When considering whether to grant or deny parole, the Board considers a multitude of factors regarding the offender including, but not limited to, the following:

- Severity of offense
- Number of offenses committed
- Psychological and/or psychiatric history
- Disciplinary action while incarcerated
- Community support and opposition
- Amount of time served
- Prior misdemeanor or felony conviction(s)
- History of drug or alcohol abuse
- History of violence
- Crimes committed while incarcerated
- Escape history
- Participation in rehabilitative programs, and/or arrangements for
- employment and/or residence

Simply because an inmate is eligible for parole does not mean the inmate will be released from custody. Parole eligibility refers to the earliest date that an inmate may be considered for release. Victims are not voiceless before the Parole Board. They have the right to be notified and allowed to submit a Victim Impact Statement when parole is considered.

Victims may express their views to oppose or support parole. See the Victim Impact Statement section in this guide for more information about preparing your statement.

For more information about parole, contact the Mississippi Parole Board at **601-576-3520** or visit their website at:
www.mdoc.ms.gov.

Earned Time Release: Depending on the type, date and length of a conviction, a prisoner may be eligible for early release up to one-half of the total sentence. This provision is modified frequently by the legislature and may affect already existing conditional release dates.



VICTIM RESOURCES PROVIDED BY THE OFFICE OF THE ATTORNEY GENERAL

The Office of the Attorney General Bureau of Victim Assistance provides a variety of services for Mississippi crime victims.

This crime victim centered mission is to facilitate efforts which increase the effectiveness of the criminal justice system, promote the fair and compassionate treatment of victims of crime, and ensure victims are afforded the rights and considerations they are entitled through training and technical assistance of civil and criminal justice professionals, victim advocacy and financial assistance. **The Bureau of Victim Assistance encompasses the following divisions:**

VICTIM ASSISTANCE/ADVOCACY

The following services are provided:

- Assisting with obtaining victim rights
- Assisting with the Crime Victim Compensation Application
- Criminal justice and court related services
- Crisis intervention
- Information about the Mississippi Crime Victims' Bill of Rights
- Information and referral to victim services in the victim's area
- Notification of appeal decisions
- Personal advocacy and support services, and
- Providing court accompaniment for victims, investigation and case updates, and notifications mandated by the Mississippi Crime Victims' Bill of Rights in cases handled by the Mississippi Office of the Attorney General.

CRIME VICTIM COMPENSATION PROGRAM

The Crime Victim Compensation Program provides financial assistance to eligible victims of violent crime and their eligible family members. The Program assists with reducing the financial burden of crime by reimbursing victims for their crime related expenses not covered by any other source of benefits (insurance, Medicaid, Medicare, disability benefits, Workers' Compensation, etc). Compensation may be awarded to the victim, the dependents of a deceased victim or a person authorized to act on behalf of the victim and/or surviving dependent.

Compensation may be available for:

- Counseling services
- Crime scene cleanup expenses
- Domestic Violence Relocation & Temporary Housing assistance
- Funeral expenses
- Transportation costs
- Loss of support for dependent(s) of homicide victims
- Medical and dental expenses
- Rehabilitation
- Lost wages
- Repair/replacement costs
- Tuition loss.
- You must submit an application for financial assistance.
- Eligibility requirements and limitations do apply.

ADDRESS CONFIDENTIALITY PROGRAM

If a victim moves to a new location to escape domestic violence, sexual abuse, or stalking, the Address Confidentiality Program (ACP) can help the victim in their attempt to keep their address confidential. When a victim becomes an ACP participant, their first class, certified and registered mail is sent to a secure substitute address and then forwarded to their new home. **The ACP participant can also use the ACP substitute address for a variety of state and local government requirements, such as:**

- Getting a Mississippi driver's license
- Registering to vote
- Enrolling children in public schools

CRIME VICTIMS' GUIDE 2021

SEXUAL ASSAULT MEDICAL FORENSIC EXAM PAYMENT PROGRAM

If you are the victim of a sexual assault and have had a Sexual Assault Forensic Examination done by a medical professional, you are not responsible for the bill for the examination. Section **99-37-25** of the **Mississippi Code** states that no bill for the examination will be submitted to the victim, nor shall the medical facility hold the victim responsible for payment. However, the medical provider can submit a request for payment for the examination directly to the Crime Victim Compensation Program.

Should you receive a bill for the forensic examination, you may want to notify the health care provider that you have been billed in error for the examination, as you are not responsible for payment and/or notify the **Crime Victim Compensation Division** of the outstanding charge.

For a full listing of crime victim resources near you, please visit our website AttorneyGeneralLynnFitch.com/victims for our Crime Victims Resource Directory.



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