



The Crime Survivor's Guide

A resource guide on the
criminal justice system in the
state of Tennessee.

Our Mission: To empower those victimized by violent crime
through education, advocacy, and understanding.

You Have the Power ... Know How to Use It, Inc.

Revised December 2019

Acknowledgments

Special thanks to those who gave generously of their time and advice for the “The Crime Survivor’s Guide”

District Attorney General’s Office, 20th Judicial District
Metropolitan Nashville–Davidson County Police Department
Office of the Attorney General of the State of Tennessee
Tennessee Board of Parole
Tennessee Department of Correction
Tennessee District Attorneys General Conference

Updated: December 2019

© 2019 You Have The Power...Know How To Use It, Inc. All rights reserved.
This book may not be reproduced in part or in whole without written permission of
You Have the Power...Know How To Use It, Inc.

Table of Contents

Message from the Founder of You Have the Power.....	3
Emotional Effects of Crime	4
The Healing Process	6
When Crime Happens	7
Victim Intervention Program	9
Identifying the Suspect.....	10
The Criminal Justice System.....	12
The Bond Hearing.....	12
Making Bail.....	13
The Preliminary Hearing.....	14
The Grand Jury	14
Criminal Court	15
The Appellate Process.....	17
Going to Court: What to Expect.....	18
Preparing for a Court Appearance	21
Sentencing.....	24
Victim Impact Statement	25
Parole	27
Parole Hearings	29
Directory of Tennessee Prisons	33
Tennessee Sex Offender Registry.....	34
Victim Services and Assistance	35
Office of the Attorney General, State of Tennessee	39
Restitution.....	40
Civil Suits	40
Rights of Victims and Witnesses.....	41
Coping with the Media.....	44
Terms You Need to Know.....	45

A Message from the Founder of You Have the Power

You Have the Power...Know How to Use It, Inc., is a not-for profit organization founded in 1993 in Nashville, Tennessee. Our mission is to educate, advocate and empower people and communities impacted by violent crime, and our philosophy is to make positive change happen through community involvement and collaboration.

We present public forums on issues such as domestic violence, acquaintance sexual assault, elder abuse, teen violence and human trafficking. We also facilitate classes on victim impact to those incarcerated in the Tennessee Department of Correction and to young adults.

The Crime Survivor's Guide includes information on the State of Tennessee Criminal Justice System from the perspective of those victimized by crime and their families. Please note the Guide does not include detailed information about the Juvenile System or the Federal System.

We offer a range of original documentaries that feature survivors' experiences and a variety of resource guides. Resource guides such as this Crime Survivor's Guide are complimentary. A full list of resource guides is on our website and includes topics such as "No Place Like Home" (Domestic Violence), "Our Children" (Child Abuse), and Human Sex Trafficking.

CONTACT US: For further information, access our website at www.yhtp.org, email us at info@yhtp.org, or call us (615) 292-7027.

Sincerely,



Andrea Conte
Founder, You Have the Power
2401 White Avenue
Nashville TN 37204

The Emotional Effects of Crime

Once affected by a crime, the world feels very different. The emotions you feel are normal, not a sign of weakness. They are part of the natural process that leads to healing.

Defensiveness, constant crying, or extreme anger are normal reactions to crime, not a sign of weakness. You may also experience some or all of these common reactions:

- Constant crying
- Extreme anger
- Difficulty sleeping
- Nightmares
- Eating too much or too little
- A heightened startled response – feeling “jumpy”
- Constantly thinking about the event
- Mood swings
- Excessive vigilance – being alert to any possible sources of danger
- Depression
- Avoiding people, places, or things that remind you of the event
- Guilt for not being able to prevent the event
- Feeling out of control
- Numbness and shock
- Disbelief the event occurred
- Difficulty concentrating
- Jumbled speech
- Extreme reactions to criticism

Stages of Recovery and Healing

You may not go through the stages of recovery and healing exactly in the order mentioned here or you may experience a combination of steps at the same time. That's okay—you are unique and you set your own pace as you reclaim a sense of power over your life.

- Shock and Denial

Immediately after a personal crisis, it can be hard to accept what happened, and you may have trouble feeling anything at all.

- Impact

As the reality of what happened sinks in, you may feel afraid, angry, sad, guilty, lonely, or ashamed.

- Confrontation

During this phase you may be asking questions such as “Why me?”, “Could I have prevented this?”, “Did I deserve it?”, “Who is to blame?”, “How do I go on?”, and

- Rebuilding

In this phase you have a new sense of participating in the present. You may feel better physically, your emotions become more manageable, and you start taking better care of yourself. You gain the strength and the energy to take charge of your life again. The crime itself becomes more integrated with all your other life experiences.

**Recovering from trauma is your
own unique journey.
The one constant is that recovery
takes time and patience.**

The Healing Process

As you move through the healing process, here are some things to keep in mind:

- Use your support systems: family, close friends, someone in whom you can confide. Talk to, and spend time with people you trust.
- Take care of basic needs of nutrition, rest, exercise, and personal safety. This may sound trivial, but it's not uncommon to feel disconnected from all your normal routines. Routines are comforting and give you confidence and strength.
- Have patience with yourself. True healing takes time.
- Seek guidance through spirituality, make time for quiet reflection.
- Seek professional help if you become overwhelmed.
- Avoid self-destructive or behaviors such as drugs or alcohol, or any compulsive behavior (excess eating, gambling, shopping, etc.) you may have used as a coping mechanism before.

**Believe in the strength and
resilience of your
human spirit and your power to
reclaim your life.**

When Crime Happens

Crime can happen to anyone, at any time, without warning. Your first serious contacts with law enforcement may be placing a 911 call, having a call placed on your behalf, being interviewed by the police, or involvement with a subsequent police investigation.

Naturally, you are dealing with very strong emotions at the same time you are trying to give information to law enforcement. Also, you have the right to expect courtesy from the officer. But the officer's job is to understand the facts about what happened to you. Some of the questions the police may ask will be direct and focused, and are meant to get information. Time can be critical in catching the suspect.

The first thing police officers on a crime scene do is to find out if the victim needs medical attention. Once they make this decision and the victim can speak with police, the investigation process begins. Police officers and detectives are responsible for identifying the facts about the event, securing the crime scene, preserving and gathering evidence, interviewing the victim and any witnesses, researching police records, identifying and locating the suspect, and making an arrest. The offender could be arrested and charged within hours, or it could take weeks or months. Sometimes, no one is ever identified or charged because of a lack of evidence or because witnesses don't come forward.

The reluctance of witnesses to get involved is a serious problem, because the Police Department needs the community's help to solve crimes. For example, maybe a neighbor saw a strange car in the neighborhood before the crime happened, or they saw someone acting strangely, or the victim may have received an odd telephone call.

Something a witness saw or heard—no matter how small it might seem—could help identify the suspect. If you believe you have information, **report it**. It is the police department's job to determine if the information is important.

**It is a crime to threaten or intimidate
a victim or witness.
If this happens, report it immediately.**

You may be able to secure additional protection, depending on the circumstances.

Take all threats seriously. Call the appropriate resource:

- 911 if it is an emergency;
- The detective working the case;
- The Victim Witness Coordinator in the Office of the District Attorney

If you know the name and phone number of the detective, victim witness coordinator, or assistant district attorney handling your case, keep those phone numbers on your cell phone or by your phone at home or work and any other convenient place where you can get to them quickly if necessary.

Victim Intervention Program (VIP)

The Victim Intervention Program (VIP) of the Metropolitan Nashville Police Department provides mental health services and criminal justice system advocacy whenever people, families or the community are affected by violent crime. Any person victimized by a crime is eligible for counseling or court advocacy services, and all services are free and confidential. A victim's decision about prosecution does not affect eligibility. Services include crisis intervention, critical incident debriefing, advocacy counseling, information and referral.

Contact Information:

Victim Intervention Program
1900 Church Street
Nashville, TN 37203
(615) 862-7773

<https://www.nashville.gov/Police-Department/Investigative-Services/Domestic-Violence/Family-Intervention-Program/Victim-Intervention-Program.aspx>

Crime Stoppers Programs in Tennessee

A bystander or witness may report information to Crime Stoppers by phone or the confidential tip information system online through the Crime Stoppers web site. In Nashville the web site is www.nashvillecrimestoppers.com. The person reporting a tip may do so anonymously and does not have to give their name. Crime Stoppers is active in many communities across Tennessee. If you do not have Crime Stoppers in your area, report information to your local sheriff or police department.

Alamo	(731) 696-5150	Johnson City	(432) 434-6166
Bartlett	(901) 382-6669	Kingsport	(432) 247-5100
Bolivar	(731) 658-4636	Lebanon	(615) 444-5245
Brownsville	(731) 772-2274	Lewisburg	(931) 359-4867
Chattanooga	(423) 698-3333	Lexington	(731) 968-8477
Clarksville	(931) 645-8477	Martin	(731) 587-2611
Collierville	(901) 457-2274	Millington	(901) 872-2274
Columbia	(931) 381-4900	Memphis	(901) 528-2274
Cookeville	(931) 520-7867	Murfreesboro	(615) 893-7867
Crossville	(931) 200-1173	Nashville	(615) 742-7463
Dyersburg	(731) 285-8477	Shelbyville	(931) 685-4300
Fayetteville	(931) 433-7867	Springfield	(615) 382-3799
Franklin	(615) 794-4000	Trenton	(731) 424-8477
Gallatin	(615) 230-8477	Tullahoma	(931) 461-8888
Germantown	(901) 757-2274	Union City	(731) 885-8477
Hendersonville	(615) 573-5400	Waverly	(931) 296-2414
Jackson	(731) 424-8477		

Identifying the Suspect

In the case of a “stranger-on-stranger” crime (that is, the crime victim does not know the offender), the victim or witnesses to the crime may be asked to view a line-up in order to identify the suspect.

Photo Line-Up

Based on the victim’s or witnesses’ description, law enforcement officials may select file photos of possible suspects and ask the victim or witnesses to view them.

- Look at each photo carefully.
- Be aware a photo may not be recent and may not reflect the current hairstyle, hair color, presence of facial hair, etc..
- Keep in mind that photos have some limitations. For example, your positive identification may only come with hearing a suspect’s voice; checking their height, or seeing the presence of scars, tattoos, and other physical characteristics.
- Be honest if the line-up does not include the suspect, or if you are uncertain. Viewing photos and commenting on characteristics can result in your giving a better description to the police.

Physical Line-Up

While it is not uncommon to be afraid of seeing the suspect again, a witness must also be prepared to deal with frustration and disappointment if the suspect is not in the line-up. The support of friends or family and guidance of counselors from the Police Department is essential as you prepare to enter the viewing room.

Typically, you will not be allowed to have your attorney, family, or friends with you in the viewing room. However, the defense attorney for the suspect may be present. Keep in mind the defense attorney’s job is to defend the accused and protect the rights of the accused. It is not the defense attorney’s job to be concerned about you and your emotional state.

Identifying the Suspect

When viewing a line-up, the suspects cannot see you, but you can see them clearly. There is a barrier between the suspects and those viewing the line-up. Identifying a possible suspect in a line-up is an important and critical step, so take your time and do not feel you have to rush through it.

- Look at each suspect calmly, recalling physical characteristics, such as height, weight, hair color, scars, voice, etc. Do not point at or loudly identify a suspect. Other witnesses may be in the viewing room, and you must avoid influencing them. If another witness in the viewing room identifies a suspect, understand that has nothing to do with your decision.
- Take your time and be certain. If days, weeks or months have gone by between the time of the crime and the line-up, the suspect may have changed in appearance—for example, grown a beard, shaved a beard off, gained or lost weight, or changed hairstyle or color.
- Be prepared for the possibility that the suspect you are looking for may not be in the line-up at all... and again, be honest if the line-up does not include the suspect.

You do not have to speak to the defense attorney or anyone from their staff during the process of bringing a criminal case to court.

If someone tells you they are investigating the case and they need more information, ask for identification.

If you are not certain who the person represents, contact your Victim Witness Coordinator or prosecutor before talking to them.

The Criminal Justice System

The Criminal Justice System is governed by laws, tradition, previous court rulings, and procedure. But sometimes it appears to defy common sense.

In summary, the criminal justice system defines crime, detects crime, prosecutes or defends people accused of crime, and punishes those convicted of crime. It is an adversarial system, meaning prosecuting attorney and defense attorney are on different sides of the issue as the defendant's guilt is decided. The justice system is built on the premise that the accused is innocent until proven guilty.

The State brings criminal charges against the defendant, and the formal attention in the criminal justice process is on the defendant. One thing you can count on in criminal court is a series of well-established procedures and many specialized terms. You will find it helpful to be familiar with some of these terms, found in this guidebook under the section, "Terms You Need to Know."

In 2000, the Tennessee Victims' Rights Amendment was signed into law. This amendment provides certain rights for victims of violent crimes. The purpose of this law is to ensure victims are treated fairly and with respect. These rights are discussed in detail in the section, "Rights of Victims and Witnesses."

The Bond Hearing

When a suspect is arrested and charged, they are entitled to have a bond set. The Tennessee constitution, unlike the U.S. Constitution, mandates that bond be set in every case, except for cases where a defendant is charged with first-degree murder and the State is seeking the death penalty.

Each county may have its own unique system, but in most counties, a clerk or magistrate prepares a pre-trial bond that is approved for the specific offense. Later, the General Sessions Judge reviews the bond, increasing or reducing it. If the judge decides the suspect is to be held without bond, the suspect remains in jail.

The Bond Hearing (continued)

The purpose of a bond is to ensure the accused returns to court for further court hearings. A judge considers certain criteria in setting bond, such as the defendant's length of residence in the community, employment status, history, financial condition, family ties and relationships, reputation, character, mental condition, and prior criminal record. The judge also considers the nature of the offense and willingness of responsible members of the community to vouch for the defendant's reliability.

If bond is granted and the defendant can make bond, the defendant will be released and instructed to return to court at a given date. Judges may also place conditions on a defendant's bond, such as an order to stay away from the victim, or placing the defendant on electronic monitoring. Failure to abide by these conditions may result in a defendant being placed in jail.

Making Bail

In Tennessee, bond may be guaranteed by bail bondsmen. The defendant pays the bail bondsman 10% of the bond - for example, if the bond is set at \$5,000, the suspect pays the bondsman \$500, usually in cash and non-refundable. The bail bondsman then guarantees the full bond will be paid to the court if the suspect does not show up for his court date. If the suspect appears as scheduled for his court date, the money paid to the bail bondsman is not refunded.

If the suspect can post their own bond, they can do so by paying the total amount of the bond at the Criminal Court Clerk's office. If the suspect wishes to offer property in lieu of bond, the property must be held free and clear of any mortgages, liens, etc., and the property value must be one and one-half times the amount of the bond. If the defendant follows the judge's instructions regarding court dates, etc., the money or property is returned to the defendant.

The Preliminary Hearing

A hearing occurs in General Sessions Court, where the case may either be settled or sent (bound over) to the grand jury. After listening to testimony, the General Sessions Judge decides if there is enough evidence to suggest the defendant committed the crime and the case should go to the grand jury.

The defendant can give up (waive) his right to a preliminary hearing and send the case directly to the grand jury, a procedure called “bound over on waivers”. The defendant may also plead guilty without the case going to the grand jury. In this case, the defendant agrees to a “criminal information” and the case bypasses the grand jury and is sent directly to Criminal Court, where the defendant will plead guilty.

The Grand Jury

The grand jury is a panel of 12 citizens and one foreperson. The proceedings are secret, and no member of the grand jury can discuss the testimony heard.

The grand jury does not determine guilt; rather, it decides if there is probable cause the crime was committed by the person charged. If the jury decides there is enough evidence, they return an indictment, and the case proceeds to Criminal Court.

If the Grand Jury decides there is insufficient evidence, the charges are dropped, and the case will not go to Criminal Court.

The District Attorney’s Office notifies victims or witnesses if they are needed to testify before the Grand Jury. The defendant and the defendant’s lawyer are not present.

This may seem a slow and tedious process, but it is necessary to insure the rights of the defendant, as well as allowing sufficient time for the collection and analysis of evidence. As a crime survivor or the family of a crime victim, it also gives you some time to prepare yourself for trial or resolution of the case.

Criminal Court

It is not unusual for a case to take several months, or more than a year, from the time a defendant is arrested and charged before the case is heard in Criminal Court. Once the case reaches the Criminal Court stage, another set of hearings occur. Victims, witnesses, and family members may not be required to attend all these court hearings, but if they want to be there, they should inform the District Attorney General or the Victim Witness Coordinator. Victims and witnesses will, in any event, be informed of the date set for trial.

An **arraignment** is the hearing where the defendant is told the criminal charges as determined by the Grand Jury.

Capital Cases and Life without Possibility of Parole: A person found guilty of first-degree murder may receive one of three sentences:

- life imprisonment;
- life imprisonment without the possibility of parole; or
- death.

If a sentence of life without the possibility of parole or the death penalty is sought, the district attorney must give notice prior to trial. As of July 1, 1995, a defendant convicted of murder and given a sentence of life imprisonment must serve 51 calendar years before becoming eligible for parole. The jury decides penalties in capital cases.

Discussion or Settlement allows both parties a chance to talk about the case to see if the defendant wishes to plead guilty. If the two parties come to agreement, and the defendant pleads guilty—often to lesser charges - this is a **plea agreement or plea bargain**. As of July 1, 2000, the victim or the victim's family must be notified of a plea agreement. The victim or the victim's family does not have the legal power to stop a plea agreement from being struck. However, it is still a good idea to request the District Attorney General's Office consult you regarding any plea negotiations or plea agreements affecting your case. You are responsible for informing the Office of the District Attorney General of your current phone number and correct address.

Criminal Court (continued)

Motions are filed by the prosecutor or the defense attorney to clarify a point of law or procedure. Generally, in more complex or high profile cases, many motions are likely to be filed. Do not be disturbed or alarmed at the high volume of motions.

Trial: If a plea agreement is not struck, the case will go to trial. Most trials last for several days. A jury of 12 people is selected, sworn in, and charged with listening to evidence and rendering a verdict. The jury is not necessarily told everything about the defendant, such as previous convictions, if any, and the judge may not allow certain information to be heard.

A criminal trial is not necessarily a search for “the truth, the whole truth and nothing but the truth”, despite the oath witnesses must take. Some of the truth may be incriminating or irrelevant. The rule of law generally defines this, though the judge decides has discretion in disallowing certain information—in other words, the judge decides what the jury gets to hear. In reaching a verdict of guilty or not guilty, the jury must consider only what was presented in the trial.

The Appellate Process

Court of Criminal Appeals: When a defendant is convicted, the case can be appealed to the Tennessee Court of Criminal Appeals. The defendant's attorney files notice of appeal within 30 days of conviction and prepares a written argument to raise questions about the conviction or sentence. The State Attorney General represents the State in all criminal cases on appeal.

Victims can attend as spectators if oral arguments are presented, **but no new evidence or witnesses can be introduced**. Incarcerated defendants do not attend. If the appeals court agrees with the trial judge's decisions, the conviction and sentence will stand. If not, the court may modify or reverse the conviction or sentence, or the trial judge may be directed to conduct a new trial or sentencing hearing. The appeals process can take many months before a decision is rendered. Additional information about Tennessee Appellate Courts is available at www.tncourts.gov.

Tennessee Supreme Court: The losing side in the Court of Criminal Appeals can also ask the Tennessee Supreme Court, the highest court in the state, to consider the case. If the Supreme Court refuses to hear the case, the appeals court decision is final. If the Supreme Court accepts the case, the five justices read briefs and hear oral arguments in the case. The Tennessee Supreme Court accepts a very small number of cases.

Going to Court: What to Expect

Going to court as a victim of crime can be terrifying. Keep in mind that as a victim, a witness, or a family member, you are an important part of the case.

In Tennessee, every judicial district has a designated Victim Witness Coordinator in the Office of the District Attorney General. The Victim Witness Coordinator provides information on the legal process, helps prepare victims for court, answers questions on the adjudication process and is a valuable support to victims. **Victim Witness Coordinators are there to serve crime victims and you are encouraged to seek help from them when you need it.**

Some guidelines to help you with a courtroom experience:

- Behavior and appearance are important inside and outside the courtroom. Do not discuss the case in hallways, restrooms, elevators, or anywhere the defense team or a juror could overhear. Usually, the District Attorney General's office has a waiting room for witnesses and victims, and the Victim Witness Coordinator can direct you to the waiting room.
- Never speak to a juror during the trial. This can cause a mistrial, meaning the trial must completely start over. If you come in contact with the judge, do not speak unless the judge asks you a specific question. The judge and the jurors must remain free of bias as they hear testimony.
- Seeing the defendant can be upsetting and very emotional. To prepare yourself for this, talk with the Victim Witness Coordinator before the trial.
- You may hear some very graphic and upsetting testimony. Ask the prosecutor to review information with you prior to the court trial, to lower the risk of "surprises."
- Speak with the Victim Witness Coordinator about what you should do if you become upset during trial. The best strategy may be to leave the courtroom until you can compose yourself. While no one expects you to be a robot, loud or very obvious reactions to the evidence in the presence of the jury may cause the defendant to later claim they was denied a fair trial.
- Perhaps the hardest thing you may hear from the defense team is that the victim was partly "responsible" for the crime.

Going to Court: What to Expect

The duty of the defense attorney is to satisfy the court the defendant has received adequate representation, to avoid having the case overturned on appeal based on ineffective counsel. The defense team acts on behalf of the defendant and to raise doubt in the minds of the jury, the defense will use every plausible argument under the law to defend the accused. Be prepared.

If you get upset and feel you cannot continue to hear—or give—painful testimony, it may be possible to take a few moments to pull yourself together. If seated with the prosecutor, write a note or quietly ask permission to leave. If on the stand, ask for a glass of water, or a tissue, and take your time.

Witnesses must be prepared to truthfully answer questions asked of them by the prosecutor or defense attorney. It is not unusual for the opposing attorney to press a witness in an effort to shake the testimony or to confuse the witness. The prosecuting attorney will protect a witness if the defense attorney's questioning or methods are inappropriate. If a witness doesn't understand a question, it is perfectly acceptable to ask the attorney to clarify what they means. Answer the questions honestly and briefly, and if you really do not know the answer, say so. Do not offer additional information not asked for.

Do not talk to the press while the trial is going on. (See also the section on "Media" for more help on this).

Hearing the verdict of the jury is a very emotional time for family members and victims, whether guilty or not guilty. Keep in mind a "not guilty" verdict is not necessarily the same as "innocent." Sadly, a legal verdict and the truth are not always one and the same. The standard of proof in a criminal case is "beyond a reasonable doubt," and the jury must consider only what is heard in the courtroom. If the judge or jury has reasonable doubt about the evidence presented, it is their duty to return a verdict of "not guilty."

It helps to have the support of family and friends when the verdict is announced, regardless of outcome. The verdict is an important milestone for the victim to move on with life.

Going to Court: What to Expect (continued)

There are four possible outcomes to a criminal trial:

- If the defendant is found guilty, sentencing typically occurs at a later date, unless the state gave notice prior to trial that it would seek the death penalty or a sentence of life without the possibility of parole. In those cases the sentencing hearing usually begins right after the trial.
- If the defendant is found not guilty, they are free to go.
- If the jury cannot unanimously agree on a verdict, it is called a hung jury. The case may go to trial again at some point in the future or be settled on a plea agreement.
- A mistrial occurs when a trial does not get to a verdict. This might happen, for example, if a critical legal point is raised or an uncorrectable error has been made. If the case of a mistrial, the case may go to trial again or be settled on a plea agreement.

For additional information on the Criminal Justice System and procedures, go to the web site: www.da.nashville.gov/victim-witness.

We can often be brave while we are in the courtroom or while at the courthouse, but going home can be a very difficult time. Ask for help. Your family, friends, Victim Advocate, and Victim Witness Coordinator are there for you. Don't try to go it alone.

Preparing for a Court Appearance

It is perfectly normal to be nervous when your court date arrives, even if you think the law is on your side. But you can do some things to make the process easier for you.

Visit the courthouse in advance. You will feel safer knowing where the court is and where you will go once you're inside. Ask about the parking situation. How much does it cost to park for how long? How long will it take you to get to the courthouse? And is there a parking space where you won't encounter your offender? You may want to borrow a car your offender won't recognize. You can also contact local law enforcement agencies to ask if someone can accompany you to and from your vehicle.

Most courthouses have metal detectors or some other form of security screening. Therefore, avoid bringing metal objects that someone could use as a weapon: pocket knives, nail files, scissors, etc.

Have a support person come with you. Bring a partner, friend or relative to make you feel less anxious, or talk to people in your name when you are overwhelmed by emotion. (Be sure to tell your lawyer that someone is coming with you, and who.) In a domestic violence case, a local domestic violence advocate should be able to join you if no one else can.

However, do not bring any young children who may interfere with the proceedings or be disturbed by what happens in the courtroom, unless told otherwise. Leave them with someone you trust while you're in court.

While you're at court, try not to leave your support person. If you need to use the restroom, ask them to accompany you. This makes it less likely that your offender or another person can isolate and intimidate you before the hearing.

Arrive early. Your appearance in court can be stressful enough without the additional pressure of being late—or worse, running into your offender in the lobby or the parking lot. Remember to account for traffic or a long line at the metal detectors.

If something makes it impossible to get to court on time, call your lawyer to let them know. Otherwise, your absence may lead to your case being dismissed.

Preparing for a Court Appearance (continued)

Be patient. Most courts use a general calendar, with dozens of similar cases scheduled the same day. The courtroom will probably have other people waiting for their cases to be heard as well as yours.

Your case probably won't be called immediately. If your offender has a private attorney, the clerks will not pull the file until the lawyer arrives. Then the prosecution and defense counsel will decide whether the judge can call the case.

Dress modestly and conservatively. Your best bet is to dress like it's a job interview. You don't have to buy new clothes; just make sure you look your best. Avoid anything too revealing, too tight, or too flashy.

**Do not talk to your offender
while you're in court.**

**You should stay as far away from them
as possible.**

**They may try to frighten you, force you to
change your testimony, make you say
something that weakens your case, or
trigger an emotional outburst that will
disrupt the proceedings.**

**Ask the bailiff or courthouse security to
keep your offender away from you. Tell
them if you have a restraining order: it
applies even in the courthouse.**

Practice good courtroom etiquette. Judges and other court officials will notice how you act when you're around them and their staff, so it's important to be courteous to everyone you meet. Although they're supposed to be impartial, they may be less inclined to help you if you seem rude or arrogant. Good manners, like saying "please" and "thank you" can go a long way in the courtroom.

Try not to disrupt other court proceedings or your own. That means no drumming your fingers or jingling the change in your pocket. Speak softly but clearly, and only when someone else (the judge, the bailiff, or an attorney) directly addresses you. When you talk to them, avoid slang or swear words unless you are directly quoting another person.

Always stand when speaking to the judge, and make sure you address them as "Your Honor" instead of "Sir" or "Ma'am".

If you have to leave the courtroom for some reason, do so quietly, closing the door gently as you exit.

Control your emotions. When it's your turn to be heard, don't worry if you get shy or flustered. Just take a deep breath and relax. Usually, judges and commissioners won't blame you for being nervous.

Keep calm, composed, and dignified. Don't get angry or smug. Do not make facial gestures or any other reaction to what the defense counsel says. Even if you say nothing, the judges notice your body language. If you frown, smirk, or snicker, the judge and other court staff will notice.

Let your offender leave the courthouse first. This way, they can't follow you or confront you after the hearing. Wait a while before you leave and avoid using the main exit. Again, you may want to have someone escort you to your car. This is especially important in rural areas or if you parked somewhere isolated.

If you feel more comfortable leaving first, you can also request your abuser to be held in the courtroom for 10 minutes or so while you exit.

If your offender seemed angry while they were at court, you may want to stay with a friend or relative they don't know until you feel safe coming home. In a domestic violence situation, you might be able to spend the night at a shelter.

Sentencing

If a defendant is found guilty of a criminal offense, the judge decides the appropriate sentence, based on guidelines established by the State of Tennessee. Sentencing can take place immediately after the verdict, or a separate sentencing hearing may be scheduled.

In the likely event that sentencing will take place at a later date, tell the Victim Witness Coordinator or the District Attorney General if you wish to be notified of the date and be present for the hearing.

In most cases, the sentence imposed is not the actual time that the offender will serve. Tennessee law has provisions for reducing prison time for good behavior and for the offender's participation in programs. Consequently, except for some sex offenses and certain other serious violent crimes committed after July 1, 1995, the actual sentence served may be much less than the sentence imposed. Also, the "safety valve" provision in Tennessee, which addresses unconstitutional prison overcrowding, could allow the release of an offender earlier than anticipated.

In capital cases, if an person is sentenced to "life without parole," they will never be released. As of July 1, 1995, if someone is convicted of homicide and sentenced to "life," then they must serve 51 calendar years before becoming eligible for parole.

Calculating an offender's sentence is a confusing process to the average person. For example, some inmates housed in county jails or workhouses can earn up to 41 days of sentence credit in a month. A defendant serving time in prison can get up to 16 days of sentence credits in a month for good behavior and program performance. Offenders can earn 60 days sentence credit for completing their GED or vocational program, or if, at their own expense, they earn a two or four year degree. An inmate serving a 100% sentence is not eligible for this program, and there may be other specific rules as well. Tennessee state law requires judges to announce during sentencing that the defendant might receive reduced time in prison.

For the best explanation and estimate of the anticipated actual time the inmate will serve before being eligible for parole, consult the Tennessee Department of Correction, Victim Services, at (615) 253-8145. Keep in mind there are no guarantees, and a defendant could be paroled earlier or later than anyone might anticipate.

Victim Impact Statement

The Victim Impact Statement lets victims explain the suffering caused by the crime, describe how the crime has affected their lives, and express an opinion on the punishment for the crime.

There are two Victim Impact Statement forms:

- Pre-sentence Report Victim Impact Statement
- Parole Eligibility Victim Impact Statement

Pre-sentence Report Victim Impact Statement

Before sentencing, the Department of Correction provides a Pre-sentence Report Victim Impact Statement form. It includes information about the case, the victim/family's personal reaction, physical and emotional injuries, financial or property loss, agencies where the victim has requested compensation, victim's opinions about restitution and sentencing, and any personal comments. The Report is sent to the judge. The victim can also send a written, personal impact statement. Judges prefer to receive the statements 10 days prior to the sentencing hearing.

The judge decides if the victim impact statement is read in court, entered into the record, or completely disregarded. In non-capital cases (cases which do not have a sentence of "death" or "life without parole"), the judge must adhere to sentencing guidelines of the state of Tennessee, meaning that the Victim Impact Statement will have little, if any, bearing on the sentence. However, in capital cases—those which involve a sentence of "death" or "life without parole", the District Attorney General can have family members testify in a limited manner about the impact the crime has had on the family.

The burden of responsibility weighs heavily on the victim. The victim must have a personal statement in the judge's hands 10 days prior to the sentencing hearing, while understanding that despite their best efforts the impact statement may be completely disregarded by the court.

Parole Eligibility Victim Impact Statement

The Parole Eligibility Victim Impact Statement Form is used after a defendant has been convicted and has received a sentence greater than two years.

If a defendant has received a sentence that must be served 100% (no sentence-reducing credits allowed), has received a sentence of death or life without parole, this particular Victim Impact Statement does not apply.

Victim Impact Statement (continued)

The Parole Eligibility Victim Impact Statement has three sections:

- Victim/family member and offender information. (Offender information is typically provided by the coordinator or counselor who gives the form to the victim.)
- Request by victim/family member to be notified of any parole action.
- Victim's/family member's opinion on the offender's being paroled, any special requests, statement on how the crime has affected the victim/family member since the conviction, and notation of any ongoing medical treatment/counseling being received by the victim/ family member since the conviction.

Depending on a given county's procedures, the form might be provided by a representative of the Tennessee Board of Parole, by the Victim Witness Coordinator in the District Attorney General's Office, or, in Shelby County, by The Crime Victims Center. The Parole Eligibility Victim Impact Statement form must be returned to:

**Victim Liaison
Board of Parole
404 James Robertson Parkway, Suite 1300
Nashville, TN 37243-0850**

The Board maintains the Victim Impact Statement files. **By law, this form is confidential, and the convicted offender does not have access to it.**

By law, the Board must provide written notice to a victim/victims' family member of parole hearings if notification is requested. The letter includes the offenders name and prison (TOMIS) number, hearing location, date, time, and the name and contact information for the Institutional Probation Parole Officer. If you want to know about any parole action, you must say so on the form, the form must be returned to the Board of Parole, and you must tell the Board of any change in address or phone number.

If you are a victim/victim's family member and never got a Parole Eligibility Victim Impact Statement Form, call the Board of Parole at (615) 741-1150 (toll-free 1-866-795-7467). Special Victim Impact Statement Forms are available for children 10 and under. If you have questions, call the Board of Parole at 615-532-8112 (toll free 1-866-795 7467), the Victim Witness Coordinator in your local District Attorney General's Office, or in Shelby County, the Crime Victims Center at (901) 545-4357.

The Tennessee Board of Parole is responsible for scheduling timely parole hearings, and the Parole Hearings Schedule is available at www.tn.gov. Keep in mind last-minute changes do occur from time to time. Victim Liaisons are available in your area to answer questions you may have about parole or parole hearings. The main office is located in Nashville and the contact is:

**Victim Services Director and Liaison
Tennessee Board of Parole (BOP)**

404 James Robertson Parkway, Suite 1300
Nashville, TN 37243-0850
Phone: (615) 532-8112 or 532-8116
Toll Free: 1-866-795-7467
Fax: (615) 253-5677
Website: www.tn.gov/bopp.html

Regional BOP Victim Liaison offices:

Chattanooga	(423) 634-4668 or (423) 634-6333
Clarksville	(931) 503-3124
Clinton	(865) 220-6540
Columbia	(931) 490-6474
Cookeville	(931) 646-5854 or (931) 646-5966
Dickson	(615) 740-4770
Gallatin	(615) 451-4290 or 451-5866
Jackson	(731) 984-9804, 984-9864, or 984-9849
Johnson City	(423) 434-6800
Knoxville	(865) 582-2018 or (865) 582-2022
Lebanon	(615) 443-2780
Maryville	(865) 981-2360 Ext. 125
Memphis	(901) 947-8695
Nashville	(615) 253-2859 or 253-7400
Tulahoma	(931) 454-1915, ext. 110
Wildersville	(731) 968-1696

Parole (continued)

The Department of Correction decides felony sentences and eligibility dates for parole, based on sentencing guidelines and state law. Offenders do not “apply” for parole or early release.

The sentencing judge imposes a statutory percentage of the total sentence to be served (for example, on a 10-year sentence the judge might require 30% to be served, which equals 3 years). That time gets reduced by the amount of time served in jail before conviction as well as behavior and program performance credits earned. The earned credits reduce the time an inmate must serve to be eligible for a parole hearing as well as the total sentence expiration date.

Statutory provisions for certain violent offenses require that the offender serve either 85% or even 100% of the sentence imposed. The Department screens each inmate and if they are certified eligible for parole, the inmate’s name goes to the Tennessee Board of Parole. Its seven members are appointed by the Governor of Tennessee. They decide if an inmate should be paroled.

The Board of Parole has to notify certain officials before parole hearings. These include the sentencing judge, the District Attorney General, the Victim Witness Coordinator, and the sheriff in the county where the crime happened. The Board of Parole also voluntarily notifies the Chief of Police in major cities of parole hearings and routinely notifies the Chief of Police of an offender’s release on parole.

If the victim submits a written request for notification of a parole hearing, decision, and/or release and gives a current address, the Board will notify the victim about the parole hearing. Otherwise the victim or family may not know about the hearing. This is why the request for notification is important—without the victim’s or family’s voice, the Parole Board and the hearing officer may not fully understand the effect of the crime on the victim, possibly influencing their decision regarding parole.

Parole Hearings

Parole hearings are held in various prisons throughout the state, and it is not uncommon for an inmate to be housed in a prison far away from the county where the crime occurred. To help victims take part in the parole process, video conferencing equipment is available at seven parole offices across the state so victims do not have to travel as far.

Video conferencing lets victims offer statements as if they were in the same room. Contact the Victim Services Liaison (615-532-8112) to learn if video conferencing is available for a parole hearing in which you are involved. Video conferencing is **not** available for jail hearings.

Victims and their families have a right to voice opposition to the offender's release. You may participate in the parole hearing by attending in person (or video conferencing), by submitting a victim impact statement, letter of opposition, confidential testimony, or videotaped testimony. Please note that videotaped testimony is allowed only in the event of (1) distance hearing is greater than 200 miles away, (2) illness, or (3) work commitment. In-person testimony can be given at area parole offices or at the central office with the same restrictions as videotaped testimony. Call the Board of Parole for information about preparing or scheduling videotaped testimony and about any restrictions that may apply.

The parole hearing officer will review the offenses for which the prisoner has been incarcerated, past criminal history, behavior while in prison, and any programs attended while in prison. The burden lies on the victim or the family to personalize the crime for Board members, who must be reminded of damage the offender caused.

If you attend in person, hearings are held in the prison, and the setting is different from a courtroom. Victims are accompanied through the checkpoint and taken to a waiting area away from the offender, his family and/or supporters. The hearing room is smaller and less formal than a courtroom, and the victim, offender, and others present may be seated close to each other. A correction officer is present in the parole hearing room.

Parole Hearings (continued)

Victims who attend a hearing at the prison will be escorted to their vehicles by Correction staff before family members and others in support of the inmate are permitted to leave the room. **Once victims, family members and others in support of the victim reach their vehicles, it is crucial they leave the prison parking area immediately.**

If a victim prefers not to attend the hearing and does not wish to make a statement in the presence of the offender, the victim may request to deliver the statement confidentially prior to the date of the hearing. The Board has worked with the Department of Correction to designate probation and parole officers in most of the parole offices across the state to take a confidential statement. Call Victim Services at (615) 532-8112 or toll free at (866) 795-7467.

If a victim attends the hearing but does not wish to make a statement in the presence of the offender, the victim may make a request to the Parole Hearing Officer in advance of the date of the hearing. If the Parole Hearing Officer grants the request, the victim will be allowed to speak to the Hearing Officer or Parole Board member(s) without the offender present. However, once the victim has given testimony, the victim must leave the room and will not hear firsthand the offender's or other testimony given at the hearing. The Department of Correction and Board of Parole can guarantee the hearing will be confidential, but they cannot guarantee that the offender will not know that the victim has visited the prison. However, if the victim wants to give testimony and remain in the hearing room for the whole hearing, any statements they make will be part of the public record and no longer confidential.

To prepare for the parole hearing:

- Contact the District Attorney General's office to verify the office was notified and has written a letter opposing parole.
- Contact the Institutional Probation Parole Officer (IPPO) at the prison at least 2 weeks prior to the hearing date if you plan to attend. Inform the IPPO of others attending with you. Ask the IPPO what items you may bring into the prison, what kind of identification you will need to enter, what kind of clothes you can wear. Also, make sure you get precise directions to the prison.

- Keep in mind you will be searched before entering the prison.
- Encourage your friends and family to write letters to the Parole Board and to attend if possible.
- Submit your own written victim impact statement.
- Prepare your comments for the hearing—write them down and keep them brief. After reading your comments, give a copy to the Hearing Officer.
- Speak only to the Hearing Officer or Board members. You are not allowed to speak directly to the inmate. Do not speak to the inmate's family members if any are present. They will not be permitted to directly address you either.
- If the crime was homicide, bring photos of the victim, family, and children the victim left behind. Make photocopies of your pictures to distribute at the hearing. Please note you cannot make copies of copyrighted photos without permission, i.e., newspaper articles from the trial.

At the close of the parole hearing conducted by a hearing officer, a Recommendation—not a final decision—is made regarding parole. At a hearing conducted by a Parole Board member, you will know the vote of the Board member at the end of the hearing. That in no way guarantees the Board member's vote will be the final outcome—all cases need 3-4 votes to finalize the decision, except in the case of revocation of parole, which requires only two votes. (Exception: A video conference with enough board members hearing the case to make an immediate decision).

Typically it takes 3-4 weeks before the final decision is determined, but sometimes it takes longer. Everyone registered with the Board of Parole who requested decision information will get written notification of the Board's final decision. Call the local victim liaison at the number listed on page 24 if you have not heard anything more than 5 weeks after the hearing.

Parole Hearings (continued)

There are about 18,000 parole hearings a year in Tennessee, so all seven Board members cannot attend every hearing. Some hearings are conducted only by the hearing officer, or may be attended by one or two Board members. The recommendation of the hearing officer, the offender's file, and the tape from the parole hearing are distributed to other Board members across the state, and each Board member reviews the information. Depending on the nature of the offense, three or four votes are needed for a final decision. (Violent offenses require four concurring votes and other offenses require three. However, only two votes are needed to revoke parole).

If parole is approved, the Board has authority over the date when the inmate will be released. A Parole Officer meets with the offender to develop a release plan, which says where the offender will live and work upon release. The plan is investigated and approved before the offender can be released. Development and approval of the plan usually take two to three weeks. After release, the offender must report to the local parole officer. It is the parole officer's responsibility to supervise the offender and to report parole violations to the Board of Parole.

If parole is denied, by statute the inmate has a limited right of appeal to the Board. If an appeal hearing is scheduled, you will be notified if you previously asked to be notified of any action by the Board regarding this inmate.

Directory of Tennessee Prisons

East Tennessee Region

Bledsoe County Correctional Complex - Bledsoe County
Morgan County Correctional Complex - Morgan County
Northeast Correctional Complex, Site 1 - Johnson County
Northeast Correctional Complex, Site 2 - Carter County

Middle Tennessee Region

Lois M. DeBerry Special Needs Facility - Davidson County
Riverbend Maximum Security Institution - Davidson County
Tennessee Prison for Women - Davidson County
Turney Center Industrial Complex, Site 1 - Hickman County
Turney Center Industrial Complex, Annex - Wayne County

West Tennessee Region

Mark Luttrell Transition Center - Shelby County
Northwest Correctional Complex - Lake County
West Tennessee State Penitentiary - Lauderdale County
Women's Therapeutic Residential Center - Lauderdale County

Contract & Private Managed Locations

Hardeman County Correctional Facility - Hardeman County
South Central Correctional Facility - Wayne County
Trousdale Turner Correctional Center - Trousdale County
Whiteville Correctional Facility - Hardeman County

For More Information on Tennessee Prisons:

www.tn.gov/correction/sp/state-prison-list.html

To Access the Online Tennessee Sex Offender Registry:

www.tn.gov/tbi/general-information/redirect-tennessee-sex-offender-registry-search/sex-offender-registry-search.html

The Tennessee Sex Offender Registry

The Tennessee Bureau of Investigation (TBI) maintains a Sex Offender Registry of convicted sex offenders living in Tennessee. Any sex offender who was in prison when the sex offender registry law went into effect (1994) and any sex offender convicted after that date must, upon release from prison, notify the state of certain personal information such as address, place of employment, etc. The Registry also includes information on sex offenders who are on probation or community corrections or who have moved to Tennessee from another state.

Tennessee Department of Correction personnel help the offender with completing the necessary forms upon release from prison. But if an ex-offender moves in or out of state or from one residence to another within the Tennessee, it is their responsibility to report these changes to the Tennessee Bureau of Investigation. The system is therefore largely self-reporting. TBI verifies the information twice a year through certified mailings.

Because of a change in the law in 1997, Tennessee currently maintains two levels of information. For those sex offenders who have committed a sex crime as described in Tennessee law after July 1, 1997, some Registry information is open to the public. This Public includes a photo, physical description, sex offense conviction (s), and current address.

The purpose of the Registry is to provide the public with information about known sex offenders in the community. The public does not have access to Registry information about sex offenders who committed a crime before July 1997. However, local law enforcement has the discretion to release any information on this Registry it considers necessary to protect the public.

Since sex offenses remain one of the most underreported crimes, the Registry does not necessarily include the names of all sex offenders. In addition, when sex offenders plea-bargain charges to certain lesser minor offenses (e.g., battery instead of attempted rape), their names are not included on the Registry. Knowing whether a convicted sex offender lives in your neighborhood can only offer limited protection to you and your family.

The Tennessee Bureau of Investigation warns citizens against vigilante attacks and harassment of sex offenders and may prosecute such offenses.

Victim Services and Assistance

Services and assistance are available to crime survivors and their families. But you may need to register your information with multiple agencies or different automated systems to get the latest updates. You can find valuable general information through these agencies as well as in other parts of this booklet.

Tennessee Department of Correction (TDOC) Victim Liaisons are available to answer questions about parole or parole hearings.

Main Office: Victim Services Director and Liaison

320 6th Avenue North
 Rachel Jackson Building, 5th Floor
 Nashville, Tennessee 37243-0465
 Phone: (615) 253-8145 or (615) 253-8128
 Fax: (615) 741-1055
 E-mail: Victim.Notification@tn.gov

Regional TDOC Victim Coordinator offices:

Chattanooga	(423) 634-4662
Clarksville	(931) 648-5550
Clinton	(865) 457-4995
Columbia	(931) 380-2575
Cookeville	(931) 526-7165
Dickson	(615) 740-4770
Gallatin	(615) 451-4290 or 451-5808
Jackson	(731) 984-9801, 984-9864, or 984-9849
Johnson City	(423) 434-6800
Knoxville	(865) 582-2018 or (865) 582-2022
Lebanon	(615) 443-2780
Maryville	(865) 981-2360 Ext. 125
Memphis	(901) 354-3700
Murfreesboro	(615) 907-9346 or 907-9354
Nashville	(615) 253-7400 or 262-6161
Tullahoma	(931) 454-1915, ext. 107 or 110
Waverly	(615) 428-4446
Wildersville	(731) 968-1696

Additionally, each state prison, whether managed by TDOC or a private company, will have its own Facility Victim Coordinator. Contact the prison where the offender(s) associated with your case is housed for their contact information.

Victim Services and Assistance (continued)

The Crime Victims Center of Shelby County provides victim services for the City of Memphis and Shelby County. Services include crisis counseling, court accompaniment, help with obtaining an order of protection, help developing a safety plan, help with social service needs, and assistance with filing for the Tennessee Criminal Injuries Compensation Fund. Contact information: 1750 Madison Avenue Suite 100, Memphis, TN 38104; (901) 222-3950; www.shelbycountyttn.gov.

The Criminal Injuries Compensation Program may give financial help to victims of violent crimes or to their dependents who suffered out-of-pocket expenses due to medical expenses, loss of income, or burial costs. Some restrictions do apply.

Eligible crimes include, but are not limited to, homicide, aggravated assault, sexual assault, robbery by force and drunk driving. The Fund also provides reimbursement to facilities that perform sexual assault forensic exams (SAFE) on victims of certain sex crimes. Facilities are reimbursed directly from the Criminal Injuries Fund and cannot seek any additional compensation from the victim after payment by the Fund.

The Criminal Injuries Compensation Fund gets its money from fines, penalties, and fees assessed against people convicted of crimes in Tennessee and/or federal offenses. Be advised the payout may not cover all your expenses. Also, you must file a claim within a specific amount of time after the incident unless you can give a good reason why you were unable to do so.

For assistance, information or questions about eligibility for compensation, contact the District Attorney's Office in your county (see page 36). Another helpful phone number is Division of Claims Administration, State Treasury Department, at (615) 741-2734, or consult their website (www.treasury.state.tn.us/injury).

The Tennessee Statewide 211 Community Services Help Line is a helpful resource for referrals. Website is www.tn211.mycommunitypt.com. Click on "find help" and enter 'crime victims' or the name of a particular agency in the search box. You can also dial 211 to speak with a referral agent.

The Victim Intervention Program (VIP) located in the Metropolitan Nashville Davidson County Police Department, offers mental health services and criminal justice system advocacy for victims of crime. These services include crisis intervention, critical incident debriefing, and advocacy counseling, and general information. You can reach them at (615) 862-7887 or online at www.police.nashville.gov/bureaus/chief/victim_intervention.asp

Tennessee Department of Correction

For the best estimate of the anticipated actual time the inmate will serve before being eligible for parole, call the Tennessee Department of Correction, Victim Services, at (615) 253-8145. See also the **Sentencing** section in this guide for further information.

TN SAVIN (Statewide Automated Victim Information Notification)

is a system used by the majority of county jails to deliver victim notification. Registering with TN SAVIN gives you up-to-the-minute information about when an offender is transferred or released from jail. You can choose to be notified by phone or email. If your county is not part of TN SAVIN, you can contact the jail directly to ask for registration. If it is a felony offense, you may be able to access information through the Tennessee Department of Correction.

For more information or to register to be notified of an inmate's change in custody status, including release or to check on an inmate's custody status, call the statewide TN SAVIN phone number: 1-888-868-4631.

Victims Offender Information Caller Emissary (VOICE) is a computerized victim notification system that operates 7 days a week, 24 hours a day. It is available to victims or family members who submit a written request or register online. A registration form is available from the Victim Witness Coordinator in the District Attorney General's office.

You can also register online at the Tennessee Department of Correction's website. Visit www.tn.gov and search "Tennessee Victims Have A VOICE". You will need to register to get a Victim Personal Identification Number (VPIN number). Your VPIN number will let you look up offender related information by phone or online. (Note: This service is for state inmates, not inmates housed in county jails.)

Victim Services and Assistance (continued)

The VOICE system provides the following information to all registered persons:

- The offender's current location in the system
- The date the sentence went into effect
- The Sentence expiration date or release date
- The date the offender is eligible for parole, and their hearing dates
- The earliest date an offender can be released by safety valve for overcrowding
- Contact information for parole officers inside the offender's current location

Please note the Department of Correction (TDOC) and the Board of Parole (BOP) share a registration system, so registering with either one will let you get updates on parole hearings, transfers from higher to lower security prisons, and the release of offenders.

FOIL (Felony Offender Information Lookup) is an online service that lets anyone look up current information on felony offenders who are who are or have been in the custody of Tennessee Department of Correction or under supervision if on parole. The following information is available through FOIL:

- The offender's TOMIS number
- Their supervision status (e.g., incarcerated, community corrections, inactive)
- The prison where they are held
- The date sentence their sentence began
- The date the offender is eligible for parole, and their hearing dates
- The results of all parole hearings
- The end date of their sentence

Go to the Tennessee Department of Correction website, and click "FOIL" at the top of the page. An offender can be located by using their TOMIS number or first and last name.

A person convicted of a crime has the right to appeal, and the State Attorney General's office represents the State in these appeals. Victim Liaisons provide information and assistance to crime victims and their families as cases make their way through the appeals process, which can take years. A Victim Liaison will notify families of oral argument court dates as well as accompany them at oral argument, provide copies of pertinent documents, and give support and guidance to victims and families during the lengthy appeals process. Crime victims seeking information on an appeal should complete a Request for Notification Form and mail or fax it to Victim Information Services.

Victim Information Services

PO Box 20207

Nashville, TN 37202

(615) 741-8109 or (615) 532-1971

Website: www.tn.gov/attorneygeneral

You can also get information and resources from the office of your judicial district. Call the Tennessee District Attorneys General Conference at (615) 741-1696 or visit the online directory at <https://www.tndagc.org/offices.html> to find and contact your local district attorney's office.

Restitution

Most crimes result in some type of economic loss. Examples include medical expenses, replacement of stolen property, additional security measures, and lost wages.

Restitution is not just a financial remedy; it goes to the heart of accountability and responsibility. While restitution is not usually part of the criminal court sentence, victims can ask for restitution to be part of the sentence imposed by the judge.

Essential elements of restitution:

- The money should come from the offender's own resources—either money or service;
- The restitution must be part of the criminal court sentence;
- The crime survivor should be consulted and agree to the terms of restitution;
- completing a restitution program should be a condition for completing probation.

Civil Suits

Criminal justice is one of two main divisions of the justice system. Civil law is another means of securing justice for crime victims. While criminal law is concerned with actions considered violations against the peace and dignity of the state, civil law deals with matters such as interpreting contracts and relationships between people, determining fault in accident cases, marriages and divorces, child support and custody to name but a few examples.

Criminal cases involve jail or prison sentences, probation, or community corrections, while civil law awards cash judgments. In certain situations it is appropriate to seek justice personally through civil courts while the state seeks justice through the criminal courts. But rules for civil cases differ considerably from criminal cases. You should contact an attorney to discuss the case, the costs involved, and the likelihood of success.

Rights of Victims and Witnesses

Tennessee State Law requires crime victims and prosecution witnesses are entitled to:

- The right to be treated with dignity and compassion.
- The right to protection and support in the case of intimidation or retaliation from the defendant or his family and friends.
- The right to have secure waiting areas separate from the defendant and defense witnesses during all stages of the judicial process.

In 1998, voters ratified the Victims' Rights Amendment to the Tennessee state constitution. It grants crime victims the following additional rights:

- The right to confer with the prosecution.
- The right to be free from intimidation, harassment and abuse throughout the criminal justice system.
- The right to be present at all proceedings where the defendant has the right to be present.
- The right to be heard, when relevant, at all critical stages of the criminal justice process as defined by the statute.
- The right to be informed of all proceedings, and the release, transfer, escape or recapture of the accused or convicted person.
- The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence.
- The right to restitution from the offender.
- The right to be informed of each of the rights established for victims.

Certain terms in the enabling legislation for the Victims' Rights Amendment are defined below:

Crime refers to any offense the punishment for which is a Class A, B, C, D or E felony; first degree murder, or assault.

Critical stages of the criminal justice process

- Bond hearings where the victim's testimony is relevant;
- Defendant's sentencing hearing;
- Restitution hearings; and
- Parole hearings discussing the defendant's release

Rights of Victims and Witnesses (continued)

Family member refers to the victim's spouse, natural, adoptive, or stepparent, natural or adopted child, grandparent, grandchild, or natural or adopted siblings. If a family member is a minor, the minor may be represented by a guardian where appropriate.

Victim refers to the person against whom the crime was committed. If the victim is a minor, then the parent or legal guardian is included in this definition. If the person the crime was committed against is deceased or is physically or emotionally unable to exercise his or her rights, "victim" means a family member or a person who resided with the victim. The term **does not** include anyone charged with, or alleged to have committed the crime, or who is charged with some form of criminal responsibility for commission of the crime.

State law gives crime victims the right to consult with the prosecution prior to final disposition of a criminal offense. The victim can speak with the prosecution about whether or not to go forward with a criminal prosecution, a decision to dismiss a charge, a plea bargaining agreement, and pre-trial or other type of diversion program. The prosecutor must speak with the victim about these matters before a criminal trial begins. Any information received by the victim should be considered confidential unless the victim is advised otherwise. The rights of the victim **do not** include the authority to direct the prosecution of the case.

Effective as of July 1, 2000, Tennessee law also grants crime victims the right to refuse to speak or otherwise communicate with the defense team. This means a victim does not have to talk to the defense team outside of the courtroom, if the victim chooses not to.

If an investigator calls on you or tries to communicate with you in any way in the weeks preceding a criminal trial, **verify exactly whom the investigator represents**. If the person identifies himself/herself as an "investigator," it does not necessarily mean the person works for the Police Department or the District Attorney General's Office. If the investigator works for, or represents, the Office of the Public Defender, a private defense attorney, or trial attorney's office, for example, you have the **right to refuse** to speak with them about the case. Outside the courtroom, it is always a good idea to know exactly with whom you are speaking.

Coping with the Media

The news media are often interested in a crime story and want to learn about the event, the victim, and the perpetrator. Whether you are a crime survivor, a witness to the event, family or friend of either the victim or the suspect, it is important you know your rights regarding questions from the news media.

- First and foremost, media attention can be very seductive, and you may find yourself responding to that attention, even though you know it is wiser to be silent. Resist the temptation to speak if you know it is not the right thing to do.
- Remember you are not obligated to provide a story for the media. You may politely and firmly refuse to talk to the press.
- If you choose to speak with the press, exclude children from the interview. Children may not be capable of verbalizing their emotions or speak about a traumatic event. Children can be easily exploited, and it is your responsibility to protect their interests at all costs.
- Your comments may be taken out of context, misinterpreted, or wrongly reported. While you can demand a retraction after the fact, once your words are broadcast, posted online, or printed, it is impossible to “take it back” completely.
- Be clear what your objectives are when talking to the media—finding the suspect, locating a missing person, calling attention to a miscarriage of justice, etc.
- Be aware of the possible risks to you personally. For example, it may be a good idea to conduct a television interview using a silhouette or a newspaper interview without using your photo. Responsible media outlets should not have a problem with these requests.
- You have the right to choose the time and location for a media interview, and to request to speak (or not to speak) to specific reporters.
- Do what the experts do: prepare a written statement. Distribute copies to the press or post your statement online.

If the crime is a sex offense, the news media typically do not report the victim’s name.

Use good judgment and caution about what you say online.

It may not be a good idea to share information or opinions online about the crime, and do not share information you have been told is confidential. The investigation may be at a critical or delicate point, and other people can get hold of your personal information or conversations.

You might accidentally warn an unnamed suspect, expose the location of a victim in hiding, defame an innocent person, or harm successful prosecution of the case.

Do not answer questions you feel are inappropriate, and remember your online postings may be admissible in court proceedings.

Finally, remember that what you post and share online can never be completely deleted.

Terms You Need to Know

Acquit: To find a defendant not guilty in a criminal trial.

Acquittal: A verdict in a criminal case by a judge or jury that determines the defendant is not guilty.

Adjudicate: To hear and decide a case in a judicial proceeding.

Affidavit of Non-Persecution: A written statement made under oath by the victim or victims of a crime, stating they do not want to prosecute a case.

Appeal: A judicial proceeding in which a higher court is asked to review the decision of a lower court to see if any mistakes were made by the trial judge.

Arraignment: A judicial proceeding in which a person is formally accused of a crime.

Bail: Money or property required by a judge to be paid or pledged to the court by the defendant or his representative to insure the defendant will appear for trial.

Bail Bondsman: A person who makes a living by paying or pledging a bail in the amount the defendant must post with the court. The bail bondsman must have sufficient collateral to pay the bail if the defendant does not appear in court on the scheduled court date.

Board of Parole: The Board is the decision-making body responsible for granting, declining, or revoking the parole status of convicted offenders. It is made up of seven people appointed by the Governor of the State of Tennessee for a term of six years.

Burglary: Entry into a building or residence with intent to commit a crime, usually (but not necessarily) theft. It may be one of three types: forcible entry (using force or threats to enter), attempted forcible entry, or unlawful entry (a person without the legal right to be on the property entering even though force was not used).

Terms You Need to Know

Capital Offense: An offense punishable by death, according to the laws of the state in which the crime occurs, or according to federal statute if the crime is a federal offense.

In Tennessee, at least one of these factors must be present in order to have a sentence of life without the possibility of parole or death imposed.

- The murder victim was under 12 years old.
- The defendant was previously convicted of one or more violent felonies.
- The defendant knowingly created great risk of death to two or more people besides the victim.
- The defendant committed murder for money or promise of money,
- The defendant employed another to commit the murder for money or promise of money.
- The murder was especially heinous, atrocious or cruel, in that it involved torture or serious physical abuse beyond that necessary to produce death.
- The murder was committed for purpose of avoiding or preventing lawful arrest.
- The murder was committed while the defendant was committing another felony.
- The murder was committed while the defendant was in a lawful place of confinement (e.g., jail) or escaping from it.
- The murder victim was a law enforcement officer or specified other person engaged in the performance of their official duties.
- The murder victim was a judge, a state or District Attorney General in exercise of their official duty.
- The murder victim was an elected official and was targeted because of their status (essentially, they were assassinated).
- The defendant committed murder of three or more persons, either during a single criminal act or at different times during a 48-month period.
- The defendant knowingly mutilated the body of the victim after death.
- The murder victim was especially vulnerable because of significant mental or physical handicap or disability.

Terms You Need to Know

Child Abuse: Any person who knowingly, other than by accidental means, treats a child under 18 in such a manner as to inflict injury has committed child abuse. Abuse may be physical, physical neglect, sexual or emotional.

Child Abuse, Aggravated: Any act of child abuse that results in serious bodily injury to the child, such as broken bones or brain damage, or one in which a deadly weapon is used.

Child Sexual Abuse: The commission of any act involving sexual contact with a child less than 13 years of age. This includes any penetration of the vagina or anal opening, whether or not there is the emission of semen; any contact between the genitals or anal opening of one person and the mouth or tongue of another; intentional touching of the genitals or intimate parts or the clothing covering them; intentional exposure of perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if the act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purposes.

Child Advocacy Center: A child-friendly facility where child victims and families can receive needed services such as parenting groups, counseling for children and crisis intervention. Here, trained professionals work with families hurt by child abuse and help bridge the gap between social services and the criminal justice system.

Child Neglect: An action, other than by accidental means that adversely affects a child's health and welfare. Neglect differs from child abuse in that neglect is omission (not doing something) and child abuse is commission (deliberate, purposeful), and the end result is that a child is harmed.

Commute: The substitution of a lesser punishment than the punishment imposed by the courts. Commutation affirms the verdict rendered by the jury, but the Governor has the authority to 'commute' or modify the sentence to a lesser punishment.

Complaint: A sworn statement charging a person with a criminal offense.

Concurrent: Existing or happening at the same time. For example, if an offender gets a 3-year sentence for one offense and 6 years for another offense, and is to serve them concurrently, the offender would the 3-year and the 6-year sentence at the same time, essentially serving 6 years.

Terms You Need to Know

Consecutive: Following one after the other. For example, if an offender gets a 3-year sentence for one offense and 6 years for another offense, and is to serve them consecutively, the offender serves a sentence of 9 years.

Contempt of Court: A willful failure to obey a court order or the show of disrespect or unacceptable behavior on the presence of the court. The court has the power to punish a person found guilty of contempt.

Continuance: The rescheduling of a case to a future date.

Conviction: The finding that a defendant is guilty of a criminal charge.

Coroner: An official who inquires and reports on the cause of death when there is reason to believe the death may not be from natural causes.

Criminally Negligent Homicide: A death in which the offender was aware of the danger of killing another, and was negligent in preventing the death, but and killed someone unintentionally.

Cross-examination: The questions that the prosecuting attorney and defense attorney ask of witnesses on the opposing side of the case.

Defendant: The person charged with committing a crime.

Defense Attorney: The attorney representing the defendant. The defense attorney may be a public defender or privately hired by the defendant. A defense attorney can also be appointed by the Court if the defendant cannot afford an attorney and the Public Defender has a conflict.

Defense Investigator: A person employed by the defense attorney to investigate the facts of a case.

Direct Examination: The questions the prosecuting attorney or the defense attorney directs to their own witnesses.

Dismissal: A decision by the judge to end the prosecution of a case without deciding the guilt or innocence of the defendant.

Docket: A schedule of cases awaiting court action on a given day, week, or month.

Terms You Need to Know

Due Process: The provision in the U.S. Constitution guaranteeing an accused person a fair and impartial trial.

Early Release: A method of managing prison overcrowding, mandated by the Tennessee General Assembly in 1985. Offenders may be considered for release in advance of their normal parole date. Sex offenders and offenders convicted of murder or assault are not eligible for early release.

Evidence: Any form of proof legally presented at a trial through witnesses, records, documents, etc.

Exclusionary Rule: A rule of law stating that evidence obtained in violation of the legal rights of a person may not be introduced into evidence against that person at their trial.

Executive Clemency: An act of leniency or mercy by the Governor of the State of Tennessee which gives the inmate certain relief from the consequences of a criminal conviction. This power belongs exclusively to the Governor.

Expungement: A court-ordered process in which the legal record of an arrest or a criminal conviction is "sealed," or erased in the eyes of the law, also referred to as "setting aside" a conviction. First offenders are sometimes eligible for a type of probation, which, when successfully completed, erases the record of that offense from public access. However, law enforcement officials do have access to the information.

Felony: A serious crime as defined by the state legislature, carrying a sentence of a year or more.

Fine: A payment the offender makes to the court, not the victim, as punishment. Fines may be assessed in addition to, or instead of, imprisonment.

Forensic: Belonging to, or used in the courts of justice; may also indicate the application of a particular subject to the law.

Terms You Need to Know

Grand Jury: A group of 12 citizens and a foreperson that decides if there is enough evidence to indict an person accused of a crime. The Grand Jury does not determine guilt, but only decides if there appears to be evidence that the crime probably happened and the accused probably committed the crime. The judge and the defense attorney are not present at the Grand Jury proceedings, and the proceedings are confidential.

Guardian Ad Litem: A person appointed by Juvenile Court to protect the interests of a child in a legal proceeding.

Hearsay: Evidence based on what the witness has heard someone say, but not personally experienced.

Impeachment of a Witness: An attack on the credibility or truthfulness of a witness' testimony.

Indictment: A document formally accusing a person of a crime, usually a felony. An indictment must state who committed the crime, what crime was committed, approximately when it was committed, and where it was committed.

Jurisdiction: The geographical area within which a court or criminal justice agency has authority. There are 31 judicial districts in Tennessee. For example, Davidson County is the 20th Judicial District, and all judicial or criminal matters occurring in the county are under its jurisdiction.

Juvenile Court: A specialized court system designed to treat young offenders separately from adults. Juvenile Court also handles cases involving neglect, dependency, and custody issues.

Leading Question: A question that suggests to the witness how to answer or suggests the answer desired. Such questions are prohibited on direct examination.

Litigation: A legal contest in court.

Misdemeanor: A less serious crime than a felony, with a maximum sentence of less than a year.

Mistrial: An invalid trial, a trial declared defective and void.

Terms You Need to Know

Murder: The willful and unlawful killing of one human being by another, also referred to as “homicide”.

Nolle Prosequi: A declaration by the prosecuting attorney that they will not further prosecute a particular case. This does not prevent the district attorney from later prosecuting the person under another indictment.

Objection: A statement by the prosecuting or defense attorney taking exception to testimony or to the admission of evidence.

Overrule: Refers to a court’s ruling against an objection. When an attorney raises an objection, the court may either sustain or overrule the objection raised. If overruled, the testimony or evidence will be admitted for the jury’s consideration.

Parole: The discretionary release of an inmate to the community by the Board of Parole prior to the expiration of the inmate’s prison term. Parole is a privilege and not a right.

Personal Recognizance: A promise by a person to return to court. The person is released without posting bail, based on their character. The court decides whether someone can be released this way.

Perjury: Making of false statements under oath. It is a criminal offense.

(Petit) Jury: A body of persons who hear the evidence at the trial and decide the verdict. In criminal trials, the jury consists of 12 persons. In civil trials, the jury may consist of less than 12 persons.

Plea Bargaining: A process in which the prosecutor and defense attorney, and sometimes the judge, reach an agreement where the defendant pleads guilty to a lesser number of crimes, or less serious crimes, than charged. In return, the defendant may receive a reduction in sentence. If a plea bargain is reached, and the judge accepts the plea bargain, a trial is not held. Plea bargaining occurs in the vast majority of criminal cases.

Polygraph: An instrument used to detect false or misleading statements, or lies. This test is sometimes used as an investigative tool by the police, but the results are not admissible in Tennessee courts.

Terms You Need to Know

Preliminary Hearing: A court procedure where a prosecutor must establish that a crime was committed and evidence that the defendant committed the crime. The judge then determines if there is enough evidence to require the defendant to stand trial.

Pre-Trial Diversion: Similar to probation (see below), except the defendant does not plead guilty and is supervised up to 2 years. If they complete all the requirements of the diversion agreement, the defendant's record may be expunged.

Probation: a period of supervision over an offender, ordered by the court instead of serving jail time. Probation is usually given for minor, non-violent, or first-time offenses. The offender is supervised by a probation officer. If the offender does not meet all the requirements of probation, the privilege may be revoked, and the offender may be sent to prison.

Probable Cause: A reasonable belief that a crime has been, or is being committed. It is the basis for all lawful searches and arrests.

Prosecutor: The attorney who represents the federal government, the state, or the county in a criminal case. The prosecutor does not represent the victim—the victim is considered a witness in the case.

Public Defender: A lawyer employed by the state to represent defendants who cannot afford a private attorney.

Rape: Unlawful sexual penetration, accompanied by circumstances such as force, coercion, lack of consent of the victim, fraud, mental incapacitation, or physical helplessness on the part of the victim.

Restitution: A process by which a person convicted of a crime is required to compensate the victim or the community for losses suffered as a result of the crime.

Robbery: The intentional or knowing theft of property from the person by another by violence or putting the person in fear.

Safety Valve: A provision that dictates the release of inmates until the prison population level is reduced to 90% of capacity, in order to reduce overcrowding. No one is guaranteed release through safety valve, and it is a Parole Board decision. Inmates convicted of homicide, manslaughter, and sex offenses are not eligible.

Terms You Need to Know

Sentence: A judgment by the court on the defendant after conviction in a criminal trial. In order to send a convicted person to prison in Tennessee, the Prosecutor must not only prove the defendant committed the crime charged against him/her, but must also prove the defendant does not deserve probation or other less severe punishment than confinement. Factors which may influence sentencing include prior criminal history, work record, family situation, whether restitution was or can be made, and the conditions under which the crime was committed. Here are some sentencing terms you may hear:

SED (Sentence Effective Date): The day from which an offender's sentence is calculated. It often differs from the actual date the judge imposes the sentence, as the judge may grant credit for time served in jail before trial.

RED (Release Eligibility Date): The earliest date an inmate is eligible for release on parole, unless a safety valve date applies. The date is based on total sentence and the minimum percentage which must be served prior to release. This date is **not** a guarantee the inmate will be released from prison at that time—it is the earliest date they can be **considered** for release. This date can change, depending upon sentence reduction credits earned by the inmate.

Sentence Reduction Credits: Credits the inmate earn that take time off their sentence. An inmate housed in prison may receive up to 16 days credit each month. Inmates housed in local jails may receive up to 41 days credit each month. The days of credit earned depend on the law under which the offender was sentenced, their current custody level, their behavior in prison and participation in programs. The sentence reduction credits provision in Tennessee law can mean a big difference between the sentence imposed by the judge and the sentence the inmate actually serves.

Sentence Expiration Date: The date the offender's sentence will be completed and all supervision by the Department of Correction or the Board of Probation and Parole will end. This date can be reduced through sentence reduction credits. If you hear an inmate has "flattened" the sentence, it means the offender has served all of the time they are legally required to serve and must be released into the community with supervision.

Terms You Need to Know

Sexual Assault: A category of crime including rape, in which a person forces another to commit a sex act.

Subpoena: A court order requiring a person to appear in court.

Suspended Sentence: A court sentence that allows the defendant to be placed on probation instead of serving jail time, as long as they do not violate certain terms.

Sustain: Refers to a court's ruling in favor of an objection. When an attorney raises an objection, the court may either sustain or overrule the objection raised. If sustained, the testimony or evidence will not be admitted for the jury's consideration.

Tennessee Department of Correction (TDOC): The state department that supervises adult offenders in prison, on probation, and on parole.

Tennessee Offender Management Information Service (TOMIS): The computer system used by Tennessee Department of Correction.

Testimony: Any statement made by a witness under oath in a legal proceeding.

Theft of Property: Formerly referred to as larceny, this is the taking of the property of another, usually not by force.

Uniform Crime Report: A report listing the frequency of certain crimes in each police jurisdiction in the county. Not all crimes are listed and not all police departments contribute this information.

Venire: A panel from which a jury is called.

Venue: The geographic area from which a jury is gathered and in which the trial is held. This is usually in the city or county where the crime took place (see "jurisdiction").

Verdict: The formal decision on guilt or innocence made by a jury, read before the court and accepted by the judge.

Victim: The person against whom a crime was alleged to have been committed .

Terms You Need to Know

Victim Compensation: Financial assistance paid to the victim for expenses incurred as a result of injury and conduct. Victims do not receive compensation for property crimes.

Victim Impact Statement: A report from the victim to a sentencing judge, the Department of Correction, or Parole Board, stating the effect the victimization had on the victim's life and what the victim feels the punishment should be.

Victim Witness Assistance Unit: A specialized unit usually within the prosecutor's office which provides services to crime victims and witnesses.

Warrant: A judicial order authorizing a law enforcement official to conduct a search, seizure, or arrest.

Witness: A person who testifies before a court under oath regarding what they saw, heard, or otherwise observed.

Acknowledgments for the "Preparing for a Court Appearance" section on pages 21-23:

DomesticShelters.org. "6 Tips for Facing An Abuser in Court." Last updated April 10, 2017; <https://www.domesticshelters.org/articles/legal/6-tips-for-facing-your-abuser-in-court>

Minick Law. "11 Tips for Your First Court Appearance." Last updated Sep. 22, 2016, <https://www.minicklaw.com/11-tips-first-court-appearance/>

Ruff, Matthew. "How to Prepare for a Court Appearance." Last updated January 4, 2015. <https://thetorrenceattorney.com/2015/01/04/how-to-prepare-for-a-court-appearance/>

Printing made possible with the generous support of



You Have the Power ... Know How to Use It

2401 White Avenue
Nashville, TN 37204
(615) 292-7027

www.yhtp.org

facebook.com/youhavethepowerknowhowtouseit

twitter.com/YHTP1

linkedin.com/company/2766127

instagram.com/youhavethepower2401