

## **Acknowledgments**

Special thanks to those who gave generously of time and advice  
for the 5th edition of “The Crime Survivor’s Guide”

Tennessee Board of Parole

District Attorney General’s Office, 20th Judicial District

Metropolitan Nashville-Davidson County Police Department

Office of the Attorney General

Tennessee Department of Correction

Tennessee District Attorneys General Conference

## Table of Contents

Message from President of You Have the Power .....	3
Emotional Effects of Crime .....	4
When Crime Happens .....	7
Identifying the Suspect .....	10
The Criminal Justice System .....	12
Bond Hearing.....	13
Making Bail .....	13
Preliminary Hearing .....	14
Grand Jury .....	14
Criminal Court.....	15
Appellate Process.....	17
Going to Court – What to Expect.....	18
Sentencing.....	21
Victim Impact Statement.....	24
Parole .....	26
Parole Hearing.....	28
Directory of Tennessee Prisons .....	32
Tennessee Sex Offender Registry .....	33
Victim Services and Assistance.....	34
Criminal Injuries Compensation Fund (Victim Compensation) .....	40
Restitution.....	40
Civil Suits .....	41
Rights of Victims and Witnesses .....	42
Coping with the Media .....	44
Terms You Need to Know .....	46

## Message from the President 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. Dedicated to raising awareness about crime and justice issues, our goal is to make positive change happen through community involvement and collaboration with other agencies.

With the help of many volunteers, we present public forums on issues such as personal safety, domestic violence, teen violence, child sexual abuse, elder abuse, acquaintance rape and homicide. In addition, we present victim impact classes to incarcerated men and women in the Tennessee Department of Correction. We offer a library of documentaries and other educational materials; a comprehensive list of available educational materials can be viewed on our web site [www.yhtp.org](http://www.yhtp.org).

The Crime Survivor's Guide addresses the criminal justice system in the State of Tennessee from the perspective of the crime victim and the victim's family. Our aim is to help crime survivors and the general public better understand the criminal justice system. Please note the Guide does not offer information on the federal justice system or the juvenile system, both of which differ in some respects from the criminal justice system in the State of Tennessee.

If you wish further information about our work, contact:

You Have the Power  
2814 Twelfth Avenue South  
Nashville, TN 37204  
phone (615) 292-7027, fax (615) 292-4088, or [info@yhtp.org](mailto:info@yhtp.org).

Sincerely,



Andrea Conte  
President  
You Have the Power

## The Emotional Effects of Crime

Once affected by a crime, the world feels very different. Defensiveness, constant crying, or extreme anger are normal reactions to crime, not a sign of weakness. These responses are part of the natural process that leads to healing. You may also experience some or all of these common reactions:

- Difficulty sleeping
- Nightmares
- Appetite disturbances
- A heightened startled response – feeling “jumpy”
- Constant thinking about the event
- Mood swings
- Excessive vigilance – being very alert to any possible sources of danger
- Depression
- Grief
- Avoidance of situations that remind you of the event
- Guilt for not being able to prevent the event
- General feeling of lack of control
- Numbness and shock
- Disbelief the event occurred
- Difficulty concentrating
- Jumbled speech

## 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 perfectly all right – you are unique and you set your own pace as you reclaim a sense of power over your life.

1. Shock and Denial  
Immediately after a personal crisis, there is a disbelief the event occurred and a desire to numb feelings.
2. Impact  
As the impact of the victimization sinks in, you may experience a feeling of loss accompanied by fear, anger, sadness, guilt, Loneliness, isolation, or shame.
3. Confrontation  
During this phase you may be asking questions such as “Why me?”, “Could I have prevented the crime?”, “Who is to blame?”, “How do I go on?”, and / or “Did I deserve this?”
4. Rebuilding  
During the rebuilding phase, you have a renewed sense of participating in the present, you may feel better physically, emotions become more manageable, and self-care becomes important. You sense a clear decision to fight back by taking charge of your life again. The crime itself becomes more integrated with all other life experiences you have had.

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

## When Crime Happens

*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, making time for quiet reflection.
- Seek professional help if you become overwhelmed.
- Avoid self-destructive behaviors such as drugs or alcohol.

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

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

***Victims and families are dealing with strong emotions at the same time they are trying to give information to law enforcement.***

You have a right to expect courtesy from the officer. However, 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 elicit information. Time can be a critical element in apprehending the suspect.

When crime is reported, the first order of business for police officers on a crime scene is to determine if the victim is in need of medical attention. Once this key issue is determined and the victim is able to 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 may be arrested and charged within hours, or it could take weeks or months. In some cases, a suspect may never be identified or charged because of a lack of evidence or the reluctance of witnesses to come forward.

The reluctance of witnesses to "get involved" is a serious concern, as the Police Department needs the community's help to solve crimes. For example, prior to the crime, a neighbor may have noticed a strange car in the neighborhood or may have seen someone acting suspiciously, or the victim may have received an odd telephone call. Something a witness may have seen or noticed - 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 relevant.

If a victim or witness is threatened, it may be possible to secure additional

protection, depending on circumstances. Take the threat seriously, and call the appropriate resource:

- “911” if it is an emergency;
- Detective working the case;
- 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 access them quickly if necessary.

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

## Victim Intervention Program (VIP)

Victim Intervention Program (VIP) of the Metropolitan Nashville Police Department provides mental health services and criminal justice system advocacy whenever individuals, 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) 862-7887

Website: [www.police.nashville.gov/bureaus/chief/victim\\_intervention.asp](http://www.police.nashville.gov/bureaus/chief/victim_intervention.asp)

### Crime Stoppers

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](http://www.nashvillecrimestoppers.com).

The person reporting a tip may do so anonymously and does not have to give his/her 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.

### Crime Stoppers Programs in Tennessee:

Alamo	(731) 696-5150	Millington	(901) 872-2274
Jackson	(731) 424-8477	Covington	(901)476-4411
Bartlett	(901) 385-5550	Murfreesboro	(615) 893-7867
Johnson City	(423) 434-6158	Crossville	(931) 484-4963
Bolivar	(731) 658-4636	Nashville	(615) 742-7463
Kingsport	(423) 247-5100	Dyersburg	(731) 285-TIPS
Brownsville	(731) 772-2274	Shelbyville	(931) 685-4300
Lebanon	(615) 444-5245	Fayetteville	(931) 433-7867
Chattanooga	(423) 698-3333	Springfield	(615) 382-3799
Lewisburg	(931) 359-4867	Franklin	(615) 794-4000
Clarksville	(931) 645-8477	Trenton	(731) 855-2005
Lexington	(731) 968-8477	Gallatin	(615) 230-8477
Collierville	(901) 457-2274	Tullahoma	(931) 461-8888
Martin	(901) 587-2611	Henderson	(731) 989-2274
Columbia	(931) 381-4900	Union City	(731) 885-8477
Memphis	(901) 528-2274	Hendersonville	(615) 573-5400
Cookeville	(931) 520-7897	Waverly	(931) 296-2414

## 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. Your responsibilities are to:

- Look at each photo carefully;
- Be aware a photo may not be recent and may not reflect the current hairstyle or hair color or presence of facial hair, etc.;
- Recognize a photo has some limitations. For example, your positive identification may only come with hearing a suspect’s voice, checking his/her height, seeing the presence of scars, tattoos, and other physical characteristics;
- Be truthful 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

Preparing for a physical line-up is not a casual event in your life. While it is not uncommon to be fearful 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. At this stressful and difficult time, 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. **Also, be aware that during the entire process of bringing a criminal case to court, you are not obligated to speak to the defense attorney or anyone from his/her staff. Request identification from any person who tells you he/she is investigating the case and needs more**

**information. If you are not certain who the person represents, contact your Victim Witness Coordinator or prosecutor before agreeing to speak about details.**

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.

In the viewing room, your responsibilities are to:

- **Calmly look** at each suspect, 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, it is possible the suspect changed in appearance--for example, grown a beard, shaved a beard off, gained or lost weight, or changed hairstyle or hair color.
- **Be prepared** for the possibility that the suspect you are looking for may not be in the line-up at all.
- **Always be truthful.** Inform the police if you can identify the suspect or if you are uncertain or if the suspect is not in the line-up.

## The Criminal Justice System

The Criminal Justice System is governed by laws, tradition, previous court rulings, and procedure. To the average person, there are times 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 March 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.”

## Bond Hearing

When a suspect is arrested and charged, he/she is 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 will prepare 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 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, typically a cash transaction 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 has the means to post his/her own bond, he/she may do so by posting 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.

## 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, is sent directly to Criminal Court where the defendant will plead guilty.

## Grand Jury

The Grand Jury is a panel of 12 citizens and one foreperson. The proceedings are secret, and no Grand Jury member may 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, an indictment is returned, 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 that a case may 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 wish to be present, 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.

**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 2000, the victim or the victim's family must be notified of a plea agreement. However, 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.

**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.

## The Appellate Process

**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 has discretion in disallowing certain information. In reaching a verdict of guilty or not guilty, the jury must consider only what was presented in the trial.

• **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. Please note the appeals process can take many months before a decision is rendered. Additional information about Tennessee Appellate Courts is available at [www.tncourts.gov](http://www.tncourts.gov).

• **Tennessee Supreme Court:** The losing side in the Court of Criminal Appeals may 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. Please note that 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 he/she 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.

***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 he/she means. Answer the questions truthfully and briefly, and if you truly 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 other helpful hints).

***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.

***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.***

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, he/she is 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.tndagc.com/vwh.htm](http://www.tndagc.com/vwh.htm) and click on "Victim Witness Information (Informacion de Victimas y Testigos)" to view the on-line Victim Witness Handbook.***

## Sentencing

If a defendant is found guilty of a criminal offense, it is the judge's responsibility to determine the appropriate sentence, based on guidelines established by the State of Tennessee. Sentencing can take place immediately after the verdict is rendered, or a separate sentencing hearing may be scheduled. In the likely event that sentencing will take place at a later date, inform the Victim Witness Coordinator or the District Attorney General if you wish to be notified of the date and be present for the hearing.

***Be aware 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 considerably less than the sentence imposed. Also, the "safety valve" provision in Tennessee, which addresses unconstitutional prison overcrowding, could allow the release of an offender far earlier than anticipated.

In capital cases, if an individual is sentenced to "life without parole," he/she will never be released. As of July 1, 1995, if an individual is convicted of homicide and sentenced to "life," then he/she 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, it is possible for some inmates housed in county jails or workhouses to earn up to 41 days of sentence credit in a month. A defendant serving time in prison may receive up to 16 days of sentence credits in a month for good behavior and satisfactory program performance. Since July 1, 2006, it is possible for offenders to 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. As of July 1, 2000, 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 may be granted parole earlier or later than anyone might anticipate.

### **Some terms you may hear:**

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

*RED (Release Eligibility Date)* is the earliest date an inmate is eligible for release on parole, unless a safety valve date applies. This date is based on the inmate's total sentence length and the minimum percentage of that sentence which must be served prior to release. This date is not a guarantee that the inmate will be released from prison at that time. It is merely the earliest date he/ she can be considered for release. The RED date can change if the inmate has earned sentence reduction credits.

*Sentence Reduction Credits* are set in statute (TCA 41-21-236). A prison inmate may earn up to 16 days sentence reduction credit each month, thus reducing the amount of time he/she must serve in prison. Furthermore, inmates housed in local jails or workhouses may receive up to 41 days sentence reduction credit each month. The amount of credit earned depends on the law under which the offender was sentenced, current custody level, institutional behavior and participation in assigned programs. The 'sentence reduction credits' provision in Tennessee law is a major reason for the disparity between sentence imposed by the judge and actual time served by the offender.

*The Sentence Expiration Date* is the date the offender's sentence will be completed and all supervision by the Department of Correction or the Board of Parole will end. This date can also be reduced through the application of sentence credits. If you hear that an inmate has "flattened the sentence," it refers to an offender who has served all the time legally required and who must be released. Offenders who flatten their sentence

are released into the community with no supervision.

*Safety Valve* refers to the Tennessee Emergency Powers Act to control prison overcrowding by releasing certain prisoners before the offender's release eligibility date. In the event of prison overcrowding, this Act dictates the Board of Parole release inmates until the prison population level is reduced to 90% of capacity. Sex offenders, homicide offenders, and inmates serving time for voluntary and involuntary manslaughter are not eligible for safety valve. No one is guaranteed release through safety valve, and it is a BOP decision.

*Fines* may be assessed in addition to, or in lieu of, imprisonment. An offender pays the fine to the court, not the victim, and the fine is considered punishment.

*Probation* may be granted instead of jail or prison time. Probation is usually given for lesser offenses, non-violent or first time offenses, and involves release of the offender to supervision 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.

## Victim Impact Statement

The Victim Impact Statement is a formal way for victims to explain the suffering caused by the crime, describe how the crime has impacted their lives, and to 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

Prior to sentencing, the Department of Correction provides the Pre-sentence Report Victim Impact Statement form. This Report 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 may also send a written, personal impact statement. Judges prefer to receive the statements ten 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 be aware of his/her rights; must have a personal statement in the judge's hands ten days prior to the sentencing hearing; must be aware that despite his/her 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.

*Exceptions: If a defendant has received a sentence that must be served 100% (no sentence-reducing credits allowed), has received a sentence of life without parole, or the death penalty, the offender would not be eligible for parole, and this particular Victim Impact Statement would not apply.*

*The Parole Eligibility Victim Impact Statement has three sections:*

- I. Victim/family member and offender information. (Offender information is typically provided by the coordinator or counselor who gives the form to the victim.)
- II. Request by victim/family member to be notified of any parole action.
- III. 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 may be provided to the victim 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 wish to be notified of any parole action, you must indicate that on the form, the form must be returned to the Board of Parole, and you must inform the Board of any change in your address or phone number.*

If you are a victim/victim's family member and have not received a Parole Eligibility Victim Impact Statement Form, request one from Board of Parole at (615) 741-1150 or toll free, 1-866-795-7467. Special Victim Impact Statement Forms are available for children 10 and under. Consult the Board of Parole at 615-532-8112 (toll free, 1-866-795-7467) or Victim Witness Coordinator in your local District Attorney General's Office, or in Shelby County, Crime Victims Center at 901-545-4357 if you have questions.

# Parole

The Tennessee Board of Parole is responsible for scheduling timely parole hearings and the Parole Hearings Schedule is available at [www.tn.gov](http://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 Fax: 615-532-8581  
Toll Free: 1-866-795-7467  
Website: [www.tn.gov/bopp/parole](http://www.tn.gov/bopp/parole)**

Regional BOPP Victim Liaison offices:

Blountville	(423) 279-3854
Clarksville	(931) 648-5550
Charlotte	(615) 789-9291
Chattanooga	(423) 634-6333
Cookeville	(931) 526-7165
Dresden	(731) 364-3147
Gallatin	(615) 451-5808
Knoxville	(865) 582-2042
Lebanon	(615) 443-2759
Memphis	(901) 543-6449 or (901) 543-7902
Murfreesboro	(615) 898-8030
Nashville	(615) 262-6161 or (615) 253-7383
Springfield	(615) 382-2413
Wildersville (Lexington)	(731) 968-1696

Based on sentencing guidelines and as mandated by statute, the Department of Correction computes felony sentences and eligibility dates for parole. Offenders do not “apply” for parole or early release. Inmate parole eligibility is determined by Tennessee statute. The sentencing judge will impose a statutory percentage of the total sentence to be served (for example, on a ten year sentence the judge might impose 30% to be served which equals three years). That time will be 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 he/she is certified eligible for parole consideration, the inmate’s name is submitted to the Tennessee Board of Parole. The seven members of the Tennessee Board of Parole are appointed by the Governor of Tennessee and the Board determines if an inmate should be paroled.

The Board of Parole is required to notify certain officials before parole hearings. These officials include the sentencing judge, the District Attorney General, the Victim Witness Coordinator, and the Sheriff in the county where the offense occurred. 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 has submitted a written request for notification of a parole hearing, decision, and/or release and supplied a current address, the Board will notify the victim about the parole hearing. If the victim has not submitted a request for notification, the victim or family may be unaware of the hearing and 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 Hearing

Parole hearings are held in various prisons throughout the state, and it is not uncommon for an inmate to be housed in a prison some distance 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**, thus easing the burden on victims having to travel to distant prisons. Video conferencing allows victims to 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.

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. It can be arranged by calling Victim Services at (615) 532-8112 or toll free @ 1-866-795-7467.

**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 to be confidential; however they cannot guarantee that the offender will not know that the victim has visited the prison. However, if the victim wishes to give testimony and remain in the hearing room for the complete hearing, then 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 two 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 the prison and what kind of clothes you are allowed to wear. **Get precise directions to the prison!**

- **Keep in mind** you will be searched before entering the prison.
- **Encourage** family/friends 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 in concise form**. After reading your comments, give a copy to the Hearing Officer.
- **Speak only** to the Hearing Officer or Board members. At no time are you allowed to speak directly to the inmate. Do not speak to the inmate's family members if any are present. They in turn will not be permitted to directly address you.
- **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 as all cases require 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. All persons registered with the Board of Parole who requested decision information will be notified.

Because of the volume of parole hearings (approximately 18,000 annually), 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 concurring votes are required for a final decision. (Violent offenses require four concurring votes and other offenses require three. However, only two votes are required to revoke parole). All persons registered with the Board of Parole or the Department of Correction who requested decision information will receive written notification of the Board's final decision. Please feel free to contact the local victim liaison at phone numbers listed at the beginning of this section if you have not been notified at least five weeks after the hearing. Please keep in mind some final hearing decisions may take a longer period of time than the usual 2-4 weeks.

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 states 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 takes two - 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 and you have previously requested to be notified of any action by the Board regarding this inmate, you will be notified.

## Tennessee Prisons

Charles B. Bass Correctional Complex  
Davidson County, Nashville TN

Hardeman County Correctional Facility  
Whiteville Correctional Facility  
Hardeman County, Whiteville TN

Lois M. DeBerry Special Needs Facility  
Davidson County, Nashville TN

Mark H. Luttrell Correctional Center  
Shelby County, Memphis TN

Morgan County Correctional Complex  
Morgan County, Wartburg TN

Northeast Correctional Complex  
Site 1: Johnson County, Roan Mountain TN  
Site 2: Carter County, Mountain City TN

Northwest Correctional Complex  
Lake County, Tiptonville TN

Riverbend Maximum Security Institution  
Davidson County, Nashville TN

South Central Correctional Facility  
Wayne County, Clifton TN

Bledsoe County Correctional Complex  
Bledsoe County, Pikeville TN

Tennessee Prison for Women  
Davidson County, Nashville TN

Turney Center Industrial Prison  
Wayne County, Only TN

West Tennessee State Penitentiary  
Lauderdale County, Henning TN

For more information: [www.tn.gov/correction/institutions/stateprisons.html](http://www.tn.gov/correction/institutions/stateprisons.html)

## 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 is required, upon release from prison, to 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 assist the offender with completing the necessary forms upon release from prison. However, once an offender is released, if he/she moves in or out of the state or moves from one residence to another within the State, it is the offender's responsibility to report any changes to the Tennessee Bureau of Investigation. The system is therefore largely self-reporting. The Tennessee Bureau of Investigation 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. Public information includes a photo, physical description, sex offense conviction(s), and current address. You may access the registry either through their website: [www.tbi.state.tn.us](http://www.tbi.state.tn.us) or the toll free number 1-888-837-4170.

The premise of the Registry is to improve safety by providing 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 prior to 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 will 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. However, keep in mind you may need to register your information with multiple agencies or different automated systems to keep abreast of important information. Valuable general information can also be accessed at government and agency websites as well as in other sections of the *Crime Survivor's Guide*. Summary of available resources:

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

- *Main Office:* Victim Services Director and Liaison  
404 James Robertson Parkway, Suite 1300  
Nashville TN 37243-0850  
(615) 532-8112, Fax: (615) 532-8581;  
Toll Free: 1-866-795-7467  
Website: [www.tn.gov/bopp/parole](http://www.tn.gov/bopp/parole)

- *Regional TDOC Victim Liaison offices:*

Blountville	(423) 279-3854
Clarksville	(931) 648-5550
Charlotte	(615) 789-9291
Chattanooga	(423) 634-6333
Cookeville	(931) 526-7165
Dresden	(731) 364-3147
Gallatin	(615) 451-5808
Knoxville	(865) 582-2042
Lebanon	(615) 443-2262
Memphis	(901) 543-6449 or (901) 543-7902
Murfreesboro	(615) 898-8030
Nashville	(615) 262-6161 or (615) 253-7383
Springfield	(615) 382-2413
Wildersville (Lexington)	(731) 968-1696

**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](http://www.shelbycountyttn.gov)

**Criminal Injuries Compensation Program** may give financial help to victims of violent crimes or to their dependents who have suffered out-of-pocket expenses due to medical expenses, loss of income, or burial costs. Some restrictions do apply. See the Criminal Injuries Compensation Program section for general background information. For assistance, information or questions about eligibility for compensation, contact the District Attorney's Office in your county. Helpful information is also available at Division of Claims Administration, State Treasury Department (615) 741-2734, or website [www.treasury.state.tn.us/injury/](http://www.treasury.state.tn.us/injury/).

### Offices of District Attorneys General: Victim Witness Coordinators

Tennessee has 31 Judicial Districts, which may refer to a single county in urban areas or several counties in rural areas. Within each District an elected District Attorney General directs a staff of Assistant District Attorneys and Victim Witness Coordinators. Victim Witness Coordinators provide information on the legal process, prepare victims for court, and provide valuable support to victims.

The District Attorneys General Conference also has a statewide Victim Witness Coordinator at (615) 532-5591.

#### *Judicial District Contact Information:*

Anderson County (Judicial District 7)

Clinton, TN (865) 457-5640

Bedford, Lincoln, Marshall, Moore Counties (Judicial District 17)

Fayetteville, TN (931) 438-1906

Benton, Carroll, Decatur, Hardin, Henry Counties (Judicial District 24)

Huntingdon, TN (731) 986-5031

Bledsoe, Franklin, Grundy, Marion, Rhea, Sequatchie Counties (Judicial District 12)

Dayton, TN (423) 775-4468

*Judicial District Contact Information (cont'd)*

Blount County (Judicial District 5)  
Maryville, TN (865) 273-5600

Bradley, McMinn, Monroe, Polk Counties (Judicial District 10)  
Cleveland, TN (423) 472-2179

Campbell, Claiborne, Fentress, Scott, Union Counties (Judicial District 8)  
Huntsville, TN (423) 663-2544

Cannon and Rutherford Counties (Judicial District 16)  
Murfreesboro, TN (615) 898-8008

Carter, Johnson, Unicoi, Washington Counties (Judicial District 1)  
Jonesborough, TN (423) 753-5020

Cheatham, Dickson, Houston, Humphreys, Stewart Counties  
(Judicial District 23)  
Charlotte, TN (615) 789-5021

Chester, Henderson, Madison Counties (Judicial District 26)  
Jackson, TN (731) 423-5800

Clay, Cumberland, DeKalb, Overton, Pickett, Putnam, White Counties  
(Judicial District 13)  
Cookeville, TN (931) 528-5015

Cocke, Grainger, Jefferson, Sevier Counties (Judicial District 4)  
Sevierville, TN (865) 429-7021

Coffee County (Judicial District 14)  
Manchester, TN (931) 723-5055

Crockett, Gibson, Haywood Counties (Judicial District 28)  
Trenton, TN (731) 855-7813

Davidson County (Judicial District 20)  
Nashville, TN (615) 862-5500

Dyer and Lake Counties (Judicial District 29)  
Dyersburg, TN (731) 286-8329

Fayette, Hardeman, Lauderdale, McNairy, Tipton Counties (Judicial District 25)  
Ripley, TN (731) 635-5163

*Judicial District Contact Information (cont'd)*

Greene, Hamblen, Hancock, Hawkins Counties (Judicial District 3)  
Greeneville, TN (423) 787-1450

Giles, Lawrence, Maury, Wayne Counties (Judicial District 22)  
Lawrenceburg, TN (931) 762-7777 or (931) 762-7788

Hamilton County (Judicial District 11)  
Chattanooga, TN (423) 209-7400

Hickman, Lewis, Perry, Williamson Counties (Judicial District 21)  
Franklin, TN (615) 794-7275

Jackson, Macon, Smith, Trousdale, Wilson Counties (Judicial District 15)  
Hartsville, TN (615) 374-2604

Knox County (Judicial District 6)  
Knoxville, TN (865) 215-2515

Loudon, Meigs, Morgan, Roane Counties (Judicial District 9)  
Kingston, TN (865) 376-2145

Montgomery and Robertson Counties (Judicial District 19)  
Clarksville, TN (931) 648-5574

Obion and Weakley Counties (Judicial District 27)  
Dresden, TN (731) 364-5513

Shelby County (Judicial District 30)  
Memphis, TN (901) 545-5900  
Crime Victims Center (901) 222-3950

Sullivan County (Judicial District 2)  
Blountville (423) 279-3278

Sumner County (Judicial District 18)  
Gallatin, TN (615) 451-5810

Van Buren and Warren Counties (Judicial District 31)  
McMinnville, TN (931) 473-9572

## Office of the Attorney General, State of Tennessee

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 to victims and families by guiding them through 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.

### Contact information:

Victim Information Services  
PO Box 20207  
Nashville, TN 37202  
(615) 741-8109 or (615) 532-1971  
Website: [www.tn.gov/attorneygeneral/](http://www.tn.gov/attorneygeneral/)

### Tennessee Department of Correction

For the best 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. See also the **Sentencing** section in this guide for further information.

**TN SAVIN (formerly VINE)** is a system used by the majority of county jails to deliver victim notification. Registering with TN SAVIN will let you know when an offender is transferred or released from jail. You can choose to be notified by phone or email. **TN SAVIN** provides up-to-the-minute information. If your county is not part of **TN SAVIN**, you can contact the jail directly to ask for registration, or 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 and is available to victims or family members who submit a written request or register on line. A registration form is available from the Victim Witness Coordinator in the District Attorney General's office or you may register on-line at the Department of Correction at [www.tn.gov/](http://www.tn.gov/)

correction/victim information/voice. Follow the links to VOICE from Victim Services. Registration is required for you to be assigned a Victim Personal Identification Number (VPIN number). Once you have your VPIN number, you may retrieve offender related information by phone or on-line. Note: This service is for state inmates, and does not include inmates housed in county jails. In summary, the VOICE system provides the following information to all registered persons:

- Offender's current location in the system
- Date sentence went into effect
- Sentence expiration date or release date
- Date of parole eligibility
- Parole hearing dates
- 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 TN Department of Correction (TDOC) and TN Board of Parole (BOP) share a registration system, so registering with either will allow you to be updated on parole hearings, transfers from higher to lower security prisons, and the release of offenders. In addition to notification by mail, you can access information through the VOICE phone system or over the internet on FOIL.***

**FOIL -- Felony Offender Information Lookup** is available for anyone to look up current information on an incarcerated felony offender. FOIL pertains to felony offenders who are or have been in the custody of Tennessee Department of Correction or under supervision if on parole. Retrieval information includes TOMIS number, supervision status (e.g., incarcerated, community corrections, inactive) offender's location if in prison, date sentence began, parole eligibility date, parole hearing date and hearing result if applicable, and end date of sentence. Go to the Tennessee Department of Correction website, click on FOIL at the top of the page. An offender can be located by using his prison number (TOMIS) or by entering his first and last name.

**Tennessee Statewide 211 Community Services Help Line** is a helpful resource for referrals. Website is [www.tn211.mycommunitypt.com](http://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.

**Victim Intervention Program (VIP)**, located in the Metropolitan Nashville Davidson County Police Department, offers victim services through the Victim Intervention Program, providing mental health services and criminal justice system advocacy. Services include crisis intervention, critical incident debriefing, advocacy counseling, information and referral. (615) 862-7887

Website: [www.police.nashville.gov/bureaus/chief/victim\\_intervention.asp](http://www.police.nashville.gov/bureaus/chief/victim_intervention.asp)

## **Criminal Injuries Compensation Fund**

The Tennessee Criminal Injuries and Compensation Fund may give financial help to victims of violent crimes or to their dependents who have suffered out-of-pocket expenses due to medical expenses, loss of income, or burial costs. Eligible crimes generally include, but are not limited to, homicide, aggravated assault, sexual assault, robbery by force and drunk driving. The Fund also provides reimbursement to a facility that performs sexual assault forensic exams (SAFE) on victims of certain sexually-oriented crimes. Facilities are reimbursed directly from the Criminal Injuries Fund and cannot seek any additional compensation from the victim after payment by the Fund.

Sources of money for the Criminal Injuries Compensation Fund are fines, penalties, and fees assessed against persons convicted of crimes in Tennessee and federal funds from fines and penalties. Recovery may not be 100% of expenses and claims must be filed within a specified time frame of the incident unless good cause can be established for not doing so.

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

## **Restitution**

The financial impact of crime can be devastating to crime survivors and their families as most crimes result in some type of economic loss. Medical expenses, replacing stolen property, additional security enhancements, and lost wages are some examples of the cost of crime. Restitution is an important tool in criminal justice and more than a financial remedy - it goes to the heart of accountability and responsibility. Please note restitution is not routinely used as part of the criminal court sentence. Victims can help this process along by requesting restitution be part of the sentence imposed by the judge.

*Essential elements of restitution:*

- should come from the offender's own resources - either money or service;
- must be part of the criminal court sentence;
- 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. Rules for civil cases differ considerably from criminal cases. As you consider this type of action, you would need to 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 addition, in November 1998, voters ratified an amendment to the Tennessee state constitution that granted crime victims the following rights:

1. *The right to confer with the prosecution.*
2. *The right to be free from intimidation, harassment and abuse throughout the criminal justice system.*
3. *The right to be present at all proceedings where the defendant has the right to be present.*
4. *The right to be heard, when relevant, at all critical stages of the criminal justice process as defined by the statute.*
5. *The right to be informed of all proceedings, and the release, transfer, escape or recapture of the accused or convicted person.*
6. *The right to a speedy trial or disposition and a prompt and final conclusion of the case after the conviction or sentence.*
7. *The right to restitution from the offender.*
8. *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:

- **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**
  - (1) Bond hearings where the victim's testimony is relevant;
  - (2) Defendant's sentencing hearing;
  - (3) Restitution hearings; and
  - (4) Parole hearings discussing the defendant's release.

- **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 victim is deceased or is physically or emotionally unable to exercise his or her rights, then *victim* refers to a family member or a person who resided with the victim. Victim does **not** include any person charged with, or alleged to have committed the crime, or who is charged with some form of criminal responsibility for commission of the crime.

The Tennessee Legislature has further described the victim's right to confer with the prosecution prior to final disposition of a criminal offense. This includes the views of the victim about not proceeding 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 shall confer with the victim 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 July 1, 2000, Tennessee law also granted 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 phones, 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 the investigator or attorney about the case. Outside the courtroom, it is always a good rule of thumb 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. If the crime is a sex offense, the news media typically do not report the victim's name. 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 in your heart it is wiser to be silent. Resist the temptation to speak if you know it is not the right thing to do.
- **Secondly**, you are **not** obligated to provide a story for the media. **You have the right to 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.
- **Be aware** your comments may be taken out of context, misinterpreted, or inaccurately 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 (e.g., finding the suspect, locating an individual, calling attention to a miscarriage of justice), and be aware of the possible risks to you personally. For example it may be advisable to conceal one's identity, conduct a television interview using a silhouette or conduct a newspaper interview without having a photo taken.

- **You have the right** to choose the time and location for a media interview, to request a specific reporter, or refuse to be interviewed by certain reporter(s).
- **Use good judgment and caution** about on-line postings. Keep in mind Social Media has increased productivity and efficiency, but also made it possible for others to access personal information or on-line conversations. Guard against casually sharing information or opinions on line about the crime that has been perpetrated against you to avoid divulging confidential information, defaming an innocent person or harming successful prosecution of the case. Be aware of the public nature of blogs, diaries, and listservs. **Remember your online postings can never be completely deleted.**
- **Do not divulge confidential information** about the case. The investigation may be at a critical or delicate point, and revealing confidential information about the investigation could warn an unnamed suspect, defame an innocent person, or harm successful prosecution of the case. Do not answer questions you feel are inappropriate and **be aware that your on-line postings may be admissible in court proceedings.**
- **Do what the experts do**: prepare a written statement. Distribute copies to the press or post your statement online.

## 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-PROSECUTION...**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...**Is comprised of seven persons appointed by the Governor of the State of Tennessee to serve for a term of six years. The Board is the decision-making body responsible for granting, declining, or revoking the parole status of convicted offenders.

**BURGLARY...**Entry into a building or residence with intent to commit a crime is burglary and may be one of three types: forcible entry, attempted forcible entry, or unlawful entry. Unlawful entry refers to persons without the legal right to be on the property and who have gained entry even though force was not used.

**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 fourteen factors must be present in order to have a sentence of life without the possibility of parole or death imposed. These are:

1. Murder victim was under 12 years old.
2. Defendant previously convicted of one or more violent felonies.
3. Defendant knowingly created great risk of death to two or more persons, other than victim.
4. Defendant committed murder for money or promise of money, or employed another to commit the murder for money or promise of money.
5. Murder was especially heinous, atrocious or cruel, in that it involved torture or serious physical abuse beyond that necessary to produce death.
6. Murder was committed for purpose of avoiding or preventing lawful arrest.
7. Murder was committed while defendant was committing another felony.
8. Murder was committed while defendant was in lawful place of confinement or escaping from a lawful state of confinement.
9. Murder was committed against law enforcement officer or specified other individual engaged in the performance of their official duties.
10. Murder was committed against a judge, a state or District Attorney General in exercise of their official duty.
11. Murder was committed against popularly elected official because of their status.
12. Defendant committed murder of three or more persons, either during a single criminal episode or at different times during a 48-month period.
13. Defendant knowingly mutilated the body of the victim after death.
14. Victim of the murder was especially vulnerable because of significant mental or physical handicap or disability.

**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 includes any of the following: act of abuse results in serious bodily injury to the child, such as broken bones or brain damage; 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. A place where trained professionals work with families hurt by child abuse and help bridge the gap between social services and the criminal justice system.

**CHILD NEGLECT...**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...** When an offender with more than one sentence is ordered to serve the sentences at the same time. For example, if an offender is given a 3-year sentence for one offense and a 6-year sentence for another offense, and is to serve them concurrently, the offender would serve the longer of the two sentences, or 6 years.

**CONSECUTIVE...**An offender with more than one sentence is ordered to serve the sentences one after the other. For example, if an

offender is given a 3-year sentence for one offense and a 6-year sentence for another offense, and is to serve them consecutively, the offender would serve a sentence of 9 years.

**CONTEMPT OF COURT...**is a willful failure to obey a court order or the show of disrespect or unacceptable behavior in the presence of the court. The court has the power to punish a person found guilty of contempt.

**CONTINUANCE...**Occurs when a case is rescheduled to a future date.

**CONVICTION...**Is 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...**Being aware of the danger of killing another, and of being negligent in preventing the death, but not intentionally killing another.

**CROSS EXAMINATION...**Refers to 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...**Is 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 is unable to 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...**Refers to the questions the prosecuting

attorney or the defense attorney directs to their own witnesses.

**DISMISSAL...**Is 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.

**DUE PROCESS...**Is a 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 an individual may not be introduced into evidence against that person at his/her trial.

**EXECUTIVE CLEMENCY...**Is 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...**First offenders are sometimes eligible for a type of probation, which, when successfully completed, has the effect of “erasing” the record of that particular criminal offense. The record is expunged, or erased from public access. However, law enforcement officials do have access to the information.

**FELONY...**Is a more serious crime as defined by the legislature. The sentence for a felony is one year or more.

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

**GRAND JURY...**Is a group of 12 citizens and a foreperson who decide if there is enough evidence to indict an individual 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...**Is an attack on the credibility or truthfulness of a witness’ testimony.

**INDICTMENT...**Is 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...**Is 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 youthful 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...**refers to a legal contest in court.

**MISDEMEANOR...**is a crime less serious than a felony and for which the maximum sentence is less than one year.

**MISTRIAL...**An invalid trial, a trial declared defective and void.

**MURDER...**The willful and unlawful killing of one human being by another.

**NOLLE PROSEQUI**...refers to the prosecuting attorney formally declaring he/she will not further prosecute a particular case. However, this does not prevent the district attorney from later prosecuting the individual under another indictment.

**OBJECTION**...Is a statement by the prosecuting or defense attorney taking exception to testimony or to the admission of evidence.

**OVERRULE**...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**...Is a promise by a person to return to court. The person is released without posting any bail, based on their character and their promise to return to court.

**PERJURY**...Is the making of false statements under oath - 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**...Is a process in which the prosecutor and defense attorney, and sometimes the judge, reach an agreement whereby the defendant will plead 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.

**PRELIMINARY HEARING**...Is 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, except defendant does not plead guilty and is supervised up to 2 years. If he/she completes diversion, record may be expunged.

**PROBATION**...refers to a sentence that is served in the community rather than prison. The offender is under the supervision of a probation officer.

**PROBABLE CAUSE**...Refers to a reasonable belief that a crime has been, or is being committed. It is the basis for all lawful searches and arrests.

**PROSECUTOR**...Is 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**...Due to overcrowding in the Tennessee prisons, the Tennessee legislature enacted the Emergency Powers Act, which dictates the release of inmates until the prison population level is reduced to 90% of capacity. Sex offenders, homicide offenders, and

inmates serving time for manslaughter are not eligible for safety valve. No one is guaranteed release through safety valve, and it is a Parole Board decision.

**SENTENCE**...A judgment by the court upon the defendant after his 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.

Some sentencing terms you may hear:

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

**RED** (*Release Eligibility Date*) is 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 he/she can be **considered** for release. This date can change, depending upon sentence reduction credits earned by the inmate.

*Sentence Reduction Credits* are granted by the state. A prison inmate may receive up to 16 days credit each month, thus reducing that amount of time he/she must spend in prison. Furthermore, 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, current custody level, his/her behavior in prison and participation in programs. The sentence reduction credits provision in Tennessee law contributes to the great disparity between the sentence imposed by the judge and the sentence actually served by the inmate.

*Sentence Expiration Date* is 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 also be reduced through the application of sentence credits. If you hear an inmate has flattened the sentence, it refers to an offender who has served all the time he/she is legally required to serve and who must be released. In this case, the offender is released into the community with no supervision.

**SEXUAL ASSAULT**...*Is 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**...*Is a* court sentence that allows the defendant to be placed on probation instead of serving jail time, as long as he/ she does not violate certain terms.

**SUSTAIN**...Refers to the court's ruling in favor of an objection. If an objection is sustained during a trial, the evidence or conduct objected to will not be admitted for the jury's consideration.

**TENNESSEE DEPARTMENT OF CORRECTION (TDOC)**...The department that supervises adult offenders in prison and on probation and parole.

**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.

**TOMIS**...The Tennessee Offender Management Information Service

Is the computer system used by Tennessee Department of Correction.

**UNIFORM CRIME REPORT**...A report listing the frequency of certain crimes in each police jurisdiction in the country. Not all crimes are listed and not all police departments contribute this information.

**VENIRE**...A panel from which a jury is called.

**VENUE**...Is the geographic area from which a jury is gathered and in which the trial is held. This typically is in the city or county where the crime occurred. (See “jurisdiction”)

**VERDICT**...Formal decision on guilt or innocence made by a jury, read before the court and accepted by the judge.

**VICTIM**...Refers to the person against whom a crime is alleged to have been committed.

**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 sentencing judge, the Department of Correction, or the Parole Board, stating the effect the victimization has had on the victim’s life and what the victim feels the punishment should be.

**VICTIM/WITNESS ASSISTANCE UNIT**...Is 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 had been seen, heard, or otherwise observe.

Printing made possible with the generous support of



**You have  
the Power... know how  
to use it**

**▲ yhttp.org**

2814 12<sup>th</sup> Avenue South  
Nashville, TN 37204  
615-292-7027  
[www.yhttp.org](http://www.yhttp.org)

---