

**OFFICE OF THE DISTRICT ATTORNEY
FIFTEENTH CIRCUIT COURT DISTRICT**

**HALDON J. KITTRELL
DISTRICT ATTORNEY**

YOUR RIGHTS AS A VICTIM OF A VIOLENT CRIME

In order “to ensure the fair and compassionate treatment of victims of crime, to increase the effectiveness of the criminal justice system by affording rights and considerations to the victims of crime, and to preserve and protect victims’ rights to justice and fairness in the criminal justice system,” the State of Mississippi guarantees certain rights to victims of violent crimes. Victims of felonies involving physical violence, the threat of physical injury, a sexual offense, or any offense involving spousal abuse or domestic violence are entitled to the following:

- information from the law enforcement agency responsible for your case regarding emergency and crisis referrals, the availability of victims’ compensation, the officer’s name and agency contact information, the procedural steps of a criminal prosecution, the rights authorized by the Mississippi Constitution, including a Request to Exercise Victims’ Rights form, the existence of and eligibility requirements for restitution, a recommended procedure if the victim is subjected to threats or intimidation, and the name and telephone number of the office of the prosecuting attorney to contact for further information.
- to be notified of all charges filed against the defendant, and any criminal proceedings, other than initial appearances, as soon as practicable.
- an opportunity to speak with the prosecutor prior to the beginning of the trial, including the expression of the views of the victim regarding a nol pros (dismissal), reduction of charge(s), sentence recommendation, and pre-trial diversion programs.
- to a final disposition of the criminal proceeding free from reasonable delay.
- to be present at all criminal proceedings.
- to have a separate waiting area from and minimal contact with the defendant, the defendant’s relatives, and defense witnesses.
- to have the prosecutor petition the court that you or any other witnesses not be compelled to testify at any pre-trial proceedings or at trial to any facts concerning identity, residence, or place of employment that could cause a danger to those who have been threatened or intimidated.
- to be notified of the date of conviction, acquittal, or dismissal of the charges filed against the defendant. If the defendant is convicted, the victim shall be notified of the existence and function of the pre-sentence report, the name, address, and telephone number of the office which is preparing the pre-sentence report, the right to make a victim impact statement, the right of the defendant to review the pre-sentence report, and if the court orders restitution, the right to pursue collection of the restitution.
- to submit a written victim impact statement or make an oral victim impact statement to the probation officer for use in preparing a pre-sentence report.
- to be notified of the sentence imposed on the defendant as soon as practicable.

- to be given by the Attorney General's Office or the District Attorney's Office the status of any post-conviction court review or appellate proceeding within five business days after the status is known.
- to be notified by the sheriff or municipal jailer, upon request, of the release on bond of a defendant. To be notified, upon request, of the escape and return of the defendant / prisoner into custody.
- to present an impact statement or information that concerns the criminal offense or the sentence during any entry of a plea of guilty, sentencing, or restitution proceeding. The right of the victim to be heard may be exercised, where authorized by law, at the discretion of the victim, through an oral statement, or submission of a written statement, or both.
- to have property which was taken during the course of an investigation returned to the victim as soon as possible, or to be notified by the law enforcement agency responsible for the investigation why the property will not be returned.
- to be notified, upon request, of the upcoming release of the prisoner fifteen days prior to the end / expiration of a sentence, or fifteen days prior to a medical release. If the prisoner dies while incarcerated, the victim shall be notified, upon request, within fifteen days.
- to be notified that he or she can submit a written statement, or audio or video recording, which shall be entered into the prisoner's Department of Corrections record, and shall be considered during any review for community status of the prisoner prior to release of the prisoner.
- to be notified and allowed to submit a written or recorded statement when parole or pardon is considered.
- to testify in a criminal proceeding or participate in the reasonable preparation of criminal proceedings without loss of employment, intimidation, or threat or fear of the loss of employment.

These rights do not include the right to direct the prosecution of the case. The prosecutor will confer with the victim and consider the victim's wishes, but the prosecutor ultimately decides how a case should be handled.

In order to assert the rights listed above, a victim must provide the appropriate prosecutor with a signed Request to Exercise Victims' Rights form, which is to be provided to the victim by the law enforcement agency investigating the case.

For further information regarding victims' rights or the criminal justice system process, please contact:

VICTIM ASSISTANCE PROGRAM

Jeffrey Caillouet, Victim Assistance Coordinator

Lamar County: P.O. Box 1208
Purvis, MS 39475
Phone: (601) 794-3510
Fax: (601) 794-1077

Lauren Robertson, Victim Assistance Coordinator

Jefferson Davis County, Lawrence County and Marion County:

500 Courthouse Square, Suite 3
Columbia, MS 39429
Phone: (601) 731-1476
Fax: (601) 731-1489

Anita Sumrall, Victim Assistance Coordinator

Pearl River County: P.O. Box 584
Poplarville, MS 39470
Phone: (601) 403-2356
Fax: (601) 403-2357

Our Victim Assistance program was established to assist crime victims and their families with the physical, emotional and financial impact of a crime. They offer not only information about the criminal justice system but also encouragement while participating in the criminal justice system. Services provided by the victim assistance coordinators include, but are not limited to, providing victims and their families with the following:

- Information about the criminal justice system as a whole;
- Information about and/or notification of the status of their case;
- Providing a safe waiting area in the courthouse during court proceedings;
- Court accompaniment;
- Referrals to other social service agencies (counseling, for example);
- Assistance in applying for reimbursement with the Attorney General's Crime Victim Compensation Division;
- Assistance with Victim Impact Statement preparation and submission to the Court;
- Employer, school, and/or creditor intercession; and, if necessary,
- Crisis intervention.

REQUEST TO EXERCISE VICTIMS' RIGHTS

For victim to sign:

I, _____, victim of the crime of _____,
(victim's name) (crime)
committed on _____, by _____, in
(date of crime) (offender)

_____ County, having been provided a copy of the Mississippi Crime Victims' Bill of Rights,

Please Choose One:

_____ request that I be given all rights provided in the Victims' Bill of Rights, Mississippi code Annotated, Section 99-43-1 et. seq. I understand that it is my responsibility to provide the prosecutor with any change in my name, address, or telephone number in order to continue to exercise these rights.
_____ do not wish to exercise my rights as a victim as specified in the Victim's Bill of Rights, Mississippi code Annotated, Section 99-43-1.

For victim representative to sign:

I, _____, representative of _____ who was
(victim representative) (victim)
the victim of the crime of _____ committed on _____,
(crime) (date of crime)
by _____ in _____ County, having been provided a copy
(offender) (county)

of the Mississippi Crime Victims' Bill of Rights,

_____ request that I be given all rights provided in the Victims' Bill of Rights, Mississippi Code, Annotated, Section 99-43-1 et. seq. I understand that it is my responsibility to provide the prosecutor with any change in my name, address, or telephone number in order to continue to exercise these rights.
_____ do not wish to exercise _____'s rights as a victim as specified in the Victims' Bill of Rights, Mississippi Code, Annotated, Section 99-43-1 et. seq.

Signature Telephone Number

Address City State Zip Code

OFFICE OF THE ATTORNEY GENERAL

Crime Prevention & Victim Services
Crime Victim Compensation Division
Post Office Box 220
Jackson, Mississippi 39205-0220
1-800-829-6766 or 601-359-6766
601-576-4445 (FAX)
www.ago.state.ms.us (WEB)

For Office Use Only

CLAIM NO. _____

VICTIM COMPENSATION APPLICATION

APPLICATION MUST BE COMPLETED, SIGNED AND NOTARIZED. IT IS THE RESPONSIBILITY OF THE VICTIM/CLAIMANT TO NOTIFY THIS DIVISION OF ANY CHANGES TO ADDRESS OR TELEPHONE NUMBERS.

Instructions

Please read the enclosed "General Eligibility Guidelines" to see if you qualify for this program. Fill out the form completely (please print), attach any required documentation, including itemized bills, and mail to the above address. If the victim is deceased, include itemized funeral and burial expenses.

CHECK THE TYPE OF VICTIM COMPENSATION BENEFITS YOU ARE REQUESTING:

- | | |
|---|--|
| <input type="checkbox"/> Medical Expenses | <input type="checkbox"/> Loss of Wages (funeral) |
| <input type="checkbox"/> Rehabilitation | <input type="checkbox"/> Loss of Wages (court proceeding) |
| <input type="checkbox"/> Mental Health Counseling (victim) | <input type="checkbox"/> Loss of Support (dependents of deceased victim) |
| <input type="checkbox"/> Mental Health Counseling (family member) | <input type="checkbox"/> Loss of Tuition |
| <input type="checkbox"/> Transportation (Medical/MHC) | <input type="checkbox"/> Domestic Violence Relocation Assistance |
| <input type="checkbox"/> Funeral Expenses | <input type="checkbox"/> Domestic Violence Temporary Housing Assistance |
| <input type="checkbox"/> Transportation (funeral) | <input type="checkbox"/> Court Related Travel Expenses |
| <input type="checkbox"/> Loss of Wages (victim) | <input type="checkbox"/> Crime Scene Cleanup Expenses |
| <input type="checkbox"/> Loss of Wages (claimant) | <input type="checkbox"/> Repair/Replacement Expenses |

SECTION A – Victim Information - person injured or killed as result of the crime.

A. Please type or print legibly with ink. B. A separate application must be completed for each victim who received injuries. C. If a person witnessed the crime and is requesting mental health counseling, complete separate application.

1. Victim's Name _____ 2. Marital Status _____

3. Mailing Address _____ 4. City/State/Zip _____

5. County _____ 6. Home Phone (____) _____ 7. Work Phone (____) _____

8. Date of Birth: _____ 9. Age: _____ 10. Social Security #: _____

11. Briefly describe victim's injuries: _____

12. The following victim information is used for statistical purposes only and is needed to comply with federal regulations.

- | | | |
|--|---|---|
| A. Sex <input type="checkbox"/> Female <input type="checkbox"/> Male | D. Race: | <input type="checkbox"/> Asian/Pacific Islander |
| B. Handicapped Before Crime <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> African American | <input type="checkbox"/> Caucasian |
| C. Handicapped After Crime <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Alaskan Native | <input type="checkbox"/> Hispanic |
| | <input type="checkbox"/> American Indian | <input type="checkbox"/> Other _____ |

13. Has/had victim been under the supervision of any department of corrections (including, but not limited to, incarceration, earned release, house arrest, probation, parole, conditional medical release or interstate compact) for a felony conviction within 5 years prior to the victim's injury or death? Yes No

SECTION B – Claimant Information - If claimant is same as victim, skip to Section C.

Complete this section only if:

A. You are the person responsible for the victim if the victim is a minor (under 18 years of age) or incapable of acting on his/her behalf.

B. You are the person legally responsible for the dependent(s) of a deceased victim or for expenses associated with the victim's death.

1. Claimant's Name _____
2. Relationship to Victim _____
3. Mailing Address _____
4. City/State/Zip _____
5. Home Phone (____) _____
6. Work Phone (____) _____
7. Date of Birth: _____
8. Age: _____
9. Social Security #: _____
10. Has/had claimant been under the supervision of any department of corrections (including, but not limited to, incarceration, earned release, house arrest, probation, parole, conditional medical release or interstate compact) for a felony conviction within 5 years prior to the victim's injury or death? Yes No

SECTION C – Crime Information

1. Type of Crime (please check one)

- | | | | |
|-----------------------------------|---|---|---|
| <input type="checkbox"/> Assault | <input type="checkbox"/> Sexual Assault | <input type="checkbox"/> Child Physical Abuse | <input type="checkbox"/> DUI |
| <input type="checkbox"/> Homicide | <input type="checkbox"/> Child Sexual Abuse | <input type="checkbox"/> Domestic Violence | <input type="checkbox"/> Other (specify): _____ |

2. Date of Crime: _____
3. Date Crime Reported: _____
4. Name of Law Enforcement Agency Crime Reported To: _____
5. Police Incident Report # _____
6. Officer's Name _____
7. Name of Offender(s) _____
8. Did Victim Know Offender(s) Yes No If yes, in what way? _____
9. Location of Crime: Street _____
10. City/State _____
11. County _____
12. Were charges filed against the offender? Yes No
13. Has an arrest been made? Yes No Unknown
14. Has the case gone to trial? Yes No Unknown If yes, when? _____
Result? _____
15. Court case or cause # _____
16. Prosecuting attorney _____
17. Has the court ordered the offender to pay restitution (pay you back)? Yes No Unknown

SECTION D – Employment Information

Complete this section only if:

- A. the victim was employed at the time of the crime and has loss of wages due to the crime related injuries; or
- B. the claimant missed work and had a loss of wages in order to assist the victim during the victim's recovery from injuries; or
- C. the claimant missed work and had a loss of wages in order to make arrangements for or attend the victim's funeral.

Request for lost wages is for Victim Claimant

Note: Victim and claimant may both receive compensation for lost wages. Both awards cannot exceed the maximum of up to \$600 per week.

1. Dates absent from work due to crime: From _____ To _____
2. Employer: _____
3. Employer Phone # _____
4. Employer Address: _____
5. City/State/Zip _____
6. Job Title: _____
7. Supervisor's Name _____
8. Are you self-employed? Yes No If you are self-employed, attach a copy of your latest federal income tax return.

SECTION E – Loss of Support for Dependent(s)

Complete this information only if the victim financially supported dependent(s) at the time of death.

1. Did victim contribute financial support to any dependent at the time of death?

Yes No If yes, list dependents (Attach additional sheet if necessary)

Name	Address – if different from claimant's address	Social Security #	Relation to Victim	Date of Birth Month/Day/Year

2. Attach a copy of the victim's latest federal income tax return and proof of dependency. (You may be asked for more information to determine dependency and actual loss of support.)

SECTION F – Insurance and Other Collateral Source Information

By law, the Crime Victim Compensation Division is payer of last resort and must verify all sources available for payment of expenses. This section must be completed. Please check each source that applies.

1. Source

	YES	NO	APPLIED FOR	N/A
Health Insurance.....				
Automobile Insurance				
Social Security: SSI.....				
Social Security: Disability.....				
Social Security: Death Benefits.....				
Workers' Compensation.....				
Medicaid.....				
Medicare.....				
Veteran's Administration.....				
Unemployment Compensation.....				
Disability Pay.....				
Life Insurance.....				
Amount of Policy_____				
Beneficiary_____				
Relationship to Victim_____				
Burial Insurance Policy.....				
Amount of Policy_____				
Donations for Funeral Expenses				
Amount_____				
Other (specify) _____				

2. Please list name, address and telephone number for each insurance company indicated above.

Insurance Company	Address	Telephone Number

3. If a car was involved in the crime, list the name and address of the offender's automobile insurance company.

SECTION G – Attorney Information

1. Have you filed or are you considering filing a civil action against the offender or some other third party for expenses as a result of the crime? Yes No If yes, please complete the following:

A. Attorney's Name _____ B. Telephone # _____

C. Mailing Address _____

SECTION H – Referral Information

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Children Services | <input type="checkbox"/> Funeral Home | <input type="checkbox"/> Mental Health Counselor | <input type="checkbox"/> Survivor of Homicide Agency |
| <input type="checkbox"/> City/County Agency | <input type="checkbox"/> Hospital/Doctor | <input type="checkbox"/> Mothers Against Drunk Driving | <input type="checkbox"/> Victim Assistance Coordinator |
| <input type="checkbox"/> District Attorney | <input type="checkbox"/> Internet | <input type="checkbox"/> Other Social Service Agency | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Domestic Violence Shelter | <input type="checkbox"/> Law Enforcement Agency | <input type="checkbox"/> Poster/Brochure | |
| <input type="checkbox"/> Elderly | <input type="checkbox"/> Media (TV, Radio, Newspaper) | <input type="checkbox"/> Sexual Assault Crisis Center | |

SECTION I – Authorization, Consent and Subrogation

CONSENT: I acknowledge and agree that all or any part of the compensation award may be paid directly, at the discretion of the Crime Victim Compensation Division, to the person(s) to whom payment is owed.

SUBROGATION: I agree to immediately repay any award(s) to the Crime Victim Compensation Division, if I later recover the money through legal action or otherwise. Furthermore, I agree to notify the Crime Victim Compensation Division in writing prior to filing a civil lawsuit resulting from the criminal action. In consideration of any award made by the Crime Victim Compensation Division, I agree to subrogate to the Crime Victim Compensation Division, or its representatives, any information requested, including tax data and prior police records, needed to perfect my claim for compensation.

AUTHORIZATION: I hereby authorize, in accordance with the privacy regulations under HIPAA (the Health Insurance Portability and Accountability Act, 45 C.F.R. § 164.508) any hospital, physician, health care provider, mental health care provider; any funeral director or other person who rendered related services; any employer of the victim or claimant; any law enforcement or governmental agency, including state or federal taxing authorities; any insurance company; or any other individual, company, agency or organization having relevant knowledge, to furnish to the Crime Victim Compensation Division, any and all information in their possession with respect to the incident that is the basis for this claim.

NOTICE:

•The individual signing this authorization may request the entity provide them with both a copy of the authorization and a copy of the Protected Health Information (PHI) to be disclosed.

•The individual signing this authorization has the right to revoke this authorization at any time, provided the revocation is in writing, except to the extent that the entity has already relied upon this Authorization to disclose PHI.

A photocopy of this authorization shall be considered as effective and valid as the original.

This authorization will expire in 3 years from the date the victim/claimant signed below or when this claim is resolved.

CERTIFICATION OF APPLICATION: I hereby certify that I have read and/or understand, and agree to the above statements. I also certify, subject to the penalty of fine and imprisonment, that the information contained in the application for crime victim compensation is true and correct to the best of my knowledge.

Victim or Claimant Signature (must be 18 years or older to sign)

Date

Sworn to and subscribed before me the undersigned Notary on this the _____ day of _____, _____.

Notary Public: _____ My Commission Expires: _____.

VICTIM COMPENSATION GENERAL ELIGIBILITY GUIDELINES

- The crime must be reported to law enforcement officials within 72 hours after the crime or show good cause for not reporting.
- Application must be received within 36 months after the date of the crime. In cases of child sexual abuse, the application must be received within 36 months after the crime was reported, but not later than the victim's twenty-fifth birthday.
- The victim or claimant must fully cooperate with law enforcement investigation and prosecution.
- The victim must not have contributed, provoked or in any way caused the injury or death; such claims may be denied or reduced.
- All other sources of payment such as insurance, Medicaid, Medicare and Workers' Compensation must pay first.
- Other limitations apply.

WHO MAY BE ELIGIBLE?

- Individual must be the victim of a violent crime who has suffered personal injury, death or extreme psychological trauma as a result of the crime. Types of crime include: assault, child abuse, domestic violence, DUI crashes, hit & run, homicide, sexual assault, stalking and kidnapping.
- Dependents of a deceased victim or person authorized to act on behalf of dependents of a deceased victim.
- Persons authorized to act on behalf of the victim if the victim is a minor or is incapable of acting on his or her behalf.
- Family members of the victim who have mental health expenses related to the claim.
- Persons who have funeral expenses for the victim(s).
- A Mississippi resident who is a victim in a foreign country which does not provide compensation funds.
- A person who witnessed a violent crime and suffered extreme psychological trauma.

WHO IS NOT ELIGIBLE?

- A victim who engaged in illegal conduct.
 - The offender and/or the accomplice to the offender.
 - Anyone injured in a motor vehicle incident unless the vehicle was used by the offender (1) intentionally as a weapon, (2) in a hit & run, (3) while driving under the influence (DUI), (4) in an attempt to flee from law enforcement, or (5) causing injury to a child in the process of boarding or exiting a school bus in violation of §63-3-615.
 - Anyone incarcerated in a penal institution when the crime occurred.
 - A victim or claimant who, after the injury for which an application with the Division is filed, is convicted of any felony and the conviction becomes known to the Division.
 - *A victim/claimant who has three previous felony convictions.
 - **A victim/claimant who has been under the supervision of any department of corrections within 5 years prior to the victim's injury or death.
- * Applies to claims based on crimes that occurred prior to July 1, 2013.
- ** Applies to claims based on crimes that occurred on or after July 1, 2013

INELIGIBLE EXPENSES

- Stolen and/or damaged property.
- Pain and suffering.
- Attorney fees.
- Other limitations apply.

ELIGIBLE EXPENSES

- Medical expenses up to \$15,000 per claim.
 - Transportation costs to obtain medical and/or mental health services that are at least 45 miles one way from the victim or claimant's residence, up to \$500 per claim.
 - Funeral expenses, up to \$6,500 and transportation costs to make arrangements and attend funeral, up to \$800 per claim.
 - Mental health counseling for the victim and victim's family members, up to \$3,500 per claim.
 - Lost wages for the victim, up to \$600 per week for 52 weeks; not to exceed \$20,000 per claim.
 - Lost wages for the claimant, when the claimant had a loss of earnings in order to assist victim during recovery of injuries, up to \$600 per week for 52 weeks; not to exceed \$20,000 per claim.
 - Lost wages for claimant to make arrangements and attend funeral, up to \$600 per claim for one week.
 - Loss of support for dependents of a deceased victim, up to \$600 per week for 52 weeks; not to exceed \$20,000 per claim.
 - Loss of tuition
 - *Domestic violence temporary housing assistance, up to \$500 one time benefit.
 - **Domestic violence relocation assistance, up to \$2,000 one time benefit.
 - Court related travel reimbursement, up to \$1,000 per claim.
 - Repair/replacement costs for damaged exterior windows, locks, doors and/or other security devices of a residential dwelling, up to \$1,000 per claim.
 - Crime scene cleanup, up to \$1,000 per claim (assaults & homicides only).
 - Expense verification is required.
 - Overall maximum award for expenses incurred is \$20,000.
 - Other limitations may apply.
- * Request for this benefit must be made through a domestic violence shelter, a law enforcement officer, prosecutor or judicial officer.
- ** Request for this benefit must be made through a domestic violence shelter.

Additional services are provided through the **Attorney General's Office, Victim Assistance Program**. Services include information and referral, victim advocacy and court related services. For more information about this program, please call 1.800.829.6766.