

CRIME VICTIM'S GUIDE

A Crime Victim's Guide to the Justice System in Arkansas was written to assist victims of crime in better understanding the Arkansas criminal justice system so they are more able to exercise their rights. It is also designed to inform victims of services available to them throughout the state including shelter, cash assistance, counseling, and private support organizations. This guide is not intended as a legal reference or to provide legal advice, but as an aid to further understanding of the criminal justice system in Arkansas.

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A CRIME VICTIM'S GUIDE TO THE JUSTICE SYSTEM IN ARKANSAS

Introduction

This guide provides an overview of the criminal justice system in Arkansas. It is intended to assist victims of crime in understanding the functions and responsibilities of criminal justice agencies.

Another purpose of this guide is to inform crime victims of the various services that may be available to them. Arkansas offers a wide range of services, such as shelter, cash assistance, and counseling. The organizations that provide assistance to crime victims are listed, along with a brief description of each.

This guide was produced by the Arkansas Crime Information Center. Although the material contained in this publication is believed to be accurate, readers should not rely exclusively on its contents. This guide is not intended as a legal reference and no warranty, expressed or implied, is made. It is not intended as legal advice or as a substitute for legal research.

Components of the Criminal Justice System

Law Enforcement

When a crime occurs, law enforcement officers are normally the first to respond. These officers may need to provide protection and assistance to persons with physical injuries and/or emotional trauma. Emergency services, such as ambulances and fire department response teams, may be required. Depending on the size of the law enforcement agency, the first officer on the scene may not be the individual who completes the investigation. After the initial report is taken, a detective, or another officer with specialized skills, may be assigned to the case. Jurisdiction regarding law enforcement agencies' responsibilities, as they relate to a particular crime, can vary.

Once the emergency needs of persons at the scene are met, officers then begin collecting evidence. From the beginning, it is critically important to preserve and safeguard evidence. Therefore, officers may be required to prohibit public access. Many times property must be removed from the crime scene and taken to the crime lab for processing. Families of crime victims will be kept away from the scene until evidence is secured. In order to collect and document evidence of the crime, officers may ask many questions of the victim, family members, neighbors, witnesses, and potential witnesses. These conversations are often audio taped or video taped. This seemingly intrusive technique can prevent unnecessary, repetitive interviews of the witnesses. Follow-up investigations can be conducted days, weeks, months, and even years after the initial investigation. Officers may need to revisit the crime scene and talk to victims and witnesses previously interviewed.

When a law enforcement agency makes an arrest, the arrested person may or may not be immediately jailed. In less serious crimes, an offender may only be issued a citation ordering that they appear in court on a certain date. In cases involving more serious crimes, a court hearing is necessary to decide whether the offender should be released pending trial, resulting in a bond or bail being posted and a release from custody, perhaps hours after the arrest.

Law enforcement's role does not end with the arrest of the alleged offender. Working closely with prosecuting attorneys, law enforcement officers frequently testify at trials. Officers testify on the

contents of the police report, evidence collected at the scene, and how the evidence was preserved for presentation in court. Some law enforcement agencies in Arkansas also operate victim assistance programs within their departments. Specialized victim assistance coordinators provide a wide range of services to victims of crime. These services are discussed in the "Victim Services" section of this Guide.

Prosecution

In Arkansas, the prosecuting attorney is responsible for making the decision to charge a person with committing a crime based on the investigative information provided by law enforcement. Most crimes in Arkansas are defined by the Arkansas Criminal Code. It is vital to understand that criminal cases are brought by the State, not the victim of the crime. The prosecutor has the sole authority to bring charges and they can be brought contrary to the victim's wishes. If the prosecutor decides to pursue the case, a document called an "information" is filed with the court. One of the first appearances by a defendant in court is often referred to as "plea and arraignment."

At the hearing, the defendant is asked whether he or she will enter a plea of guilty, not guilty, or nolo contendere (no contest). If the defendant pleads guilty or no contest, he or she will then be sentenced by the judge. A no contest plea has the same effect as a plea of guilty as far as the criminal sentence is concerned. If the defendant pleads not guilty, a trial date is set. The court also considers the amount of bail and other conditions of release, which permit the defendant to be out of jail until the trial. In Arkansas, every defendant is eligible for bail. Judges, however, are not required to set bail for defendants charged with capital murder where specific circumstances exist.

The trial may be avoided if the defendant and the prosecutor agree to a negotiated plea. Agreements such as these save time, stress, and money. Also, taking a case to trial is always uncertain; there is no guarantee of a conviction at trial. It is important to recognize that a guilty plea is a conviction.

Juvenile Justice

Arkansas has a separate court division for children who commit criminal acts. In the juvenile justice system, focus is placed on rehabilitation of the juvenile offender and victim restitution. The commission of some crimes, however, can expose a person age 14 or older to prosecution as an adult in circuit court. If a person under the age of 18 is tried in circuit court, he or she is considered as an adult, and juvenile court procedures do not apply.

When a prosecutor believes a juvenile has committed a crime, he or she may choose to file a "delinquency petition". The delinquency petition summons the juvenile to an "adjudication hearing". If the allegations in a petition are found to be true, a juvenile is "adjudicated delinquent". If he or she is to be incarcerated before or after the hearing, the child is placed in "juvenile detention" or "transferred into the Division of Youth Services' custody". These children who commit acts that would be criminal if committed by an adult are referred to as juvenile delinquents. Under Arkansas' juvenile code, a delinquent juvenile is defined as a person age 10 through age 17.

If a juvenile is an adjudicated delinquent, there are several disposition alternatives available to the judge. The judge may require the juvenile to undergo counseling, place the juvenile on probation, or require him or her to perform community service. Other available options are the C-Step Program, detention, and transfer into the custody of the Division of Youth Services. The judge will decide the appropriate alternative.

It is also important to note that juvenile delinquency proceedings usually are more private than adult criminal trials. Juvenile court records are not public records and are not subject to release under the Freedom of Information Act. The court proceedings and filings may also be closed and confidential. A crime victim and persons providing victim support, or a victim's representative, may be present unless the judge decides that that person's exclusion is necessary to preserve the confidentiality or fairness of a juvenile proceeding. Crime victims do not have the right to present victim impact statements, but some judges may allow them. Information regarding juveniles is not available through the Arkansas VINE Program unless the juvenile is charged as an adult.

Courts

Under current law, there are four basic types of courts in Arkansas with authority to hear criminal cases. District courts hear misdemeanor cases, while Circuit courts can hear both misdemeanor and felony cases. The Arkansas Court of Appeals and the Arkansas Supreme Court have jurisdiction to hear criminal appeals.

Under Arkansas law, defendants are entitled to a jury trial for criminal cases. The defendant, however, can waive his or her right to a jury trial. When the defendant waives the right to a jury trial, the judge alone decides whether the defendant is guilty and determines the punishment. The trial court judge is an impartial official who along with the jury hears the case. Based on the law, the judge decides what evidence can be presented to the jury. The judge also instructs the jury at the end of the presentation of evidence on how the jury should apply the law to the facts.

Arkansas law requires that defendants have the opportunity to be represented by an attorney. If the defendant cannot afford to pay for an attorney, the court will appoint an attorney or public defender to represent the defendant. The defendant can, however, waive the right to an attorney and choose to represent himself or herself in the case. The defendant is not required to present any evidence at all, since he or she is innocent until proven guilty by the prosecution. The defense attorney may believe the prosecution has failed in proving its case and that it is not necessary to present his client's defense.

Arkansas law provides for twelve members of the community to hear the case. When the trial begins, all the witnesses scheduled to testify in the case are removed from the courtroom until they are called to testify. This is so they will not hear other witnesses' testimony and be influenced. Whenever possible, separate waiting areas are provided for prosecution and defense witnesses. In order for the defendant to be convicted at trial, the prosecutor must prove beyond a reasonable doubt that the defendant committed the crime charged. The members of the jury hear the evidence and decide the defendant's guilt or innocence. The verdict must be unanimous in a jury trial.

Arkansas uses a "bifurcated" trial system. This means that the "guilt" phase is separate from the sentencing phase. After the "guilt phase" of the trial has ended, the jury will also decide the defendant's punishment. Generally, the jury is allowed to return only one of two verdicts: guilty or not guilty. If the verdict is "not guilty," the defendant is released. If the verdict is "guilty," the court formally enters a judgment of conviction. Then, the sentencing phase of the trial begins. The sentencing phase is almost like another trial. Evidence of aggravating and mitigating circumstances that may not have been allowed during the guilt phase is now introduced. For additional definitions of legal terms used in the courtroom, refer to the Glossary section of this guide.

Arkansas State Hospital

An individual charged with a felony crime may be ordered by the court to receive an evaluation at the State Hospital on his or her competency and responsibility. Deciding competency consists of

evaluating whether the defendant currently understands the proceedings in which he or she is involved, is aware of what is going on around him or her, and is able to assist his or her attorney in preparing the defense.

When evaluating the responsibility of the defendant, the question is whether the defendant, at the time of the alleged crime, could have refrained, by reason of his or her mental state, from committing the action charged. The evaluation also considers whether the defendant was aware, at the time of the alleged crime, that his or her action was wrong or illegal.

If found "not competent," the defendant will be ordered to the State Hospital for treatment where the goal is to restore the competency of the defendant. This treatment may last up to ten months. If found "not responsible", the defendant is committed to the State Hospital for up to 30 days. This means that the defendant has been acquitted of the charges due to "mental disease or defect". The person is committed to the State Hospital to determine if he or she presents a danger to himself or herself or the person or property of others.

Once it is determined that the individual no longer presents a danger and is ready for discharge from the State Hospital, the treatment team works with various community providers to locate an appropriate placement and aftercare plan for the individual. A plan is prepared and submitted to the Probate Court, and a hearing is scheduled. If the judge approves the plan, the individual will be discharged from the State Hospital into an approved setting.

Arkansas State Hospital
4313 West Markham
Little Rock, AR 72205
501-686-9032

Appeal Procedures

When a defendant has been convicted of a criminal offense in Arkansas, he or she may file an appeal within thirty days with the Arkansas Supreme Court or the Arkansas Court of Appeals. The rules of the Supreme Court contain guidelines for determining in which court a particular appeal must be filed. A defendant convicted in a District Court may appeal to the Circuit Court.

The Attorney General's Office represents the State in the two appellate courts. The record of the trial, including all of the papers filed in the trial court, the exhibits presented at trial, and the written transcript of all trial testimony, is compiled and filed in the appropriate appellate court. The defendant, now referred to as the appellant, then files a brief, in which he or she argues that errors occurred during the trial and that his or her conviction and/or sentence should be reversed. The Attorney General's Office then files the State's (appellee's) brief responding to the claims (or grounds of error) made in the appellant's brief.

The case will be submitted to the appellate court for consideration and a decision. In some cases, the appellate court will hear oral arguments from the attorneys who prepared the briefs. After considering the case, the court will announce its decision in a written opinion. The court may affirm, or uphold, the conviction and sentence; reverse, or overturn, the conviction and/or sentence; or, in some instances, affirm some part of a conviction or sentence and reverse other parts of it. Depending on the nature of the error, a case that is reversed may either be dismissed entirely or be remanded to the trial court for further proceedings, perhaps including a new trial. When a case is remanded to the trial court, the prosecuting attorney's office will represent the State in the new proceedings there. Finally, defendants can ask the United States Supreme Court to consider claims of constitutional error in their cases.

After the appeals process described is completed, defendants may seek what is called collateral or post-conviction relief in both state and federal court. Ordinarily, defendants begin seeking this type of relief in state court. In Arkansas, the relevant procedural law is contained in a court rule known as Rule 37. Rule 37 cases begin in the circuit courts where the criminal trial took place. Most often defendants challenge the effectiveness of their trial lawyers in these proceedings. A circuit court's decision to grant or deny relief is appealable to the Arkansas Supreme Court and reviewable in the United States Supreme Court. If state post-conviction relief efforts fail, defendants can seek relief in federal district court by filing a petition for habeas corpus. The grant or denial of that relief is appealable to a federal intermediate appellate court and subject to being reviewed in the United States Supreme Court. State law also provides other potential avenues for relief by various petitions for extraordinary relief that may be filed in both the state trial courts and the Arkansas Supreme Court

Office of the Arkansas Attorney General
323 Center Street, Suite 200
Little Rock, AR 72201
501-682-2007
www.arkansasag.gov

Department of Community Correction

With a rapidly increasing number of individuals being committed to the state penitentiary, the Arkansas Department of Community Correction (DCC) was established as an alternative to prison. DCC operates community-based correctional centers, the Technical Violator Program, and administers the statewide probation and parole programs.

Community-based correctional centers are currently located in Little Rock, Texarkana, Osceola, and Pine Bluff, and provide a balance between "punishment" and a program to help offenders become law-abiding members of society. These centers offer classes in substance abuse education, sobriety, relapse prevention, parenting, domestic violence, self-esteem, anger management, and a variety of employment skills.

The Technical Violator Program (TVP) provides an alternative punishment for offenders who commit technical parole violations. The TVP provides approximately 60 days of residential confinement followed by 12 months of applied programming in a community setting. The resident will work with a counselor to identify factors contributing to his/her parole violations and develop strategies for achieving and maintaining compliance.

The other major responsibility of DCC is the operation of probation and parole offices across the state. These offices supervise offenders that have been placed on probation, as well as those offenders that have been released from the state penitentiary.

Probation occurs when a judge sentences an individual without sending them to prison and instead places the offender under the supervision of a probation officer. This normally includes conditions such as payment of restitution, remaining drug-free, being drug tested, gaining and retaining employment, reporting regularly to an officer, etc.

Parole occurs when an offender has served a portion of his or her sentence in the state penitentiary and is released early, under the supervision of a parole officer, to serve the remainder of that sentence.

Department of Community Correction
Two Union National Plaza
105 West Capitol

Little Rock, AR 72201
501-682-9510
<http://www.dcc.state.ar.us/>

Department of Correction

The Arkansas Department of Correction (ADC) administers the adult correctional facilities in Arkansas. ADC operates a number of adult correctional facilities, including one Boot Camp and four Work Release Centers. The ADC does not determine who is sent to prison or how long they serve. The length of an offender's sentence and the amount of time actually served are determined by Arkansas laws and the courts.

Once an offender is transferred into the custody of the ADC, an initial processing called intake is conducted. The inmate receives physical, psychological, and academic examinations and is medically and mentally classified. Intake of male offenders is conducted at the Diagnostic Unit in Pine Bluff but intake of female offenders occurs at the McPherson Unit in Newport.

Inmates are then transferred to a "parent unit" for their initial work assignment, which usually consists of at least 60 days on a hoe squad. After the initial assignment is completed, a Unit Classification Committee or Officer will assign each inmate to a job based on institutional needs, security level, job skills, and medical capabilities. All inmates who are medically able are expected to work.

Many inmates may reduce the length of their incarceration as a result of good behavior, work habits, program completion, and overall adjustment. This reduction in time served is known as "Good Time". Those sentenced to life without parole or death are ineligible for "Good Time". In addition, some inmates cannot earn "Good Time" until a certain percentage of their sentence has been served.

In certain circumstances a furlough may be granted permitting an inmate to leave the unit to visit with his or her family. This can be either an emergency furlough in cases of serious illness and/or death of an inmate's family member, or a meritorious furlough granted because of good conduct. Inmates convicted of capital murder, sexual offenses, stalking, or kidnapping are ineligible for meritorious furloughs.

The ADC also allows eligible inmates to participate in a Work Release Program in which inmates are housed in correctional facilities and hold paying jobs in the community. From the wages they earn, Work Release inmates partially reimburse the state for their care and custody.

Other programs within the Department of Correction include the Act 309 program and the Boot Camp program. Under the Act 309 program, inmates are housed in approved city or county jails for work purposes. The Boot Camp program is a 105-day military style camp for first time, non-violent inmates whose sentence length is not more than ten years.

Inmates may also apply for transfer to another state's prison system to complete their sentence. The State of Arkansas is a member of the Interstate Transfer Compact, which allows for inmates, under certain circumstances, to apply for transfer to a correctional facility located in another state. The state to which the inmate wishes to be transferred must also be a member of the Interstate Transfer Compact and must be willing to accept custody of the inmate.

For victim assistance, notification, and information contact the Arkansas Department of Correction's Victim Coordinator's Office at (870) 267-6999. This office serves as the point of contact for victims of crime who have any questions about inmates in the Department of

Correction. Information about an inmate's status also can be obtained through the department's website or by registering with the VINE program.

Arkansas Department of Correction
P.O. Box 8707
Pine Bluff, AR 71611
(870) 267-6999
www.state.ar.us/doc/

Parole Board

The Arkansas Parole Board consists of seven members appointed by the Governor. The Board is required to consider an inmate's eligibility for parole, transfer, pardon, and executive clemency. The Board only considers those inmates who are eligible for release or transfer according to Arkansas law. The Board has the power to determine which eligible inmates will be released and to establish the date and conditions of release.

Prior to an offender's consideration, the Board solicits comments from the victim or the victim's family when the following criteria are met:

The crime committed was a Class Y, A, or B felony offense, manslaughter, or any violent or sexual offense,

The crime involved death, personal injury, or the threat of personal injury or death,

The victim, or the victim's family, has requested in writing to be notified.

A victim, or the victim's family, who wants to participate in the parole decision has two responsibilities: (1) to notify the Board, in writing, of their intention to provide input, and (2) to provide the Board a correct and current mailing address. In cases involving a transfer date, comments by the victim, or his or her family, will be limited to the establishment of conditions of parole.

The Board also solicits comments from the sentencing court, the prosecuting attorney, and the sheriff of the county where the crime was committed when considering an inmate for release or transfer. In addition, the Board considers pre-release reports prepared by the Department of Community Correction, as well as risk assessment evaluations prepared by the Department of Correction. The Board also considers other available information regarding the inmate, the circumstances of the crime, and the release plan.

If the Board denies an inmate's request for parole or transfer, he or she may request a Reconsideration Hearing. Such hearings require the Board to make the same notifications as required for parole or transfer hearings. Generally only one reconsideration request is allowed for a particular Board action.

All pardon and executive clemency recommendations made by the Board must be forwarded to the Governor. Executive clemency may reduce an inmate's sentence length. The Governor has complete discretion in pardon or executive clemency decisions and is the only person who can grant a pardon to restore rights lost as a result of criminal conviction.

Arkansas Parole Board
P. O. Box 34085
Little Rock, AR 72203
501-682-3850

Victims of Crime

Crime Victims Rights

The Arkansas Crime Victim Rights Law became effective on January 1, 1998. This law mandates certain basic rights for people victimized by crime. The law does not apply to all crimes, but only certain crimes and certain victims, including:

- a victim who is a minor
- a victim of a sex offense
- a victim of any felony resulting in physical injury to the victim
- a victim of any felony involving the use of a deadly weapon
- a victim of terroristic threatening in the first degree
- a victim of stalking

If the victim is a minor, incapacitated, or deceased, a member of the victim's family may exercise the rights of the victim.

Victim Information - The Crime Victim Rights Law protects information about victims. A court cannot compel a victim to give his or her address or place of employment in open court, except when the court decides it is essential to the case. Law enforcement agencies cannot disclose information to the public about the identity of the victim of a sex crime except under limited circumstances. The address and telephone number of the victim is also protected from release under the Freedom of Information Act.

When property of the victim is seized and used as evidence, the agency holding the property must take reasonable care of the property and promptly return it to the victim when it is no longer needed as evidence.

Employers cannot discharge or discipline a victim of crime for assisting the prosecutor in preparing the case or for attending court if it reasonably necessary to protect the victim's interest.

Information from Law Enforcement - Law enforcement agencies responding to crime incidents are required to inform victims in writing of their rights under this law. Officers must inform victims of the availability of services such as medical, housing, counseling, financial, social, legal, and emergency services. In addition, officers must inform victims about how to obtain orders of protection, how to access public records related to the case, and about the Arkansas Crime Victims Reparations Board (including the address and phone number).

As soon as it becomes practical, law enforcement officials must also inform the victim of the suspect's identity and custody status (in custody, escaped, transferred, released and the conditions of release, etc), unless this information compromises the investigation. Victims also have the right to know the case file number, the investigating officer's name, office address, and telephone number, and the prosecuting attorney's name, office address, and telephone number.

Pre-sentence Report - A pre-sentence report is a detailed account of a convicted defendant's educational, criminal, family, and social background conducted as an aid to the court in determining the sentence. The person preparing the pre-sentence report for the court shall make a reasonable effort to confer with the victim.

Presence in Court - Victims of crime have the right to be present in court whenever the defendant appears, other than at a grand jury proceeding. If the victim requests, the court shall also allow the presence of a person to provide support for the victim in the courtroom. However, if the court

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decides that the victim's presence or the presence of the support person may jeopardize the defendant's right to a fair trial, the court can exclude either or both of them.

Information from Prosecuting Attorney - If requested by a victim, prosecuting attorneys are responsible for notifying crime victims of critical events occurring in their cases. This notification can be given orally, in writing, or automatically through the Arkansas VINE system. Victims are responsible for giving the prosecutor's office their address and phone number, and for updating this information if it changes.

Upon request of a victim or the victim's family, prosecutors are to notify victims of the following:

Information on relevant criminal justice procedures
Information about the crime with which the defendant has been charged
The file number of the case, the prosecuting attorney's name, and office address and phone number
Motions or hearings to establish or reduce bail or authorize pre-trial release from custody
Proceedings on plea agreements
Date, time, and place of defendant's trial
Motions that may substantially delay prosecution
Cancellation of court proceedings
Pre-sentence report function and the defendant's access to the report
Victim impact statement information
Information on all sentencing proceedings
Notice of sentence imposed or modifications to that sentence
Reconsideration hearings of an imposed sentence
Date, time, and place of the defendant's appearance before a judicial officer
Information from custody institutions

Prosecuting attorneys should confer with the victim of the crime before amending or dismissing a charge or agreeing to a negotiated plea. However, failure of the prosecuting attorney to confer with the victim does not affect the validity of an agreement.

Prosecuting Attorneys or Victim Assistance Coordinators should provide the following services to victims:

Assistance in obtaining protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts

Assistance in applying for financial aid and other social services

Assistance in applying for witness fees

When possible, a secure waiting area during court proceedings that does not require victims to be in close proximity to the defendant and family and friends of the defendant

Involvement with the victims' employers to ensure that they cooperate with the criminal justice process in order to minimize loss of pay and other benefits resulting from court appearances

Information Concerning Appeal - If the defendant appeals, or seeks post-conviction remedies, the Attorney General should inform the victim of that fact, of the date, time, and place of any hearing, and of the decision. These notifications may be accomplished through the Arkansas VINE system.

Information Concerning Confinement - In order to receive information from custody institutions,

Findings Exhibit N

victims must request that they be notified. The Crime Victim Rights Law requires the Arkansas Department of Correction, the Arkansas State Hospital, and any other facility to which the defendant is committed to notify victims of the following:

Estimated date of the defendant's release

Date of Release of the defendant on furlough or to a work-release, half-way house, or other community program at least 30 days in advance of the release

Escape

Recapture from escape

Decision of the Governor to commute the sentence or to pardon the defendant

Release of defendant and any conditions attached to the release of the defendant

Death of the defendant during confinement

Information from the Parole Board - At least 30 days before a hearing, if requested by the victim, the Board shall inform the victim of the hearing and of the victim's right to submit a Victim Impact Statement. The Board shall also inform the victim of their decision concerning the defendant. The law requires the Board to consider the Victim Impact Statement before determining whether to release the defendant on parole.

The victim can choose to present the statement orally at the parole hearing or in writing. Because defendants may become eligible for parole every year, under certain circumstances victims may offer impact testimony via videotape. The Board is required by law to provide the defendant with copies of the victim's written impact statement.

It is the responsibility of the victim, or his or her next of kin, to notify the Board of any change in regard to the desire to be notified of any future parole hearings, or change in address or telephone number.

Victim Impact Statements

The Arkansas Crime Victim Rights Law guarantees the right for victims of crime to prepare and present a Victim Impact Statement. The law also requires the court to consider the victim's statement. Impact statements are presented in the sentencing phase of trials and in Parole Board hearings.

Victim Impact Statement forms may be provided for both adult and child victims, as well as for the parents of child victims. Victims may wish to use them as an example for drafting their own, but are in no way required to use these forms. If a parent chooses to allow their child to participate, the impact statement allows the child to tell the court in his or her own words, or by drawing a picture, how this crime has changed his or her life.

The Victim Impact Statement allows a victim to provide information on the following:

Emotional, psychological, physical, and financial impacts of the crime

Effect of the crime on his or her ability to work or do any of the things he or she would normally do, such as going to work or school, running a household, or any other activities he or she would normally perform

Circumstances surrounding the crime

Manner in which the crime was perpetrated

When describing the financial impact of the crime, it is important to be as clear, complete, and accurate as possible. The prosecutor, the probation officer, and the judge will rely on the information provided. Information regarding financial impact may prove useful in the judge's decision to order payment of restitution. Restitution is the possibility of monetary payments made by the defendant to the victim in order to compensate the victim for financial losses resulting from the crime. Even if restitution is ordered, there is no guarantee the defendant will pay the entire amount. Victims may also be eligible for financial assistance from the Crime Victims Reparations Board. (See the Crime Victims Reparations Board section of this guide).

Oral statements may be presented with agreement of the prosecuting attorney. This statement can be very useful to the judge in determining the proper sentence to impose. A victim may NOT, however, include his or her opinion of the defendant, or of the sentence that should be imposed. Submission of a Victim Impact Statement is voluntary.

A written Victim Impact Statement may be useful if a plea is taken and/or the victim is unable to appear in court. The statement may also assist the prosecutor and victim witness coordinator in the preparation of actual victim testimony for trial. Only evidence or argument concerning a victim's personal characteristics or the impact of the crime on the victim's family and community are allowed.

The Victim Impact Statement, once submitted, will become an official court document and part of the permanent file. The defendant and the defendant's attorney have access to the victim's statement. Victims' addresses and telephone numbers do NOT appear on these documents and are protected from Freedom of Information Act requests.

Victim Services

Arkansas Victim Notification Program (VINE)

When the Arkansas Legislature passed the Crime Victim Rights Law, it also created a program to allow agencies to accomplish victim notifications reliably and efficiently through a program known as the Arkansas VINE (Victim Information and Notification Everyday) Program. This program is administered by the Arkansas Crime Information Center.

VINE is a free automated telephone hotline that provides crime victims with vital information and notification 24 hours a day, 365 days a year. The service allows victims to obtain offender information and to register for notification of inmate custody status changes, parolee/probationer status changes, and court events.

VINE serves crime victims in two ways. First, it can be used as an information line. The system monitors the custody status of criminal offenders in the Arkansas Department of Correction, the Arkansas State Hospital, and county jail facilities statewide. Crime victims calling the hotline are informed about whether an offender is in custody. If the offender is in custody, the system tells the victim the name and telephone number of the agency holding the inmate. VINE also tracks the status of those probationers convicted of sexual or violent offenses and all parolees. If the offender is on parole or probation, the system informs the victim of the county where the parolee/probationer resides as well as which parole office he/she is assigned to.

Court information is also available through VINE. Prosecuting attorneys throughout the state

enter circuit court event information into the system. The Attorney General's Office provides appellate court information to the system. In order to obtain court information, a victim must first have the circuit court case number. The prosecuting attorney's office handling the case or the county clerk's office can provide the number. Once the circuit court case number is identified, the system will give callers the next scheduled court event, date, time, court location, and telephone number.

The second way the system serves crime victims is notification. By dialing the hotline number or visiting www.vinelink.com, victims can register to receive automatic notification upon a change in the inmate's custody status, parole/probation status, or court case.

To register for notification, a victim can call the toll-free hotline number (1-800-510-0415) or visit the website at www.vinelink.com. The offender or court case can be located using a touch-tone telephone or visiting the website and following the directions given. Once location is made, the telephone number to which victims want the system to call with notifications is entered. Victims are then asked to enter a Personal Identification Number (PIN). This is a four-digit number the victim chooses and uses to stop a notification when it is received. If victims have problems registering or obtaining information through the phone system, they can press "0" and a live operator will assist them 24 hours a day.

Once registered, notification calls are made by the system approximately every 30 minutes for 24 hours or until the victim enters the PIN. The system will also leave a message on an answering machine. All telephone registrations through the Arkansas VINE Program are anonymous and are protected from the Freedom of Information Act.

Arkansas Crime Information Center
One Capitol Mall, 4D-200
Little Rock, AR 72201
501-682-2222
www.acic.org

Prosecutor-Based Victim Assistance Programs

All 28 judicial districts in Arkansas operate prosecutor-based victim assistance programs. Within the past few years, these programs have expanded to include local police departments and municipalities.

Ideally, victim assistance is notified and meets with victims at the scene of the crime, hospital, or police station. Victim assistance providers are well trained and can explain criminal justice procedures to crime victims during this emotional and difficult time. They can also assist in obtaining emergency items such as clothing and personal care items for victims.

Victim assistance programs also provide victim advocacy. They assist victims in obtaining Orders of Protection to protect them from their attackers, make community service referrals for crime victims, and provide letters to employers and school authorities explaining the need for victim court appearances.

Often it is the responsibility of victim assistance programs to notify crime victims of critical events occurring in their cases. While the Arkansas VINE Program provides automated notification calls to registered crime victims, victim witness coordinators explain what those notifications actually mean in the criminal justice process.

In order to protect victims during the court process, victim advocates can provide court escorts and transportation. When possible, they provide a secure waiting area during court proceedings that does not require the victim to be in close proximity to the defendant, the defendant's family,

or the defendant's friends.

Another aspect of victim advocacy provided by victim assistance programs is helping victims obtain possible restitution from the defendant. Victim assistance providers can explain the process and complete the restitution report, attach necessary supporting documentation, and file it with the court.

Victim assistance providers are required to inform victims about the Arkansas Crime Victims Reparation Board and provide application forms. They also assist victims in completing and submitting the form.

Most victim assistance providers help crime victims through the court process. They help victims prepare for court and, if appropriate, help victims prepare to testify as witnesses or help prepare victim impact statements. They can also provide specialized care for child victims. For more information please contact the Office of the Prosecutor Coordinator.

Office of the Prosecutor Coordinator
323 Center Street, Suite 750
Little Rock, AR 72201
501-682-3671

Crime Victims Reparations Board

The Attorney General's Office administers the Crime Victims Reparations Program and the Sexual Assault Program. The Arkansas Legislature created the "Arkansas Crime Victims Reparations Act" with Act 817 in 1987. The legislation provides a method for compensating and providing assistance to victims and their dependents that have suffered personal injury or death as the result of a violent crime, including DWI and hit and run accidents. The administrative staff, consisting of the Administrator, staff attorney, and six full-time investigators, is responsible for investigating the claim and making recommendations to the Board on decisions pertaining to awarding or denying claims.

The Crime Victims Reparations Board, consisting of five members appointed by the Governor oversees both programs and is responsible for making decisions on new claims and appeals. Victims who disagree with the decision made in their cases may submit a written appeal request within 45 days from the date of receipt of the Board's decision. They must also be present at the appeal hearing, or have a representative present.

A victim who disagrees with the appeal decision made by the Board can submit written notice to the Circuit Court of the county, in which the victim resides or conducts business, or in Pulaski County. Notice of appeal must be filed in the court within 30 days from the date of receipt of the Board's decision.

Crime Victims Reparations Program

One of the most positive aspects of the program is that a portion of the funding comes from the individuals who commit crimes. A major source of revenue for the program is the assessment of court costs and fees, as well as the court-ordered restitution collected from criminals. The program also receives money through the federal Victims of Crime Act (VOCA).

Victims can receive help with medical bills, rehabilitation costs, and dental expenses as well as replacement costs, such as eyeglasses or dentures. Victims can also be compensated for costs associated with crime scene clean-up, work loss, funeral expenses, and loss of support to dependents of homicide victims. Mental health services are also available to victims of crime. There are some expenses victims may incur that cannot be covered by the Crime Victim Reparations Board, which include pain and suffering, property damage, or attorney's fees.

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For crimes occurring on or after August 1, 1997, persons other than the direct victim may qualify as secondary victims. Secondary victims include persons who are immediate family members (including grandparents) of a deceased victim, victims of sexual assault, and child victims. In addition, a child victim of any eligible victim is considered a secondary victim, as are persons who are not immediate family members, but who resided (at the time of the crime) in the same permanent household as a deceased crime victim. Secondary victims also include persons who discover the body of a homicide victim.

Victims of crime must meet certain criteria to be eligible for compensation from the Board. The victimization must have occurred in Arkansas on or after July 1, 1998. Claims must be filed within one year of the incident, and the victimization must have been reported to the proper authorities within 72 hours of the incident. Crime victims under the age of 18 are excluded from this requirement. These requirements may be waived upon a showing of good cause.

Victims do not have to prove financial need in order to be eligible for compensation. To be eligible for receiving assistance from the Crime Victim Reparations Board, a person must be either a victim, a dependent of a victim, or a person authorized to act on behalf of a victim. The victim's conduct must not have contributed to the victimization, nor could the victim have been involved in illegal activity at the time of the incident. Victims must not have been incarcerated at the time of the incident, nor have been convicted of a criminally injurious felony. The victim and the claimant must also cooperate with the investigation and/or prosecution.

Furthermore, the victim's expenses must not have been covered by a collateral source, i.e. medical insurance. Incidents involving a motor vehicle must have occurred intentionally or been in violation of the Omnibus DWI Act. In addition, victims who are injured as a result of a hit and run incident are eligible to receive compensation. There does not have to be an arrest or conviction of the assailant before compensation will be paid.

Victims do not need an attorney to file a claim. Assistance in filing a claim is available from the Arkansas Crime Victims Reparations Program. The first step in filing a claim is to obtain a claim form from the nearest prosecuting attorney's office, law enforcement agency, hospital, or the Arkansas Crime Victims Reparations Program. It is necessary for the claim form to be completed in its entirety and accompanied by the following:

documentation verifying that the incident was reported to the proper authorities
at least one itemized statement or invoice

The maximum limit of compensation is \$10,000 per victim. For victims whose injuries are catastrophic and result in a total and permanent disability, the maximum award limit is \$25,000. Medical expenses are paid at 65% of balance submitted, but if the provider accepts payment it is agreeing to accept it as payment in full. Mental health expenses are paid up to \$3,500 for inpatient treatment and \$3,500 for outpatient treatment. Funeral expenses are paid up to \$7,500.

Sexual Assault Reimbursement Program

The Sexual Assault Program is designed to cover the expenses incurred when evidence is being collected following a sexual assault. Unlike the Crime Victims Reparation Program, the medical facility is responsible for submitting these expenses to the Sexual Assault Program for reimbursement. This program does not decide whether the victim was in fact assaulted.

This program covers physician and emergency room fees, lab fees for testing for STDs and HIV, and preventative medication for STDs and pregnancy. It also covers sedatives, tranquilizers, and the cost of an ambulance. It will not cover treatment for physical injury, counseling, or follow-up visits. These expenses may be submitted to the Crime Victims Reparations Board for consideration.

To be eligible, treatment must be rendered within 72 hours and the assault must be reported to law enforcement. This requirement may be waived upon the showing of good cause. Treatment cannot be for a pre-existing injury, physical injury, or any other condition.

The victim should not be billed directly for these services, nor should the victim's collateral source, if they are covered by private insurance. If the victim is covered by a federally financed benefits program, such as Medicaid, Medicare, Champus, or VA, that program should be billed for these services.

Office of the Attorney General
Arkansas Crime Victims Reparations Program
323 Center Street, Suite 200
Little Rock, AR 72201
800-448-3014 or 501-682-1020
www.arkansasag.gov

Arkansas Commission on Child Abuse, Rape, and Domestic Violence (ACCARDV)

The mission of ACCARDV is to enhance the investigation, prosecution, treatment, support, and prevention of cases of child abuse, rape, and domestic violence. We hope that our services will help educate and protect those whose lives are affected by these destructive realities and will replace confusion with clarity of purpose.

The Commission's purpose and membership is defined in Act 1336, passed by the state legislature in 1995. Commission membership is comprised of community leaders throughout the state appointed by the Governor. This comprehensive group is made up of 27 representatives from various agencies, professions or groups, and service providers including law enforcement, medicine, and mental health. They seek to provide training, proven prevention practices, public awareness, resource development, and technical assistance to service providers, decision-makers, professionals, and concerned citizens. The Commission's subcommittees are dedicated to research and projects focusing on community education, victim services training, and justice issues. Meetings are open to the public and the staff is available for training, technical assistance, consultation, policy analysis, and speaking engagements.

Arkansas Commission on Child Abuse, Rape and Domestic Violence
4301 W. Markham, Slot 606
Little Rock, AR 72205
501-661-7975
www.accardv.uams.edu

Arkansas Court Appointed Special Advocate Association (CASA)

The Arkansas State CASA Association promotes and supports local programs providing qualified volunteer advocates to help abused and neglected children in juvenile dependency-neglect proceedings reach safe, permanent homes. CASA is a program where trained court appointed volunteers represent the best interest of an abused or neglected child for whom a placement is being determined by the juvenile court. A CASA volunteer acts as a fact finder of the child's best interest, providing a judge with valuable information on the child to help the court make a sound decision about the child's future.

Arkansas CASA
Administrative Office of the Courts
625 Marshall, Box 2100
Little Rock, AR 72201

501-682-9403
1-866-284-8111
Email: casa@arkansas.gov
www.arkansascasa.org

Arkansas Department of Health and Human Services

The Arkansas Department of Health and Human Services (DHHS) provides a variety of services to individuals in need. DHHS offices are located in every county. Some of the services provided by DHHS that can benefit crime victims include:

Mental health services provided directly by DHHS or through community-based providers

Assistance for low-income families with the cost of day-care

The Food Stamp Program, which helps low-income families by distributing more than \$17 million in food stamps each month

Health care coverage through Medicaid for families with children under the age of 19, pregnant women, the elderly, the disabled, or blind individuals who meet certain income and resource guidelines

Arkansas Department of Health and Human Services
Donaghey Plaza South, Slot S201
P. O. Box 1437
Little Rock, Arkansas 72203-1437
501-682-8650

Appendix

Victim Organizations (Non-governmental)

Arkansas Coalition Against Domestic Violence

The mission of the Arkansas Coalition Against Domestic Violence (ACADV) is to eliminate personal and institutional violence against women and their children through programs providing support and safety to victims of domestic violence, direct services, public information and education, systems advocacy, and social change activities. The ACADV provides statewide referrals to battered women's shelters and advocacy services.

Assistance offered through ACADV advocacy services include:

Referrals for shelter and advocacy service

Training for advocates, professionals, and the community in the following areas: Dynamics of Domestic Violence, Law Enforcement, Basic Advocacy, Legal Advocacy, Immigrant Advocacy, Dating Violence (for school personnel and students), Effects of Domestic Violence on Children, etc.

Public information and education

The Clothesline and Silent Witness Awareness Projects

Arkansas Coalition Against Domestic Violence (ACADV)
1401 W. Capitol, Suite 170
Little Rock, AR 72201
501- 907-5612
Toll Free: 1-800-269-4668
Fax: 501-907-5618
www.domesticpeace.com

Arkansas Coalition Against Sexual Assault

The Arkansas Coalition Against Sexual Assault (ACASA) is a nonprofit organization working toward the elimination of all forms of sexual violence and advocating for the rights and needs of persons affected by sexual assault. Its membership consists of rape crisis centers across Arkansas, service providers to the rape crisis and rape prevention community, and others concerned with ending sexual violence. The mission of ACASA is:

To aid in the statewide development of and provide continuing support to rape crisis organizations.

To facilitate communication, coordinate resources, and provide a source of mutual aid to the membership.

To educate the public on issues concerning sexual assault.

To work for and support policies which promote just, fair, and quality care for victims of sexual assault.

To develop and implement new strategies for dealing with the issues concerning sexual assault.

To promote and conduct research concerning sexual assault.

Arkansas Coalition Against Sexual Assault
215 N. East Street
Fayetteville, AR 72701
479-527-0900
1-866-63-ACASA
www.acasa.ws

Member Centers:

Crisis Center for Women
401 Lexington
Fort Smith, AR 72901
E-mail: ccbww@ipa.net
(479) 782-1821
1-800-359-0056 (hotline)

Domestic Violence Prevention
P.O. Box 712
Texarkana, AR 75504

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E-mail: dfinkedvp@aol.com
(903) 794-4000 (Texarkana)
(870) 777-0994 (Hope)
1-800-876-4808 (hotline)

Family Service Agency
628 W. Broadway, Suite 202
North Little Rock, AR 72114
E-mail: kharding@fsainc.org
(501) 372-4242
1-877-432-5268 (hotline)

Family Violence Prevention
P.O. Box 2943
Batesville, AR 72503
E-mail: sail112002@yahoo.com
(870) 698-0006
1-877-432-5368

Northwest Arkansas Rape Crisis
614 E. Emma St. Suite 247
Springdale, AR 72765
E-mail: mgarrett@jtlshop.jonesnet.org
(479) 927-1025
1-800-794-4175
1-800-927-1020 (hotline)

Options, Inc.
P.O. Box 554
Monticello, AR 71657
E-mail: noble@seark.net
(870) 460-0684
1-877-977-3488 (hotline)

Ozark Rape Crisis Center
715 W. Main, Suite A
Clarksville, AR 72830
E-mail: orcc@mail.cswnet.com
(479) 754-6869
1-800-818-1189 (hotline)

Ozark Rape Crisis Center
P.O. Box 1953
Harrison, AR 72601
E-mail: orcc@ritternet.com
(870) 741-4141
1-800-818-1189 (hotline)

Southwest Arkansas Domestic Violence Center
P.O. Box 87
DeQueen, AR 71832
E-mail: thehouse1@alltel.net
(870) 584-3441
1-800-338-9844 (hotline)

Turning Point Violence

Intervention Program
200 No. Jefferson, Suite 514
El Dorado, AR 71730
E-mail: ucrfvc@arkansas.net
(870) 862-3672
1-888-880-0929 (hotline)

Women's Crisis Center
of South Arkansas
1116 Washington
Camden, AR 71701
E-mail: apwccsa@hotmail.com
(870) 836-0375
1-888-836-0325 (hotline)

The Center for Healing and Hope

The Center for Healing and Hope offers supportive services for individuals, couples and families - adults, adolescents, and children. Our staff has years of experience in helping victims of domestic and sexual violence, child sexual abuse, adult survivors of childhood abuse, victims of homicide, as well as victims who are experiencing grief and loss from other forms of violence. The Center for Healing and Hope professional staff has specialized expertise in counseling, spiritual care and counseling, criminal justice advocacy, support group facilitation and the mental health issues that sometimes affect victims of violence. Some of our services include:

Services for Children Exposed to Violence
Counseling for Individuals and Families
Spiritual Care
Support Groups for Victims & Families/Friends
Criminal Justice Advocacy
Community Education on Violence Prevention
Specialized Training for Faith Communities
Referral Services and Information
Online Information and Resources
Holistic Therapies for Recovery and Healing
Art, Drama, and Music Therapy
Play Therapy
Sand Play
Massage Therapy

The Center for Healing and Hope
Mailing address: 2607 Lehigh Drive
Little Rock, AR 72204
Street address: 1114 Garland Street
Little Rock, AR 72201
(501) 351-HOPE (4673)
(501) 912-HOPE (4673)
Fax: (501) 217-0985
www.centerforhealingandhope.com

Family Service Agency

The Family Service Agency is a not-for-profit agency that has worked since 1942 to build a stronger and more caring community. The Agency focuses on this mission by working to improve

the economic health of families, reducing the incidence of domestic violence, providing for the needs of violent crime victims and victims of sexual assault, treating substance abuse, helping families and individuals resolve conflict and helping people and employers solve work performance problems.

Some of the many programs offered include Domestic Violence Outreach and Intervention, Victim Support and Prevention Resource Center, Rape Crisis Prevention, the Sexual Assault Center, the Victim Services Program, and Financial Counseling.

Family Service Agency
628 West Broadway, Suite 300
North Little Rock, AR 72114
501-372-4242
www.helpingfamilies.org

Family Violence Prevention Fund

The Family Violence Prevention Fund works to prevent violence within the home, and in the community, to help those whose lives are devastated by violence because everyone has the right to live free of violence. For more than two decades, the Family Violence Prevention Fund (FVPPF) has worked to end violence against women and children around the world. Instrumental in developing the landmark Violence Against Women Act passed by Congress in 1994, the FVPPF has continued to break new ground by reaching new audiences including men and youth, promoting leadership within communities to ensure that violence prevention efforts become self-sustaining, and transforming the way health care providers, police, judges, employers and others address violence.

Family Violence Prevention Fund
383 Rhode Island St. Suite #304
San Francisco, CA 94103-5133
TTY 1-800-595-4889
Email: info@endabuse.org
www.endabuse.org

Mothers Against Drunk Driving

Mothers Against Drunk Driving (MADD) is part of a national organization that consists of victims and non-victims who are committed to carrying out the mission of MADD: to stop drunk driving, support the victims of this violent crime, and prevent underage drinking. Victims Advocates at MADD provide free literature, guidance through the criminal justice system, information on how to apply for crime victim compensation funds, assistance in completing applications for crime victim compensation funds, and referrals to appropriate resources to aid victims in the recovery process resulting from a drunken driving incident. On-line victim support groups and more details about services provided by MADD can be found at www.armadd.org.

Mothers Against Drunk Driving (MADD)
124 W. Capitol, Suite 1805
Little Rock, AR 72201
501-376-6100
Toll Free: 1-800-228-7762
www.madd.org

National Center for Missing and Exploited Children

The National Center for Missing and Exploited Children (NCMEC) was established in 1984 as a

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private, nonprofit organization to provide services nationwide for families and professionals in the prevention of abducted, endangered, and sexually exploited children. NCMEC:

Serves as a clearinghouse of information about missing and exploited children

Operates a CyberTipline that the public may use to report Internet-related child sexual exploitation

Provides technical assistance to individuals and law-enforcement agencies in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children

Assists the U.S. Department of State in certain cases of international child abduction in accordance with the Hague Convention on the Civil Aspects of International Child Abduction

Offers training programs to law-enforcement and social-service professionals

Distributes photographs and descriptions of missing children worldwide

Coordinates child-protection efforts with the private sector

Networks with nonprofit service providers and state clearinghouses about missing-persons cases

Provides information about effective state legislation to help ensure the protection of children

National Center for Missing & Exploited Children
Charles B. Wang International Children's Building
699 Prince Street
Alexandria, Virginia 22314-3175
Phone: 703-274-3900
Fax: 703-274-2200
Hotline: 1-800-THE-LOST (1-800-843-5678)
www.missingkids.com

National Center for Victims of Crime

The mission of the National Center for Victims of Crime is to forge a national commitment to help victims of crime rebuild their lives. The organization is dedicated to serving individuals, families, and communities harmed by crime. The National Center for Victims of Crime is able to help victims of crime through collaboration with local, state, and federal partners to:

Provide direct services and resources,

Advocate for passage of laws and public policies that create resources and secure rights and protections for crime victims,

Deliver training and technical assistance to victim service organizations, counselors, attorneys, criminal justice agencies, and allied professionals, and

Foster cutting-edge thinking about the impact of crime and the ways in which each of us can help victims regain control of their lives.

National Center for Victims of Crime
2000 M. Street, NW, Suite 480
Washington, D.C. 20036

202-467-8700
1-800-FYI-CALL
TTY: 1-800-211-7996
Email: gethelp@ncvc.org
www.ncvc.org

National Domestic Violence Hotline

The National Domestic Violence Hotline (NDVH) serves as the only center in the nation that provides information regarding 5000 local and nationwide shelters as well as service providers available for victims, friends, and family who often call for life-saving help. The Hotline operates 24 hours a day in over 150 languages with a TTY line available for the deaf. Hotline advocates answer questions, provide safety planning and information as well as directly connect callers to domestic violence resources available in their local calling area. All calls to the Hotline are anonymous.

National Domestic Violence Hotline
1-800-799-SAFE
TTY 1-800-787-3224
www.ndvh.org

Northwest Arkansas Crisis Intervention Center

The Northwest Arkansas Crisis Intervention Center began operation in 1985 with a primary mission of suicide prevention. The Crisis Center now assists with calls concerning suicide, substance abuse, physical and emotional abuse, relationship violence, divorce, loneliness, rape, depression, HIV and AIDS, financial difficulties, runaways and other youth issues, emergency shelter, pregnancy, sexual orientation, etc. In addition to telephone services, the Crisis Center provides other services that are free to the community, including a variety of educational opportunities, prevention programs, Critical Incident Stress Management, and an active Speaker's Bureau available for businesses, civic groups, churches, etc.

NWA Crisis Intervention Center
614 E. Emma Ave, Suite 213
Springdale, AR 72764
479-756-1995
1-888-274-7472
TTY 1-800-393-9667
www.nwacrisiscenter.com

Parents Of Murdered Children

Parents Of Murdered Children (POMC) is a self-help organization that provides support and advocacy to families affected by homicide. POMC makes the difference through on-going emotional support, education, prevention, advocacy, and awareness. POMC provides the emotional support needed to help parents and other survivors facilitate the reconstruction of a "new life" and to promote a healthy resolution. Not only does POMC help survivors deal with their acute grief, but with the criminal justice system as well. Membership is open to those who have been cruelly bereaved by the murder of a loved one. Professionals who are in frequent contact with grieving families are also welcome to join.

The staff of the National Headquarters of POMC, if possible, will link a survivor with others in the same vicinity who have survived their loved one's murder. In addition, the staff is available to provide individual assistance, support, and advocacy.

National Organization of Parents Of Murdered Children, Inc.
100 East Eighth St., Suite B-41
Cincinnati, OH 45202
1-888-818-POMC
Email: NatIPOMC@aol.com
www.pomc.com

The local chapter for this organization is available for assistance 24 hours per day, seven days per week.

Central Arkansas Chapter of Parents Of Murdered Children
P. O. Box 1885
North Little Rock, Arkansas 72115-1885
501-351-POMC (7662)
1-877-233-0444
Email: CACofPOMC@aol.com
www.pomc.com/arpomc

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Glossary of Terms

Accessory: A person who assists in the commission of a crime.

Accused: A person accused of committing a crime.

Acquittal: A legal finding that a criminal defendant has not been proven guilty of the charge(s) beyond a reasonable doubt.

Action: A civil or criminal court proceeding.

Adjournment: A delay in the proceeding of a case.

Adjudicate: To render a decision through the use of judicial authority.

Adversary: The opposite party in a criminal action.

Adversary System: A procedure in which contesting parties present a case before an independent decision-maker.

Affidavit: A written statement of facts made under oath before a notary or court officer having the authority to administer oaths.

Affirmed: A finding of agreement with the trial judges rulings or sentence by an appellate court.

Aggravating Circumstances: A fact or situation that increases the degree of liability for a criminal act; considered by the court in imposing punishment.

AKA, Alias: "Also Known As"; an assumed name.

Allegation: Fact asserted as truth before being proven as true; most commonly the criminal acts alleged to have been committed by the accused.

Amendment: The correction of an error.

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Answer: A formal written statement by a defendant responding to each allegation in a complaint.

Appeal: A written request to a higher court to review the sentence or judgment of a lower court.

Appearance: The proceeding by which a defendant submits himself to the court, either in person or through his attorney.

Appellant: The party appealing a decision or judgment to a higher court.

Appellate Court: A court having jurisdiction to review and determine whether the rulings and judgments of a lower court are correct.

Appellee: The party against whom the appeal is brought.

Arraignment: The first appearance in court by a person who is charged with an offense, where he or she is advised of all pending charges, is asked to plead guilty or not guilty to the charges, is advised of the right to counsel and of the right to trial by jury.

Arrest: Taking physical custody of a person by lawful authority.

Assault: A violent attack that can be physical or verbal.

Attachment: A procedure by which a person's property is seized by the court to secure payment of a judgment.

Asset: Anything of value that can be used to satisfy an order for restitution, fines, or other costs imposed by the court.

Asset Forfeiture: (attachment) A procedure by which a person's property is seized for payment of a judgment.

Bail Bond: An agreement by a surety to pay a certain sum of money if the defendant fails to appear in court.

Bailiff: A court attendant whose duties include keeping order in the courtroom and maintaining custody of the jury.

Bench Trial: (non-jury trial) A trial before a judge without a jury; a jury trial is waived by the defendant.

Bond: A guarantee, generally backed with the promise of payment, that a defendant will appear in a court as required.

Brief: A written statement of the case.

Burden of Proof: The obligation of a party to prove facts at issue in the trial. In criminal cases, the state has the burden of proof.

Burglary: The unlawful entering of a home or business.

Capital Offense: A crime for which the death penalty may be imposed.

Case: A proceeding, action, cause, suit, or controversy initiated through the court system.

Case law: (precedent) The collection of reported cases that interprets the law within a jurisdiction.

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Challenge: An objection to the seating of a prospective juror on the jury panel.

Chambers: A Judge's private office.

Charge: A formal accusation of a crime, the preliminary step to prosecution.

Circuit Court: The primary trial court where juries hear felony criminal cases, as well as civil lawsuits.

Circumstantial Evidence: Evidence based on inference and not on personal knowledge or observation.

Citation: A police-issued order to appear before a judge on a given date to defend against a stated charge, usually a lesser offense such as a traffic violation.

Civil Law: Law that is not criminal law; pertains to the settlement of disputes between individuals.

Civil Rights: Rights guaranteed by the constitution.

Code: An official compilation of all permanent laws in use, classified according to subject matter.

Commit: To lawfully send a person to a prison, reformatory or institution.

Common Law: The body of law based on the English legal system, derived from judicial decisions, and to which no constitution or statute applies.

Community Service: As a condition of probation, the court can order the defendant to perform a certain number of hours of community services, such as cleaning public property, assisting needy people, custodial work, etc.

Commutation: A change of punishment from a greater to a lesser degree. i.e. from death to life imprisonment.

Competency: A defendant's ability to stand trial, consult with counsel, and assist in the defense.

Complaint: A formal charge accusing a person of an offense.

Composite: A picture of the assailant made from an artist's drawing.

Concurrent: Two or more sentences of jail time to be served simultaneously.

Consecutive: A sentence that must follow another sentence. Two or more sentences served in sequence.

Contempt of Court: Willful disobedience of a court order or rule, punishable by fine or imprisonment.

Continuance: A scheduled court event postponed for good cause.

Controlled Substance: Any type of drug whose possession and use is regulated by law, including narcotics, stimulants, or hallucinogens.

Conviction: A judgment of guilt against a criminal defendant.

Corpus Delicti: ("body of the crime") The facts and circumstances that make up the commission of a crime.

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Corroborating Evidence: Evidence that may differ from, but tends to strengthen or confirm evidence already given.

Corroborating Witness: A witness who confirms or supports someone else's testimony.

Counsel: One or more lawyers who represent a client.

Court: A governmental body consisting of one or more judges who sit to administer justice.

Court Cost: A fee that is added to a fine or penalty. The amount of court cost is set by law to support certain specified services.

Court Reporter: A person who records, and sometimes transcribes, the testimony at court sessions.

Crime: An act of harm made punishable by the law.

Crime Victim Reparations: A group authorized to distribute funds and/or provide assistance to crime victims in certain circumstances.

Cross-examination: The questioning of a witness by the attorney for the opposing party to verify or refute the testimony just given.

Custody: The detention of a person by lawful process or authority.

Damages: The monetary compensation recovered for a person who has suffered loss or injury to his person, property, or rights through the unlawful act or negligence of another.

Default: A judgment entered against a defendant who has not acted or appeared within the allowable time.

Defendant: The individual accused in a criminal action or sued in a civil proceeding.

Defense Attorney: A lawyer hired by the defendant, or provided by the Public Defender's Office, to represent the defendant's interests in criminal proceedings.

Deferred Prosecution: ("pretrial diversion") A delay during the prosecution of a case to allow the defendant a chance to demonstrate good behavior. If good behavior is demonstrated for the required period of time, the criminal case may be dismissed.

Delinquent: A child who has committed an offense which, if he or she were an adult, would be considered a crime.

Dependent: A person who requires the support by another. A child who is orphaned, neglected, or abused and in need of care.

Deposition: The recorded testimony of a witness, given under oath, for later use in court or for discovery purposes.

Detention Facility: A location, sometimes other than a jail, to afford secure custody for a person.

Detention Hearing: A hearing to determine whether an accused should be released prior to trial based on their threat to the community or probability of non-appearance at subsequent hearings.

Directed Verdict of Acquittal: Order by the judge of not guilty, based on the failure by the state

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to produce enough evidence to convict “beyond a reasonable doubt”.

Direct Examination: The first questioning of a witness by the attorney for the party who called the witness to testify.

Discovery: The process by which the prosecutor and defense attorney learn of the evidence that the other party will present at trial.

Dismissal: The termination of an action or claim without further hearing.

Dismissal Without Prejudice: Disposition of the case with the understanding that the case may be re-filed.

District Court: (formerly Municipal Court) A court with limited jurisdiction, where a judge hears misdemeanor cases, as well as violations, such as traffic cases.

Disposition: The final result of a criminal case. This may be by a finding of guilty, not guilty, dismissal, or a plea of no contest.

Docket: A formal record in which brief entries note all Court proceedings and documents filed.

Double Jeopardy: The constitutional prohibition against being prosecuted twice for the same offense.

Due Process of Law: The philosophy of the law on what is fundamentally fair. The guarantee of fairness when the government seeks to deprive one of “liberty or property.”

Entrapment: The act of officers or agents of the government inducing a person to commit a crime not contemplated by him in order to later bring criminal prosecution against that person.

Evidence: Testimony, documents, and tangible objects that tend to prove or disprove the existence of an alleged fact.

Evidentiary Hearing: A hearing at which witnesses testify about the facts before the case can continue. Motions challenging arrests, search warrants, identifications, or confessions require this kind of hearing.

Exculpatory: Evidence tending to establish a defendant's innocence.

Execution: The act of carrying out or putting into effect (as a court order). The carrying out of a death sentence.

Exonerate: To relieve from responsibility; to show someone to be free of guilt.

Ex parte: A proceeding in which not all parties are present or given the opportunity to be heard.

Expert Witness: A witness qualified by knowledge, skill, experience, training, or education to provide a scientific, technical, or other specialized opinion about the evidence or a fact issue.

Ex Post Facto: ("After the fact") Any law which, in relation to the offense or its consequences, provides a different penalty than when the act occurred.

Expungement: The removal of a conviction from a person's criminal record.

Extenuating Circumstances: (mitigating) Circumstances that render a crime less heinous or reprehensible than it would otherwise be.

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Extradition: The formal process of delivering an alleged offender in one state to the authorities of another state where that person has been accused or convicted of a crime.

Felony: A serious crime punishable by imprisonment for more than one year or by death.

Fine: Monetary sanction for conviction in certain offenses. The amount of the fine is calculated according to the criminal code at the time of sentencing.

Forgery: The altering of material, or making false material, with the intent to defraud.

Fraud: A knowing misrepresentation of the truth, or concealment of a material fact, to induce another to act to his or her detriment.

Freedom of Information Act: Legislation which provides for making information held by governmental agencies available to the public, unless such information comes within one of the specific categories exempt from public disclosure. This Act requires agencies to make public certain information about their workings and work product.

Fugitive: A person who flees, evades or escapes from arrest, prosecution or imprisonment, by fleeing the jurisdiction or hiding.

Good Time: The credit awarded to a prisoner for good conduct, which can reduce the length of their sentence.

Grand Jury: A special panel of jurors selected to hear evidence against a person who is suspected of a crime, to determine whether there is sufficient evidence to bring that person to trial. If the Grand Jurors find sufficient evidence against the defendant, then an indictment ("True Bill") is returned formally charging the defendant with a particular crime. If the evidence is not sufficient, the Grand Jury finds a "No Bill" and no indictment is returned.

Guilty: A verdict returned by a jury or Judge finding that the defendant committed the crime(s). A plea that a defendant enters admitting that he/she committed the crime.

Hearing: An official proceeding similar to a trial, with one or more legal issues to be agreed upon or determined.

Hearsay: Evidence based on what the witness has heard someone else say, rather than what he/she has personally experienced.

Hostile Witness: A witness who is biased against the examining party or who is unwilling to testify.

Hung Jury: A jury that cannot reach a verdict by the required voting margin.

Impeach: To introduce evidence to contradict testimony or to question credibility.

Inadmissible: That which, under the established rules of evidence, cannot be admitted or received in a judicial action.

Incarceration: Confined to jail or prison.

Indictment: The formal written accusation from a grand jury charging one or more persons with a crime.

Information: The formal written accusation made by a prosecuting attorney setting out criminal

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charges against the accused person.

In Limine: Motion frequently used to limit issues or testimony before trial.

Intake Officer: An official of the juvenile court who screens juveniles charged with an offense to determine where to place them pending formal adjudication or informal disposition.

Interlocutory: An order that relates to some intermediate matter in the case; any order other than a final order.

Interrogatories: A discovery procedure consisting of written questions about the case submitted by one party to the other party or witness. The answers to the interrogatories are usually given under oath.

Investigation: The process of collecting evidence by law enforcement officers or the prosecutor to determine if a crime has been committed.

Judgment: A court's final decision or determination of the rights and obligations of the parties in a case.

Jurisdiction: The power or authority of a court to hear and decide a case. It refers both to the power over the subject matter and the person being prosecuted.

Jury: A group of persons selected according to law and given the power to decide questions of fact and return a verdict in the case submitted to them.

Jury Instruction: A direction or guideline that a judge gives a jury concerning the law in the case.

Jury Trial: A trial before a judge and jury, as opposed to a bench trial before a judge alone.

Lien: A claim or hold put on property for payment of a debt or performance of an obligation or duty.

Lineup: A group of five or six people who are viewed (in person or in photos) by a victim or witness in an attempt to identify the person who committed a crime.

Litigant: A party to a lawsuit.

Litigation: A case or lawsuit. The effort made in court by the attorneys towards a legal resolution.

Malicious Prosecution: An action instituted with the intent of injuring the defendant without probable cause.

Mandate: A command, order, or direction, written or oral, which the court is authorized to give and a person is bound to obey.

Mandamus: A writ issued by a higher court to compel a lower court to perform mandatory duties correctly.

Mandatory Term: A sentence set by law with no discretion for the judge to individualize punishment.

Manslaughter: The unlawful killing of another human being without express or implied intent to injure.

Material Witness: A witness who can testify about matters having some logical connection with

the essential facts.

Miranda Warning: An initial warning given to a person who has been arrested, advising the individual of his or her constitutional rights.

Misdemeanor: A crime less serious than a felony that is punishable by fine, penalty, forfeiture, or confinement for a period not exceeding one year in a place other than the state penitentiary.

Mistrial: A trial that ends inconclusively because of procedural error, serious misconduct during the procedures, or because the jury cannot agree on a verdict.

Mitigating Circumstances: A series of factors that must be considered by the sentencing court when imposing sentence. They are factors that do not justify or excuse a wrongful act, but reduce the degree of liability and therefore may reduce the punishment.

Moot: An issue that has no basis or relevance to the case at hand.

Motion: A written application to the court requesting an order or ruling in favor of the applicant.

Motion Hearing: A proceeding held in response to a motion when the judge rules on the motion.

Mug Shots: Pictures of people who have been arrested for a crime.

Negligent: Conduct, by act or omission, that breaches reasonable care and is the actual cause of an injury or property damage.

No Contest Plea: A plea that a defendant enters in court in which he/she does not contest the facts presented by the State, but does not admit guilt.

No True Bill: (no bill) A legal decision dismissing charges against a defendant when the grand jury does not find enough evidence to charge the defendant with violating a law.

Nolle Prosequi: (nol pros) A Latin phrase meaning “not to wish to prosecute”. A legal notice that a case has been abandoned.

Nolo Contendere: A Latin phrase meaning “I do not wish to contend”. It is the same as a no contest plea.

Not Guilty Plea: A statement that a defendant enters at arraignment denying committing the crime(s).

Notice of Appeal: A document filed with a court and served on the other parties, stating an intention to appeal a trial court’s judgment or order.

Opinion: A formal judicial statement of the legal reasoning upon which the judgment is based.

Oral Argument: An advocate’s spoken presentation before a court supporting or opposing the legal issue being considered.

Order: A ruling or direction of a court or judge made or presented in writing.

Overrule: A court’s denial of any motion or point raised to the court. To overturn or make a prior case void.

Parole: A conditional release from prison of a convicted person who has not served their full sentence. Parole may be revoked for failure to observe the conditions provided in the parole

order.

Penalty: Punishment imposed on a wrongdoer in the form of imprisonment or fine.

Perjury: Deliberate false testimony given under oath.

Personal Recognizance: Release of a defendant in a criminal case where the court takes the defendant's word that he/she will appear for a scheduled matter when told to appear.

Personal Surety Bond: A third party (the personal surety) provides the security for the defendant's appearance, either in money or property.

Plea: An accused person's formal response of guilty, not guilty, or no contest.

Plea Agreement: Written or unwritten statement of terms determined by the prosecutor and defendant to be a satisfactory disposition of the case.

Plea Bargaining: A process leading to a negotiated agreement between a prosecutor and a defendant, where the defendant pleads guilty to a lesser offense, or to one of multiple charges, in exchange for a more lenient sentence or a dismissal of the other charges.

Polling the Jury: A practice whereby the jurors are asked individually whether they agreed to the verdict.

Polygraph Exam: A test that uses a machine to measure changes in a person's heart rate, breathing rate, and blood pressure while being interrogated.

Preliminary Hearing: A court hearing to determine whether there is sufficient evidence to prosecute an accused person.

Preponderance of Evidence: Greater weight of evidence, which is more credible and convincing to the mind.

Pre-sentence Report: Material prepared to assist the trial court in sentencing a criminal defendant after he/she has been convicted. Pre-sentence reports usually include sentencing guidelines, plus information on prior arrests or convictions, employment history, family background, and an analysis of impact of the crime on the victim(s).

Pretrial Diversion: A program that refers certain criminal defendants, before trial, to community programs such as job training, education, counseling, which if successfully completed may lead to the dismissal of the charges.

Pretrial Hearing: A meeting where the parties to the action appear before the judge in an informal setting to attempt to reconcile the issues and potentially settle the case without necessity of trial.

Probable Cause: The amount of proof needed to determine that a crime occurred, and that the defendant committed the crime, in order to proceed with prosecution.

Probation: A court-imposed criminal sentence that, subject to stated conditions, releases a convicted person into the community instead of sending him/her to jail or prison.

Probation Officer: A government officer who supervises the conduct of persons sentenced to probation.

Probation Revocation: The overturn of a sentence by a judge when a probationer is found to

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have violated the terms of the sentence. The judge can revoke the probation and incarcerate the person for the remainder of the probation period or some portion of it.

Probation Revocation Hearing: A hearing held for the purpose of determining whether the person on probation has violated the conditions of his/her probation.

Prosecutor: The attorney for the state who represents the interest of the victim in court.

Prosecution: The act of pursuing a criminal trial. The party initiating a criminal trial.

Quash: To annul or make void; to terminate.

Rape: Unlawful sexual activity with a person without consent and usually by force or threat of injury.

Reasonable Doubt: The belief that there is a real possibility that a defendant is not guilty.

Rebuttal: In-court, contradiction of the other party's evidence.

Remand: To send back a case, claim, or person for further action.

Restitution: Return of some specific thing to its rightful owner or status. Compensation for benefits derived from a wrong done to another.

Reversal: Setting aside, annulling, vacating, or changing to the contrary the decision of a lower court or other body.

Revocation: The overturning or resending of a sentence by a court when there has been a violation of the terms or conditions.

Robbery: The illegal taking of property in the person's presence, by violence or intimidation.

Seal: To prohibit or restrict access to a criminal history record, except as authorized in law.

Search Warrant: A judge's written order authorizing a law-enforcement officer to conduct a search of a specified place and to seize specific evidence.

Self-Defense: The use of force to protect one's person, family, or property from real or threatened attack.

Sentence: The judgment imposed on a criminal wrongdoer.

Sentencing Guidelines: A set of standards that show a range of sentencing options based on the nature of the crime and the offender's criminal history. The Court must sentence within the calculated guideline range unless it finds aggravating or mitigating circumstances not adequately considered when the guidelines were created.

Sentence, Indeterminate: An indefinite sentence with the exact terms to be determined by parole authorities within the minimum and maximum limits set by the statute.

Sentence, Suspended: A sentence postponed so that the defendant is not required to serve time unless he/she commits another crime or violates some other court-imposed condition.

Sentencing: The court action held after a conviction or guilty plea of a defendant at which time the judge sets the length and conditions of punishment.

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Settlement: An agreement ending a dispute or lawsuit before trial.

Severance: A separation of the charges so that only one charge, or only properly related charges, are before the jury. Severance may also refer to the separation of two or more defendants named in the same indictment or information who would normally be tried together.

Statue of Limitations: A legal time limit for prosecuting a crime, based on the date when the offense occurred.

Stay: To postpone or halt a proceeding, judgment, or imposition of sentence.

Stipulation: Any agreement made by the attorneys engaged on opposite sides of a case as to certain facts of the case.

Striking a Juror: The process where an attorney excuses a prospective juror from the list of candidates to sit on the jury.

Subpoena: A written command given to a witness to appear and give testimony.

Summons: An order that notifies the person named that an action has been commenced against him/her in the court, and that he/she is required to appear and answer the complaint.

Supervised Release: The court may include, as a part of the sentence, a requirement that the defendant be placed on a term of supervised release.

Supreme Court: At the state level, the highest court with appellate jurisdiction. In the federal system, it is the court of last resort, with final appellate jurisdiction in cases from all lower courts.

Testimony: Oral evidence given by a witness under oath.

Tort: A legal (civil & criminal) wrong committed upon a person or property.

Transcript: The typewritten translation of the court reporter's verbatim notes of the proceedings in court.

Trial: A court proceeding where testimony is presented to a Judge or a jury to determine if the defendant is guilty of committing the crime(s).

True Bill: Another word for indictment by a grand jury.

Vacate: To cancel the entry of an order or judgment.

Vacated Judgment: The original order is reversed and no longer applies.

Venue: The geographic location where the prosecution and trial will occur, normally within the district in which the offense was committed.

Verdict: The formal decision or finding made by the jury or judge.

Victim: An individual who suffers direct physical, financial, and/or emotional harm; or is threatened as a result of the commission of a crime.

Victim Impact Statement: A statement that describes the emotional, financial and/or physical impact the crime has had for the victim and/or the victim's family.

Victim/witness Coordinator: A person who provides information about the justice process to

victims and witnesses of crime.

Voir Dire: (“to speak the truth”) The preliminary examination of a juror to determine his/her competency or impartiality to serve on a case.

Waive: To give up a right, claim, or privilege voluntarily.

Warrant: A written order directing certain action, especially one directing the arrest of a person, issued by a court or official, having authority to issue Arrest Warrants.

Willful: An act done intentionally, as distinguished from an act done carelessly or inadvertently.

Witness: Someone who has personal knowledge concerning the case in question and may be asked to testify to that knowledge.

Writ: An order issued by the court directing an individual to perform, or cease to perform, a certain act.

Writ of Certiorari: An order by an appellate court directing a lower court to deliver the record in the case for review.

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