

**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES**  
**DIVISION OF YOUTH SERVICES**  
**AGGRAVATING AND MITIGATING FACTORS**

**Aggravating Factors**

- 1) Impact of Offense on Victim and Community: Offender's callousness and cruelty shock the conscience of the Court; offense involved substantial monetary loss (\$1000.00 or more); offender caused substantial physical or psychological injury to the victim requiring the victim to seek emergency medical care and/or mental health supports; offender has committed a crime against current victim on prior occasions; or the offender knew or should have known that the victim was particularly vulnerable such as: an individual with an intellectual disability, defenseless/susceptible child, and/or defenseless/susceptible adult.
- 2) Prior Violent Delinquent Conduct: Offender has demonstrated, by prior history of delinquency adjudications, a propensity for violent, delinquent conduct. Offender's callousness and cruelty shock the conscience of the Court; offense involved substantial monetary loss (\$1000.00 or more); offender caused substantial physical or psychological injury to the victim requiring the victim to seek emergency medical care and/or mental health services; offender has committed a crime against current victim on prior occasions; or the offender knew or should have known that the victim was particularly vulnerable such as: an individual with an intellectual disability, defenseless/susceptible child, and/or defenseless/susceptible adult.
- 3) Substantial Adjudication/Legal History: Adjudication for the same or similar offense on one or more previous separate occasions; or two or more prior adjudications for misdemeanor, non-status offenses.
- 4) Lack of Amenability with Lesser Sanctions: Offender has demonstrated a lack of cooperation with lesser restrictive sanctions; offender has probation violations, other contempt orders, or non-judicial actions that should be considered; or offender has previously been placed on or qualified for a higher sanction.
- 5) Lack of Attendance or Participation in Educational Program: Offender has willfully failed to attend or participate in school or other appropriate educational or vocational programs within the current and/or previously attended school year.
- 6) Gang Involvement: Confirmation by law enforcement, youth court counselor, parent, social media, and/or youth self-reporting or otherwise having known gang association. This must be documented in a police report and/or social history.
- 7) Multiple-Counts: Offender adjudicated with more than one felony offense brought under one current petition for adjudication and disposition, or separate current petitions adjudicated and disposed at the same time.
- 8) Drug Use: Offender has failed one or more separate drug screens in a 90-day period. Or has completed a drug rehabilitation program and then failed a drug screen. Or has failed to complete a drug rehabilitation program.

**Mitigating Factors**

- 1) Significant Improvement since the Offense: Offender has demonstrated significant improvement since the time of the offense; offender has voluntarily sought treatment; offender compensated or made a good faith effort to compensate victim.
- 2) Physical/Mental Impairment: Offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed; or the offender has an intellectual disability as demonstrated by one of the following: (a) offender is significantly sub-average in general intellectual functioning (usually interpreted as an IQ score given within the last three years of less than 70); or (b) offender demonstrates deficits in adaptive behavior (has insufficient life skills to get along without constant assistance from others); or (c) offender manifested the above delays during the developmental period. The voluntary use of intoxicants does not fall within the purview of this category.
- 3) Limited Adjudication History: Offender has no more than two minor (misdemeanor) prior adjudications; two or more years since previous referral; or extreme length of time since the offense occurred.
- 4) Age and Maturity of Offender: Offender was under the age of 13 at the time of offense.
- 5) Treatment Needs Exceed Need for Punishment: The offender is in greater need of an available mental health or drug treatment program than of punishment through incarceration.
- 6) Education: Offender is more than three years below his/her grade level or has a special education ruling.