



CVJU OVERVIEW

The Crime Victim Justice Unit (CVJU) is a victim rights compliance office which seeks to ensure that crime victims in Minnesota are treated appropriately and that their statutory rights are upheld. The CVJU investigates decisions, acts, and other matters of the criminal justice system so as to promote the highest attainable standards of competence, efficiency, and justice for crime victims.

The CVJU is required to provide a biennial report to the governor and legislature regarding its activities. This report provides an overview of the CVJU and information reflecting the work of the unit during the period 2007-08.

About the CVJU

The CVJU has its roots in the Office of Crime Victims Ombudsman (OCVO), which was created in 1985 with the mission to investigate complaints of statutory victim rights violations and victim mistreatment. In 2003, as part of a statewide reorganization, OCVO's responsibilities were assumed by the CVJU, a unit of the Office of Justice Programs (OJP) in the Department of Public Safety.

The CVJU derives its authority specifically from Minnesota Statutes section 611A.74, which gives the CVJU, through the commissioner of public safety, broad powers to investigate "elements" of the criminal justice system, including law enforcement agencies, prosecutors, probation departments, and court administration, as well as victim advocacy programs and the state reparations program.

Although Minnesota's compliance effort no longer carries the title of ombudsman, it operates under the

same principles. That is, the CVJU provides an avenue of redress for citizens to complain about their government. When conducting investigations into victim complaints, the CVJU takes a neutral role. The CVJU is not an advocate for the victim or a defender of bureaucracy, but is an advocate for fairness in the system. When the CVJU does uncover problems, it does not take a punitive stance, but rather seeks to work with an agency to find solutions.

Minnesota was at the forefront of the victim rights movement when OCVO opened its doors in 1986, and remains so as one of a handful of states in the country with an organized victim rights compliance effort. Although Minnesota does not have a constitutional amendment (unlike 33 other states), it has a strong statutory scheme designed to protect victims and to provide meaningful participation in the criminal justice process.

Assisting victims and investigating complaints

The entryway to the CVJU for most victims is a telephone call. The two CVJU investigators handle calls from victims seeking help with a wide range of problems, including difficulty getting information about a case, concerns about how the investigation was conducted, rude or inappropriate treatment by criminal justice professionals, struggles getting calls returned, objections to charges filed, or seemingly arbitrary decisions made in their case.

The unit handles these telephone inquiries in several different ways. Sometimes victims just need basic information about the criminal justice system, the prosecution process, and their rights as victims, or they need a referral to the appropriate local advocate, agency, or criminal justice professional. At other times, victims are confused about what is happening in their cases or are having difficulty connecting with the right person at an agency. In these situations, a few clarifying questions and a few calls by a CVJU investigator are usually all that is needed to help a victim along.

Crime Victim Justice Unit

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For those victims who raise concerns that cannot be resolved quickly over the telephone or handled by referring them to appropriate resources, the CVJU will open a case, either as an investigation or as an intensive “assist.” Given the limited resources available and the length of time it takes to complete an investigation, the CVJU provides guidance to victims on how to try to resolve problems on their own and encourages victims to use the established complaint procedures of individual administrative agencies before filing a complaint.

The CVJU has found that, for the most part, agencies understand their statutory obligations and are committed to ensuring that victim rights are upheld. Typically, a CVJU investigation leads to a finding that either the subject agency acted appropriately or the action complained about did not rise to the level of victim mistreatment. Nonetheless, often the investigation reveals troublesome practices, and the CVJU will make suggestions to agencies for improving their policies and procedures to ensure the best treatment for victims possible.

As the work of the CVJU demonstrates, statutory rights violations do occur. Sometimes the errors made are not deliberate, but rather result from inadvertence, lack of training, or lack of information or resources. Other times, however, an investigation reveals that, despite an understanding of its obligations, the agency has made little effort to establish and follow routine procedures to ensure compliance with victim rights.

Equally prevalent, but extremely difficult to substantiate, are the many complaints from victims about the manner in which they were treated. Victims routinely report rude treatment by criminal justice professionals, such as not returning telephone calls, using victim-blaming language, or responding to victim concerns or questions dismissively, defensively, or derogatorily. Even if the CVJU is unable to substantiate the complaint, it is often able to forge a more constructive relationship between the victim and the subject agency, thereby providing some relief to the victim.

The CVJU seeks to be a resource victims can turn to when they feel that the criminal justice system has failed them. Sometimes the CVJU can reassure victims that their experience is not unique, that their rights have been upheld, and that their case is progressing in a typical fashion. Other times the CVJU confirms that their sense of injustice with what has occurred is justified. Most importantly, the CVJU takes the time to listen to victims’ concerns as well as their frustrations as they face the limitations of the criminal justice system in addressing their victimization.

The need remains

Our criminal justice system depends on victims coming forward, reporting crimes, and cooperating throughout the process. Rather than encountering a system that fosters this crucial participation, however, too many victims in Minnesota face a system that discourages it. Treating crime victims with respect and dignity is key to victim participation in the process and, correspondingly, holding offenders accountable. Victims who are given the information they need are more likely to understand and accept the outcome, victims who are treated with dignity and common courtesy are more likely to respect the system and its players, and victims whose rights are complied with are more likely to feel heard and satisfied with the justice process.

Minnesota should continue to strive to be a place where crime victim rights are meaningful, not just an empty promise, and where victim needs are considered at every turn, not just when it’s convenient. The goal of the CVJU continues to be to ensure the fair and respectful treatment of crime victims.

Crime victims face many challenges when entering the criminal justice system, but those challenges should not include the lack of adherence to their rights. The Crime Victim Justice Unit works to ensure that victim rights are upheld and that all victims are treated appropriately.

Commissioner Michael Campion
Minnesota Department of Public Safety

CVJU STATISTICS

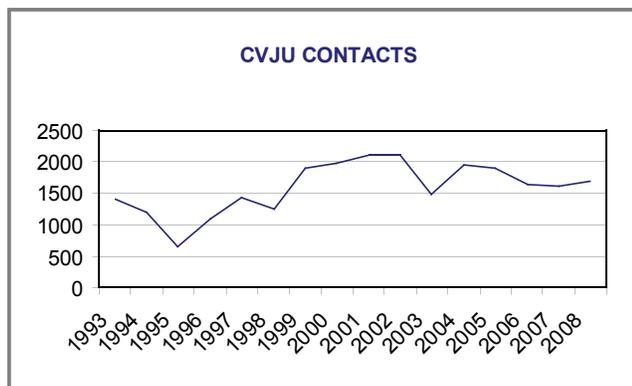
The CVJU tracks statistics related to its case activity as well as contacts with victims, members of the criminal justice system, victim-serving organizations, and the public. The following is a summary of the CVJU's activity in the period 2007-08.

Inquiries to the CVJU

In 2007-08, the CVJU continued to handle a high volume of calls from victims seeking help with a wide range of problems, including difficulty getting information about a case, concerns about the manner in which the investigation was being conducted, rude or inappropriate treatment by criminal justice professionals, and seemingly arbitrary decisions in their case. Victims seek the help of the CVJU when they face roadblocks or feel that the criminal justice system has failed them.

In addition to responding to victims, CVJU staff members routinely answer questions from advocates and criminal justice professionals. The CVJU serves as a resource on crime victim issues for those who work directly with victims, and, at times, acts as a sounding board for them regarding particular situations.

In 2007-08, the CVJU had 3,305 contacts with victims, advocates, members of the public, and criminal justice professionals. The average over the past five years is 1,756 contacts per year, and over the past 16 years is 1,586 contacts per year.



During the period 2007-08, the majority of CVJU contacts (64 percent) were with victims, followed by criminal justice professionals and victim advocates (24 percent). About 3 percent of CVJU contacts are with offenders or defendants in a criminal matter, and 9 percent are with members of the public.

Opening a formal case

For those victims who raise concerns that cannot be resolved quickly over the telephone or handled by referring them to appropriate resources, a formal case is opened. Victims initiate this process by filling out a complaint form describing their problem and providing authorization for the CVJU to investigate their complaint.

In 2007-08, the CVJU opened 97 new cases that required either intensive assistance or a full investigation of the complaint. Because a number of cases carried over from the prior year, the number of cases actually open at some time during 2007-08 was 130. These cases are in addition to the many instances of informal assistance that did not warrant opening a case file. Of the 97 new cases opened, 44 percent were intensive assists, and 56 percent were investigations.

How the victim found out about the CVJU

Consistent with trends over the last eight years, the most common way that victims find out about the CVJU is through a victim service provider. In 2007-08, 23 percent of the victims who submitted a complaint form reported that they heard about the CVJU from a victim service provider. The second most common referral source (13 percent) was the Minnesota Attorney General's Office.

Location

The CVJU is contacted by victims from all over the state, with the majority of formal cases (65 percent) originating from agencies in areas outside the seven-county Minneapolis-St. Paul metropolitan area. On a county level, agencies from Hennepin and Ramsey counties, the two most populous counties in the state, generated the the most complaints. Over the past five years, about a quarter of all complaints were about city and county agencies in those two counties.

Crime type

The vast majority of cases opened (76 percent) involved a crime against a person. Of these, 45 percent involved an assault, and 14 percent involved a criminal sexual conduct crime. Twenty-four percent of cases opened involved a crime against property; of these, the most common type of crime was damage to property (32 percent).

Subject of the complaint

As past years have shown, the vast majority of the subjects of investigations in 2007-08 were either a prosecutor's office or a law enforcement agency: 47 percent of the complaints concerned a prosecutor's office, and 46 percent a police department or sheriff's office.

Subject of the Complaint	%
County Attorney	36%
Police	28%
Sheriff	18%
City Attorney	11%
Other	7%
Total	100%

Types of complaints

The CVJU investigates complaints of victim mistreatment and violations of statutory victim rights. Mistreatment occurs when a public body fails to act in accordance with its mission or responsibilities. It includes situations involving unreasonable delay, rude or improper treatment, refusal to take a report of a crime, inadequate investigation, failure to prosecute, and abuse of discretion. Statutory rights for victims, which are found in Minnesota Statutes chapter 611A and elsewhere, include notices at various stages of the process, opportunities to participate in the prosecution process, notice of release of an inmate, and financial compensation for losses related to the crime.

Seventy-one percent of all complaints alleged by victims involved some type of victim mistreatment, and 29 percent alleged a statutory rights violation.

The two most common types of complaints brought by victims were that a law enforcement agency conducted an inadequate or inappropriate investigation (21 percent) and that a prosecuting office failed to prosecute a case (17 percent), a category which includes decisions to dismiss and decisions to charge at a level lower than desired by the victim.

Complaint Type	%
Inadequate investigation	21%
Not provided required notice	18%
Failure to prosecute	17%
Poor communication	9%
Rude/inappropriate treatment	10%
Other mistreatment	15%
Other statutory rights violations	10%
Total	100%

In nearly all the cases in which the complaint was that there was a failure to prosecute, the CVJU made a determination that the complaint was unsubstantiated. Given the broad discretion afforded to prosecutors in charging cases, the CVJU refrains from challenging prosecutorial discretion unless it is determined that the discretion is abused.

Result of an investigation

As a result of an investigation into a victim's complaints of mistreatment or statutory violations, the CVJU will determine for each complaint whether it is substantiated, unsubstantiated, or unfounded. An unsubstantiated complaint is one in which there is insufficient evidence to establish that the alleged act or omission occurred that constituted a rights violation or mistreatment. An unfounded complaint is one in which the CVJU determines that the allegation is either false, inherently improbable based on the evidence, or does not constitute a violation. When the outcome is that the complaint is unfounded, the agency or individual is exonerated.

Of those investigations that progressed to a final determination and findings, 78 percent of the complaints were determined to be unsubstantiated, 18 percent were determined to be substantiated, and in 3 percent of the complaints, the subject of the complaint was exonerated. This breakdown in outcomes is consistent with the trend over the past six years.

The CVJU maintains its case statistics through a database called the Ombudsman Case Management System (OCM). OCM has been in place since 2000, and, as a result, the CVJU is able to analyze current caseload statistics as well as examine trends in cases for the past nine calendar years. Since 2004, the CVJU has also had a tracking system in place for contacts with victims, the public, and criminal justice professionals.

CVJU ACTIVITY: TRENDS AND CASE EXAMPLES

Communication is still key

A prevailing theme the CVJU has seen over many years is the struggle victims have communicating with law enforcement officers and prosecutors. Victims want information about their cases, but have trouble getting it. Sometimes the issue is obtaining a copy of their police report (which may or may not be available under data practices laws), but even more commonly, victims complain about problems communicating with law enforcement agencies and prosecutors' offices.

Those who have never been victimized before have assumptions about how they will be contacted as their case moves—or does not move—through the criminal justice system. When they don't hear anything, they call the relevant agencies and leave messages and wait for return calls that never come, making them even more uncertain and unsettled about their cases.

As victim calls go unreturned, frustration grows, with many victims concluding that the agency just doesn't care. Once victims eventually reach somebody, they are often so frustrated that, instead of the call being informational, the conversation turns confrontational, resulting in the victim feeling further victimized.

Justifications are often given for not returning a victim's call, for example, the criminal justice system professional being contacted explains that he or she is no longer involved in the case, there are no new case developments to report to the victim, another person in the office is responsible for victim contact, or, as one officer explained in a recent case, he was unaware messages had been left because he doesn't know how to check voicemail on the unit's phone.

Unnecessary frustration can be avoided with some simple strategies. The easiest of these is to explain to victims up front about the trajectory of a typical case, including when they should expect to be contacted, if at all, and who to contact at the agency with questions and for updates. This informational piece should take place at both the initial law enforcement intervention and at the initiation of a criminal charge. In addition, maintaining a policy of promptly returning telephone calls to victims, especially if it is to direct them to a

more appropriate person or agency, would go a long way towards fostering a positive relationship, reducing unnecessary repeat calls, and preserving the reputation of the agency.

Falling into the abyss—identity theft and fraud

The CVJU continues to get a steady stream of telephone calls from identity theft and fraud victims seeking assistance. The types of financial crimes are numerous—fraudulent cashier checks, bogus lottery scams, offers of “grants” to the elderly, identify theft, sham online businesses, too-good-to-be-true loans which carry significant upfront fees, and run-of-the-mill credit card theft by friends, roommates, and family members.

All crimes have the capacity to overwhelm victims, but the financial and emotional impact of these crimes can be especially pernicious. Along with the self-blame many victims experience for failing to protect their personal information or for being too gullible, these victims may suffer significant financial losses and damage to their credit standing, and face the daunting tasks of undoing the harm and continually monitoring their accounts for fraudulent activity for years to come.

The harsh reality about these cases that victims are shocked to discover is that few financial and identity theft crimes are ever investigated and most of the offenders will never be pursued. Victims are told that there are no resources to investigate these crimes, which typically cross state and national borders, or that it is not worth pursuing the loss given the “small” amount of money involved. As one federal law enforcement official stated, “We won't touch it if it is less than \$35,000.” What this means is that most victims of financial crimes have no hope of seeing any financial compensation from the criminal prosecution process. While Minnesota is taking steps to address these crimes, such as the program with the Alcohol Gambling Enforcement Division in the Department of Public Safety, the problem has reached epidemic levels with untold victims having little recourse.

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Assisting victim advocates and criminal justice personnel

Victim advocates and criminal justice professionals routinely contact the CVJU for information and technical assistance. They may be looking for help in identifying a particular statutory right and its corresponding obligation, or seek a sounding board to talk through a problem encountered by a victim. Victim advocates, in particular, call the CVJU to strategize about how to assert victims' rights and protect victims as they help them navigate the criminal justice system. Criminal justice system insiders and outsiders alike refer victims with complaints to the CVJU for an informal second opinion or to launch a formal investigation.

The CVJU is perhaps most useful to victim advocates and criminal justice system personnel through its everyday contact with victims, explaining standard agency processes and countering unrealistic expectations. For example, many victims feel that an investigation has been botched if fingerprints or DNA samples are not collected, if all persons connected to the case are not interrogated, if a suspect does not undergo a lie detector test, or if the investigator does not utilize the clever, and oftentimes illegal, strategies portrayed in popular television crime dramas. Similarly, many victims feel that the prosecutor's office has not done its job if every possible crime related to the incident is not charged, if the prosecutor enters into a plea agreement with the defendant, or if the defendant does not receive a jail sentence, even in cases with relatively minor offenses. The CVJU tries to provide a reality check to victims and dispel any suspicions about improper motives or inappropriate behavior on the part of criminal justice professionals

As part of these conversations, the CVJU explains the discretion held by law enforcement agencies which, operating under serious budgetary constraints, must make decisions about which cases to pursue, prioritizing certain types of cases over others based on solvability and other factors. For a victim already dealing with the aftermath of a crime, the discovery that not all cases are investigated is hard to accept. As further cutbacks by cities and counties impact public safety efforts, it is expected that more victims will face the grim news that no further steps will be taken on their cases following the initial response by law enforcement to the report of the crime.

CVJU VISION

The Crime Victim Justice Unit (CVJU) strives to achieve just, fair, and equitable treatment of crime victims and witnesses by providing a process to question the actions of criminal justice agencies and victim assistance programs within the State of Minnesota. The CVJU has the authority to investigate decisions, acts, and other matters of the criminal justice system so as to promote the highest attainable standards of competence, efficiency, and justice for crime victims. The actions of the CVJU are guided by impartiality, confidentiality, and respect for all parties.

CVJU MISSION

The Crime Victim Justice Unit works to:

- Ensure compliance with crime victim rights legislation.
- Prevent mistreatment of crime victims by criminal justice agencies.
- Provide information and referrals to victims and criminal justice professionals.
- Amend practices that are unjust, discriminatory, oppressive, or unfair.
- Improve attitudes of criminal justice employees towards crime victims.
- Increase public awareness regarding the rights of crime victims.
- Encourage crime victims to assert their rights.
- Provide crime victims a forum to question the actions of criminal justice agencies and victim assistance programs.

Finally, the CVJU counsels victims about effective communication strategies with criminal justice personnel with the aim of providing them with realistic expectations about how much time criminal justice system personnel can spend communicating with them in person, on the phone, or in writing. Victims are in earnest when they send repeated, lengthy e-mails or leave numerous voicemails in a single day, but, again, providing victims with a better understanding about the operations of a law enforcement agency or prosecutor's office can minimize their frustration or anger when the response they receive is not what they desire.

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Expediency vs. victim rights

Ever present in criminal court is the constant pressure to dispose of cases quickly and efficiently. The greatest number of complaints to the CVJU regarding statutory rights violations involve those situations where the need for expediency overshadows the need to comply with victim rights. For example, prosecutors are required to provide notice to victims of the plea agreement prior to the entry of the plea, however, the reality of the prosecution process is that plea agreements are often reached at the last minute, which makes providing such notice to victims challenging. In misdemeanor cases, especially, court hearings often get transformed from a pre-trial proceeding to a plea or plea/sentencing hearing. Sometimes, this transformation is expected, or at least unsurprising, and other times it is not. Many times, this transformation occurs without pause or consideration for the victim's rights to notice of the plea agreement, the opportunity to object to it, and to be present at that and subsequent hearings.

In situations where cases move quickly to entry of plea and sentencing, another loss for victims is the opportunity to give a victim impact statement. This right is perhaps most valued by victims as it is the one chance during the case for them to speak directly to the judge and explain how the crime has impacted their lives.

In the words of a crime victim

"The response to my plight by the criminal justice system has left me feeling humiliated, astounded, and more damaged than I was by the actual crimes. It is not an institution that I can believe in anymore due to my experience. Continuing themes of unequal, unchecked power, erroneous decisions and no accountability reverberate in my mind when I think about it. Who decides that one person should pay for a crime and another person should not for the same crime, that an attempt should be made to uphold one person's rights and not another's, that this one should be made as whole as possible and that one should not."

"The effects of crimes, especially violent crimes upon a person's life should be considered with all seriousness and the gravity equal to its importance for every individual. When it becomes crystal clear that the victim is no longer important in the legal process, being treated as little less than an after thought as I feel I was, then there is no justice system. What happens to humanity personally and as a whole in this case?"

The examples of this troublesome scenario, not limited to misdemeanor cases, are numerous. In one case, a victim was extremely disheartened to learn after-the-fact about a plea/sentencing hearing, especially since both the victim and the CVJU had made specific requests to the prosecutor and victim advocate to be sure to notify the victim of any plea agreement. In another case, a victim, initially hospitalized for serious injuries as a result of a drunk driving accident, later learned the defendant had entered into a plea agreement and was sentenced just days after the accident. In yet another case, a victim advocate reported that a case proceeded to plea and sentencing while the victim remained outside the courtroom, expecting that morning to testify at the scheduled trial.

The CVJU gets complaints about these statutory rights violations even when prosecutors have ample time and opportunity to provide notice, however, most complaints center on those situations where, under pressure to advance the calendar, there is a move to resolve the matter during a court proceeding where everyone except the victim is present. The CVJU, recognizing the practical challenges for prosecutors to provide notice to victims under these circumstances, expects prosecutors to at least make a good faith effort to ensure that victims are afforded their notification and participation rights. The CVJU encourages prosecutors at the start of a case to explain to victims about the realities of case processing, how court hearings can be transformed, and how victims can ensure their input in those situations. Further, the CVJU encourages prosecutors to alert the court if victims have not been notified of a plea agreement and consequently will not be given the opportunity to attend the plea or sentencing hearing should the matter proceed.

Crime victims and traumatic brain injury (TBI)

The reality behind crimes such as attempted homicide, criminal vehicular operation, and first degree assault is that there is quite possibly a victim who will suffer lifelong physical and cognitive impairment due to a traumatic brain injury. The CVJU has worked with a number of these victims, who are dealing with not only the

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dramatic change in their lives, but the frustration with a criminal justice system which may or may not have been responsive to their victimization. According to the Brain Injury Association of Minnesota, the third most common cause of a TBI is a criminal act, following motor vehicle accidents and accidental falls by the very young and very old.

In one case, CVJU staff assisted the victim of an attempted homicide who was unsure about many details of the criminal trial that had occurred several years earlier--at the time the case was going on, she was recovering from her serious injuries. The victim was upset that she had not gotten notice of the offender's recent release from prison, although it was unclear if a request had ever been made on her behalf to the Department of Corrections (DOC). In addition to gathering information for her about the case, the CVJU investigator was able to connect her with the offender's supervising agent and ensure that a request for notice of any future release or change in custody status was submitted to the DOC. Throughout their many conversations, the CVJU investigator responded to the victim's questions about the process both at the time of the trial and in the post-release phase, and, since the victim often speculated about whether the offender felt any remorse, provided her with information about the Apology Bank program at the DOC.

Everyday assists

Many situations do not warrant a complaint as the CVJU can take just a few simple steps to provide information, perspective, direction, or information about resources to crime victims. Here are a few examples of how the CVJU assists victims during the course of its daily work:

From CVJU complainants

"I appreciate your phone call and the time you spent listening to my many concerns. I do greatly appreciate your kindness and assistance in this manner."

"[I] am thankful there are places in the state that a person can go to for HELP. Your office has been helpful. THANKS."

" I do appreciate the efforts your office have made on my behalf, you have helped me to come closer to the truth of the matter more than I would have ever gotten on my own. . . . [Y]our office was one of the few slender threads I had to hold on to during this devastating time. I appreciate it and am glad that you are there for people like me in the midst of overwhelming confusion."

In search of data: Along with the confusing criminal prosecution process, crime victims come face to face with the confounding world of the Minnesota Government Data Practices Act that governs the release of law enforcement data. The CVJU routinely provides guidance to victims on the rules related to access to police reports and information about the offender, suggesting strategies on making their data request to the agency in question, and more often, reassuring them that the denial of their request for information at that time is in accordance with the law.

The high cost of crime to victims: Along with the emotional impact, for many victims, the crime can have a devastating financial impact. For example, one victim sought help when her cars were taken as evidence by the police after a stranger was murdered in her yard, leaving her without transportation and at risk of losing her job. Another victim couldn't afford to repair bullet-ridden

windows and woodwork following a gang shootout outside her home, battle scars which now serve both as a constant reminder of the violence and the difficulty she has selling her house and moving to a safer neighborhood. Yet another victim called when her landlord wanted to charge her for cleaning up the crime scene in the hallway outside her apartment following the murder of her boyfriend. And along with the steady stream of calls from victims looking for help with their medical bills, the CVJU routinely gets calls from victims of auto theft who cannot afford to retrieve

their cars from the impound lot. Connecting these victims to available resources, such as the Reparations Program, the Emergency Fund, and the Auto Theft Impound Fund, is an everyday assist for the CVJU.

Troublesome neighbors: Neighbor disputes continue to be one of the most frequent types of calls (and formal complaints) to the CVJU. These cases often involve a long-

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standing conflict, with harassment restraining orders (HROs) on one or both sides. By the time the CVJU is contacted, there is typically a long history of reports to the local law enforcement agency about violations of the HRO, some serious, but more often what would be considered minor to an outsider. Sometimes the reports of minor violations are so numerous that the agency has apparently become reluctant to dispatch officers to the scene or even write up a police report, much less arrest the offender as the victim would like. Even when there is a report the victim feels contains “good evidence,” he or she is disappointed to learn that the prosecutor declined to file charges, stating that there was not a strong enough likelihood of prevailing should the case go to trial.

In these calls, the CVJU explains why minor violations may not ultimately be charged—for example, the conduct, while annoying, may not technically violate the HRO, or a “your word against mine” scenario may be deemed too difficult to prove to a jury. The CVJU further suggests that victims clarify with prosecutors’ offices what types of circumstances would actually warrant charges so as not to be disappointed in the future. Referrals to local mediation centers are also given—a suggestion sometimes well-received, but most often rejected by victims long involved in what they perceive to be an untenable situation. In such cases, they find it hard to envision either themselves or their recalcitrant neighbors sitting down at the same table.

Seeking restitution payment: Even though restitution is typically ordered in cases where victims have incurred out-of-pocket expenses as a result of a crime, all too often victims have to fight an uphill battle to collect payment. When the CVJU receives calls from victims who are wondering where the money is, investigators seek to determine whether the offender is still on probation, in which case the victim is provided with the probation officer’s contact information to request a probation

review hearing for the violation. If the offender is no longer on probation and the order has been converted to a civil judgment, the CVJU finds out if it has been sent to collections or revenue recapture. Sadly, many victims never do receive their payments either because an offender has no job or assets or has successfully eluded the collection mechanisms of the criminal justice system. One victim, a vulnerable adult, contacted the CVJU on several occasions to have an investigator follow up with court administration to find out why no restitution had been paid, even two years after it was ordered. While the CVJU was able to confirm that the appropriate steps had been taken by court personnel, the fact remained that the offender was still squarely in arrears.

Cases involving juveniles: Cases with juvenile offenders pose some additional challenges for victims. Victims of juvenile crimes are accorded the same rights as victims of crimes committed by adults, but even those within the criminal justice system who are responsible for upholding victim rights may be confused as to their scope in these cases. The CVJU reviews with victims the statutes that pertain to their situation and offers strategies for effectively asserting their rights. A practical new resource for both victims and professionals is the CVJU’s victim rights brochure template for juvenile court posted on the OJP website.

The CVJU also receives calls from parents enquiring about the rights of minor children involved in court proceedings. One mother, for example, called the CVJU to discuss how to advocate for her minor daughter, who was terrified at the thought of testifying at an upcoming trial against the man who sexually assaulted her. She had been informed that, under the rules, the courtroom could not be closed to the public during her daughter’s testimony. The CVJU was able to provide the mother with the relevant statute that gives the judge authority to close the courtroom during a minor victim’s testimony in criminal sexual conduct cases and suggested she make the request for closure through the prosecutor.

Crime Victimization in Minnesota

According to the Bureau of Criminal Apprehension, the crime index in Minnesota totaled 168,271 offenses in 2007, which was a decrease of 2.6 percent from 172,793 offenses in 2006. The crime rate represented 3,257 per 100,000 in population for 2007. Violent crime (murder, rape, robbery, and aggravated assault) decreased by 9.0 percent from 2006 to 2007.

The crime index consists of eight major criminal offenses used to evaluate changes and trends in amounts of crime over designated periods of time. Minnesota Crime Information 2007, Bureau of Criminal Apprehension, Criminal Justice Information Systems, Uniform Crime Report, p. 11.

CRIME VICTIMS IN MINNESOTA

SUPPORT FOR CRIME VICTIMS

Financial assistance: The State of Minnesota provides grants to over 160 victim service organizations across the state. The state also provides financial compensation to victims of violent crime through the Crime Victim Reparations Board and financial assistance to crime victims through an Emergency Grant Program and an Auto Theft Impound Fund.

Victim Services Directory: The Office of Justice Programs (OJP) Web site (www.ojp.state.mn.us) includes a searchable directory of government and nonprofit organizations in Minnesota that serve crime victims. The directory can be viewed by service provider name, county, judicial district, and statewide service providers.

Offender release notification: VINE (Victim Information Notification Everyday) is an automated system that provides victims with information and release notification on offenders housed in state and county facilities. Implementation of the VINE system, which started in 2001, is near completion with all but 18 counties online. Those that are not online either have no jail or have technical reasons why implementation is not feasible. This system not only provides “real time” information to crime victims regarding the status of the offender, it also serves as a useful tool for victim service professionals, law enforcement, and other allied professionals. Victims can register with VINE or find out more about the system by going to www.vinelink.com or by calling 1-877-664-8463. The roster of counties, as well as promotional and training materials, is available on the OJP website.

End of Confinement Review hearings: Staff members from OJP attend End of Confinement Review Committee hearings required under the Minnesota Community Notification Law. These victim representatives provide a victim perspective in these proceedings

Information: OJP has developed brochures, many in both English and Spanish, for victims that cover topics such as victim rights, collecting restitution, coping with victimization, tips for testifying, and restorative justice. Victim service providers and victims can request these materials at no cost from OJP, and they are also available on the OJP Web site. A frequently requested publication also available online is the CVJU's *How Do I Get a Copy of My Police Report?*

SUPPORT FOR VICTIM ADVOCATES AND CRIMINAL JUSTICE PROFESSIONALS

OJP is committed to improving crime victim services statewide and works with victim advocates and criminal justice professionals on many fronts.

The OJP Training and Communications Unit provides training to victim advocates and criminal justice professionals on victim rights, victim notification (VINE), pertinent victim topics, cultural competency, and nonprofit financial management. Last year, over 200 people attended individual trainings on such topics. The annual OJP crime victim conference, now in its 21st year, offers a wide range of speakers and workshops and typically draws 300-400 multi-disciplinary attendees. A critical component of OJP training efforts is the Minnesota Victim Assistance Academy, held annually since 2006; the academy trains 40-50 victim service professionals and students each year.

In 2008, the Training and Communications Unit developed a statewide OJP Training Calendar. This interactive calendar provides a central schedule of crime victim services training events in Minnesota. Anyone organizing a training on crime-related issues can post the event on the calendar.

The CVJU has developed a number of important resources for criminal justice professionals, including the *Minnesota Crime Victim Rights: Reference Guide for Criminal Justice Agencies and Professionals*; sample prosecution letters; and templates for crime victim rights brochures in adult and juvenile court. The CVJU also annually updates the *Crime Victim Rights Information Guide*, first published in 1993. For victim advocates, the CVJU has developed materials, such as its *Post-conviction Check List: A Guide for Advocates*.

Another important resource is OJP's online *Commentary* newsletter. This quarterly newsletter features articles on trends and developments in the field of victim services, upcoming trainings and events, grants and reparations information, program spotlights, legal developments, and legislative updates.

LANDMARKS IN MINNESOTA VICTIM RIGHTS AND SERVICES

1971 First rape crisis program is established in Minneapolis, and first battered women's shelter opens in St. Paul.

1974 Crime Victims Reparations Board is created to provide financial compensation to victims of violent crimes.

1976 First prosecutor-based victim assistance program is established in the Saint Louis County Attorney's Office in Duluth.

1983 First law providing comprehensive crime victim rights, including notification and participation in the criminal justice process (Minnesota Statutes section 611A or "the Crime Victim Bill of Rights"), is passed.

1984 Governor-appointed task force holds public hearings in seven cities across the state to air public concerns and determine needs of crime victims. Testimony taken from victims and victim service providers results in a clear mandate for a voice in the criminal justice system.

1985 Legislature enacts Minnesota Statute sections 611A.72-74 establishing the Office of Crime Victim Ombudsman (OCVO), the first victim rights compliance office in the nation.

1986 Legislature adds a number of rights to chapter 611A, including the rights to increased participation, to obtain a civil judgment to satisfy a restitution order, and to be free from potentially adverse effects of participation. OCVO officially opens as the first crime victim ombudsman in the nation in May.

1988 Right to give a victim impact statement becomes law. Crime victim rights statute amended to include specific provisions related to domestic violence cases.

1990 Legislature enhances legal protections for victims of harassment, including the right to keep their identities confidential in certain government records.

1991 Legislature amends chapter 611A to require that prosecutors make reasonable efforts to notify victims of final case dispositions and custodial authorities to notify victims, on request, if an offender escapes from confinement or is transferred to a less secure correctional facility.

1993 Legislature makes the following changes affecting crime victims: Law enforcement agencies are required to make reasonable efforts to notify victims of motor vehicle thefts when vehicles are recovered and how to retrieve them; procedures for giving crime victims written notification of

their rights are streamlined; minor prosecution witnesses are allowed to have a supportive person in the courtroom during their testimony in any criminal case involving a violent crime.

1996 Legislature expands victim notification rights to require notice of bail hearings to victims of domestic violence and harassment.

1997 Minnesota's sex offender registration law is enhanced to provide community notification of sex offenders convicted of an offense requiring registration and released from prison after January 1, 1997.

1999 Legislature enhances confidentiality of personal information for crime victims and witnesses and limits an offender's right to challenge a restitution order.

2000 Changes are enacted to the sex offender registration statute to better track sex offenders (Katie's Law). Domestic abuse no contact orders are established and law enforcement officers given warrantless arrest authority for misdemeanor violations of domestic abuse no contact orders.

2001 Legislature enacts law requiring prosecutors to notify victims who have so requested to be notified of expungement proceedings and gives victims the right to be present and submit a statement at the expungement hearing.

2002 Legislature clarifies that the costs for sexual assault exams are the responsibility of the county in which the alleged offense occurred and that payment is not dependant on the victim reporting the alleged offense to law enforcement.

2003 Victims' right to give oral or written objections is extended to plea hearings. OCVO is renamed the Crime Victim Justice Unit and incorporated into the Office of Justice Programs as part of a state-wide reorganization.

2004 Grounds for extending an order for protection are amended to include situations when the respondent is incarcerated and about to be released or has recently been released from incarceration.

2005 Definition of "victim" is expanded to include family members of a minor, incompetent, incapacitated, or deceased person. Additional protection is given to victims against employer retaliation for taking time off to attend order for protection or criminal proceedings.

2007 Domestic abuse victims are accorded the right to terminate their rental lease without penalty or liability.