

# CRIME VICTIM JUSTICE UNIT BIENNIAL REPORT 2009-2010

JANUARY 2011



OFFICE OF JUSTICE PROGRAMS  
MINNESOTA DEPARTMENT OF PUBLIC SAFETY

## CVJU OVERVIEW

The Crime Victim Justice Unit (CVJU) is a victim rights compliance office that seeks to ensure that crime victims in Minnesota are treated appropriately and 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 its work during 2009-10.

### **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 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.

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 the criminal justice system, but is an advocate for fairness. When the CVJU uncovers problems, it seeks to work with an agency to find solutions rather than taking a punitive stance.

Minnesota was at the forefront of the victim rights movement when OCVO opened in 1986, and remains so as one of a handful of states with a formalized victim rights compliance office. Although Minnesota does not have a constitutional amendment (unlike 33 other states), it has a strong statutory scheme designed to protect victims and 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: difficulty getting information about a case; concerns about the manner in which a criminal 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. Victims seek the help of the CVJU when they face roadblocks or feel the criminal justice system has failed them.

The unit handles telephone inquiries from victims 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 have difficulty connecting with the right person at an agency. In these situations, a few clarifying questions and a few phone calls by a CVJU investigator are usually all that is needed to help a victim.

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 with

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#### **Crime Victim Justice Unit**

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*CVJU Overview continued from previous page*

the unit. Often, victims communicating their concern or complaint themselves can prompt a satisfactory response.

For 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 an intensive “assist.”

The CVJU finds 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, an investigation will often reveal areas in need of refinement, and the CVJU will make suggestions to agencies for improving their policies and procedures to ensure the best treatment for victims possible.

The outcomes in the complaints investigated by the CVJU over the years confirm that statutory rights violations do occur. Often it is clear that the errors made are not deliberate, but rather result from inadvertence, lack of training, or lack of resources. Other times, 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.

Prevalent, but 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 their concerns or questions dismissively, defensively, or derogatorily. Even if the CVJU is unable to substantiate a 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 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 a victim’s sense of injustice with what has occurred is justified. Most importantly, the CVJU takes the time to listen to victims’ concerns and

frustrations as they face the limitations of the criminal justice system in addressing their victimization.

### **Assisting criminal justice professionals**

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 they may be seeking 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.

### **Other CVJU activities**

As part of their responsibilities, CVJU staff members work to improve awareness of crime victim rights and the treatment of crime victims by disseminating public awareness materials, assisting law enforcement agencies with updating their victim information cards, surveying criminal justice professionals, developing crime victim brochures and materials, and providing training on crime victim rights to victim service providers, law enforcement, and prosecutors.

In addition, staff members have responsibility for oversight of the Minnesota VINE program (the statewide automatic victim notification program), assist with the planning of the Minnesota Victim Assistance Academy, monitor crime victim-related legislation, and participate on numerous taskforces, committees, and workgroups, such as the Human Trafficking Task Force and the State Council for the Interstate Compact for Adult Offender Supervision.

“If the criminal justice system is to live up to its name, it must recognize the importance of upholding crime victim rights and treating victims with dignity and respect. The Crime Victim Justice Unit plays a key role in making this happen.”

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 2009-10.

### ***Inquiries to the CVJU***

In 2009, the CVJU had 1,637 contacts with victims, advocates, members of the public, and criminal justice professionals; in 2010, it had 1,327 contacts. The average over the past five years is 1,580 contacts per year, and over the past 16 years is 1,575 contacts per year.

During 2009-10, the majority of CVJU contacts (63 percent) were with victims, followed by criminal justice professionals and victim advocates (22 percent). About 4 percent of CVJU contacts were with offenders or defendants in a criminal matter, and 11 percent were with members of the public.

### ***Opening a case***

A case is opened for victims whose concerns cannot be easily addressed without a more formal inquiry. Victims initiate this process by filling out a complaint form describing their problem and providing authorization for the CVJU to investigate their complaint.

In 2009-10, the CVJU opened 74 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, 93 cases were actually open at some time during 2009-10. These cases are in addition to the many instances of informal assistance that did not warrant opening a case file. Of the 74 new cases opened, 39 percent were intensive assists, and 61 percent were investigations.

### ***How the victim found out about the CVJU***

Consistent with trends over the last 10 years, the most common way that victims found out about the CVJU was through a victim service provider. In 2009-10, 22 percent of victims who submitted a complaint form reported being referred by a victim service provider. The next most common referral sources were the Minnesota Attorney General's Office and law enforcement agencies (15 percent each).

### ***Location***

The CVJU is contacted by victims from all over the state, with the majority of formal complaints (56 percent) concerning agencies in the seven-county Minneapolis-St. Paul metropolitan area. On a county level, agencies from Hennepin and Ramsey counties, the two most populous counties, generated the the most complaints.

### ***Crime type***

The vast majority of cases opened (81 percent) involved a crime against a person. Of these, 28 percent involved an assault, and 18 percent involved a criminal sexual conduct crime. Nineteen percent of cases opened involved a crime against property; of these, the most common type of crime was damage to property (43 percent).

### ***Subject of the complaint***

As past years have shown, the vast majority of the subjects of investigations in 2009-10 were either a prosecutor's office or a law enforcement agency: 50 percent of the complaints concerned a prosecutor's office, and 48 percent a police department or sheriff's office.

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The CVJU maintains its case statistics through a database called "Complaint Tracker," developed in 2009 by Department of Public Safety Office of Technology Support Services. This system replaced the outdated Ombudsman Case Management System, which had been in place since 2000. In addition, since 2004, the CVJU has systematically tracked contacts with victims, the public, and criminal justice professionals.

CVJU Statistics continued from previous page

| Subject of the Complaint | %    |
|--------------------------|------|
| County Attorney          | 43%  |
| Sheriff                  | 26%  |
| Police                   | 21%  |
| City Attorney            | 7%   |
| Other                    | 2%   |
| Total                    | 99%* |

\*Does not equal 100% due to rounding.

### 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 of 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 criminal case process, opportunities to participate in the prosecution process, notice of release of an inmate, and financial compensation for losses related to the crime.

| Complaint Type                    | %    |
|-----------------------------------|------|
| Inadequate investigation          | 20%  |
| Not provided required notice      | 17%  |
| Failure to prosecute              | 13%  |
| Poor communication                | 9%   |
| Rude/inappropriate treatment      | 7%   |
| Inappropriate plea agreement      | 5%   |
| Other mistreatment                | 18%  |
| Other statutory rights violations | 11%  |
| Total                             | 100% |

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

The three most common types of complaints brought by victims were that (1) a law enforcement agency conducted an inadequate or inappropriate investigation (20 percent);

(2) failure to provide statutorily required notices (17 percent); and (3) a prosecuting office failed to prosecute a case (13 percent). In nearly all cases in the third category, the CVJU did not substantiate the complaint. Given the broad discretion afforded to prosecutors in charging cases, the CVJU refrains from challenging prosecutorial discretion unless it is determined that it has been abuse.

### Result of an investigation

As a result of an investigation into a victim's specific complaints of mistreatment or statutory rights violations, the CVJU determines for each complaint whether it is substantiated, unsubstantiated, or unfounded. An unsubstantiated complaint is one in which the evidence is insufficient to establish that the alleged act or omission occurred. 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 final determination and findings, 88 percent of the complaints were determined to be unsubstantiated, and 12 percent were determined to be substantiated.

In cases in which the complaint is substantiated, the CVJU makes recommendations to the subject agency on how to improve its services to victims. For example, the CVJU may recommend establishing new policies or procedures, training staff, or meeting with the victim. The response from the agency to these recommendations is communicated to the victim along with the findings report.

In cases in which the complaint is unsubstantiated, the CVJU will still address troubling issues or circumstances and other problems with victim rights not identified by the complainant. In those cases, the CVJU makes suggestions to the subject agency to improve the way it works with victims and to ensure that victim rights are upheld.

## TRENDS

The CVJU sees many recurring trends in its work with victims, including problematic communications with investigators and prosecutors, hurdles to notifying victims of proposed plea agreements, and the limits of the criminal justice system in dealing with contentious neighbor situations. This section discusses some trends that have emerged in the past few years.

### *Violations of protective orders*

A significant percentage of CVJU calls and complaints pertain to violations of harassment restraining orders (HROs), orders for protection (OFPs), and domestic abuse no contact orders (DANCOs). The volume of the calls should not be surprising given that thousands of such orders are issued each year in Minnesota. Overwhelmingly, victims who contact the CVJU express frustration with what they perceive to be an inadequate response by the criminal justice system to these violations, with the result that violators are emboldened and continue to disregard the orders.

These calls to the CVJU highlight a paradox with protective orders. Victims of harassment and domestic abuse are strongly encouraged by criminal justice professionals to

get an HRO or OFP, yet when they follow through with the advice to report all violations, they are often surprised by the law enforcement response. If the restrained party has not had direct contact with the victim, has not committed or threatened to commit an act of violence, or is no longer present, such reports may simply be taken over the telephone. Victims who make repeated reports of “minor” or “unproveable” violations may encounter increasing resistance from law enforcement to the point where the agency will no longer take individual reports, instead telling them to “keep a log.”

Although approaches and attitudes of agencies to protective order violations vary greatly, the response by law enforcement is influenced to a great extent by the challenges to prosecuting these cases. Often, the violations lack an independent witness or the evidence connecting the restrained party with the act is nonexistent or difficult to secure, such as when contact or harassment occurs through electronic means. In addition, third-party violations, a common occurrence, are particularly challenging to prove.

Like with HROs and OFPs, both civil protective orders, enforcement of DANCOs issued in a criminal proceeding can be a source of frustration for victims. Prosecution of DANCO violations may be handled by a prosecutor different than the one prosecuting the underlying domestic abuse charge, leading to parallel prosecutions with inconsistent strategies and engagement. Victims are also frustrated when DANCO violations are dismissed as part of the plea agreement or when the sentence imposed for the violation runs concurrently with the underlying domestic abuse charge. Victims typically see these outcomes as providing no tangible consequences for continued criminal behavior after the offender is charged with a domestic abuse crime.

In the end, many victims lose hope that the protective order is an effective tool for safety and will opt not to report violations, even serious ones, thereby potentially endangering themselves.

Despite the challenges, the CVJU advises victims to keep logs of violations, take photographs and gather other documentation if possible, and report all violations, encouraging them to request an immediate response for threats and situations where they feel endangered. Further, victims are given realistic information about how

### *From CVJU complainants*

“Thank you so much for all of your work that you have done on my case. It is very encouraging to know that resources like you exist in this world.”

“Thank you so much for getting back to me. I was just telling someone how pleased I’ve been with the work you’ve been doing. Your efforts are greatly and sincerely appreciated.”

“I felt my complaint was taken seriously and I was never made to feel that I was out of line by filing my complaint. I was very satisfied by the fact that my case worker kept updating me on my case status, and checked with me on any question she had on details of the incident.”

“[The prosecutor] has been nothing short of amazing since I filed the complaint and if that is what it took to get the ball rolling in all of this, I am still glad I did it.”

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different types of violations will likely be investigated by law enforcement and how those violations may be handled by a prosecutor's office, whether standing alone or alongside other more serious criminal charges.

### **CSI effect**

Much has been written about the "CSI effect," which refers to a jury's misguided or unrealistic expectations of forensic evidence-gathering techniques that should be employed during an investigation and the resultant evidence that should be presented by the prosecution at trial. Such expectations, derived primarily from popular television crime dramas, also present themselves earlier in a case when investigators encounter victims who feel that certain forensic tests and procedures should be conducted to solve the crime. The CVJU hears regularly from victims complaining of an inadequate investigation when the expected forensic evidence-gathering tools and testing are not employed.

Most such complaints relate to property crimes, such as burglary or auto theft, committed by an unknown perpetrator without any witnesses. Victims expect surfaces to be dusted for fingerprints, carpets and upholstery combed for hairs and fibers, and plaster casts made of shoe and tire prints in the belief that these procedures will lead to the identification of the perpetrator. In some instances, victims will provide the names of a number of possible suspects and will regard the law enforcement agency as negligent when it does not fingerprint the suspects, obtain DNA samples, or, at a minimum, have them undergo a polygraph examination.

Since many crimes are either committed electronically (e.g., violations of protective orders) or have an electronic component, victims also expect investigators to search and seize electronic devices, like cell phones and computers, and secure search warrants to obtain evidence from Internet service providers and social networking services. Other "routine" techniques many victims believe should be conducted include handwriting analysis of legal and financial documents, voice recognition analysis for recorded communications, and forensic analysis of video recordings to identify evidence of tampering.

To respond to such concerns, the CVJU explains why such tests may not be appropriate under the circumstances or why the results for the desired test may have reliability

issues or be inadmissible in court. Other times, the CVJU gathers information about an agency's investigatory policies related to the type of crime, a process that usually reveals a victim is not being singled out for substandard treatment, although it may raise other concerns regarding an agency's limited resources for investigating certain categories of crime. When warranted, the CVJU makes recommendations or suggestions for training on new technologies and directs an agency to helpful resources.

### **The importance of information**

The one theme that emerges from all of the CVJU's work is that information is key. Whether it is adherence to crime victim rights, where the bulk of the rights concern victim notification, or ongoing communication with victims as a case is investigated and prosecuted, providing timely and accurate information to victims is vital.

Communicating good information to victims can reduce uncertainty and frustration, and help victims re-establish a sense of control. With good information, victims can anticipate the future and plan, something that is especially important given the time it may take for a case to proceed through the criminal justice system and the many hearings involved. Good information can help victims make meaningful contributions to the criminal justice process at the critical junctures where their voices are allowed to be heard, actions that can significantly impact victims' healing processes. Most importantly, providing victims with information they are statutorily entitled to, as well as being responsive to victims seeking further information and clarification, is a fundamental part of treating victims with dignity and respect.

Our criminal justice system depends on victims coming forward, reporting crimes, and cooperating throughout

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#### **Communicating with victims**

"I did finally meet with [the prosecutor] yesterday morning. The meeting went extremely well. He apologized for not keeping me up to date on everything he was doing on his end . . . Even though we are not able to press charges, several positive things came from the meeting and the overall process. He was very supportive, as were the other women in attendance from the [victim witness program]."

CVJU Complainant

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the process. Treating crime victims with respect is integral to ensuring 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.

### **The cost of crime victim rights**

Ensuring that crime victim rights are upheld takes resources. Prosecutors, who have the most affirmative obligations to victims, must allocate the resources to ensure that certain notifications are given to victims throughout the case. And courts must allocate the time to ensure that victims have the opportunity to participate during key proceedings, such as plea and sentencing hearings.

Adherence to crime victim rights has always been a challenge given the reality of case processing and the ever-present pressure to dispose of cases quickly and efficiently; in times of scarce resources, however, such challenges are even greater.

Many complaints to the CVJU regarding statutory rights violations involve situations where the perceived need for expediency overshadows the need to comply with a victim's rights. For example, plea agreements are often reached at the last minute, and a court proceeding gets transformed from a pre-trial proceeding to a plea or plea/sentencing hearing. This transformation often occurs without pause or consideration for the victim's rights to notice of the plea agreement, the opportunity to object

#### **MINNESOTA CRIME VICTIM RIGHTS PUBLICATIONS**

*Minnesota Crime Victim Rights: Reference Guide for Criminal Justice Professionals*, Crime Victim Justice Unit, Office of Justice Programs, Minnesota Department of Public Safety (rev. December 2010).

*Minnesota Crime Victim Rights Information Guide*, Office of Justice Programs, Minnesota Department of Public Safety (rev. August 2010).

*Crime Victim Laws in Minnesota: An Overview*, Information Brief, Minnesota House of Representatives Research Department Pirius, R. and Zollar, J. (rev. September 2007).

### **CVJU VISION**

The Crime Victim Justice Unit 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 CVJU 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.

to a proposed plea agreement, or the victim's right to give a victim impact statement.

Prosecutors often report to the CVJU their difficulty complying with crime victim rights due to resource issues in their offices, as well as practical administrative and case processing considerations. Prosecutors mention the pressure they feel from the court to dispose of cases when those regarded as "essential" (a group which does not include the victim) are all present in court. Further, they mention the difficulty of facing the court's resistance if they attempt to assert victim rights that will require delaying or continuing a proceeding.

City prosecutors, especially private attorneys with contracts to conduct criminal prosecution for a city, must often provide all the notices without administrative support staff, and some report that they have significant

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logistical difficulties identifying victim cases. Often, cases are concluded before a notice of victim rights has even been sent to the victim with the consequence that critical victim rights, such as to request restitution if an offender is convicted, may be overlooked. Particularly troubling in some jurisdictions is the practice of disposing of misdemeanor cases without a prosecutor present in the courtroom, increasing the likelihood of victim rights violations.

While the CVJU cannot alleviate the budgetary constraints at the root of some of these practices, it regularly emphasizes the importance of complying with crime victim rights to criminal justice professionals and offers suggestions to prosecutors' offices for streamlining processes to provide the core victim rights—notice of prosecution, notice of crime victim rights, notice of proposed plea agreements, the opportunity to provide a victim impact statement, and notice of case disposition.

**Everyday assists**

Many situations do not warrant a complaint as the CVJU can take a few simple steps to provide information, perspective, direction, or information about resources to crime victims. The nature of the calls to the CVJU varies greatly, from victims in crisis to victims seeking help regarding a case from long ago. Some of the most common calls concern available financial assistance to victims of crime, a perceived inadequate response by law enforcement to a neighbor conflict, failure of the defendant to pay restitution, and the process for getting law enforcement reports and other government data.

A recurrent theme worth highlighting is that of victims who report a crime to law enforcement, but do not hear back from any agency about their case. CVJU staff members suggest concrete steps victims can take to get information about the status of an investigation or charging review and provide victims with an overview of the trajectory of a case and their crime victim rights.

Overall, what emerges from the CVJU's daily conversations with victims is the importance of taking the time to actively listen and offer a sympathetic ear while clarifying victims' specific concerns and providing appropriate referrals and information. A positive outcome is that victims, initially angry and dissatisfied with the criminal justice system, have more realistic expectations and effective strategies for advocating for their rights and resolving their grievances.

**HIGHLIGHTS FROM PROSECUTOR SURVEY**

The CVJU surveyed prosecutors in 2008 and presented the results of the survey at the OJP Conference on Crime and Victimization in 2009.

The goal of the prosecutor survey was to gauge attitudes of prosecutors towards crime victim rights; assess their degree of compliance with victim rights statutes; identify barriers to compliance with their statutory obligations; and identify areas for improving the statutory scheme.

The survey resulted in valuable information that was both reassuring and concerning. While the data showed that most prosecutors comply with most crime victim rights statutes most of the time, it also revealed that some prosecutors do not comply a good deal of the time, and some prosecutors fail to comply with specific statutory requirements altogether. Compliance rates differed for city and county prosecutors, and compliance rates for the different statutory provisions were inconsistent. Some key results:

- Respondents were asked about the extent to which they provided specific statutorily required notices (10 in all). The range of responses that notice was given in "all" or "most" cases was 73 percent to 93 percent for county prosecutors, and 34 percent to 75 percent for city prosecutors.
- When asked about the degree of difficulty in complying with specific statutory notification provisions, the most frequent response was that it was "neither difficult nor easy." However, respondents also identified many challenges to compliance.
- When asked about their level of agreement to the statement, "Some victim rights notice requirements are impractical," 47 percent of city prosecutors and 33 percent of county prosecutors either "agreed" or "strongly agreed."
- Very few respondents supported dramatic changes to the crime victim rights statutory scheme, however, the responses did indicate a desire for clarification and refinement.

Overall, prosecutors provided forthright responses, and measured and useful comments; any frustration expressed was about the challenges to compliance and not about victims. The responses demonstrated a recognition of the value of victim rights. One prosecutor commented:

*"Victim's rights are an essential part of the prosecution process, and the impact of involving victims in the process is both morally justified and practically important in that [it] gives the public a more accurate sense of how the criminal justice systems works, for better and worse."*

## SERVING VICTIMS IN MINNESOTA

### Support for Crime Victims

**Financial assistance:** Minnesota provides grants to over 160 victim service organizations. The state also provides financial compensation to victims of violent crime through the Crime Victims Reparations Board and financial assistance to crime victims through an Emergency Grant Program.

**Victim Service Provider Directory:** The Office of Justice Programs (OJP) Website ([www.ojp.state.mn.us](http://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 or county.

**Victim Information and Notification Everyday (VINE) service:** The CVJU oversees the VINE program, a statewide automated system designed to provide offender information and release notice to victims and others. Information regarding VINE, including the roster of online counties and promotional and training materials are available on the OJP Website.

**End of Confinement Review Hearings:** Staff members from OJP attend End of Confinement Review Committee hearings required under Minnesota's Predatory Offender Community Notification Law. These OJP representatives are able to provide a victim perspective in these proceedings.

**Information:** OJP has developed a number of crime victim brochures—many translated into Spanish, Somali, and Hmong—that cover topics such as victim rights, collecting restitution, coping with victimization, tips for testifying, and victim impact statements. A frequently requested publication also available online is the CVJU's *How Do I Get a Copy of My Police Report?* Printed materials can be ordered at no cost from OJP, and all brochures and materials are also available on the OJP Website.

### 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.

OJP provides trainings to victim advocates and criminal justice professionals on victim rights and other pertinent

victim topics, including victim notification (VINE), cultural competency, best practices, and nonprofit financial management. Last year, over 300 people attended individual trainings conducted by OJP staff. The annual OJP crime victim conference, now in its 23rd 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.

The CVJU has developed a number of important resources for criminal justice professionals, including *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. For victim advocates, the CVJU has developed materials, such as its *Post-conviction Check List: A Guide for Advocates*, and the CVJU annually updates the *Crime Victim Rights Information Guide* (known as the "Blue Book"), first published in 1993.

### Crime Victimization in Minnesota

#### Uniform Crime Report Data

According to the Bureau of Criminal Apprehension, the crime index in Minnesota totaled 151,084 offenses in 2009, which was a decrease of 6.4 percent from 161,376 offenses in 2008. The crime rate represented 2,894 per 100,000 in population for 2009. Violent crime (murder, rape, robbery, and aggravated assault) decreased by 7.4 percent from 2008 to 2009.

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 2009, Bureau of Criminal Apprehension, Criminal Justice Information Systems, Uniform Crime Report, p. 11.*

#### Crime Victimization Survey

In the most recent Minnesota Crime Survey, conducted by the Office of Justice Programs in 2008, 35 percent of respondents reported that they were the victim of crime in the prior year. In examining the specific crime types, the survey found that the most common type of victimization reported was a stalking-related crime (6 percent), followed by vandalism or property damage (12 percent).

## VICTIM INFORMATION AND NOTIFICATION EVERYDAY

### About VINE

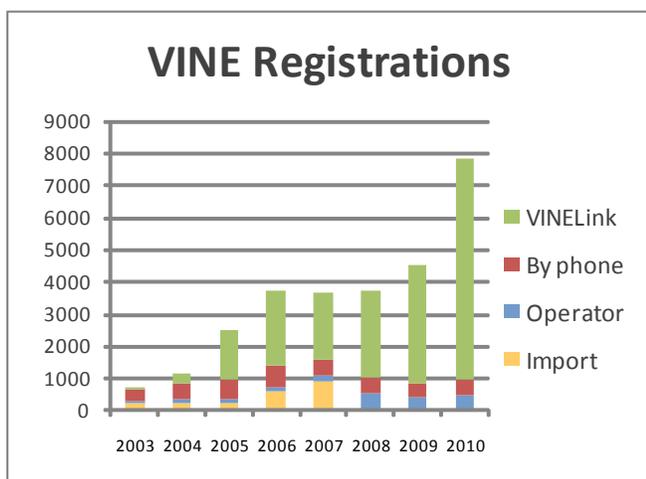
VINE (Victim Information and Notification Everyday) is an automated system that provides victims with information and release notification for offenders housed in county jails and detention facilities. This system provides “real time” information to crime victims regarding the status of the offender and serves as a useful tool for victim service professionals, law enforcement, and other allied professionals.

Victims can access the VINE system through an 800 number or the VINELink Website to find offender information and request notification of release; notification can be delivered by phone and/or email.

VINE was launched in Minnesota in 2002. Ninety-four percent of the Minnesota counties with a jail and capability of being connected to VINE are now online; only five counties have declined to participate.

### VINE Usage

The use of Minnesota VINE to get information and receive notification has increased steadily since it was launched, with significant increases in the past two years as VINELink has become more well known. Correspondingly, the actual notifications given to those individuals who had requested notification have also increased dramatically. From 2008 to 2009, notification requests increased 21 percent, and from 2009 to 2010, they increased 72 percent. Over the past five years, the VINE telephone service logged over 50,000 searches for offenders, and VINELink logged over 900,000 online searches.



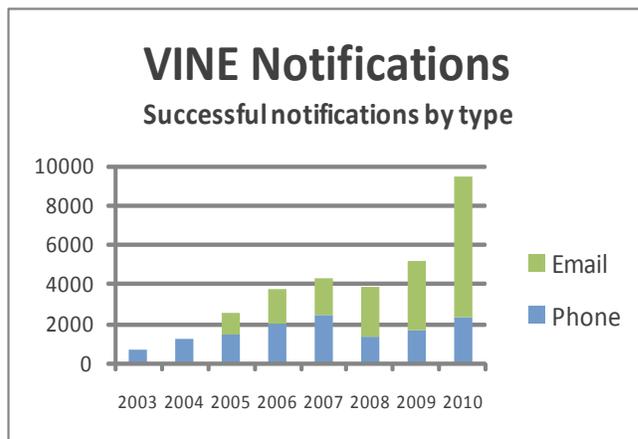
| Year | No. of counties online | Minnesota VINE Milestones  |
|------|------------------------|--|
| 2002 | 13                     | VINE launched  |
| 2003 | 54                     | VINELink Website available as search option  |
| 2004 | 64                     |  |
| 2005 | 66                     | Email added as notification option   |
| 2006 | 67                     | Minn. Department of Corrections added to VINE  |
| 2007 | 68                     |  |
| 2008 | 69                     | Spanish added to VINE telephone service  |
| 2009 | 70                     | Spanish added to VINELink Website  |
| 2010 | 72                     | Hmong and Somali languages added to VINE telephone service; VINE brochures available in Hmong and Somali; TTY service added; DOC launches separate victim notification system called Minnesota CHOICE. |
| 2011 | 73*                    | Two more counties to go online in 2011   |

### Enhancements to VINE

As a result of a grant from the U.S Department of Justice, Bureau of Justice Assistance (BJA), additional enhancements were made to the Minnesota VINE service in 2009-10, including a Spanish language version of the VINELink online service, the addition of Hmong and Somali to languages available to the VINE telephone service, and the addition of TTY service

The BJA grant also funded development of an enhanced notification system for victims whose offenders are in a Minnesota Department of Corrections facility. The new system, called Minnesota CHOICE, was launched in November 2010.

The goal of Minnesota CHOICE is to improve notification services to victims of offenders in DOC facilities, enhance the ability of victims to find and receive information, improve communication with corrections staff, and ensure that crime victim statutory rights are upheld.



## 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 St. 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 chapter 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 Statutes sections 611A.72-74 establishing the Office of Crime Victims 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's office 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 dependent 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 statewide 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.

**2006** *Safe at Home*, an address confidentiality program for domestic abuse victims, is established.

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

**2007** Sexual assault victims cannot be required to take a polygraph examination in order for a case to be investigated or prosecuted.

**2008** Process established for domestic abuse victims to get an order for protection extended for up to 50 years.