

MINNESOTA CRIME VICTIM RIGHTS

REFERENCE GUIDE FOR CRIMINAL JUSTICE AGENCIES AND PROFESSIONALS

Courts • Prosecutors • Law Enforcement
Probation • Jails • Corrections



Office of Justice Programs
Minnesota Department of Public Safety
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INTRODUCTION

The *Minnesota Crime Victim Rights: Reference Guide for Criminal Justice Agencies and Professionals* is a comprehensive compilation of the Minnesota statutes related to crime victims. In addition to the Crime Victim Bill of Rights delineated in Chapter 611A, the guide describes the many other Minnesota laws related to crime victims and the obligations of those in the criminal justice system toward victims. The guide begins with a list of the various definitions of “victim” that can be found in Minnesota statutes. The last section lists statutory rights or obligations to crime victims by non-criminal justice professionals, some of which may come into play in conjunction with a criminal proceeding.

The purpose of this guide is to assist criminal justice professionals in complying with their statutory responsibilities toward crime victims. For ease of use, the various laws related to crime victims are organized by the specific criminal justice professional involved.

To ensure that this guide stays up-to-date, accurate, and useful, we ask that you forward any suggestions, comments, and additions you may have.

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DEFINITIONS OF VICTIM

	DEFINITIONS	Minnesota Statutes
MINNESOTA CRIME VICTIM BILL OF RIGHTS →	<p>For the purposes of sections 611A.01 to 611A.06:</p> <p>"Victim" means a natural person who incurs loss or harm as a result of a crime, including a good faith effort to prevent a crime, and for purposes of sections 611A.04 and 611A.045, also includes (i) a corporation that incurs loss or harm as a result of a crime, (ii) a government entity that incurs loss or harm as a result of a crime, and (iii) any other entity authorized to receive restitution under section 609.10 or 609.125.</p> <p>The term "victim" includes the family members, guardian, or custodian of a minor, incompetent, incapacitated, or deceased person. In a case where the prosecutor finds that the number of family members makes it impracticable to accord all of the family members the rights described in sections 611A.02 to 611A.0395, the prosecutor shall establish a reasonable procedure to give effect to those rights.</p> <p>The procedure may not limit the number of victim impact statements submitted to the court under section 611A.038. The term "victim" does not include the person charged with or alleged to have committed the crime.</p>	611A.01(b)
MINNESOTA CRIME VICTIMS REPARATIONS ACT →	<p>For purposes of sections 611A.51 to 611A.68:</p> <p>"Victim" means a person who suffers personal injury or death as a direct result of:</p> <ol style="list-style-type: none"> (1) a crime; (2) the good faith effort of any person to prevent a crime; or (3) the good faith effort of any person to apprehend a person suspected of engaging in a crime. 	611A.52, subd. 10
BAR TO PERPETRATORS FOR CIVIL RECOVERY →	<p>As used in section 611A.08:</p> <p>"Victim" means a person who was the object of another's criminal conduct and includes a person at the scene of an emergency who gives reasonable assistance to another person who is exposed to or has suffered grave physical harm.</p>	611A.08, subd. 1
CRIME VICTIM OVERSIGHT ACT →	<p>For purposes of sections 611A.73 and 611A.74:</p> <p>"Victim" refers to anyone or the next of kin of anyone who has been or purports to have been subjected to a criminal act, whether a felony, a gross misdemeanor, or misdemeanor.</p>	611A.73, subd. 4
PAROLE REVIEW HEARINGS →	<p>For purposes of section 243.05:</p> <p>As used in this subdivision, "victim" means the murder victim's surviving spouse or next of kin.</p>	243.05, subd. 1b

COURT

	VICTIM RIGHTS	Minnesota Statutes
NOTIFICATION →	<p>NOTICE OF BAIL HEARING</p> <p>When a person arrested or a juvenile detained for a crime of violence or an attempted crime of violence, or for domestic assault or harassment, is scheduled to be reviewed under section 629.715 for release from pretrial detention, the court shall make a reasonable and good faith effort to notify the victim of the alleged crime. If the victim is incapacitated or deceased, notice must be given to the victim's family, and if the victim is a minor, notice must be given to the victim's parent or guardian.</p> <p>The notification must include: (a) the date and approximate time of the review; (b) the location where the review will occur; (c) the name and telephone number of a person who can be contacted for additional information; and (d) a statement that the victim and the victim's family may attend the review.</p>	629.72, subd. 7; 629.725
NOTIFICATION →	<p>NOTIFICATION TO VICTIM IN JUVENILE PROCEEDINGS</p> <p>The juvenile court shall distribute a copy of a notice of victim rights in juvenile court to each victim who attends a juvenile court proceeding, along with a notice of services for victims available in that judicial district.</p>	611A.02, subd. 3(b)
PROTECTION →	<p>CONFIDENTIALITY OF VICTIM INFORMATION</p> <p>Testifying victims and witnesses may not be compelled to state a home or employment address, telephone number, or date of birth in open court unless the court finds that the testimony would be relevant evidence.</p>	611A.035, subd. 2
PROTECTION →	<p>SEPARATE WAITING AREAS OR OTHER SAFEGUARDS</p> <p>The court shall provide a waiting area for victims during court proceedings which is separate from the waiting area used by the defendant, the defendant's relatives, and defense witnesses, if such a waiting area is available and its use is practical.</p> <p>If a separate waiting area is not available or practical, the court shall provide other safeguards to minimize contact during court proceedings, such as increased bailiff surveillance and victim escorts.</p>	611A.034
PROTECTION →	<p>SUPPORT PERSON FOR MINOR PROSECUTING WITNESS</p> <p>A minor victim in a case involving child abuse, a crime of violence, assault in the fifth degree, or domestic assault may choose to have in attendance or be accompanied by a parent, guardian, or other supportive person, whether or not a witness, at the omnibus hearing or at the trial during testimony.</p>	631.046, subd. 1
PROTECTION →	<p>SUPPORT PERSON FOR TESTIFYING VICTIM IN DELINQUENCY PROCEEDING</p> <p>A victim testifying in a delinquency proceeding may choose to have a supportive person (who is not scheduled to be a witness in the proceedings) present during the testimony of the victim.</p>	260B.163, subd. 3
PROTECTION →	<p>SUPPORT PERSON IN SEXUAL ASSAULT CASES</p> <p>A victim in first through fourth degree criminal sexual conduct cases may choose to be accompanied by a supportive person, whether or not a witness, at the omnibus or other pretrial hearing. If the supportive person is also a witness, the prosecution and the court shall determine whether or not the supportive person's presence will be permitted.</p>	631.046, subd. 2

COURT *continued*

	VICTIM RIGHTS	Minnesota Statutes
PROTECTION ➡	<p>SUPPORT PERSON FOR MINOR WITNESSES IN GRAND JURY</p> <p>A minor witness may be accompanied by a parent, guardian or other supportive person while testifying before the grand jury. There must be a showing of particularized need and the parent, guardian or other supportive person is not permitted to participate in the grand jury proceedings nor permitted to influence the content of the witness's testimony. In choosing the parent, guardian or other supportive person the court shall determine whether the parent, guardian or other supportive person is appropriate, including whether he or she may become a witness to the matter or may exert undue influence over the child witness. The court shall instruct the parent, guardian or other supportive person on their proper role in the grand jury proceedings.</p>	Rule Crim. P 18.04
PROTECTION ➡	<p>CLOSURE OF COURTROOM FOR MINOR VICTIM'S TESTIMONY</p> <p>The trial court may exclude the public from the courtroom during a minor victim's testimony regarding sex crimes committed against them. The judge shall give the parties an opportunity to object and shall specify on the record the reasons for closing all or part of the trial.</p>	631.045
PARTICIPATION ➡	<p>PLEA AGREEMENT/PLEA HEARING</p> <p>A victim has a right to be present at the plea presentation hearing and to express orally or in writing, at the victim's option, any objection to the agreement or proposed disposition.</p>	611A.03, subd. 1(b); 611A.0301
PARTICIPATION ➡	<p>SENTENCING HEARING</p> <p>A victim has a right to be present at the sentencing hearing.</p>	611A.03, subd. 1(b)
PARTICIPATION ➡	<p>VICTIM IMPACT STATEMENT</p> <p>A victim has a right to submit an impact statement to the court at the time of sentencing or disposition hearing.</p>	611A.038; Rule Crim. P. 27.03, subd. 3
COMPENSATION ➡	<p>RESTITUTION</p> <p>A victim of a crime has the right to receive restitution as part of the disposition of a criminal charge or juvenile delinquency proceeding against which the offender is convicted or juvenile found delinquent.</p> <p>The court, or its designee, shall request information from the victim to determine the amount of restitution owed.</p>	611A.04, subd. 1
COMPENSATION ➡	<p>RESTITUTION – IDENTITY THEFT</p> <p>The court shall order a person convicted of identity theft to pay restitution of not less than \$1,000 to each direct victim of the offense.</p>	609.527, subd. 4(b)
COMPENSATION ➡	<p>RESTITUTION – JUVENILE MAJOR TRAFFIC OFFENSE</p> <p>In cases where a juvenile charged with a major highway traffic offense is found to have violated a state or local law or ordinance and the violation resulted in damage to the person or property of another, the court may order the child to make reasonable restitution for the damage</p>	260B.225, subd. 9(g)

COURT *continued*

		VICTIM RIGHTS	Minnesota Statutes
PROTECTION	➔	<p>HIV TESTING OF DEFENDANT</p> <p>Upon the request or with the consent of the victim, the prosecutor shall make a motion in camera and the sentencing court shall issue an order requiring an adult convicted of, or a juvenile adjudicated delinquent, to submit to an HIV test. This provision applies to criminal sexual conduct in the first through fourth degree, or any other violent crime, if there is evidence of sexual penetration or that the victim was exposed to or had contact with the offender's semen or blood.</p>	611A.19, subd. 1
COMPENSATION	➔	<p>DOCKETING RESTITUTION ORDER AS CIVIL JUDGMENT</p> <p>An order of restitution shall be docketed as a civil judgment. The court administrator also shall notify the commissioner of revenue of the restitution debt in the manner provided under the Revenue Recapture Act.</p>	611A.04, subd. 3
NOTIFICATION	➔	<p>SENTENCING MODIFICATION</p> <p>When the court is considering modifying the sentence for a felony or crime of violence or attempted crime of violence, the court or its designee shall make a reasonable good faith effort to notify the victim of the crime.</p> <p>This notice must include date and approximate time of review, location, contact information, and statement that victim or victim's family may provide input to the court concerning the sentence modification.</p>	611A.039, subd. 1
NOTIFICATION	➔	<p>RIGHT TO RECEIVE NOTICE OF RELEASE AND EXPUNGEMENT</p> <p>At the time of sentencing or the disposition hearing, the court or its designee shall make reasonable good faith efforts to inform each affected victim of the offender of her/his right to receive notice of release and expungement as provided for in section 611A.06.</p> <p>If the victim is a juvenile, the court shall make a good faith effort to provide this notice to the parent or guardian of the victim.</p>	611A.0385
		OTHER VICTIM ISSUES	Minnesota Statutes
DATA PRACTICES CONSIDERATIONS	➔	<p>RELEASE OF INVESTIGATIVE DATA</p> <p>A victim may make a written request to the prosecuting authority for release of confidential investigative data. If that request is refused, a victim may bring an action in district court to seek release of confidential investigative data. The data in dispute shall be examined by the court <i>in camera</i>. The court may order that all or part of the data relating to the investigation be released to the public or the person bringing the action.</p>	13.82, subds. 7 and 13
DATA PRACTICES CONSIDERATIONS	➔	<p>JUVENILE DELIQUENCY CASES</p> <p>The victim of an alleged delinquent act may request and obtain the following information from the juvenile court: the name and age of the juvenile, the act for which the juvenile was petitioned and the date of the offense, and the disposition of the case. The request can be refused if it reasonably appears that the request is prompted by a desire on the part of the requester to engage in unlawful activities.</p>	260B.171, subd. 4(c)

COURT *continued*

	OTHER VICTIM ISSUES	Minnesota Statutes
DATA PRACTICES CONSIDERATIONS ➔	<p>MINOR VICTIM IN CRIMINAL SEXUAL CONDUCT CASES</p> <p>Data contained in records or reports relating to petitions, complaints, or indictments for criminal sexual conduct cases in the first through fourth degree that identify a minor victim are not accessible to the public except by order of the court.</p>	609.3471
DATA PRACTICES CONSIDERATIONS ➔	<p>NAME CHANGE DATA</p> <p>If the court determines that a name change application for an individual is made in connection with the individual's participation in a witness and victim protection program, the court shall order that the court records of the name change are not accessible to the public; except that they may be released upon request to a law enforcement agency, probation officer, or corrections agent conducting a lawful investigation. The existence of an application for a name change described in this subdivision may not be disclosed except to a law enforcement agency conducting a lawful investigation.</p>	259.10; 13.841, subd. 2
DATA PRACTICES CONSIDERATIONS ➔	<p>RELEASE OF VIDEOTAPE OF CHILD ABUSE VICTIM</p> <p>An individual subject of data may not obtain a copy of a videotape in which a child victim or alleged victim is alleging, explaining, denying, or describing an act of physical or sexual abuse without a court order under section 13.03, subdivision 6, or 611A.90.</p>	13.821(a); 611A.90, subds. 2 and 3.
APPLICATION TO JUVENILE CASES ➔	<p>SCOPE OF VICTIM RIGHTS</p> <p>The rights afforded to crime victims in sections 611A.01 through 611A.06 are applicable to juvenile delinquency proceedings, juvenile traffic proceedings involving driving under the influence of alcohol or drugs, and proceedings involving any other act committed by a juvenile that would be a crime if committed by an adult.</p>	611A.015; 260B.005
IMMUNITY FOR CRIME VICTIMS ➔	<p>BAR TO PERPETRATOR FROM RECOVERING FOR INJURIES SUSTAINED DURING CRIMINAL CONDUCT</p> <p>A perpetrator assumes the risk of loss, injury, or death resulting from or arising out of a course of criminal conduct involving a violent crime engaged in by the perpetrator or accomplice, and the crime victim is immune from and not liable for any civil damages as a result of acts or omissions of the victim if the victim used reasonable force.</p>	611A.08

COURT *continued*

BEST PRACTICES ➔

OTHER VICTIM ISSUES	Minnesota Statutes
<p>BEST PRACTICES</p> <ul style="list-style-type: none"> • Announce at beginning of hearing that victims and interested parties should check in with court personnel and/or prosecutor if they have not already done so. • Post instructions inside and outside courtroom for victims, witnesses, and interested parties about check-in procedures. • During plea hearing, ask prosecutor if victim has been contacted regarding the proposed plea agreement and if victim has any objection. • During sentencing hearing, ask prosecutor if victim has been contacted and whether victim wishes to provide a victim impact statement. • To ensure that statutorily required release notification is properly given to victims, refrain from releasing from the courtroom those in-custody defendants accused of crimes in which there is a victim. • Ensure that all notification requirements are being adhered to by court staff and court administration. • Review victim notification materials to ensure they are up-to-date. • Distribute informational materials for victims at courthouse in English and other languages. 	

PROSECUTOR

	VICTIM RIGHTS	Minnesota Statutes
NOTIFICATION & PARTICIPATION →	<p>NOTICE OF PROSECUTION</p> <p>Victims have a right, if an offender is charged, to be informed of, and participate in, the prosecution process.</p>	611A.02, subd. 2(b)(5)
NOTIFICATION →	<p>SUPPLEMENTAL NOTICE OF RIGHTS</p> <p>Prosecutors must distribute a supplemental notice of the rights of crime victims to each victim within a reasonable time after the offender is charged or petitioned. This notice must inform the victim of all statutory victim rights under chapter 611A.</p>	611A.02, subd. 2(c)
NOTIFICATION →	<p>VICTIM INFORMATION TO JUDGE REGARDING PRETRIAL RELEASE</p> <p>When a person arrested or detained for committing a crime of violence is brought before the judge, the prosecutor or other appropriate person shall present relevant information involving the victim or the victim's family's account of the alleged crime to the judge to be considered in determining the arrested person's release.</p>	629.715, subd. 1(a)
NOTIFICATION →	<p>NOTIFICATION OF PLEA AGREEMENT</p> <p>A prosecutor must make a good faith effort to notify a victim of the contents of a plea agreement prior to the entry of a plea pursuant to a plea agreement recommendation.</p>	611A.03, subd. 1(a)
PARTICIPATION →	<p>PLEA HEARING</p> <p>A victim has a right to be present at a plea hearing and to express orally or in writing, at the victim's option, any objection to the agreement or proposed disposition.</p>	611A.03, subd. 1(b); 611A.0301.
PARTICIPATION →	<p>VICTIM IMPACT STATEMENT</p> <p>If a victim requests, a prosecutor must orally present the victim's written victim impact statement to the court.</p>	611A.038
NOTIFICATION →	<p>SENTENCING</p> <p>A prosecutor must make a good faith effort to inform the victim of the right to be present at the sentencing hearing.</p>	611A.03, subd. 2
NOTIFICATION →	<p>PRETRIAL DIVERSION</p> <p>A prosecutor shall make every reasonable effort to notify and seek input from the victim prior to referring a person into a pretrial diversion program in lieu of prosecution (for certain specified crimes).</p>	611A.031
NOTIFICATION →	<p>DECISION TO DECLINE PROSECUTION OR DISMISS IN DOMESTIC ASSAULT, CRIMINAL SEXUAL CONDUCT, AND HARASSMENT CASES</p> <p>A prosecutor must make every reasonable effort to notify a victim of domestic assault, a criminal sexual conduct offense, or harassment that the prosecutor has decided to decline prosecution or to dismiss the criminal charges filed against the defendant.</p> <p>The prosecutor must also inform the victim of domestic assault or harassment of the method of seeking an order for protection or restraining order and that the victim may seek an order without paying a fee.</p>	611A.0315

PROSECUTOR *continued*

	VICTIM RIGHTS	Minnesota Statutes
	<p>SPECIAL CRIMES – Notice to complaining witness in certain misdemeanor arrests for “community offenses”</p> <p>The prosecutor shall make reasonable efforts to notify the complaining witness of the final outcome of a criminal proceeding (including dismissal and decision to decline prosecution) in certain misdemeanors cases involving drugs, prostitution, loitering with intent to participate in prostitution, motor vehicle tampering, damage to property, dangerous weapons, trespass, and violations of local ordinances prohibiting the unlawful sale or possession of a controlled substance.</p>	609.153
NOTIFICATION →	<p>A prosecuting authority who is responsible for filing charges against or prosecuting a person arrested for a criminal offense in cities of the first class shall make reasonable efforts to disclose certain information in a timely manner to the designated leader of a community crime prevention group that has reported specific criminal activity to law enforcement. The prosecuting authority shall make reasonable efforts to disclose information on the final outcome of the criminal proceeding that resulted from the arrest including, but not limited to, where appropriate, the decision to dismiss or not file charges against the arrested person.</p>	611A.0392, subd. 2(b)
	<p>A community crime prevention group that would like to receive written or Internet notice under this subdivision must request the law enforcement agency and the prosecuting authority where the specific alleged criminal conduct occurred to provide notice to the community crime prevention group leader. The community crime prevention group must provide the law enforcement agency with the name, address, and telephone number of the community crime prevention group leader and the preferred method of communication.</p>	611A.0392, subd. 2(c)
PARTICIPATION →	<p>SPEEDY TRIAL</p> <p>A victim has a right to request that the prosecutor make a demand under rule 11.10 of the Rules of Criminal Procedure that the trial be commenced within 60 days of the demand. The prosecutor must make reasonable efforts to comply with the victim’s request.</p>	611A.033(a)
NOTIFICATION →	<p>SCHEDULE CHANGES</p> <p>A prosecutor shall make reasonable efforts to provide advance notice of any change in the schedule of the court proceedings to a victim who has been subpoenaed or requested to testify.</p>	611A.033(b)
PROTECTION →	<p>VICTIM/WITNESS CONFIDENTIALITY</p> <p>A prosecutor may take steps to prevent a victim or witness from revealing her/his home or employment address, telephone number, or date of birth during a criminal proceeding. To do so, the prosecutor must certify to the trial court that the information is not relevant and that nondisclosure is necessary to address the victim’s or witness’s concerns about safety or security.</p>	611A.035, subd. 1

PROSECUTOR *continued*

	VICTIM RIGHTS	Minnesota Statutes
NOTIFICATION →	<p>DISPOSITION NOTICE</p> <p>A prosecutor shall make reasonable good faith efforts to notify each affected crime victim, either orally or in writing, with notice of the final disposition of the case. This notice must be provided within 15 working days after conviction, acquittal, or dismissal of a criminal case.</p> <p>NOTE: If a prosecutor contacts the crime victim in advance of the final case disposition and notifies the victim of the victim's right to request information on the final disposition, the prosecutor shall only be required to provide notice to those victims who have indicated their desire in advance to be notified of the final case disposition.</p>	611A.039
NOTIFICATION →	<p>CIVIL COMMITMENT PROCEEDINGS</p> <p>The county attorney who files a petition to commit a person as mentally ill and dangerous to the public or as a sexual psychopathic personality or sexually dangerous person must make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted.</p> <p>In addition, the county attorney must make a reasonable effort to promptly notify the victim of the resolution of the petition.</p>	253B.18, subd. 5a
COMPENSATION →	<p>RESTITUTION</p> <p>The prosecutor has the burden of demonstrating the amount of loss sustained by a victim as a result of the offense and the appropriateness of a particular type of restitution.</p>	611A.045, subd. 3
NOTIFICATION →	<p>NOTICE OF APPEAL AND OUTCOME OF APPEAL</p> <p>A prosecutor shall make a reasonable and good faith effort to provide each victim with notice of a pending appeal either orally or in writing. This notice must be provided within 30 days of the filing of the respondent's brief and must contain either a copy of the brief or explanation of the contested issues as well as information about the process, scheduled hearings, the victim's right to attend oral arguments, and contact information.</p> <p>Within 15 working days of a final decision on an appeal, the prosecutor must make a reasonable and good faith effort to provide each affected victim oral or written notice of the decision. This notice must include a brief explanation of what effect, if any, the decision has upon the judgment of the trial court and the name and phone number of the person to contact for more information.</p>	611A.0395, subd. 1

PROSECUTOR *continued*

	VICTIM RIGHTS	Minnesota Statutes
NOTIFICATION →	<p>EXPUNGEMENT</p> <p>The prosecutorial office that had jurisdiction over the offense for which expungement is sought shall serve by mail the petition for expungement and a proposed expungement order on any victims of the offense for which expungement is sought who have requested notice of expungement pursuant to section 611A.06, subd. 1a.</p> <p>The prosecuting authority with jurisdiction over an offense for which expungement is being sought shall make a good faith effort to notify a victim that the expungement is being sought if the victim has made a written request to the prosecuting authority or has included such a request in the written request to the commissioner of corrections for notice of release and that request has been forwarded to the prosecuting authority.</p>	<p>609.03, subd. 3</p> <p>611A.06, subd.</p>
DATA PRACTICES CONSIDERATIONS →	<p>OTHER VICTIM ISSUES</p> <p>VICTIM REQUEST FOR LAW ENFORCEMENT DATA</p> <p>Upon receipt of a written request from the victim, a prosecutor shall release investigative data collected by a law enforcement agency to the victim unless the release would be prohibited under section 13.821 or the prosecutor reasonably believes: (1) the release would interfere with the investigation; or (2) the request is prompted by a desire on the part of the requester to engage in unlawful activities.</p>	<p>13.82, subd. 13.</p>
	<p>POLYGRAPH PROHIBITION</p> <p>A prosecutor cannot require a complainant of a criminal sexual conduct offense to submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging, or prosecution of the offense. Further, a prosecutor may not ask the complainant of a criminal sexual conduct offense to submit to a polygraph examination as part of the investigation, charging, or prosecution of such an offense unless the complainant has been referred to, and had the opportunity to exercise the option of consulting with, a sexual assault counselor.</p> <p>At the request of the complainant, a law enforcement agency may conduct a polygraph examination of the complainant only with the complainant's written, informed consent as provided in this subdivision. To consent to a polygraph, a complainant must be informed in writing that:</p> <ol style="list-style-type: none"> (1) the taking of the polygraph examination is voluntary and solely at the victim's request; (2) a law enforcement agency or prosecutor may not ask or require that the complainant submit to a polygraph examination; (3) the results of the examination are not admissible in court; and (4) the complainant's refusal to take a polygraph examination may not be used as a basis by the law enforcement agency or prosecutor not to investigate, charge, or prosecute the offender. <p>A complainant's refusal to submit to a polygraph examination shall not prevent the investigation, charging, or prosecution of the offense.</p> <p><i>Effective July 1, 2008.</i></p>	<p>611A.26</p>
PROTECTION →		

PROSECUTOR *continued*

	OTHER VICTIM ISSUES	Minnesota Statutes
DATA PRACTICES CONSIDERATIONS →	<p>MINOR VICTIM IN CRIMINAL SEXUAL CONDUCT CASES</p> <p>Data contained in records or reports relating to petitions, complaints, or indictments for criminal sexual conduct cases in the first through fourth degree that identify a minor victim are not accessible to the public except by order of the court.</p>	609.3471
DATA PRACTICES CONSIDERATIONS →	<p>VICTIM ACCESS TO INFORMATION ON JUVENILE OFFENDERS</p> <p>Upon written request, the prosecuting authority in a juvenile matter shall release investigative data collected by a law enforcement agency (not including child abuse interview videotapes) to the victim unless the prosecutor reasonably believes the release will interfere with the investigation or the request is prompted by a desire on the part of the requester to engage in unlawful activities.</p> <p>The victim of an alleged delinquent act may, upon the victim's request, obtain the following: the name and age of the juvenile, the act for which the juvenile was petitioned and the date of the offense, and the disposition of the case. The request can be refused if it reasonably appears that the request is prompted by a desire on the part of the requester to engage in unlawful activities.</p>	260B.171, subd. 5(h) 260B.171, subd. 4(c)
DATA PRACTICES CONSIDERATIONS →	<p>RELEASE OF VIDEOTAPE OF CHILD ABUSE VICTIM</p> <p>An individual subject of data may not obtain a copy of a videotape in which a child victim or alleged victim is alleging, explaining, denying, or describing an act of physical or sexual abuse without a court order under section 13.03, subdivision 6, or 611A.90.</p>	13.821(a); 611A.90, subds. 2 and 3.
APPLICATION TO JUVENILE CASES →	<p>SCOPE OF VICTIM RIGHTS</p> <p>The rights afforded to crime victims in sections 611A.01 through 611A.06 are applicable to juvenile delinquency proceedings and juvenile traffic proceedings involving driving under the influence of alcohol or drugs and proceedings involving any other act committed by a juvenile that would be a crime if committed by an adult.</p>	611A.015; 260B.005
PLANNING REQUIREMENT →	<p>DOMESTIC ABUSE PROSECUTION PLAN</p> <p>Each county and city attorney shall develop and implement a written plan to expedite and improve the efficiency and just disposition of domestic abuse cases brought to the prosecuting authority.</p>	611A.0311, subd. 2
BEST PRACTICES →	<p>BEST PRACTICES</p> <ul style="list-style-type: none"> • Establish procedure to send out initial letter to victim and the supplemental notice of rights at the same time as criminal charges are filed. • Review supplemental notice of rights to ensure it is up-to-date. (<i>Template available from OJP.</i>) • Review victim letters to ensure they are up-to-date and complete. • Train all staff, including administrative staff, on statutory obligations and internal procedures related to victims. • Establish policy of promptly returning calls from victims. • Create a record of all contacts or attempted contacts with victims. • Explain to victims who request notification of expungement petitions to notify the prosecutor's office of any changes in their address. 	

LAW ENFORCEMENT

	VICTIM RIGHTS	Minnesota Statutes
NOTIFICATION ➔	<p>NOTICE OF VICTIM RIGHTS</p> <p>Law enforcement officers shall provide every crime victim with a notice of victim rights and information regarding the nearest crime victim assistance program or resource.</p> <p><i>This notice is often referred to as the "victim information card" or "victim rights card" or "blue card." A template for the card and assistance on how to create a card for your agency is available at www.ojp.state.mn.us or through the Crime Victim Justice Unit.</i></p>	611A.02, subd. 2(b)
NOTIFICATION ➔	<p>NOTICE OF RIGHT TO FILE CLAIM</p> <p>Law enforcement agencies investigating crimes shall provide victims with notice of their right to apply for reparations with the telephone number to call to request an application form.</p> <p><i>This notice is typically included on the "victim information card."</i></p>	611A.66
PROTECTION ➔	<p>REQUEST THAT VICTIM INFORMATION BE WITHHELD</p> <p>A crime victim can request that a law enforcement agency withhold public access to data revealing the victim's identity.</p>	611A.021
PROTECTION ➔	<p>SPECIAL CRIMES: Domestic Violence</p> <p>ASSIST VICTIM IN OBTAINING MEDICAL TREATMENT</p> <p>If a law enforcement officer does not make an arrest when the officer has probable cause to believe a person is committing or has committed domestic abuse or violated an order for protection, the officer shall provide immediate assistance to the victim including assisting the victim in obtaining necessary medical treatment.</p>	629.342, subd. 3
NOTIFICATION ➔	<p>NOTIFICATION OF RIGHTS AND INFORMATION ABOUT SERVICES</p> <p>The law enforcement officer responding to a domestic violence incident, whether or not an arrest is made, shall tell the victim about available services in the community and give the victim notice of the legal rights and remedies available. The notice must include contact information for the local battered women's shelter and the other rights outlined in Minn. Statutes section 629.341, subd. 3, which are the right to file for an order for protection and to ask the prosecuting authority to file a criminal complaint.</p>	629.341, subd. 3; 629.342, subd. 3
NOTIFICATION ➔	<p>SPECIAL CRIMES: Motor vehicle theft</p> <p>NOTIFICATION OF RECOVERY OF STOLEN VEHICLE</p> <p>The law enforcement agency that originally received the report of a vehicle theft shall make a reasonable and good faith effort to notify the victim of the reported vehicle theft within 48 hours after recovering the vehicle or receiving notification that the vehicle has been recovered.</p>	169.042, subd. 1
NOTIFICATION ➔	<p>COMMUNITY CRIME PREVENTION GROUPS</p> <p>A law enforcement agency must make reasonable efforts to notify the designated leader of a community crime prevention group (in cities with population over 100,000) that has reported the crime to the agency of the final outcome of the investigation. If the matter was referred to the prosecuting authority, the law enforcement agency must notify the prosecuting authority of the community crime prevention group's request for notice.</p>	611A.0392

LAW ENFORCEMENT *continued*

	OTHER VICTIM ISSUES	Minnesota Statutes
DOCUMENTING →	<p>SPECIAL CRIMES: Domestic Violence</p> <p>REPORT REQUIRED</p> <p>A law enforcement officer investigating a domestic violence incident, whether or not an arrest is made, is required to make a written police report of the incident. The report must contain at least the following: the name, address, and phone number of the victim, if provided by the victim, a statement as to whether an arrest occurred, the name of the arrested person, and a brief summary of the incident. A copy of the report must be provided upon request, at no cost, to the victim, the victim's attorney, or designated organizations providing services to domestic abuse victims.</p>	629.341, subd. 4
INVESTIGATION →	<p>POLYGRAPH PROHIBITION</p> <p>A prosecutor cannot require a complainant of a criminal sexual conduct offense to submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging, or prosecution of the offense. Further, a prosecutor may not ask the complainant of a criminal sexual conduct offense to submit to a polygraph examination as part of the investigation, charging, or prosecution of such offense unless the complainant has been referred to, and had the opportunity to exercise the option of consulting with, a sexual assault counselor.</p> <p>At the request of the complainant, a law enforcement agency may conduct a polygraph examination of the complainant only with the complainant's written, informed consent as provided in this subdivision. To consent to a polygraph, a complainant must be informed in writing that:</p> <ol style="list-style-type: none"> (1) the taking of the polygraph examination is voluntary and solely at the victim's request; (2) a law enforcement agency or prosecutor may not ask or require that the complainant submit to a polygraph examination; (3) the results of the examination are not admissible in court; and (4) the complainant's refusal to take a polygraph examination may not be used as a basis by the law enforcement agency or prosecutor not to investigate, charge, or prosecute the offender. <p>A complainant's refusal to submit to a polygraph examination shall not prevent the investigation, charging, or prosecution of the offense.</p> <p><i>Effective July 1, 2008.</i></p>	611A.26
DATA PRACTICES CONSIDERATIONS →	<p>COPY COST TO VICTIM FOR LAW ENFORCEMENT DATA</p> <p>Subject of the data: Crime Victim</p> <p>A victim, as the subject of the data, can only be charged the actual cost to copy the requested data and not any search and retrieval costs. (In most situations, this should be less than the \$.25/page charged to the public.)</p> <p>Subject of the data: Domestic abuse victim</p> <p>A copy of the incident report prepared in domestic abuse cases must be provided <i>at no cost</i> upon request to the victim, the victim's attorney, or a designated victim service provider.</p>	13.04, subd. 3; 13.03, subd. 3(c) 629.341, subd. 4; 13.84, subd. 5

LAW ENFORCEMENT *continued*

	OTHER VICTIM ISSUES	Minnesota Statutes
DATA PRACTICES CONSIDERATIONS →	<p>WITHHOLD PUBLIC ACCESS TO LAW ENFORCEMENT DATA</p> <p>A law enforcement agency shall withhold public access to data on individuals in the following situations: when access would reveal the identity of a victim of criminal sexual conduct, when a victim has requested it, or when access would reveal the name of a juvenile witness and the agency determines that the subject matter of the investigation justifies protecting the identity.</p>	13.82, subd. 17
DATA PRACTICES CONSIDERATIONS →	<p>SPECIAL CRIMES: Domestic Violence</p> <p>RELEASE OF REPORT TO VICTIM, ATTORNEY, OR ADVOCACY ORGANIZATION</p> <p>A law enforcement agency shall release the report required under section 629.341, subdivision 4, upon request to the victim of domestic abuse, the victim's attorney, or an organization designated by the Minnesota Department of Public Safety as providing services to victims of domestic abuse.</p>	13.82, subd. 5
APPLICATION TO JUVENILE CASES →	<p>SCOPE OF VICTIM RIGHTS</p> <p>The rights afforded to crime victims in sections 611A.01 through 611A.06 are applicable to juvenile delinquency proceedings and juvenile traffic proceedings involving driving under the influence of alcohol or drugs and proceedings involving any other act committed by a juvenile that would be a crime if committed by an adult.</p>	611A.015; 260B.005
PLANNING REQUIREMENT →	<p>DOMESTIC ABUSE ARREST POLICY</p> <p>Each law enforcement agency shall develop, adopt, and implement a written policy regarding arrest procedures for domestic abuse incidents.</p>	629.342
BEST PRACTICES →	<p>BEST PRACTICES</p> <ul style="list-style-type: none"> • Ensure that victim information card has up-to-date resource information and complies with requirements of chapter 611A. (<i>Template available from OJP.</i>) • Ensure that all officers in department are properly trained in statutory obligations and best practices related to victims. (<i>Training is available through OJP at no cost to law enforcement agencies.</i>) • Document within incident report that victim information card was provided to the victim. • Promptly return calls to victims and provide case status updates when requested and provide case information to the extent possible. • Have procedure in place for victims to request copies of investigative reports. • Review costs charged to victims and the public for copies of law enforcement data to ensure compliance with Minnesota Government Data Practices Act. 	

PROBATION

	VICTIM RIGHTS	Minnesota Statutes
NOTIFICATION →	<p>NOTICE OF CHARGE, SENTENCING DATE, AND RIGHT TO OBJECT</p> <p>The probation officer preparing the presentence or predispositional investigation shall make reasonable and good faith efforts to notify, or assure that someone else has notified, the victim of the following:</p> <ul style="list-style-type: none"> • The charge to which the defendant has been convicted or pleaded guilty and any plea agreement between the prosecution and the defense. • The victim's right to request restitution. • The time and place of the sentencing or juvenile court disposition and the victim's right to be present. • The victim's right to object in writing to the court, prior to the time of sentence or juvenile court disposition, to the proposed sentence or juvenile dispositional alternative or to the terms of the proposed plea agreement. 	609.115, subd. 1; 611A.037, subd. 2
NOTIFICATION →	<p>NOTICE OF DISPOSITIONAL DEPARTURE – PREDATORY OFFENDERS</p> <p>In cases in which the presumptive sentence under the sentencing guidelines is commitment to the custody of the commissioner of corrections and the court grants a dispositional departure and stays imposition or execution of sentence, the probation or court services officer who is assigned to supervise the offender shall provide written notice that the offender is on probation and the terms and conditions of probation to the victims or witnesses to the offense who have requested notice.</p> <p>This section only applies to crimes in which the offender is required to register as a predatory offender.</p>	244.10, subd. 8(a) and (b)
PARTICIPATION →	<p>VICTIM IMPACT STATEMENT</p> <p>The officer preparing the presentence investigation (PSI) pursuant to 609.115 shall make reasonable and good faith efforts to contact the victim. The PSI report shall include the following information relating to victims:</p> <ul style="list-style-type: none"> • A summary of the damages or harm and any other problems generated by the criminal occurrence; • A concise statement of what disposition the victim deems appropriate for the defendant or juvenile court respondent, including reasons given, if any, by the victim in support of the victim's opinion; and • An attachment to the report, consisting of the victim's written objections, if any. 	609.115, subd. 1; 611A.037, subd. 1
COMPENSATION →	<p>PROBATION REVIEW HEARING</p> <p>A victim has the right to ask the offender's probation officer to request a probation review hearing if the offender fails to pay restitution as required in a restitution order.</p>	611A.046; 260B.198, subd. 8

PROBATION *continued*

	OTHER VICTIM ISSUES	Minnesota Statutes
DATA PRACTICES CONSIDERATIONS →	<p>VICTIM ACCESS TO <u>COURT SERVICES</u> DATA ON OFFENDERS</p> <p>A parole or probation authority or correctional agency may release private or confidential court services data related to criminal or delinquent acts to the victims of criminal or delinquent acts to the extent that the data are necessary for the victim to assert the victim's legal right to restitution.</p> <p>Data on the conditions of parole, probation, or participation and the extent to which those conditions have been met are public.</p> <p>Progress reports and other reports and recommendations provided at the request of the court by parole or probation officers for the purpose of determining the appropriate legal action or disposition regarding an individual on probation are confidential and cannot be provided to the victim.</p>	<p>13.84, subd. 6(a)</p> <p>13.84, subd. 7(f)</p> <p>13.84, subd. 4</p>
	<p>SCOPE OF VICTIM RIGHTS</p> <p>The rights afforded to crime victims in sections 611A.01 through 611A.06 are applicable to juvenile delinquency proceedings and juvenile traffic proceedings involving driving under the influence of alcohol or drugs and proceedings involving any other act committed by a juvenile that would be a crime if committed by an adult.</p>	<p>611A.015; 260B.005</p>
	<p>RESTITUTION – REVIEW HEARING</p> <p>If the court orders payment of restitution and the child fails to pay the restitution in accordance with the payment schedule or structure established by the court or the probation officer, the child's probation officer may, on the officer's own motion or at the request of the victim, file a petition for violation of probation or ask the court to hold a hearing to determine whether the conditions of probation should be changed. The child's probation officer shall ask for the hearing if the restitution order has not been paid prior to 60 days before the term of probation expires. The court shall schedule and hold this hearing before the child's term of probation expires.</p>	<p>260B.198, subd. 8</p>
BEST PRACTICES →	<p>BEST PRACTICES</p> <ul style="list-style-type: none"> • Document all contact or attempted contact with crime victims in case files. • Ensure that all pretrial supervision and corrections agents are trained in statutory obligations related to victims. • Train staff on communication with victims, VINE procedures, and local resources to refer victims for safety planning if necessary. • Ensure that restitution orders for offenders who are sentenced to prison are properly transferred to the department of corrections. • Make sure that victims know about the opportunity to request a review hearing if restitution is not paid. 	

JAILS, DETENTION FACILITIES, AND JUVENILE AND ADULT CORRECTIONAL FACILITIES

	VICTIM RIGHTS	Minnesota Statutes
NOTIFICATION →	<p>NOTICE OF RELEASE FROM CUSTODY – PRETRIAL – VIOLENT CRIME</p> <p>Victims of crimes of violence or attempted crimes of violence have a right to be notified of the release of an arrested or detained person. The agency having custody of the arrested or detained person shall make a reasonable and good faith effort to provide oral notice to the victim. If the victim is incapacitated, notice is given to the victim's next of kin; if the victim is a minor, notice shall be given to the victim's parent or guardian. The notification must include:</p> <ul style="list-style-type: none"> (1) the conditions of release, if any; (2) the time of release; (3) the time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance; and (4) the location and telephone number of the area sexual assault program as designated by the commissioner of corrections. <p>Written notice of points (2) and (3) above must then be personally delivered or mailed to the victim as soon as practicable.</p>	629.73, subds. 1 and 2
NOTIFICATION →	<p>NOTICE OF RELEASE FROM CUSTODY – PRETRIAL – DOMESTIC ABUSE</p> <p>Before the person arrested or juvenile detained is released, the agency having custody of the person or its designee must make a reasonable and good faith effort to inform orally the alleged victim, local law enforcement agencies known to be involved in the case, if different from the agency having custody, and, at the victim's request, any local battered women's and domestic abuse programs or sexual assault programs of:</p> <ul style="list-style-type: none"> (1) the conditions of release, if any; (2) the time of release; (3) the time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance; and (4) if the arrested person is charged with domestic abuse, the location and telephone number of the area battered women's shelter. <p>A copy of the written order and written notice of points (2) and (3) above must then be personally delivered or mailed to the victim as soon as practicable.</p>	629.72, subd. 6

JAILS, DETENTION FACILITIES, AND JUVENILE AND ADULT CORRECTIONAL FACILITIES *continued*

	VICTIM RIGHTS	Minnesota Statutes
	<p>NOTICE OF RELEASE FROM CUSTODY – POST CONVICTION</p> <p>If the victim has mailed a written notification request to the commissioner of corrections or the head of the facility in which the offender is confined, the department of corrections or custodial authority shall make a good faith effort to notify the victim that the offender is to be released from imprisonment or incarceration, including release on extended furlough and for work release; released from a juvenile correctional facility; released from a facility in which the offender was confined due to incompetency, mental illness, or mental deficiency; or if the offender’s custody status is reduced.</p>	
NOTIFICATION →	<p>The notice given to a victim of a crime against a person must include the conditions governing the offender’s release and either the identity of the corrections agent who will be supervising the offender’s release or a means to identify the court services agency that will be supervising the offender’s release. The commissioner or other custodial authority complies with this section upon mailing the notice of impending release to the victim at the address which the victim has most recently provided to the commissioner or authority in writing.</p> <p>The good faith effort to notify the victim must occur prior to the offender’s release or when the offender’s custody status is reduced. In cases in which the offender was sentenced to imprisonment for more than 18 months, the good faith effort to notify the victim must occur 60 days before the offender’s release.</p>	611A.06, subds. 1 and 2
NOTIFICATION →	<p>NOTICE OF REDUCTION IN CUSTODY STATUS</p> <p>The commissioner of corrections or other custodial authority shall make a good faith effort to notify the victim if the offender’s custody status is reduced (e.g. transferred to a less-secure facility).</p>	611A.06, subd. 1
NOTIFICATION →	<p>NOTICE OF ESCAPE</p> <p>If an offender escapes imprisonment or incarceration, including from release on extended furlough or work release, the custodial authority shall make all reasonable efforts to notify a victim who has requested notice of the person’s release within six hours after discovering the escape and shall also make reasonable efforts to notify the victim within 24 hours after the person is apprehended.</p>	611A.06, subd. 3
NOTIFICATION →	<p>NOTICE OF IMPENDING RELEASE – CERTAIN SEX OFFENDERS</p> <p>At least 60 days before the release of any inmate requiring registration under section 243.166, the commissioner of corrections shall send written notice of the impending release to the sheriff of the county and the police chief of the city in which the inmate will reside or in which placement will be made in a work release program. The same notice shall be sent to the following persons concerning a specific inmate convicted of an offense requiring registration:</p> <ul style="list-style-type: none"> ♦ the sheriff of the county where the offender was convicted; ♦ the victim of the crime for which the inmate was convicted or a deceased victim’s next of kin if the victim or deceased victim’s next of kin requests the notice in writing; ♦ any witness who testified against the inmate in any court proceedings involving the offense if the witness requests the notice in writing; and ♦ any person specified in writing by the prosecuting attorney. 	244.053, subds. 1 and 2

JAILS, DETENTION FACILITIES, AND JUVENILE AND ADULT CORRECTIONAL FACILITIES *continued*

VICTIM RIGHTS		Minnesota Statutes
NOTIFICATION →	<p>NOTICE OF PAROLE REVIEW OR SUPERVISED RELEASE HEARING</p> <p>The commissioner shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's parole review hearing or a supervised release hearing.</p>	243.05, subd. 1b; 244.05, subd. 5(c)
NOTIFICATION →	<p>NOTICE OF TERMS OF CONDITIONAL RELEASE – SEX OFFENDERS</p> <p>The commissioner shall make reasonable efforts to notify the victim of the offender's crime of the terms of the offender's conditional release.</p>	609.3455, subd. 8(b)
PARTICIPATION →	<p>VICTIM STATEMENT AT PAROLE REVIEW HEARING OR SUPERVISED RELEASE HEARING</p> <p>The victim has a right to submit an oral or written statement at the review hearing or a supervised release hearing.</p>	243.05, subd. 1b; 244.05, subd. 5(c)
NOTIFICATION →	<p>NOTICE OF PAROLE REVIEW OR SUPERVISED RELEASE HEARING</p> <p>The commissioner shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's parole review hearing or supervised release hearing.</p>	243.05, subd. 1b; 244.05, subd. 5(c)

OTHER VICTIM ISSUES		Minnesota Statutes
DATA PRACTICES CONSIDERATIONS →	<p>VICTIM ACCESS TO <u>COURT SERVICES</u> DATA OF JUVENILE OFFENDERS For purposes of release notification</p> <p>The responsible authority or its designee of a juvenile correctional agency may release private or confidential court services data to a victim of a delinquent act to the extent the data are necessary to enable the victim to assert the victim's right to request notice of release under section 611A.06.</p> <p>The data released is limited to the name, home address, and placement site of a juvenile who has been placed in a juvenile correctional facility as a result of a delinquent act.</p>	13.84, subd. 6(c)
DATA PRACTICES CONSIDERATIONS →	<p>VICTIM ACCESS TO <u>COURT SERVICES</u> DATA OF JUVENILE OFFENDERS For purposes of asserting right to restitution</p> <p>The responsible authority or its designee of a juvenile correctional agency may release private or confidential court services data to a victim to the extent the data are necessary to enable the victim to assert the victim's right to request restitution.</p>	13.84, subd. 6(a)(2)

JAILS, DETENTION FACILITIES, AND JUVENILE AND ADULT CORRECTIONAL FACILITIES *continued*

	OTHER VICTIM ISSUES	Minnesota Statutes
DATA PRACTICES CONSIDERATIONS →	<p>VICTIM ACCESS TO <u>CORRECTIONS AND DETENTION DATA</u> For purposes of asserting right to restitution</p> <p>The responsible authority or its designee of any agency that maintains corrections and detention data may release private or confidential corrections and detention data to the victim of a criminal act where the data are necessary to assert the victim's legal right to restitution.</p>	13.85, subd. 5
DATA PRACTICES CONSIDERATIONS →	<p>ACCESS TO <u>CORRECTIONS DATA RELATED TO VICTIM</u></p> <p>All identifying information regarding the victim, including the victim's request to receive notice of release and the notice provided by the commissioner or custodial authority, is classified as private data and is accessible only to the victim.</p>	611A.06, subd. 4
BEST PRACTICES →	<p>BEST PRACTICES – JAILS AND DETENTION FACILITIES</p> <ul style="list-style-type: none"> • Train staff on victim notification obligations. • To ensure proper release notification to victim, do not release inmate directly from court. • Provide online public access to inmate status information. • Train staff on communication with victims, VINE procedures, and local resources to refer victims for safety planning if necessary. • Establish procedures for preventing inmate calls to victims or witnesses. • Establish standard procedures for documenting violations of harassment and protective orders by inmates and providing that information to the charging authority. 	
BEST PRACTICES →	<p>BEST PRACTICES – DEPARTMENT OF CORRECTIONS</p> <ul style="list-style-type: none"> • Ensure that correctional staff understand victim notification statutory obligations and local and state resources available to assist victims with post-conviction related issues. This includes victim safety planning procedures. • Ensure that correctional policies and procedures consider victim safety components (i.e., offender release planning) where appropriate. • Ensure that all staff members are aware of victim resources within the department of corrections as well as accurate referral information to connect victims with appropriate local resources. • Establish process for restitution orders to be properly identified and processed to ensure that victims receive restitution payments. 	

OUTSIDE THE CRIMINAL JUSTICE SYSTEM

	VICTIM RIGHTS	Minnesota Statutes
BOARD OF PARDONS →	<p>NOTICE TO VICTIM REGARDING APPLICATION FOR PARDON OR COMMUTATION OF SENTENCE</p> <p>The secretary of the board of pardons shall make all reasonable efforts to locate any victim of the crime committed by the applicant seeking a pardon or commutation of sentence. The secretary shall mail notice of the application and time and place of the hearing to any victim who is located. This notice shall specifically inform the victim of the victim's right to be present at the hearing and to submit an oral or written statement to the board.</p>	638.06
BOARD OF PARDONS →	<p>VICTIM STATEMENT REGARDING APPLICATION FOR PARDON OR COMMUTATION OF SENTENCE</p> <p>The victim of an applicant seeking a pardon or commutation of sentence has a right to submit an oral or written statement at the meeting of the board of pardons reviewing those applications. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the application for a pardon or commutation should be granted or not.</p>	638.04
COUNTY →	<p>COST OF MEDICAL EXAMINATION</p> <p>The cost of a sexual assault evidentiary exam conducted for the purpose of evidence collection shall be paid by the county in which the sexual assault occurred. This obligation does not include the cost of treatment of injuries related to the sexual assault.</p>	609.35
HOSPITALS →	<p>EMERGENCY CARE TO SEXUAL ASSAULT VICTIMS</p> <p>It is the standard of care that hospitals provide accurate information to sexual assault victims regarding emergency contraception, provide emergency contraception when requested, provide information about prophylactic antibiotics for treatment of sexually transmitted diseases, and provide prophylactic antibiotics when requested by victim and is not medically contraindicated.</p>	145.4712
HOSPITALS →	<p>NOTICE TO VICTIM ABOUT SEXUALLY TRANSMITTED DISEASE</p> <p>Hospitals shall give a written notice about sexually transmitted diseases to a person receiving medical services in the hospital who reports or evidences a sexual assault or other unwanted sexual contact or sexual penetration.</p>	611A.20
HEALTH CARE PROVIDER →	<p>CHILD ABUSE VIDEOTAPES</p> <p>A health care provider may not release a copy of a videotape of a child victim or alleged victim of physical or sexual abuse without a court order.</p>	144.296
DEPARTMENT OF HUMAN SERVICES →	<p>NOTICE TO VICTIM – RELEASE FROM CIVIL COMMITMENT</p> <p>If the victim wishes to be notified of the offender's possible release from a treatment facility, the victim must make a written request to the county attorney in the county where the conviction occurred. The county attorney who receives the victim's written request for notification must forward the request to the commissioner of human services. The department of human services must communicate the victim's request to the specific treatment facility. The victim has a right to submit a written statement regarding the decision to discharge or release.</p>	253B.18, subd. 5a

OUTSIDE THE CRIMINAL JUSTICE SYSTEM *continued*

	VICTIM RIGHTS	Minnesota Statutes
INSURERS →	<p>CANNOT CANCEL, DENY, OR CHANGE COVERAGE</p> <p>Insurers cannot change, deny, or cancel insurance coverage due to the results of an HIV test on a crime victim or an offender.</p>	72A.20, subd. 29
INSURERS →	<p>DOMESTIC ABUSE CANNOT BE SOLE BASIS FOR MODIFICATION OF COVERAGE</p> <p>Insurers cannot refuse to offer, sell, or renew coverage, limit coverage, or charge a higher rate solely because the proposed insured has been or is a victim of domestic abuse. To do so would be an unfair and deceptive act or practice.</p>	72A.20, subd. 8(d)
EMPLOYERS →	<p>PROTECTION AGAINST EMPLOYER RETALIATION – ATTENDING CRIMINAL PROCEEDINGS</p> <p>Employers are prohibited from retaliating against victims and witnesses who take time off from work to answer a subpoena or answer the request of a prosecutor. In addition, employers cannot retaliate against a victim of a violent crime, as well as the victim's spouse or immediate family members, to take reasonable time off from work to attend proceedings involving the prosecution of the violent crime. Victims and their family members do not have to be subpoenaed or asked to attend by the prosecutor for this section to apply.</p>	611A.036, subs. 1 and 2
EMPLOYERS →	<p>PROTECTION AGAINST EMPLOYER RETALIATION – SEEKING ORDER FOR PROTECTION OR HARASSMENT RESTRAINING ORDER</p> <p>Employers are prohibited from retaliating against an employee who takes reasonable time off from work to attend order for protection, harassment, or criminal proceedings. The employee must give 48 hours' advance notice, except in cases of imminent danger. The employer may ask for verification, but any information related to the leave must be kept confidential.</p>	518B.01, subd. 23; 609.748, subd. 10
LANDLORDS →	<p>TERMINATION OF LEASE BY DOMESTIC ABUSE VICTIM</p> <p>A victim may terminate a rental lease without penalty or payment. The victim must provide advance written notice to the landlord stating that the victim fears imminent domestic abuse from a person named in an order for protection or no contact order; needs to terminate the tenancy; and a specific date of termination of the tenancy. A copy of the order must be attached to the request. The tenant is still responsible for payment of the rent for the month during which the lease is terminated, plus an amount equal to one month's rent.</p>	504B.206
DOMESTIC ABUSE COUNSELING PROGRAM →	<p>NOTICE TO VICTIM – OFFENDER POSES RISK TO SELF OR OTHERS</p> <p>If the offender or abusing party participating in a domestic abuse counseling program poses a risk to self or others, the domestic abuse counseling program shall report this information to the court, the probation or corrections officer, and the victim.</p>	518B.02, subd. 2(d)
DOMESTIC ABUSE COUNSELING PROGRAM →	<p>NOTICE TO VICTIM – OFFENDER TERMINATED FROM PROGRAM</p> <p>If the offender or abusing party participating in a domestic abuse counseling program is reported back to the court or is terminated from the program, the program shall notify the victim of the circumstances unless the victim requests otherwise.</p>	518B.02, subd. 2(e)

OUTSIDE THE CRIMINAL JUSTICE SYSTEM *continued*

	VICTIM RIGHTS	Minnesota Statutes
DRIVER AND VEHICLE SERVICES →	<p>REQUEST THAT INFORMATION BE KEPT PRIVATE</p> <p>A victim who has a genuine safety concern may ask the Minnesota Department of Public Safety Driver and Vehicle Services to keep address information private and unavailable to the public.</p> <p><i>Note: This form is available at www.mndriveinfo.org.</i></p>	171.12, subd. 7(d)
MINNESOTA STATE COLLEGES AND UNIVERSITIES →	<p>NOTICE OF VICTIM RIGHTS IN WRITTEN SEXUAL HARASSMENT AND VIOLENCE POLICY</p> <p>The Board of Trustees of the Minnesota State Colleges and Universities shall, and the University of Minnesota is requested to, adopt a clear, understandable written policy on sexual harassment and sexual violence that informs victims of their rights under the crime victims bill of rights, including the right to assistance from the Crime Victims Reparations Board and the commissioner of public safety.</p>	135A.15, subd. 1
SECRETARY OF STATE →	<p>SAFE AT HOME – ADDRESS CONFIDENTIALITY PROGRAM</p> <p>Victims of domestic violence, sexual assault, stalking, and others who fear for their safety can enroll in the Safe at Home program, which provides participants with a substitute address for all private and public records. Participants are issued a Safe at Home identification card and can use the substitute address for all purposes, including state identification cards and drivers' licenses. Safe at Home applications are available through the Minnesota Secretary of State office.</p> <p><i>For more information see: http://www.sos.state.mn.us/home/index.asp?page=859</i></p>	Chapter 5B
PARENTS OF MINOR CHILD →	<p>PARENTAL LIABILITY FOR DAMAGE DONE BY MINOR CHILD</p> <p>Parents and guardians of minor offenders are liable for some of the costs related to willful and malicious acts done by the minor that cause personal injury or property damage. Parents or guardians of the minor living with them are jointly and severally liable for such acts by the minor to an amount not exceeding \$1000. This provision does not relieve the minor child from personal liability for such injury or damage.</p>	540.18