

CRIME VICTIM JUSTICE UNIT BIENNIAL REPORT 2011-12

JANUARY 2013



OFFICE OF JUSTICE PROGRAMS
MINNESOTA DEPARTMENT OF PUBLIC SAFETY

CVJU OVERVIEW

The Crime Victim Justice Unit (CVJU) is a victim rights compliance office that works 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 to promote the highest attainable standards of competence, efficiency, and justice for crime victims.

The CVJU is required to report biennially to the governor and Legislature about its activities. This report provides an overview of the CVJU and its work during 2011-12.

About the CVJU

The CVJU is the successor to the Office of Crime Victims Ombudsman (OCVO), 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 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, correction and detention facilities, and victim advocacy programs.

While no longer carrying the title of ombudsman, the CVJU 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, acting not as an advocate for the victim or a defender of the criminal justice system, but as 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 the first state to establish a victim rights compliance office and remains at the forefront of the victim rights movement as one of a handful of states to have done so. Although Minnesota does not have a constitutional amendment for victim rights (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

Victims seek the help of the CVJU when they face roadblocks or feel the criminal justice system has failed them. Most victim contact with the CVJU starts with a telephone call. With its three-person staff, the CVJU handles a high volume of calls from victims seeking help with concerns about the manner in which an investigation was conducted, difficulty getting information about a case, rude or inappropriate treatment by criminal justice professionals, or seemingly arbitrary decisions in a case.

Telephone inquiries from victims are handled in several different ways. Sometimes victims need basic information about the criminal justice system, the prosecution process, and their rights as victims, or a referral to the appropriate local advocate, agency, or criminal justice professional. At other times, victims are confused about what is happening in their case or are having 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.

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 agencies before filing a complaint with the unit. Often, when victims are apprised of their rights and given strategies for effectively communicating their concerns or complaints, they can prompt a satisfactory response without any intervention from the CVJU.

Crime Victim Justice Unit

Office of Justice Programs

Minnesota Department of Public Safety

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For victims with 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.”

Experience has demonstrated that, for the most part, criminal justice agencies and professionals in Minnesota 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 possible treatment for victims.

Statutory rights violations do occur. Often it is clear that the errors made are not deliberate, but rather result from inadvertence, lack of training, lack of resources, or simply human error. 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.

Commonplace, 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 is merited. 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 victim rights and protect victims as they help them navigate the criminal justice system. Criminal justice system insiders and outsiders alike refer victims to the CVJU for an informal second opinion or to launch a formal investigation.

Other CVJU activities

The CVJU works 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 2011-12, CVJU staff trained nearly 500 individuals in 22 separate training events.

In addition, staff members have responsibility for oversight of the Minnesota VINE program (the statewide automatic victim notification program), assisting with the planning of the Minnesota Victim Assistance Academy and Crime Victim Rights Week events, monitoring crime victim-related legislation, and participating on numerous task forces, committees, and workgroups, such as the Human Trafficking Task Force and the State Council for the Interstate Compact for Adult Offender Supervision.

FROM THE COMMISSIONER

Our commitment to the rights of crime victims comes not just from statute. It comes from our humanity, as well. Honesty, dignity, and respect are the guideposts we follow as the Crime Victim Justice Unit ensures that victims are treated appropriately.

Commissioner Ramona Dohman
Minnesota Department of Public Safety

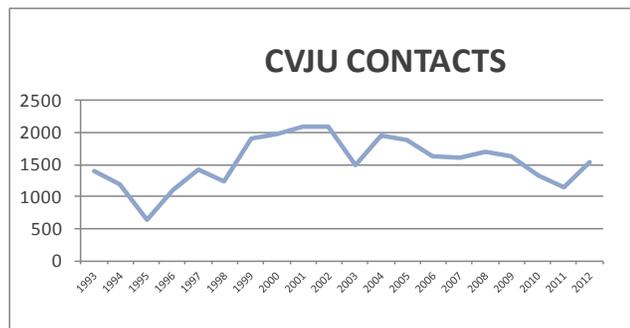
CVJU STATISTICS

The CVJU tracks statistics related to its case activity as well as contacts with victims, members of the criminal justice system, victim-serving organizations, offenders, and the public. The following is a summary of the CVJU’s activity in 2011-12.

Inquiries to the CVJU

In 2011, the CVJU had 1,156 contacts with victims, advocates, members of the public, and criminal justice professionals; in 2012, it had 1,532 contacts. The average over the past five years is 1,469 contacts per year, and over the past 20 years is 1,552 contacts per year.

During 2011-12, the majority of CVJU contacts (65 percent) were with victims, followed by criminal justice professionals and victim advocates (19 percent). About 5 percent of CVJU contacts were with offenders or defendants in a criminal matter, and 10 percent were with members of the public.



Opening a case

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

In 2011-12, the CVJU opened 63 new cases that required either intensive assistance or full investigations. Because a number of cases carried over from the prior year, 81 cases were actually open at some time during 2011-12. These cases are in addition to the many instances of informal assistance that did not warrant opening a case file. Of the 63 new cases opened, 33 percent were intensive assists, and 67 percent were investigations.

How the victim found out about the CVJU

Consistent with trends during the last 10 years, the most common way that victims found out about the CVJU was through victim service providers. In 2011-12, 29 percent of victims who submitted complaint forms reported being referred by victim service providers. The next most common referral sources were the Minnesota Attorney General’s Office (13 percent) and prosecutors (11 percent).

Location

The CVJU is contacted by victims from all over the state, with the majority of formal complaints (54 percent) concerning agencies in the seven-county Minneapolis-St. Paul metropolitan area. Agencies from Hennepin, Ramsey, and St. Louis counties generated the the most complaints.

Crime type

The vast majority of cases opened (83 percent) involved crimes against a person. Of these, 24 percent involved assault, and 17 percent involved criminal sexual conduct. Eleven percent of cases involved a crime against property.

Subject of the complaint

As in years past, the vast majority of the subject agencies in 2011-12 were either a prosecutors’ offices or law enforcement agencies: 45 percent of the complaints concerned a prosecutor’s office, and 52 percent a police department or sheriff’s office.

Subject of the Complaint	%
County Attorney	35%
Police	38%
Sheriff	14%
City Attorney	10%
Other	3%
Total	100%

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CVJU Statistics continued from previous page

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.

Of the cases that were concluded in 2011-12, 53 percent of all complaints alleged by victims involved some type of victim mistreatment, and 47 percent alleged a statutory rights violations. The three most common types of complaints brought by victims involved (1) failure to provide statutorily required notices (26 percent); (2) inadequate or inappropriate investigation of the crime (14 percent); and (3) poor communication (8 percent).

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 a final determination and findings in 2011-12, 79 percent of the complaints were determined to be unsubstantiated, 19 percent were determined to be substantiated, and 2 percent were unfounded.

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 nonetheless addresses troubling issues or circumstances including other problems 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 ensure that victim rights are upheld.

Complaint Type	%
Not provided required notice	26%
Inadequate investigation	14%
Poor communication	8%
Failure to prosecute	7%
No victim impact statement	7%
Rude/inappropriate treatment	5%
Inappropriate plea agreement	2%
Other mistreatment	18%
Other statutory rights violations	14%

**Exceeds 100% due to rounding*

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.

TRENDS

Roadblocks to restitution

The purpose of restitution is to help crime victims recover from financial hardship caused by crime. For victims, restitution is extremely important, not just to compensate them for their out-of-pocket losses, but to hold offenders accountable in some way for the harm that was done. Unfortunately, restitution continues to be one of the most frequently complained about issues for victims contacting the CVJU.

Roadblocks to restitution arise throughout the process—from informing victims of their right to it, to completing the forms to request it, to getting an order that covers all losses, to establishing a payment plan, and most importantly, to collecting it.

The process for requesting restitution varies across jurisdictions. The restitution statute states that the court shall obtain restitution information from the victim “in affidavit form or by other competent evidence.” In many jurisdictions, courts will accept a restitution request only by affidavit, a requirement which places an additional burden on the victim in terms of time and expense because the affidavit must be notarized. Oftentimes, the victim does not understand the notarization requirement and submits the affidavit without it being notarized. In one case brought to the attention of the CVJU, the victim submitted the affidavit form by the deadline, but because it was not notarized, court administration would not accept it, and the judge would not extend the time frame to consider it.

It is common, especially in misdemeanor cases, for cases to be resolved swiftly without victim input. The prosecutor may not yet have had time to send out the initial letter to the victim with information about victim rights and restitution. Oftentimes in such cases, restitution is “reserved” at sentencing, but judges are reluctant to address restitution as time goes on, even though the statute allows for it. In addition, a recent court of appeals case brings into question the length of time the prosecutor has to request and challenge restitution after sentencing. (State v. Borg, Minnesota Ct. App. A09-1921, November 5, 2012.)

Restitution may also fall through the cracks in “crash cases”—those accident cases involving property damage or personal injury that result in misdemeanor charges, such as careless driving, failure to yield, no insurance, or driving after revocation. These misdemeanor offenses are considered “payable offenses,” which means that the offender does not have to attend a court hearing, but can just pay the established fine for that violation. However, if the violation was committed in a manner or under circumstances that might endanger any person or property, the officer must check the “endangered box” and, in those cases, a hearing is required. The CVJU has heard of serious accident cases where the “endangerment box” has not been properly checked, or the endangerment box was checked, but the case progressed to hearing without a prosecutor being notified. In these situations, victims lose the opportunity to request restitution, as well as assert their other crime victim rights (like giving a victim impact statement).

Victims who are dissatisfied with the amount of restitution ordered by the court have little recourse. Appeals related to restitution orders are limited by appellate rules as well as prosecutor desire. While some county attorneys’ offices have vigorously pursued restitution issues through the appellate process, others have not challenged court orders that appear to be contrary to the spirit or meaning of the restitution statute.

From CVJU complainants

“[My CVJU investigator] was exceptionally kind, considerate, and respectful and very responsive to my needs in a prompt manner.”

“Every day we pray to put our experiences with the Minnesota criminal justice system in a box deep in the ground. It is not a system that protects and defends victims, especially when the perpetrator of the crimes has access to high priced legal defense. You remain as the only person I can say one good word about and I appreciate all you have done.”

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In addition to the amount of restitution, victims also complain about the payment plans set by the court or probation. Sometimes the monthly amount is set so small that a victim will never see full repayment in his or her lifetime; other times, the payment amount is not in keeping with the defendant's known assets and financial resources. Payment schedules are typically based on what defendants say they can afford, and defendants are not routinely required to complete any form or have verified documentation relating to their ability to pay. There is no statutory process for contesting a payment schedule nor, later, for modifying a payment schedule based on changed circumstances, leaving no recourse to the victim.

For the most part, victims understand the reality of collecting restitution. If the offender has no job, no assets, and no prospects for having the ability to pay the restitution judgment, then the likelihood that the victim will get any restitution is slim. Nonetheless, for many victims, the restitution order is still important. It identifies the harm done to the victim, and payment, however slight, still holds the offender accountable in some way for that harm. Even those offenders facing long prison sentences have the ability to work and pay some restitution. While payment collected by the victim may be small, it is still valued.

Not all offenders are completely without the ability to pay restitution. It is in those cases, especially, that victims are frustrated when little is done to get offenders to pay. Victims complain about absurdly low payment plans, about probation officers taking no steps to get the offender to follow the payment plan, and about the need to be the "squeaky wheel" to get anyone to take steps regarding restitution. Victims often remark that if they had not said anything, nothing would have been done about restitution collection.

From subject agencies

"Thanks for taking the time to talk with me last week. I would also like to thank the CVJU for the job it does in helping victims of crimes and making us aware of issue of the victim information card. As suggested we have already filled out your forms and have sent them to you for creation of the cards. I appreciate your assistance in helping us make them. The suggestion made from you and the CVJU will be implemented. As soon as we receive the cards our officers will be completely trained on how to use them."

"Your agent was well prepared and took the necessary time to gain the perspective of my agency. Her disposition letter was thorough, fair and offered my agency a good suggestion fo how to improve our service, which was discussed with appropriate personnel."

While some victims receive the restitution ordered and are fully compensated for their out-of-pocket losses related to the crime, the problems that come to the attention of the CVJU and crime victim advocates in Minnesota suggest that more needs to be done to refine the process, clarify the authority of the court, and strengthen the collection efforts to make restitution more than an empty promise.

After the crash

Media accounts of alcohol-related traffic fatalities are commonplace; less well-known, but also common, are accidents involving substantial injury or death, but no establishment of impairment on the part of the offending driver. The CVJU has responded to a number of complaints from individuals who suspect that alcohol or drugs played a role in accidents involving themselves or their loved ones, but because the offending drivers were never tested, there is no way to know whether they were impaired at the time of the accident. Sometimes these drivers are cited with a mere misdemeanor offense, such as failure to yield or careless driving. The victims in these cases

live with the suspicion and frustration that the harm done was not just a result of "an accident," but a result of more egregious behavior, something which can never be established because no tests were performed.

Financial exploitation, identity theft, and fraud

The CVJU continues to respond to requests for assistance from victims of financial exploitation, identity theft, and fraud, hearing firsthand about the tremendous emotional and financial toll these crimes take on victims.

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Many of these crimes involve exploitation of the elderly, especially while a family member has been given the power of attorney over an aging parent. Unfortunately, establishing the exploitation can be an uphill battle. Investigations are typically tedious and time consuming as they entail examining complicated financial documents, sorting out confusing financial transactions, and scrutinizing the claims of enriched family members that the elder wanted them to have the money or gave permission for the questionable transactions. Elders commonly have cognitive impairments that limit their ability to recall the transactions and/or refute the family member's claims, making the investigator's job all the more challenging. Adding to these roadblocks is the reality that many law enforcement agencies do not have the resources or expertise to investigate these types of cases, leading to cursory inquiries or labeling the situation a "civil matter." What these cases tell us is that as Minnesota's population ages, there will be an increasing need to train law enforcement on investigating cases of elder financial exploitation.

Calls from identity theft victims are routine, with victims seeking help with their immediate needs, such as identifying the extent of the harm and placing credit fraud alerts with the consumer reporting agencies, as well as their long-term needs to repair the harm that has been done and prevent further harm. When the Department of Public Safety updated its website in 2011, the CVJU added a page for identity theft victims, providing information on steps to take, Minnesota-specific resources, and links to the many agencies dealing with this issue. In 2012, the CVJU created the *Minnesota Identity Theft Toolkit* to help victims identify steps to take and track their efforts to repair the harm from the identity theft.

Moving away from crime

Regaining safety and security following victimization presents many challenges. Many victims seek to ensure their physical safety and emotional well being by moving; however, that can be a logistical and financial nightmare, especially in the wake of trauma. Crime victims often contact the CVJU requesting financial assistance to move or ask about their rights to terminate a lease if they have been victimized. Victims are frustrated to learn that there

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 in 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 toward 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.

is no witness protection or relocation program within the state and that, under current law, only victims of domestic abuse have the right to terminate their lease without financial penalty.

While the need of domestic violence victims to find a safe location is apparent, victims and witnesses of many other types of crime also seek to move, for example, the family of a child molested by a neighbor in the apartment next door, the prosecution witness in a murder case involving gang members, the stalking victim who finds out that her stalker has discovered her new address, or the victim whose house has been targeted by unknown drive-by shooters.

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Sometimes victims temporarily relocate to stay with family or friends, hoping that the criminal activity will subside or that, if their case is being prosecuted, the judicial process will bring some resolution and relief. Unfortunately, even for those cases ending in a conviction, the conclusion of a criminal case does not always signal an end to the threats, and many victims continue to fear the offender and the offender's family and associates. While law enforcement officers can respond to reports of harassment and witness intimidation, their ability to ensure the safety of the victim or witness is limited, particularly if the offender is unknown.

Resources to relocate victims who no longer feel secure in their current residence remain scarce or nonexistent. Victims must rely on their own resources to pay for the move, including the cost of transport, deposit, and time missed from employment. Victims of spousal abuse, or parents of children abused by another parent, face the hardship of rebuilding their lives without the financial support of the offender. While the Emergency Fund can provide some assistance in these situations, it is typically a small portion of the costs incurred by the victim.

Everyday assists

Victims contact the CVJU about many circumstances that do not warrant a formal complaint but can be addressed by the CVJU taking just a few simple steps to provide information, perspective, or direction. The nature of the calls to the CVJU varies greatly in terms of time elapsed since the crime occurred, victimization type, and where the victim is in the criminal justice process; however, the types of requests from victims are fairly predictable. The daily work of CVJU staff includes explaining how the criminal justice system works, referring victims to available resources, providing guidance on how to communicate with law enforcement agencies, responding to requests for financial assistance, and providing insight into prosecutorial discretion and charging decisions.

Many victims contact the CVJU with concerns for their physical safety. The CVJU routinely connects these victims with a local advocate to do detailed safety planning, encourages them to register with the VINE or Minnesota

CHOICE services for offender release notification, and explains the process to request assistance from the Emergency Fund.

One of the more common issues that victims bring up is difficulty getting a copy of the police report related to their case. The CVJU routinely provides guidance to victims on the rules related to accessing police reports and information about the offender. In addition, staff suggests strategies on making a formal data request to the agency in question and reassuring victims that denial of their request for information is in accordance with the law. CVJU staff explain when, ultimately, victims will be able to get the information they seek and what steps they can take if they continue to face roadblocks.

Often CVJU staff talk to victims after they have already made numerous calls to people from other agencies. Frustration can be high when these victims feel they have been getting the runaround or brush off from people they feel should be able to help them. In these calls, the goal is often to identify the caller's issues and prioritize them so that staff can help the caller understand available options and practical next steps. 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.

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. October 2011).

Minnesota Crime Victim Rights Information Guide, Office of Justice Programs, Minnesota Department of Public Safety (rev. July 2012).

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

SERVING VICTIMS IN MINNESOTA

Support for Crime Victims

Financial assistance: Minnesota provides grants to more than 130 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 (ojp.dps.mn.gov) includes a searchable directory of government and nonprofit organizations in Minnesota that serve crime victims.

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, is 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. Frequently requested publications, also available online, are *Collecting Restitution* and 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 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 training to victim advocates and criminal justice professionals on victim rights and other pertinent topics, including victim notification (VINE), cultural

competency, best practices, and nonprofit financial management. In 2012, more than 500 people attended individual trainings conducted by OJP staff. The annual OJP Conference on Crime and Victimization, now in its 25th year, offers a wide range of speakers and workshops and typically draws almost 400 multi-disciplinary attendees. A critical component of OJP training efforts is the Minnesota Victim Assistance Academy, held annually since 2006. The academy trains 30 to 40 victim services 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 146,249 offenses during 2011, which was a decrease of 0.7 percent from the 147,297 offenses occurring in 2010. The crime rate represented 2,757 per 100,000 in population for 2011, while in 2010 the crime rate was registered at 2,797 per 100,000 population, a 1.4 percent decrease.

*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 2011, Bureau of Criminal Apprehension, Criminal Justice Information Systems, Uniform Crime Report, p. 10.

Crime Victimization Survey

In the most recent Minnesota Crime Victimization Survey, conducted by the Office of Justice Programs in 2010, 35 percent of respondents reported being the victim of some type of crime in 2010. Most crime victims experienced a property crime, like a car theft or break-in (14 percent) or were the victim of identity theft, a scam, or a fraud. (15 percent) Slightly more than one in 10 respondents reported that they experienced stalking in 2010.

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 on 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 of a change in custody status can be delivered by phone, email, or text message.

VINE was launched in Minnesota in 2002. Ninety-one percent of Minnesota counties either have a jail connected to VINE or send their inmates to another county’s jail connected to VINE. Seven counties with a jail are not participating.

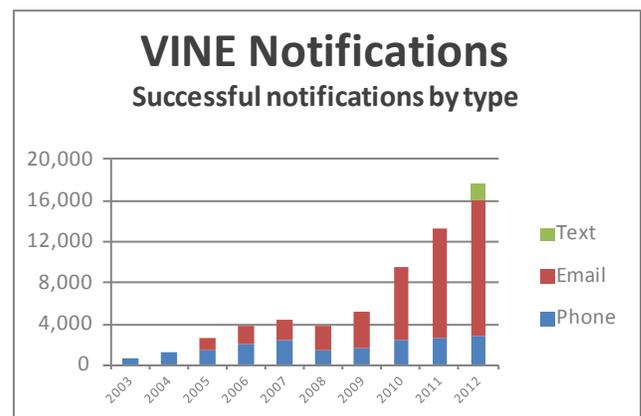
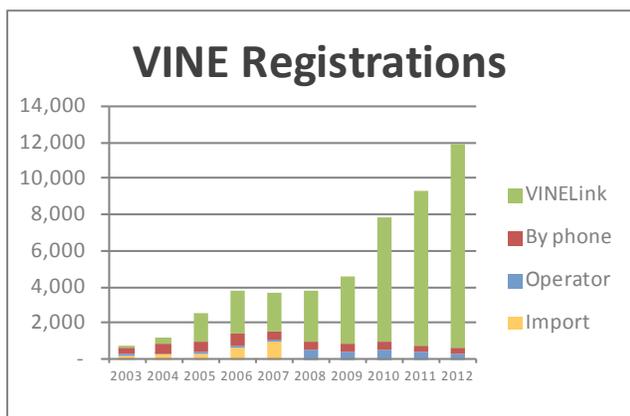
VINE Usage

The use of Minnesota VINE to get information and receive notification has increased steadily since it was launched, with a twofold increase in registrations over the past four years as VINELink has become more well known. The number of notifications given to those individuals who requested notification of custody status change also increased dramatically. From 2010 to 2011, such notifications increased 40 percent, and from 2011 to 2012, they increased 34 percent. Over the past five years, the VINE telephone service logged more than 39,000 searches for offenders, and VINELink logged more than one million online searches.

Year	Minnesota VINE Milestones
2002	VINE launched
2003	VINELink Website available as search option
2005	Email added as notification option
2006	Minnesota Department of Corrections added to VINE
2008	Spanish added to VINE telephone service
2009	Spanish added to VINELink Website
2010	Hmong and Somali added to VINE telephone service; VINE brochures available in Hmong and Somali; TTY service added; DOC launches separate victim notification system called Minnesota CHOICE.
2012	Text messaging option for VINE service added; further enhancements to Minnesota CHOICE, Minnesota Statewide Automated Victim and Notification Advisory Group formed; customer satisfaction survey added to VINE service.

Enhancements to VINE

As a result of a 2009 grant from the U.S Department of Justice, Bureau of Justice Assistance (BJA), additional enhancements were made to the Minnesota VINE service, including adding Spanish language to 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. A second BJA grant awarded in 2011 provides support for further enhancements to the Minnesota CHOICE service, the option for text messaging notification under the VINE service, and development of a public relations campaign for the two statewide notification services.



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. In May, OCVO officially opens as the first crime victim ombudsman's office in the nation.

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 The victim's 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.