

# 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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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.

This guide, originally produced in 2007, is continually updated. 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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	DEFINITION OF VICTIM	Minnesota Statutes
MINNESOTA CRIME VICTIM BILL OF RIGHTS	<p><b>For the purposes of sections 611A.01 to 611A.06</b></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, conservator, 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 REIMBURSEMENT ACT	<p><b>For purposes of sections 611A.51 to 611A.68</b></p> <p>"Victim" means a person who suffers personal injury or death as a direct result of: (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.</p>	611A.52, subd. 10
CRIME VICTIM OVERSIGHT ACT	<p><b>For purposes of sections 611A.73 and 611A.74</b></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><b>For purposes of section 243.05 (life sentences)</b></p> <p>As used in this subdivision, "victim" means the murder victim's surviving spouse or next of kin.</p>	243.05, subd. 1b
SUPERVISED RELEASE REVIEW HEARINGS	<p><b>For purposes of section 244.05 (supervised release)</b></p> <p>As used in this subdivision, "victim" means the individual who suffered harm as a result of the inmate's crime or, if the individual is deceased, the deceased's surviving spouse or next of kin.</p>	244.05, subd. 5(e)
CIVIL COMMITMENT	<p><b>For purposes of section 253B.18 and 253D.14</b></p> <p>"Victim" means a person who has incurred loss or harm as a result of a crime the behavior for which forms the basis for a commitment under sections 253B.18 or chapter 253.D.</p>	253B.18, subd. 5a(2); 253D.14, subd. 1(2)
BAR TO PERPETRATORS FOR CIVIL RECOVERY	<p><b>As used in section 611A.08</b></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. 2
VICTIMS OF JUVENILE OFFENDERS	<p><b>Scope of victim rights</b></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
IDENTITY THEFT	<p><b>As used in section 609.527</b></p> <p>"Direct victim" means any person or entity described in section 611A.01, paragraph (b), whose identity has been transferred, used, or possessed in violation of section 609.527. "Indirect victim" means any person or entity described in section 611A.01, paragraph (b), other than a direct victim.</p>	609.527, subd. 19b)

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<p><b>NOTICE OF BAIL HEARING</b></p> <p><b>Domestic abuse and harassment cases:</b></p> <p>When a person arrested for or a juvenile detained for domestic assault or harassment is scheduled to be reviewed under subdivision 2 for release from pretrial detention, the court shall make a reasonable good faith effort to notify:</p> <ul style="list-style-type: none"> <li>(1) the victim of the alleged crime;</li> <li>(2) if the victim is incapacitated or deceased, the victim's family; and</li> <li>(3) if the victim is a minor, the victim's parent or guardian.</li> </ul> <p>The notification must include:</p> <ul style="list-style-type: none"> <li>(1) the date and approximate time of the review;</li> <li>(2) the location where the review will occur;</li> <li>(3) the name and telephone number of a person that can be contacted for additional information; and</li> <li>(4) a statement that the victim and the victim's family may attend the review.</li> </ul> <p><b>Arrested or detained person</b></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>	<p>629.72, subd. 7;</p> <p>629.725</p>
<p><b>NOTIFICATION TO VICTIM IN JUVENILE PROCEEDINGS</b></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. <i>Note: The <u>Juvenile Court Process</u> brochure is located on the OJP website.</i></p> <p>In all delinquency cases, a person named in the charging clause of the petition as a person directly damaged in person or property shall be entitled, upon request, to be notified by the court administrator in writing, at the named person's last known address, of (1) the date of the certification or adjudicatory hearings, and (2) the disposition of the case.</p>	<p>611A.02, subd. 3(b)</p> <p>260B.163, subd. 1(d)</p>
<p><b>NOTICE TO VICTIMS IN JUVENILE PROCEEDINGS –CRIME OF VIOLENCE</b></p> <p>If a detained child is charged with a crime of violence against a person or attempting a crime of violence against a person, the court administrator shall make reasonable and good faith efforts to notify the victim of the alleged crime of:</p> <ul style="list-style-type: none"> <li>(1) the time and place of the detention hearing;</li> <li>(2) the name and telephone number of a person that can be contacted for additional information; and</li> <li>(3) the right of the victim and victim's family to attend the detention hearing.</li> </ul> <p>If the victim is incapacitated or deceased, notice must be given to the victim's family. If the victim is a minor, notice must be given to the victim's parent, legal guardian or legal custodian.</p>	<p>Rules of Juvenile Delinquency Proceedings 5.07, subd.2(B)</p>
<p><b>CONFIDENTIALITY OF VICTIM INFORMATION</b></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>	<p>611A.035, subd. 2</p>

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<p><b>SEPARATE WAITING AREAS OR OTHER SAFEGUARDS</b></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>	<p>611A.034</p>
<p><b>ELECTRONIC MEDIA COVERAGE OF COURTROOM PROCEEDINGS</b></p> <p>Electronic recording of court proceedings is permitted in criminal and civil cases involving adult offenders in certain cases, under certain circumstances and when the parties consent. Visual or audio coverage is not allowed if a witness objects to being recorded before testifying. Coverage of jurors is not allowed, and coverage is not allowed during trial recesses, when the trial judge is not present and presiding and when hearings take place outside the presence of the jury.</p> <p>Coverage is prohibited in cases involving problem solving courts (drug courts, mental health courts, and DWI courts), cases involving “qualified domestic violence-related offenses” (Minn. Stat. § 609.02, subd. 16), and cases involving criminal sexual conduct (Minn. Stat. §§ 609.293-.352).</p> <p>Visual or audio coverage is not permitted of a victim giving a statement at a sentencing hearing or other post-conviction hearing unless they have affirmatively acknowledged and agreed to coverage in writing. Aside from the victim impact statement, the court must allow audio or video coverage after a guilty plea is entered or a guilty verdict is returned absent good cause. In determining whether good cause exists to prohibit coverage, the judge must consider: (1) the privacy, safety, and well-being of the participants or other interested persons; (2) the likelihood that coverage will detract from the dignity of the proceeding; (3) the physical facilities of the court; and, (4) the fair administration of justice. For a complete discussion, see <a href="#">Cameras in the Courtroom: Considerations for victim service professionals</a>.</p>	<p>General Rules of Practice 4.02(c).</p>
<p><b>RIGHT TO ATTEND JUVENILE DELINQUENCY PROCEEDINGS</b></p> <p><b>In general</b></p> <p>Juvenile court proceedings are closed to the public except as provided by law. Persons authorized by statute may attend hearing under such conditions as the court may approve.</p> <p><b>Delinquency Proceedings</b></p> <p>The court shall permit the victim of a child’s delinquent act to attend any related delinquency proceeding, except that the court may exclude the victim: (1) as a witness under the Rules of Criminal Procedure; and (2) from portions of a certification hearing to discuss psychological material or other evidence that would not be accessible to the public.</p> <p>Hearing</p> <p><b>Certification Hearing</b></p> <p>The court shall exclude the general public from certification hearings and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or the work of the court, including victims.</p> <p><b>Extended Juvenile Jurisdictions</b></p> <p>The court shall exclude the general public from extended jurisdiction juvenile proceedings and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or the work of the court including victims.</p>	<p>Rules of Juvenile Delinquency Proceedings 2.01</p> <p>260B.163, subd. 1</p> <p>Rules of Juvenile Delinquency Proceedings 18.05, subd 1(A)</p> <p>Rules of Juvenile Delinquency Proceedings 19.04, subd 1(A)</p>
<p><b>SUPPORT PERSON FOR TESTIFYING VICTIM IN DELINQUENCY PROCEEDING</b></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>	<p>260B.163, subd. 3</p>

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<p><b>SUPPORT PERSON FOR MINOR PROSECUTING WITNESS</b></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>	<p>631.046, subd. 1</p>
<p><b>SUPPORT PERSON IN SEXUAL ASSAULT CASES</b></p> <p>A victim in first through fourth degree criminal sexual conduct and sexual extortion 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>	<p>631.046, subd. 2</p>
<p><b>SUPPORT PERSON FOR MINOR WITNESSES IN GRAND JURY</b></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>	<p>Rule Crim. P 18.03</p>
<p><b>CLOSURE OF COURTROOM FOR MINOR VICTIM'S TESTIMONY</b></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>	<p>631.045</p>
<p><b>SUBPOENA OF VICTIM RECORDS</b></p> <p>A subpoena requiring the production of privileged or confidential records about a victim as defined in Minn. Stat. § 611A.01(b) may be served on a third party only by court order. A motion for an order must comply with Rule 10.03, subd. 1. Before entering the order, the court may require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.</p>	<p>Minnesota Rules of Criminal Procedure 22.01, subd. 2(c)</p>
<p><b>PROTECTED COMMUNICATIONS – SEXUAL ASSAULT COUNSELORS AND DOMESTIC ABUSE ADVOCATES</b></p> <p>Sexual assault counselors and domestic abuse advocates cannot be compelled to testify about any opinion or information received from or about a victim they served without the consent of the victim. Sexual assault counselors may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs.</p> <p>Domestic abuse advocates may also be compelled by the court to disclose information. In doing so the court shall weigh the public interest and need for disclosure against the effect on the victim, the relationship between the victim and advocate or counselor, and the services if disclosure occurs.</p> <p>Notwithstanding these provisions, domestic violence advocates and sexual assault counselors are both still obligated to report suspected abuse of a child or vulnerable adult to the appropriate authorities.</p>	<p>595.02, subd. 1(k) and 1(l).</p>

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<p><b>PRESENTENCE INVESTIGATION</b></p> <p>The PSI prepared under section 609.115 shall include (1) a summary of damages or harm and any other problems generated by the criminal occurrence, (2) a statement of what disposition the victim deems appropriate, and (3) in an attachment to the report, the victim's written objection, if any, to the proposed disposition.</p>	611A.0371
<p><b>PLEA AGREEMENT/PLEA HEARING</b></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(1); 611A.0301
<p><b>SENTENCING HEARING</b></p> <p>A victim has a right to be present at the sentencing hearing.</p>	611A.03, subd. 1(2)
<p><b>VICTIM IMPACT STATEMENT</b></p> <p>A victim has a right to submit an impact statement to the court at the time of sentencing or disposition hearing. The statement may include the following, subject to reasonable limitations as to time and length: (1) a summary of the harm or trauma suffered by the victim as a result of the crime; (2) a summary of the economic loss or damage suffered by the victim as a result of the crime; and (3) a victim's reaction to the proposed sentence or disposition.</p>	611A.038; Minnesota Rule Crim. Pro. 27.03, subd. 3
<p><b>HIV TESTING OF DEFENDANT</b></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, sexual extortion, 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
<p><b>WITNESS FEES AND COSTS</b></p> <p>Witnesses for the state in criminal cases shall receive fees of \$20 per day for attending in any action or proceeding, Witnesses are entitled to \$.28 per mile for travel to and from the place of attendance. In addition, witnesses shall receive reasonable expenses actually incurred for meals, loss of wages and child care, not to exceed \$60 per day.</p>	357.24
<p><b>RESTITUTION</b></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
<p><b>RESTITUTION</b></p> <p>Restitution includes (1) payment of compensation to the victim or the victim's family; and (2 ) if the victim is deceased or already has been fully compensated, payment of money to a victim assistance program or other program directed by the court. "Restitution" includes payment of compensation to a government entity that incurs loss as a direct result of a crime.</p> <p>When the defendant does not pay the entire amount of court-ordered restitution and the fine at the same time, the court may order that all restitution shall be paid before the fine is paid.</p>	609.10, subd. 2; 609.125, subd. 2(2)



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<p><b>RESTITUTION – SPECIAL CRIMES</b></p> <p><b>Identity theft</b></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> <p>Upon written request from a direct victim or prosecutor, the court shall provide to the victim of identity theft, without cost, a certified copy of the complaint filed in the matter, the judgment of conviction, and an order setting forth the facts and circumstances of the offense.</p> <p><b>Harm to Service Animals</b></p> <p>In cases of harm to a service animal, the judge is required to order the offender to pay restitution. Costs and expenses include, but are not limited to: the service animal user's loss of income; veterinary expenses; transportation costs and other expenses of temporary replacement assistance services; and service animal replacement or retraining costs incurred by a school, agency, or individual. If the court finds that the convicted person is indigent, the court may reduce the amount of restitution to a reasonable level or order it paid in installments.</p> <p><b>Harm to Service Animal by Dog</b></p> <p>In cases where a person is convicted of failing to control their dog or negligently permitting dog to be uncontrolled who then harms a service animal, the court shall order a person convicted of crime to pay restitution for the costs and expenses resulting from the crime.</p> <p><b>Setting Wildfires</b></p> <p>The court may order a person who is convicted of violating this section to pay fire suppression costs, damages to the owner of the damaged land, costs associated with injuries sustained by a member of a municipal or volunteer fire department in the performance of the member's duties, and any other restitution costs allowed under section 611A.04.</p> <p><b>Wireless Communication Device Dealer</b></p> <p>If a wireless communications device dealer is required to hold the wireless communications device at the direction of law enforcement for purposes of investigation or prosecution, or if the device is seized by law enforcement, the wireless communications device dealer and any other victim is entitled to seek restitution, including any out-of-pocket expenses for storage and lost profit, in any criminal case that may arise from the investigation against the individual who sold the wireless communications device to the wireless communications device dealer.</p> <p><b>Harm to Public Safety Dog</b></p> <p>The court shall order a person convicted of violating this section to pay restitution for the costs and expenses resulting from the crime. Costs and expenses include, but are not limited to, the purchase and training of a replacement dog and veterinary services for the injured dog. If the court finds that the convicted person is indigent, the court may reduce the amount of restitution to a reasonable level or order it paid in installments.</p> <p><b>Clandestine Lab Clean-up</b></p> <p>A court may require a person convicted of manufacturing or attempting to manufacture a controlled substance where the response to the crime involved an emergency response, to pay restitution to all public entities that participated in the response and to a property owner who incurred removal or remediation costs because of the crime.</p> <p><b>Juvenile Major Traffic Offense</b></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> <p><b>Wild Animals Illegally Taken</b></p> <p>As part of the charge against a person arrested for killing, injuring, or possessing a wild animal in violation of the game and fish laws, the prosecuting attorney must include a demand that restitution be made to the state for the value of the wild animal killed, injured, or possessed.</p>	<p>609.527, subd. 4(b)</p> <p>609.527, subd. 4(c)</p> <p>343.21, subd. 9a.</p> <p>609.226</p> <p>609.5641, subd. 3</p> <p>325E.319, subd. 5(g)</p> <p>609.596, subd 2b</p> <p>152.0275, subd. 1(b) and (c)</p> <p>260B.225, subd. 9(7)</p> <p>97A.341 Minnesota Administrative Rules 6133</p>

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<p><b>DOCKETING RESTITUTION ORDER AS CIVIL JUDGMENT</b></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>	<p>611A.04, subd. 3</p>
<p><b>RESTITUTION – REFERRAL TO COLLECTIONS</b></p> <p>Any portion of restitution the defendant fails to pay by the due date may be referred for collection under section 480.15, subdivision 10c. If the defendant has agreed to a payment plan but fails to pay an installment when due, the entire amount remaining becomes due and payable and may be referred for collection.</p> <p>The defendant may contest the referral for collection based on inability to pay by requesting a hearing no later than the due date. The defendant shall be notified in writing at sentencing that under section 480.15, subdivision 10c, the court may refer the case for collection for nonpayment, and collection costs may be added to the amount due. The defendant shall also be notified in writing of the right to contest a referral for collection.</p> <p>The state court administrator under the direction of the Judicial Council may promulgate uniform collections policies and procedures for the courts and may contract with credit bureaus, public and private collection agencies, the Department of Revenue, and other public or private entities providing collection services as necessary for the collection of court debts, including restitution. Collection costs shall be added to the debts referred to collections.</p> <p>The Minnesota Department of Revenue is the state agency authorized by Minn. Stat. §16D.04 to provide services to state agencies to collect debt. DOR is the current collection vendor for the MN Judicial Branch.</p>	<p>609.104, subd. 1</p> <p>609.104, subd. 2</p> <p>480.15, subd. 10c</p> <p>16D.04, Minnesota Judicial Branch Procedures, Policy 2.09(b).</p>
<p><b>EXPUNGEMENT</b></p> <p><b>Right to provide input on petition</b></p> <p>A victim of the offense for which expungement is sought has a right to submit an oral or written statement to the court at the time of the hearing describing the harm suffered by the victim as a result of the crime and the victim's recommendation on whether expungement should be granted or denied. The judge shall consider the victim's statement when making a decision.</p> <p><b>Restitution</b></p> <p>In making a determination on a petition for expungement, the court shall consider the amount, if any, of restitution outstanding, past efforts made by the petitioner toward payment, and the measures in place to help ensure completion of restitution payment after expungement of the record if granted.</p>	<p>609A.03, subd 4</p> <p>609A.03, subd. 5(c)(11)</p>
<p><b>CASES OF HOMICIDE</b></p> <p>A person who intentionally and feloniously kills another is prevented from benefitting from a will, insurance policy, or contractual agreement as a result of the death of the victim.</p> <p>Upon request to the court by a personal representative, special administrator, or an interested person, the court may issue a protective order preventing a murder defendant from selling, destroying, or otherwise disposing of property belonging to the deceased victim.</p>	<p>524.2-803</p> <p>(See also 609B.465.)</p>

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<p><b>DATA RELATED PROVISIONS</b></p> <p><b>Release of Investigative data</b></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> <p><b>Minor victim in criminal sexual conduct cases</b></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 and sex trafficking crimes that specifically identify a minor victim are not accessible to the public except by order of the court.</p> <p><b>Victim request for information in juvenile cases</b></p> <p>Upon a victim's request, the following information can be obtained by the victim: (1) the name and age of the juvenile, (2) the act for which the juvenile was petitioned and date of the offense, and (3) the disposition, including but not limited to, dismissal of the petition, diversion, probation and conditions of probation, detention, fines, or restitution. The request can be denied if it reasonably appears that the request is prompted by a desire on the part of the requester to engage in unlawful activities.</p> <p>In all delinquency cases a person named in the charging clause of the petition as a person directly damaged in person or property shall be entitled, upon request, to be notified by the court administrator in writing, at the named person's last known address, of (1) the date of the certification or adjudicatory hearings, and (2) the disposition of the case</p> <p><b>Name change data</b></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> <p><b>Release of videotape of child abuse victim</b></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> <p><b>Safe at Home</b></p> <p>The SAH address is a legal address used for court proceedings and is public.</p>	<p>13.82, subds. 7 and 13</p> <p>609.3471 Minnesota Rules of Public Access 4, subd. 1(m)</p> <p>260B.171, subd. 4(c)</p> <p>260B.163, subd. 1(d)</p> <p>259.10; 13.841, subd. 2, 259.10, subd. 2</p> <p>13.821(a); 611A.90, subds. 2 and 3.</p> <p>5B.11</p>
<p><b>BAR TO PERPETRATOR FROM RECOVERING FOR INJURIES SUSTAINED DURING CRIMINAL CONDUCT</b></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>	<p>611A.08, subd. 2</p>

## BEST PRACTICES

- 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.

VICTIM RIGHTS	Minnesota Statutes
<p><b>NOTICE OF PROSECUTION</b></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)
<p><b>SUPPLEMENTAL NOTICE OF RIGHTS</b></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)
<p><b>VICTIM INFORMATION TO JUDGE REGARDING PRETRIAL RELEASE</b></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)
<p><b>PRETRIAL DIVERSION</b></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 See also: Rule Crim. P. 27.05, subd 1(2).
<p><b>DEFERRED PROSECUTION - MILITARY VETERANS</b></p> <p>Under section 609.1056, a court can defer prosecution for an eligible offense committed by a defendant who was, or currently is, a member of the United States military. Upon the expiration of the defendant's probationary period, the court will hold a hearing to discharge the defendant from probation and determine whether to dismiss a defendant who has received a deferred sentence. The court must notify any identifiable victim of the offense at least 15 days before the hearing is held.</p> <p>The notice to victims of the offense under this subdivision must specifically inform the victim of the right to submit an oral or written statement to the court at the time of the hearing describing the harm suffered by the victim as a result of the crime and the victim's recommendation on whether dismissal should be granted or denied. The judge shall consider the victim's statement when making a decision. If a victim notifies the prosecutor of an objection to dismissal and is not present at the hearing, the prosecutor shall make the objections known to the court.</p>	609.1056, subd. 3(b)
<p><b>NOTIFICATION OF PLEA AGREEMENT</b></p> <p>Prior to the entry of the factual basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall make a reasonable and good faith effort to inform the victim of:</p> <ol style="list-style-type: none"> <li>(1) the contents of the plea agreement recommendation, including the amount of time recommended for the defendant to serve in jail or prison if the court accepts the agreement; and</li> <li>(2) the right to be present at the sentencing hearing and at the hearing during which the plea is presented to the court and to express orally or in writing, at the victim's option, any objection to the agreement or to the proposed disposition. If the victim is not present when the court considers the recommendation, but has communicated objections to the prosecuting attorney, the prosecuting attorney shall make these objections known to the court.</li> <li>(3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.</li> </ol>	611A.03

VICTIM RIGHTS	Minnesota Statutes
<p><b>NOTIFICATION – JAILHOUSE WITNESS</b></p> <p>A prosecutor shall make every reasonable effort to notify a victim if the prosecutor has decided to offer or provide any of the following to a jailhouse witness in exchange for, or as the result of, a jailhouse witness offering or providing testimony against a suspect or defendant:</p> <ul style="list-style-type: none"> <li>(1) reduction or dismissal of charges;</li> <li>(2) a plea bargain;</li> <li>(3) support for a modification of the amount or conditions of bail; or</li> <li>(4) support for a motion to reduce or modify a sentence.</li> </ul> <p>Efforts to notify the victim should include, in order of priority: (1) contacting the victim or a person designated by the victim by telephone; and (2) contacting the victim by mail. If a jailhouse witness is still in custody, the notification attempt shall be made before the jailhouse witness is released from custody.</p> <p>Whenever a prosecutor notifies a victim of domestic assault, criminal sexual conduct, or harassment or stalking under this section, the prosecutor shall also inform the victim of the method and benefits of seeking an order for protection under section 518B.01 or a restraining order under section 609.748 and that the victim may seek an order without paying a fee.</p> <p>The notification required under this subdivision is in addition to the notification requirements and rights described in sections 611A.03, 611A.0315, 611A.039, and 611A.06.</p>	<p>634.045</p>
<p><b>PLEA HEARING</b></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>	<p>611A.03, subd. 1(2); 611A.0301.</p>
<p><b>VICTIM IMPACT STATEMENT</b></p> <p>A victim has the right to submit an impact statement to the court at the time of sentencing or disposition hearing. The impact statement may be presented to the court orally or in writing, at the victim's option. If the victim requests, the prosecutor must orally present the statement to the court. Statements may include the following, subject to reasonable limitations as to time and length:</p> <ul style="list-style-type: none"> <li>(1) a summary of the harm or trauma suffered by the victim as a result of the crime;</li> <li>(2) a summary of the economic loss or damage suffered by the victim as a result of the crime; and</li> <li>(3) a victim's reaction to the proposed sentence or disposition.</li> </ul>	<p>611A.038(a)</p>
<p><b>COMMUNITY VICTIM IMPACT STATEMENT</b></p> <p>A representative of the community affected by the crime may submit an impact statement in the same manner that a victim may as provided in paragraph (a). This impact statement shall describe the adverse social or economic effects the offense has had on persons residing and businesses operating in the community where the offense occurred.</p>	<p>611A.038(b)</p>
<p><b>SENTENCING</b></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>	<p>611A.03, subd. 2</p>
<p><b>DECISION TO DECLINE PROSECUTION OR DISMISS IN DOMESTIC ASSAULT, CRIMINAL SEXUAL CONDUCT, HARASSMENT, and STALKING CASES</b></p> <p>A prosecutor must make every reasonable effort to notify a victim of domestic assault, a criminal sexual conduct offense, harassment or stalking that the prosecutor has decided to decline prosecution or to dismiss the criminal charges filed against the defendant.</p> <p>When a charge is dismissed, the prosecutor must also inform the victim of domestic assault, sexual assault, or harassment or stalking 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>	<p>611A.0315</p>

VICTIM RIGHTS	Minnesota Statutes
<p><b>SPECIAL CRIMES – Notice to complaining witness in certain misdemeanor arrests for “community offenses”</b></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> <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> <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>	<p>609.153</p> <p>611A.0392, subd. 2(b)</p> <p>611A.0392, subd. 2(c)</p>
<p><b>SPEEDY TRIAL</b></p> <p>A victim has a right to request that the prosecutor make a demand under rule 11.09 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> <p><b>Vulnerable adult</b></p> <p>In a criminal proceeding in which a vulnerable adult, as defined in section 609.232, subdivision 11, is a victim, the state may move the court for a speedy trial. The court, after consideration of the age and health of the victim, may grant a speedy trial. The motion may be filed and served with the complaint or any time after the complaint is filed and served.</p>	<p>611A.033(a)</p> <p>611A.033(b)</p>
<p><b>NOTICE OF HEARINGS</b></p> <p>A prosecutor shall make reasonable efforts to provide to a victim the date and time of the sentencing hearing and the hearing during which the plea is to be presented to the court.</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>	<p>611A.033(b)</p> <p>611A.033(c)</p>
<p><b>VICTIM/WITNESS CONFIDENTIALITY</b></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> <p>A prosecutor can request that Information concerning witnesses that must normally be disclosed to the defense under the Rules of Criminal Procedure 9.01 not be subject to disclosure. The prosecutor must file a written certificate with the trial court that disclosure may endanger the integrity of a continuing investigation or subject witnesses or other persons to physical harm or coercion.</p>	<p>611A.035, subd. 1</p> <p>Minnesota Rule Crim. Pro.9.01, subd. 3(2)</p>

VICTIM RIGHTS	Minnesota Statutes
<p><b>DISPOSITION NOTICE</b></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>	<p>611A.039, subd. 1</p> <p>611A.039, subd. 2</p>
<p><b>POST CONVICTION RIGHTS NOTICE</b></p> <p>A prosecutor shall make reasonable good faith efforts to notify each affected crime victim, either orally or in writing, of their post-conviction rights. This notice must be provided within 15 working days after conviction, acquittal, or dismissal of a criminal case.</p> <p>The Office of Justice Programs is directed to develop a model notice of post-conviction rights under sections 611A.039 and 611A.06.</p>	<p>611A.039, subd. 1</p>
<p><b>HIV TESTING OF DEFENDANT</b></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>	<p>611A.19, subd. 1</p>
<p><b>CIVIL COMMITMENT - PETITION</b></p> <p>A county attorney who files a petition to commit a person under this section or chapter 253D shall make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted. In addition, the county attorney shall make a reasonable effort to promptly notify the victim of the resolution of the petition and the process for requesting notification of an individual's change in status.</p>	<p>253B.18, subd. 5a(b) (mentally ill and dangerous)</p> <p>253D.14, subd. 2 (Sexually Dangerous Persons, Sexual Psychopathic Personalities)</p>
<p><b>CIVIL COMMITMENT – CHANGE IN STATUS</b></p> <p>A county attorney who receives a victim's request for notification of a change of status of a person who has been civilly committed must forward the request to the executive director of the treatment facility in which the person is confined.</p> <p><i>Note: Request for notification of a change of status must be made to the executive director of the facility where the person has been civilly committed. (See page 31.) This provision related to the prosecutor is to cover those situations where a victim has made a mistake in making their request for change of status. For more information, see the <a href="#">Civil Commitment Notification</a> page on the OJP website.</i></p>	<p>253B.18, subd. 5a(c) (mentally ill and dangerous)</p> <p>253D.14, subd. 2a (Sexually Dangerous Persons, Sexual Psychopathic Personalities)</p>
<p><b>RESTITUTION</b></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>	<p>611A.045, subd. 3</p>



VICTIM RIGHTS	Minnesota Statutes
<p><b>NOTICE OF APPEAL AND OUTCOME OF APPEAL</b></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>	<p>611A.0395, subd. 1(a)</p> <p>611A.0395, subd. 1(b)</p>
<p><b>NOTICE OF RELEASE PENDING APPEAL</b></p> <p>If a defendant convicted of a crime against a person is released pending the defendant's appeal (pursuant to Rule of Criminal Procedure 28), the prosecution shall make reasonable good faith efforts to advise the victim as soon as possible of the defendant's release.</p>	<p>Rule Crim. P. 28.02, subd. 7(5).</p>
<p><b>SENTENCE MODIFICATION</b></p> <p>When the court is considering modifying the sentence for a felony or crime of violence or attempted crime of violence, the prosecutor shall make a reasonable good faith effort to notify the victim of the crime. 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>	<p>611A.039, subd. 1</p>
<p><b>SENTENCE ADJUSTMENT</b></p> <p>When the prosecutor initiates a sentence adjustment, the prosecutor must notify the victim of the petition to adjust the sentence, of the victim's right to object, orally or in writing to the proposed sentence adjustment, and their right to be present at and to submit an oral or written statement at the hearing.</p> <p>The victim has a right to submit an oral or written statement to the court at the time of the hearing describing the harm suffered by the victim as a result of the crime and the victim's recommendation on whether adjustment should be granted or denied. The judge shall consider the victim's statement when making a decision.</p>	<p>609.133, subd. 5, 6</p>
<p><b>APPLICATION FOR RELIEF – PERSONS CONVICTED UNDER FELONY MURDER RULE</b></p> <p>A person who was convicted for violation of a crime under theory of liability for crimes of another can petition to have the person's conviction vacated. If a petition to vacate is filed, the prosecutor must make a good faith and reasonable effort notify any person determined to be a victim of the underlying offense that a petition has been filed and of the hearing on the petition.</p>	<p>Minnesota Session Laws 2023, Chapter 52, Article 4, section 24, subd. 6(b) and (f).</p>
<p><b>EXPUNGEMENT</b></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. The notice must inform the victim of the victim's right to be present and to submit an oral or written statement at the expungement hearing.</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.</p> <p>In cases of expungement by agreement where the prosecutor agrees to the sealing of a criminal record without the filing of a petition, the prosecutor must, prior to agreeing to the sealing of a record by agreement, make a good faith effort to notify any identifiable victims of the offense of the intended agreement and the opportunity to object to the agreement.</p>	<p>609A.03, subd. 3</p> <p>611A.06, subd. 1a</p> <p>609A.025</p>
<p>If a plea agreement includes a plea to an offense eligible for automatic expungement, the prosecutor must notify the victim.</p>	<p>611A.03, subd. 1(3).</p>

VICTIM RIGHTS	Minnesota Statutes
<p><b>DATA RELATED PROVISIONS</b></p> <p><b>Victim request for law enforcement data</b></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><b>Victim request for law enforcement data in juvenile cases</b></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 of a criminal act or alleged criminal act or the victim's legal representative. Data shall not be released if (1) the release would be otherwise prohibited under section 13.821, or (2) the prosecutor reasonably believes the release of data would 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><b>Victim request for information in juvenile cases</b></p> <p>Upon a victim's request, the following information can be obtained by the victim: (1) the name and age of the juvenile, (2) the act for which the juvenile was petitioned and date of the offense, and (3) the disposition, including but not limited to, dismissal of the petition, diversion, probation and conditions of probation, detention, fines, or restitution. The request can be denied if it reasonably appears that the request is prompted by a desire on the part of the requester to engage in unlawful activities.</p> <p><b>Minor victim in criminal sexual conduct cases</b></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> <p><b>Release of videotape of child abuse victim</b></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> <p><b>Victim request for medical examiner data</b></p> <p>In cases in which the manner of death is homicide, undetermined, or pending investigation and there is an active law enforcement investigation related to the death of the deceased individual, the data is confidential and protected nonpublic. Data may be released to family members and the legal representative of a decedent's estate if the county attorney determines release would not impeded the ongoing investigation. When the law enforcement investigation becomes inactive, the data are private or nonpublic data and accessible to the family and legal representative of the decedent's estate.</p>	<p>13.82, subd. 13</p> <p>260B.171, subd. 5(h)</p> <p>260B.171, subd. 4(c)</p> <p>609.3471</p> <p>13.821(a); 611A.90, subds. 2 and 3.</p> <p>13.83, subds. 4 and 8.</p>
<p><b>DOMESTIC ABUSE PROSECUTION PLAN</b></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>	<p>611A.0311, subd. 2</p>

VICTIM RIGHTS	Minnesota Statutes
<p><b>POLYGRAPH PROHIBITION</b></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"> <li>(1) the taking of the polygraph examination is voluntary and solely at the victim's request;</li> <li>(2) a law enforcement agency or prosecutor may not ask or require that the complainant submit to a polygraph examination;</li> <li>(3) the results of the examination are not admissible in court; and</li> <li>(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.</li> </ol> <p>A complainant's refusal to submit to a polygraph examination shall not prevent the investigation, charging, or prosecution of the offense.</p>	<p>611A.26</p>

BEST PRACTICES
<ul style="list-style-type: none"> <li>• Establish procedure to send out initial letter to victim and the supplemental notice of rights at the same time as criminal charges are filed.</li> <li>• Review supplemental notice of rights to ensure it is up-to-date. (Template available from OJP.)</li> <li>• Review victim letters to ensure they are up-to-date and complete.</li> <li>• Train all staff, including administrative staff, on statutory obligations and internal procedures related to victims.</li> <li>• Establish policy of promptly returning calls from victims.</li> <li>• Create a record of all contacts or attempted contacts with victims.</li> <li>• Explain to victims who request notification of expungement petitions to notify the prosecutor's office of any changes in their address.</li> </ul> <p>Sample prosecution letters to victims available on the OJP website.</p>

VICTIM RIGHTS	Minnesota Statutes
<p><b>NOTICE OF VICTIM RIGHTS – ALL CRIME VICTIM RIGHTS</b></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 <a href="http://www.ojp.state.mn.us">www.ojp.state.mn.us</a> or through the Crime Victim Justice Unit.</i></p>	611A.02, subd. 2(b)
<p><b>NOTICE OF RIGHT TO FILE CLAIM</b></p> <p>Law enforcement agencies investigating crimes shall provide victims with notice of their right to apply for reimbursement 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
<p><b>REQUEST THAT VICTIM INFORMATION BE WITHHELD</b></p> <p>A crime victim can request that a law enforcement agency withhold public access to data revealing the victim's identity. The agency shall withhold public access to this data unless the agency reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual.</p>	611A.021, 13.82, section 17(d).
<p><b>NOTIFICATION OF RIGHTS - HOMICIDE</b></p> <p>In cases of homicide, the initial notice of crime victim rights required by section 611A.02, subd. 2(b), information on rights and procedures available under sections 524.2-803, 524.3-614, and 524.3-615.</p>	611A.02, subd. 2(b)(6)
<p><b>SPECIAL CRIMES: Domestic Violence</b></p> <p><b>REPORT REQUIRED</b></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> <p><b>NOTIFICATION OF RIGHTS AND INFORMATION ABOUT SERVICES</b></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> <p><b>ASSIST VICTIM IN OBTAINING MEDICAL TREATMENT</b></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>	629.341, subd. 4  629.341, subd. 3; 629.342, subd. 3  629.342, subd. 3

VICTIM RIGHTS	Minnesota Statutes
<p><b>SPECIAL CRIMES: Motor vehicle theft</b></p> <p><b>NOTIFICATION OF RECOVERY OF STOLEN VEHICLE</b></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>	<p>169.042, subd. 1</p>
<p><b>SEXUAL ASSAULT EXAMINATION KIT – TESTING AND STORAGE</b></p> <p>Within 60 days of receiving an unrestricted sexual assault examination kit in which the victim has agreed to have the kit submitted for testing, a law enforcement agency shall submit the kit for testing to a forensic laboratory.</p> <p>Restricted sexual assault examination kits are those in which the victim has not agreed to have the kit submitted for testing. Restricted kits shall be submitted by the law enforcement agency or hospital to the BCA and stored for at least 30 months from the date the bureau receives the kit.</p>	<p>299C.106, subds. 2-3</p>
<p><b>VICTIM RIGHT TO INFORMATION ABOUT SEXUAL ASSAULT EXAMINATION KIT</b></p> <p>Upon written request from the victim or victim's designee, the investigating law enforcement agency shall release the following active investigative data, as defined in section 13.82, 3.16 subdivision 7, to a victim of sexual assault about a submitted sexual assault examination kit: (1) the date that a sexual assault examination kit was submitted to a forensic laboratory and the date that the agency received notice of the results of that testing; and (2) whether a DNA profile was obtained from the testing. The agency may refuse the request if the release of that data will interfere with the investigation.</p> <p>The BCA shall maintain a website with a searchable database providing sexual assault victims with information about the status of their individual sexual assault examination kit.</p>	<p>611A.27, subd. 1</p> <p>299C.106, subd. 3b.</p>
<p><b>SEXUAL ASSAULT EXAMINATION KIT – POLICY REGARDING VICTIM REQUEST</b></p> <p>No later than January 1, 2019, each law enforcement agency shall adopt policies and procedures subject to section 13.82, subdivision 7, to provide information about the status of a sexual assault examination kit to a victim as provided for in Minnesota Statutes section 611A.27, subdivision 1. The policy must include, but is not limited to, the following requirements: (1) agency identification of a representative or representatives to respond to requests for data from sexual assault victims and to serve as a liaison between the agency and the forensic laboratory; and (2) agency response to inquiries within 30 days of receipt, unless the agency declines to provide the information under this section.</p>	<p>611A.27, subd. 2</p>
<p><b>COMMUNITY CRIME PREVENTION GROUPS</b></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>	<p>611A.0392, subd 2</p>
<p><b>PREDATORY OFFENDERS – DISCLOSURE OF INFORMATION TO VICTIM AND PUBLIC UPON RELEASE</b></p> <p>Law enforcement agencies release information regarding predatory offenders according to specific guidelines that vary by risk level assigned. The agency shall disclose certain information to victims of the offense committed by the offender who have requested disclosure and to adult members of the offender's immediate household.</p> <p>A law enforcement agency or official who discloses information under the provisions related to predatory offenders shall not disclose the identity or identifying characteristics of victims of or witnesses to the offender's offense.</p>	<p>244.052, subds. 4(b)-(e).</p>

VICTIM RIGHTS	Minnesota Statutes
<p><b>POLYGRAPH PROHIBITION</b></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> <ul style="list-style-type: none"> <li>(1) the taking of the polygraph examination is voluntary and solely at the victim's request;</li> <li>(2) a law enforcement agency or prosecutor may not ask or require that the complainant submit to a polygraph examination;</li> <li>(3) the results of the examination are not admissible in court; and</li> <li>(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.</li> </ul> <p>A complainant's refusal to submit to a polygraph examination shall not prevent the investigation, charging, or prosecution of the offense.</p>	<p>611A.26</p>
<p><b>DOMESTIC ABUSE ARREST POLICY</b></p> <p>Each law enforcement agency shall develop, adopt, and implement a written policy regarding arrest procedures for domestic abuse incidents.</p>	<p>629.342, subd. 2</p>
<p><b>CERTIFICATION PROCESS FOR CERTAIN CRIMES</b></p> <p>Requires state and local law enforcement agencies to process a certification request from victims or their representatives for certain visas.</p> <p>The certifying agency is required to:</p> <ul style="list-style-type: none"> <li>(1) timely process requests for certification;</li> <li>(2) provide outreach to victims of criminal activity to inform them of the entity's certification process; and</li> <li>(3) keep a written or electronic record of all certification requests and responses.</li> </ul> <p>In addition, all certifying entities shall implement a language access protocol for non-English-speaking victims of criminal activity.</p>	<p>611A.95</p>

VICTIM RIGHTS	Minnesota Statutes
<p><b>DATA RELATED PROVISIONS</b></p> <p><b>Copy cost to victim for law enforcement data</b></p> <p><u>Subject of the data: Crime Victim</u></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><u>Subject of the data: Domestic abuse victim</u></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> <p><b>Withhold public access to law enforcement data</b></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, sex trafficking, or sexual extortion 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> <p><b>Release of domestic abuse report to victim, attorney, or advocacy organization</b></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> <p><b>Release of confidential law enforcement data</b></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><b>Crime Scene Photographs</b></p> <p>Release of crime scene photographs depicting a deceased person may be withheld from the public under section 13.82, subd. 7, which states that, “Photographs which are part of inactive investigative files and which are clearly offensive to common sensibilities are classified as private or nonpublic data” However, these photographs may be released to family members of the decedent under Minnesota Statutes section 13.10, subdivision 3, which states, “Nonpublic data concerning a decedent, created or collected after death, are accessible by the representative of the decedent.” Section 13.10, subdivision 1(c) defines “representative of the decedent” as “the personal representative of the estate of the decedent during the period of administration, or if no personal representative has been appointed or after discharge, the surviving spouse, any child of the decedent, or, if there is no surviving spouse or children, the parents of the decedent.”</p>	<p>13.04, subd. 3; 13.03, subd. 3(c)</p> <p>629.341, subd. 4; 13.84, subd. 5</p> <p>13.82, subd. 17</p> <p>13.82, subd. 5</p> <p>13.82, subd. 13</p> <p>13.82, subd. 7; 13.10, subds. 1(c) and 3</p>

BEST PRACTICES
<ul style="list-style-type: none"> <li>• Ensure that victim information card has up-to-date resource information and complies with requirements of chapter 611A. <i>(Template available from OJP.)</i></li> <li>• 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></li> <li>• Document within incident report that victim information card was provided to the victim.</li> <li>• Promptly return calls to victims and provide case status updates when requested and provide case information to the extent possible.</li> <li>• Have procedure in place for victims to request copies of investigative reports.</li> <li>• Review costs charged to victims and the public for copies of law enforcement data to ensure compliance with Minnesota Government Data Practices Act.</li> </ul>

VICTIM RIGHTS	Minnesota Statutes
<p><b>PRESENTENCE INVESTIGATION – VICTIM IMPACT, NOTICES</b></p> <p>The probation officer preparing the presentence or pre-dispositional 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"> <li>• The charge to which the defendant has been convicted or pleaded guilty and any plea agreement between the prosecution and the defense.</li> <li>• The victim’s right to request restitution.</li> <li>• The time and place of the sentencing or juvenile court disposition and the victim’s right to be present.</li> <li>• 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.</li> </ul>	<p>609.115, subd. 1; 611A.037, subd. 2</p>
<p><b>NOTICE OF DISPOSITIONAL DEPARTURE – PREDATORY OFFENDERS</b></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>	<p>244.10, subd. 8(a) and (b)</p>
<p><b>VICTIM IMPACT STATEMENT</b></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"> <li>• A summary of the damages or harm and any other problems generated by the criminal occurrence;</li> <li>• 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</li> <li>• An attachment to the report, consisting of the victim’s written objections, if any.</li> </ul>	<p>609.115, subd. 1; 611A.037, subd. 1</p>
<p><b>COLLECT AFFIDAVIT OF FINANCIAL DISCLOSURE</b></p> <p>An offender who has been ordered by the court to make restitution in an amount of \$500 or more shall file an affidavit of financial disclosure with the correctional agency responsible for investigating the financial resource of the offender on request of the agency. The commissioner shall prescribe what financial information the affidavit must contain.</p>	<p>611A.04, subd. 1b</p>
<p><b>PROBATION REVIEW HEARING</b></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> <p>If the court orders payment of restitution as a condition of probation and if the defendant fails to pay the restitution in accordance with the payment schedule or structure established by the court or the probation officer, the prosecutor or the defendant’s probation officer may, on the prosecutor’s or the officer’s own motion or at the request of the victim, ask the court to hold a hearing to determine whether or not the conditions of probation should be changed or probation should be revoked. The defendant’s probation officer shall ask for the hearing if the restitution ordered has not been paid prior to 60 days before the term of probation expires.</p> <p>In cases in which there is a stay of imposition or execution of sentence, the court may extend a defendant’s term of probation for up to one year if it finds at the probation review hearing that (1) the defendant has not paid court-ordered restitution in accordance with the payment schedule or structure; and (2) the defendant is likely to not pay the restitution the defendant owes before the term of probation expires. This one-year extension of probation for failure to pay restitution may be extended by the court for up to one additional year if the court finds, at another hearing conducted under subdivision 1a, that the defendant still has not paid the court-ordered restitution that the defendant owes.</p>	<p>611A.046; 260B.198, subd. 8;</p> <p>609.135, subd. 1a.</p> <p>609.135, subd. 2(g)</p>



VICTIM RIGHTS	Minnesota Statutes
<p><b>RESTITUTION – REVIEW HEARING IN JUVENILE CASES</b></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>
<p><b>DATA RELATED PROVISIONS</b></p> <p><b>Victim access to <u>court services</u> data on offenders</b></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)(2)</p> <p>13.84, subd. 7(f)</p> <p>13.84, subd. 4</p>

BEST PRACTICES
<ul style="list-style-type: none"> <li>• Document all contact or attempted contact with crime victims in case files.</li> <li>• Ensure that all pretrial supervision and corrections agents are trained in statutory obligations related to victims.</li> <li>• Train staff on communication with victims, VINE procedures, and local resources to refer victims for safety planning if necessary.</li> <li>• Ensure that restitution orders for offenders who are sentenced to prison are properly transferred to the department of corrections.</li> <li>• Make sure that victims know about the opportunity to request a review hearing if restitution is not paid.</li> </ul>

VICTIM RIGHTS	Minnesota Statutes
<p><b>NOTICE OF RELEASE FROM CUSTODY – PRETRIAL – VIOLENT CRIME</b></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"> <li>(1) the conditions of release, if any;</li> <li>(2) the time of release;</li> <li>(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</li> <li>(4) the location and telephone number of the area sexual assault program as designated by the commissioner of corrections.</li> </ul> <p>Written notice of points (2) and (3) above must then be personally delivered or mailed to the victim as soon as practicable.</p>	<p>629.73, subs. 1 and 2</p>
<p><b>NOTICE OF RELEASE FROM CUSTODY – PRETRIAL – DOMESTIC ABUSE</b></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"> <li>(1) the conditions of release, if any;</li> <li>(2) the time of release;</li> <li>(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</li> <li>(4) if the arrested person is charged with domestic abuse, the location and telephone number of the area battered women’s shelter.</li> </ul> <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>	<p>629.72, subd. 6</p>
<p><b>NOTICE OF RELEASE FROM CUSTODY – POST CONVICTION</b></p> <p>The commissioner of corrections or other 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 and release from a juvenile correctional facility; or if the offender’s custody status is reduced. These notices shall only be provided to victims who have submitted a written request for notification to the head of the county correctional facility in which the offender is confined, or, if committed to the Department of Corrections, submitted a written request for this notice to the commissioner of corrections or electronic request through the Department of Corrections electronic victim notification system. 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. For a victim of a felony crime against the person for 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> <p>The commissioner of human services shall make a good faith effort to notify the victim in writing that the offender is to be released from confinement in a facility due to incompetency, mental illness, or mental deficiency, or commitment under section 253B.18 or chapter 253D if the victim has submitted a written request for notification to the executive director of the facility in which the individual is confined.</p>	<p>611A.06, subd. 1(a)</p> <p>611A.06, subd. 1(b)</p>
<p><b>NOTICE OF REDUCTION IN CUSTODY STATUS</b></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>	<p>611A.06, subd. 1</p>

VICTIM RIGHTS	Minnesota Statutes
<p><b>NOTICE OF ESCAPE</b></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>	<p>611A.06, subd. 3</p>
<p><b>NOTICE OF IMPENDING RELEASE – CERTAIN PREDATORY OFFENDERS</b></p> <p>At least 60 days before the release of any inmate requiring registration as a predatory offender 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"> <li>♦ the sheriff of the county where the offender was convicted;</li> <li>♦ 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;</li> <li>♦ any witness who testified against the inmate in any court proceedings involving the offense if the witness requests the notice in writing; and</li> <li>♦ any person specified in writing by the prosecuting attorney.</li> </ul>	<p>244.053, subds. 1 and 2</p>
<p><b>VICTIM AND COMMUNITY NOTIFICATION – CERTAIN PREDATORY OFFENDERS</b></p> <p>The law enforcement agency in the area where the predatory resides, expects to reside, is employed, or is regularly is responsible for providing information to the victim and the public that is relevant and necessary to protect the public and to counteract the offender’s dangerousness.</p> <p>The extent of the information disclosed and the community to whom disclosure is made must relate to the level of danger posed by the offender, to the offender’s pattern of offending behavior, and to the need of community members for information to enhance their individual and collective safety. The law enforcement agency is responsible for determining what information will be disclosed.</p> <p>For offenders classified as level 1, the law enforcement agency may disclose information maintained by the agency about the offender to the public and the victim. The agency shall disclose the information to victims of the offense committed by the offender who have requested disclosure.</p> <p>For offenders classified as level 2 or 3, victims are entitled to the same information as that provided in level 1. Level 3 offenders will prompt broad public notification, usually done through a community notification meeting.</p>	<p>244.052, subd. 4</p>
<p><b>NOTICE OF TERMS OF CONDITIONAL RELEASE – SEX OFFENDERS</b></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>	<p>609.3455, subd. 8(b)</p>
<p><b>NOTICE OF PAROLE REVIEW AND SUPERVISED RELEASE HEARINGS</b></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>	<p>243.05, subd. 1b; 244.05, subd. 5(c)</p>

VICTIM RIGHTS	Minnesota Statutes
<p><b>COMMUNITY INVESTIGATION REPORT – SUPERVISED RELEASE OF INMATES SERVING MANDATORY LIFE IMPRISONMENT SENTENCE</b></p> <p>When considering supervised release for certain inmates serving a mandatory life sentence, the commissioner shall require the preparation of a community investigation report and shall consider the findings of the report when making the supervised release decision. The report shall reflect the sentiment of the various elements of the community toward the inmate, both at the time of the offense and at the present time. The report shall include the views of the sentencing judge, the prosecutor, any law enforcement personnel who may have been involved in the case, and any successors to these individuals who may have information relevant to the supervised release decision. The report shall also include the views of the victim and the victim's family unless the victim or the victim's family chooses not to participate.</p> <p><i>Note: As a result of changes made in the 2023 Legislative Session, parole and supervised released proceedings will come under the authority of the Supervised Release Board, effective July 1, 2024. Minnesota Session Laws 2023, Chapter 52, Article 18.</i></p>	<p>244.05, subd. 5(b)</p>
<p><b>VICTIM STATEMENT AT PAROLE REVIEW HEARING OR SUPERVISED RELEASE HEARING</b></p> <p>The victim has a right submit an oral or written statement at the review hearing. 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 inmate should be paroled at that time. The commissioner must consider the victim's statement when making the parole or supervised release decision.</p> <p><i>Note: As a result of changes made in the 2023 Legislative Session, parole and supervised released proceedings will come under the authority of the Supervised Release Board, effective July 1, 2024. Minnesota Session Laws 2023, Chapter 52, Article 18.</i></p>	<p>243.05, subd. 1b; 244.05, subd. 5(c)</p>
<p><b>EARNED INCENTIVE RELEASE CREDITS AND EARNED COMPLIANCE CREDITS AND SUPERVISION ABATEMENT</b></p> <p>Under the Minnesota Rehabilitation and Reinvestment Act, the DOC must implement a program that provides for the ability of incarcerated persons to reduce their term of incarceration or supervision through earning incentive credits. When conducting an assessment and creating an Individualized Rehabilitation Plan for incarcerated person, the DOC must make reasonable efforts to notify the victim of the opportunity to provide input. Victim input may include:</p> <ul style="list-style-type: none"> <li>(1) a summary of victim concerns relative to release;</li> <li>(2) concerns related to victim safety during the committed individual's term of imprisonment; or</li> <li>(3) requests for imposing victim safety protocols as additional conditions of imprisonment or supervised release.</li> </ul> <p>The commissioner must consider all victim input statements when developing an individualized rehabilitation plan and establishing conditions governing confinement or release.</p>	<p>244.42, subd. 3, 244.47</p>
<p><b>PREDATORY OFFENDERS – NOTICE TO VICTIMS OF ADMINISTRATIVE REVIEW HEARING</b></p> <p>In cases where an offender seeks an administrative review of an end-of-confinement review committee's risk assessment determination of risk level II or III, the committee chair shall notify the victim or victims who have requested disclosure or their designees.</p> <p>Following the administrative hearing, a copy of the administrative law judge's decision shall be given to the victim. The administrative law judge may seal any portion of the record of the hearing to the extent necessary to protect the identity of a victim of or witness to the offender's offense.</p>	<p>244.052, subd. 6(a), (c) and (e)</p>
<p><b>CIVIL COMMITMENT – CHANGE IN STATUS</b></p> <p>If the department of corrections receives a victim's request for notification of a change of status of a person who has been civilly committed, they must forward the request to the executive director of the treatment facility in which the person is confined.</p>	<p>253B.18, subd. 5a(c) (mentally ill and dangerous)</p> <p>253D.14, subd. 2a and 3 (Sexually Dangerous Persons, Sexual Psychopathic Personalities)</p>

VICTIM RIGHTS	Minnesota Statutes
<p><b>DATA RELATED PROVISIONS</b></p> <p><b>Victim access to <u>court services</u> data of juvenile offenders</b></p> <p><u>For purposes of release notification</u></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> <p><u>For purposes of asserting right to restitution</u></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> <p><b>Victim access to <u>corrections and detention</u> data on offender</b></p> <p>Upon the victim’s written or electronic request and, if the victim and offender have been household or family members as defined in section 518B.01, subdivision 2, paragraph (b), the commissioner of corrections or the commissioner’s designee may disclose to the victim of an offender convicted of a qualified domestic violence-related offense as defined in section 609.02, subdivision 16, notification of the city and five-digit zip code of the offender’s residency upon or after release from a Department of Corrections facility, unless:</p> <p>(1) the offender is not under correctional supervision at the time of the victim’s request;</p> <p>(2) the commissioner or the commissioner’s designee does not have the city or zip code; or</p> <p>(3) the commissioner or the commissioner’s designee reasonably believes that disclosure of the city or zip code of the offender’s residency creates a risk to the victim, offender, or public safety.</p> <p>(e) Paragraph (d) applies only where the offender is serving a prison term for a qualified domestic violence-related offense committed against the victim seeking notification.</p> <p><b>Victim data held by correctional facility</b></p> <p>For requests for notification of change in custody status of an arrested, detained, or confined person from the Department of Corrections or other custodial authority made through an automated electronic notification system, all identifying information regarding the person requesting notification and that the notice was requested and provided to that person by the automated system is classified as private data on individuals as defined in section 13.02, subdivision 12, and is accessible only to that person.</p>	<p>13.84, subd. 6(c)</p> <p>13.84, subd. 6(a)(2)</p> <p>13.84, subd. 6(d)</p> <p>13.854</p>

VICTIM RIGHTS	Minnesota Statutes
<p><b>DATA RELATED PROVISIONS, continued</b></p> <p><b>Victim access to <u>corrections and detention</u> data on offender</b></p> <p><u>For purposes of asserting right to restitution</u></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> <p><b>Access to data related to victim request for release notification</b></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> <p>Data on the victim and notice provided by a custodial authority under section 629.73 is private data on the individual.</p> <p>For requests for notification of change in custody status of an arrested, detained, or confined person from the Department of Corrections or other custodial authority made through an automated electronic notification system, all identifying information regarding the person requesting notification and that the notice was requested and provided to that person by the automated system is classified as private data.</p>	<p>13.85, subd. 5</p> <p>611A.06, subd. 4</p> <p>629.73, subd. 3</p> <p>13.854</p>

BEST PRACTICES
<ul style="list-style-type: none"> <li>• Train staff on victim notification obligations.</li> <li>• To ensure proper release notification to victim, do not release inmate directly from court.</li> <li>• Provide online public access to inmate status information.</li> <li>• Train staff on communication with victims, VINE procedures, and local resources to refer victims for safety planning if necessary.</li> <li>• Establish procedures for preventing inmate calls to victims or witnesses.</li> <li>• Establish standard procedures for documenting violations of harassment and protective orders by inmates and providing that information to the charging authority.</li> <li>• 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.</li> <li>• Ensure that correctional policies and procedures consider victim safety components (i.e., offender release planning) where appropriate.</li> <li>• 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.</li> <li>• Establish process for restitution orders to be properly identified and processed to ensure that victims receive restitution payments.</li> </ul>

	VICTIM RIGHTS	Minnesota Statutes
<b>BOARD OF PARDONS</b>	<p><b>NOTICE TO VICTIM REGARDING APPLICATION FOR PARDON OR COMMUTATION OF SENTENCE</b></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> <p><i>Note: As a result of changes made in the 2023 Legislative Session, the pardon process will come under the authority of the newly created Clemency Review Commission. Clemency includes pardons, reprieves from sentencing, and commutation. During the transition period between enactment and July 1, 2024, a pardon, commutation, or reprieve granted during the transition period is governed according to Minnesota Statutes 2022, sections 638.02, subdivisions 2 to 5, and 638.03 to 638.08. Minnesota Session Laws 2023, Chapter 52, Article 8.</i></p>	638.06
<b>BOARD OF PARDONS</b>	<p><b>VICTIM STATEMENT REGARDING APPLICATION FOR PARDON OR COMMUTATION OF SENTENCE</b></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> <p>The secretary of the board shall make all reasonable efforts to locate any victim of the applicant's crime. The secretary shall mail notice of the application and the 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> <p><i>Note: As a result of changes made in the 2023 Legislative Session, the pardon process will come under the authority of the newly created Clemency Review Commission. Clemency includes pardons, reprieves from sentencing, and commutation. During the transition period between enactment and July 1, 2024, a pardon, commutation, or reprieve granted during the transition period is governed according to Minnesota Statutes 2022, sections 638.02, subdivisions 2 to 5, and 638.03 to 638.08. Minnesota Session Laws 2023, Chapter 52, Article 8.</i></p>	638.04  638.06
<b>STATE OF MINNESOTA</b>	<p><b>COST OF MEDICAL EXAMINATION</b></p> <p>The cost of a sexual assault evidentiary exam conducted for the purpose of evidence collection for assaults that took place in Minnesota shall be paid by the state. This obligation does not include the cost of treatment of injuries related to the sexual assault.</p>	609.35
<b>HOSPITALS</b>	<p><b>EMERGENCY CARE TO SEXUAL ASSAULT VICTIMS</b></p> <p>It is the standard of care that hospitals and other health care providers 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
<b>HOSPITALS</b>	<p><b>NOTICE TO VICTIM ABOUT SEXUALLY TRANSMITTED DISEASE</b></p> <p>Hospitals and other health care providers 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

	VICTIM RIGHTS	Minnesota Statutes
HOSPITALS	<p><b>NOTICE TO SEXUAL ASSAULT VICTIMS ABOUT RIGHTS</b></p> <p>Hospitals and other health care providers shall give a written notice about victim rights and available resources to a person seeking medical services in the hospital who reports to hospital staff or presents evidence of a sexual assault or other unwanted sexual contact or sexual penetration. Notice must inform victim of obligation of county to pay for forensic exam, about their right to reimbursement, and about status of sexual assault examination kit.</p>	144.6586
HEALTH CARE PROVIDER	<p><b>CHILD ABUSE VIDEOTAPES</b></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
SECRETARY OF STATE	<p><b>SAFE AT HOME – ADDRESS CONFIDENTIALITY PROGRAM</b></p> <p>Victims of domestic violence, sexual assault, stalking, harassment 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: <a href="http://www.sos.state.mn.us/home/index.asp?page=859">http://www.sos.state.mn.us/home/index.asp?page=859</a></i></p>	Chapter 5B
DEPT OF HUMAN SERVICES	<p><b>NOTICE TO VICTIM – RELEASE FROM CIVIL COMMITMENT</b></p> <p>A victim has a right to be notified prior to a permanent or temporary release of a person under civil commitment from a treatment facility, including provisional discharges and granting pass-eligible status. (Mentally ill and dangerous, 253B.18; Sexually Dangerous Persons, Sexual Psychopathic Personalities, 253D.14). The victim must make a written request to the head of the facility.</p>	253B.18, subd. 5a 253D.14, subds. 2a and 3
INSURERS	<p><b>CANNOT CANCEL, DENY, OR CHANGE COVERAGE</b></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><b>DOMESTIC ABUSE CANNOT BE SOLE BASIS FOR MODIFICATION OF COVERAGE</b></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><b>PROTECTION AGAINST EMPLOYER RETALIATION – ATTENDING CRIMINAL PROCEEDINGS</b></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, subds. 1 and 2
EMPLOYERS	<p><b>PROTECTION AGAINST EMPLOYER RETALIATION – SEEKING ORDER FOR PROTECTION OR HARASSMENT RESTRAINING ORDER</b></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



	VICTIM RIGHTS	Minnesota Statutes
<b>LANDLORDS</b>	<p><b>TERMINATION OF LEASE BY VICTIMS OF DOMESTIC ABUSE, HARASSMENT, SEXUAL ASSAULT AND SEXUAL EXTORTION</b></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 violence after being subjected to domestic abuse, criminal sexual conduct, sexual extortion, or harassment; needs to terminate the tenancy; a specific date of termination of the tenancy, and written instructions for the disposition of any remaining personal property. The tenant is still responsible for payment of the rent for the month during which the lease is terminated, and forfeits all claims for return of the security deposit.</p>	504B.206
<b>DOMESTIC ABUSE COUNSELING PROGRAM</b>	<p><b>NOTICE TO VICTIM – OFFENDER POSES RISK TO SELF OR OTHERS</b></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)
<b>DOMESTIC ABUSE COUNSELING PROGRAM</b>	<p><b>NOTICE TO VICTIM – OFFENDER TERMINATED FROM PROGRAM</b></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)
<b>DRIVER AND VEHICLE SERVICES</b>	<p><b>REQUEST THAT INFORMATION BE KEPT PRIVATE</b></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: The Private Data Request form is available on the DVS website: <a href="http://www.mndriveinfo.org">www.mndriveinfo.org</a></i></p>	171.12, subd. 7(d), 168.346, subd. 3
<b>MINNESOTA STATE COLLEGES AND UNIVERSITIES</b>	<p><b>NOTICE OF VICTIM RIGHTS IN WRITTEN SEXUAL HARASSMENT AND VIOLENCE POLICY</b></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 Reimbursement Board and the commissioner of public safety.</p> <p>The Campus SaVE Act (part of the Violence Against Women Act (VAWA) reauthorization that amends the Clery Act), creates additional requirements for campuses, including that certain information be provided and certain protections be extended to victims of dating violence, domestic violence, and stalking. Along with this federal legislation, Minnesota passed in 2015 the Campus Sexual Assault Prevention Act that, among many other things, includes certain notification requirements for sexual assault victims.</p>	135A.15, subd. 1, subd. 2 (victim rights)
<b>PARENTS OF MINOR CHILD</b>	<p><b>PARENTAL LIABILITY FOR DAMAGE DONE BY MINOR CHILD</b></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

	VICTIM RIGHTS	Minnesota Statutes
<b>PARENTS OF MINOR CHILD</b>	<p><b>NOTIFICATION TO OTHER PARENT</b></p> <p>Each party in a child custody matter has the right to be notified by the other party if the minor child is the victim of an alleged crime, including the name of the investigating law enforcement officer or agency. There is no duty to notify if the party to be notified is the alleged perpetrator/</p> <p>If a parent in a child custody matter is a participant in the Safe at Home Program, the other party shall send all information and notifications required under this section to the participant's designated address.</p>	518.17, subd. 3
<b>CELL PHONE CARRIERS</b>	<p><b>STOLEN CELL PHONES – LIMITED LIABILITY FOR VICTIM</b></p> <p>A customer is not liable for cellular telephone charges imposed by a wireless service provider that result from the unauthorized use of the customer's cellular telephone. There is a rebuttable presumption that any use of a cellular telephone after the wireless service provider has been notified that the telephone is lost or stolen is unauthorized, provided that the customer agreed to suspend use of the wireless device</p>	325F.696
<b>STORAGE UNITS</b>	<p><b>ACCESS TO CERTAIN ITEMS IN SELF-STORAGE BY CERTAIN PERSONS</b></p> <p>Occupants of self-service storage unit that has lien attached may remove personal papers and health aids upon demand. Domestic violence and sexual assault survivors, persons eligible for legal services and persons eligible for relief based on need, may also retrieve clothing, and tools of the trade necessary for the occupant's livelihood up to \$125 per item.</p>	514.972
<b>IMPOUND LOTS</b>	<p><b>ACCESS TO CONTENTS OF IMPOUNDED CAR BY CERTAIN PERSONS</b></p> <p>Registered owner of car who is eligible for legal services, relief based on need, or is who homeless has unencumbered right to retrieve any and all contents without charge and regardless of whether the registered owner pays incurred charges or fees, transfers title, or reclaims the vehicle.</p>	168B.07, subd. 3
<b>STATE POLICY</b>	<p><b>FREEDOM FROM VIOLENCE POLICY</b></p> <p>Minnesota Statutes section 1.50 proclaims, "The state of Minnesota hereby adopts a policy of zero tolerance of violence. It is state policy that every person in the state has a right to live free from violence."</p>	1.50

ADDITIONAL RESOURCES
<p>Office of Justice Programs, Minnesota Department of Public Safety. <i>Crime Victim Rights Information Guide</i> (rev. 2022).</p> <p>Johnson, B. <i>Crime Victim Laws in Minnesota: An Overview</i>, Information Brief, Minnesota House of Representatives Research Department (rev. Nov. 2021).</p>