

# As a victim of crime, Minnesota provides you with important rights as your case moves through the criminal justice system.

## WHEN CRIME REPORTED TO LAW ENFORCEMENT

### You have the right to:

- Ask the law enforcement agency to keep your identity private in reports available to the public.
- Be notified of certain crime victim rights and information on the nearest crime victim assistance program or resource.
- Apply for reparations (financial compensation) for non-property losses related to a violent crime.
- In cases of violent crime and domestic abuse where an arrest has been made, be provided notice of the release of the offender along with information on the release conditions and supervising agency.

## WHEN CASE PROSECUTED

### You have the right to be notified of:

- The prosecution process and your right to participate in it.
- Information on the nearest crime victim assistance program or resource.
- The right to apply for reparations (financial compensation) for non-property losses related to a violent crime.
- A proposed pretrial diversion referral.
- A change in the hearing schedule if subpoenaed or asked to testify.
- The right to request restitution from the offender upon conviction.
- The contents of a proposed plea agreement.
- The outcome of the case.
- After conviction and upon request, the release or escape from custody of the offender from jail or prison or transfer to a lower security facility.

## CRIME VICTIM DEFINED

Under Minnesota law, a crime victim is defined as a person who incurs loss or harm as a result of a crime. A victim includes the family member, guardian, or custodian of a minor, incompetent, incapacitated, or deceased person.

Minnesota Statutes section 611A, subdivision 1

- An appeal and the right to attend the related hearing and to be notified of the result of that appeal.
- In felony or violent crime cases, a proposed modification to the sentence, the related hearing, and the right to provide input.
- A petition for expungement, upon request.

### You have the right to participate in the process:

- Provide input in a pretrial diversion decision.
- Ask the prosecutor to request a speedy trial.
- Be notified of and attend the plea and sentencing hearings.
- Object to a proposed plea agreement at the plea hearing.
- When a presentence investigation (PSI) is conducted, provide information about the impact of the crime and your position regarding the proposed disposition.
- Give a victim impact statement at the sentencing hearing in writing or orally.

### Certain rights address your safety, privacy, and protection, including the right to:

- Be notified of and provide input for a bail hearing in cases of violent crime and domestic abuse.
- A secure waiting area or safeguards against the offender and his/her supporters in the courthouse.
- Report witness tampering or violations of no contact or restraining orders.
- Ask that your home and employment addresses, telephone numbers, and birthdate be withheld from the offender and in open court.
- Protection against employer retaliation for you or your family member(s) taking reasonable time off to attend hearings or to testify in cases of violent crime.
- Make a confidential request that the court order an HIV test of the convicted offender in cases of sexual assault and some violent crimes.
- In homicide cases, to seek a court order preventing an offender from disposing of the deceased victim's property. Laws also prevent an offender from financially benefitting from the crime.

### To address the financial impact of the crime, you have the right to:

- Apply for reparations (financial compensation) for non-property losses related to a violent crime.
- Seek restitution from the offender for out-of-pocket expenses directly related to the crime if the offender is convicted.
- Ask the offender's probation officer to schedule a hearing if the offender fails to pay restitution.
- Pursue a civil case against the offender for your losses, whether or not criminal charges have been filed.

## DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING VICTIMS

### You have the right to:

- Be informed by the prosecutor of any decision to decline or dismiss a case along with information about seeking an order for protection or harassment restraining order at no cost.
- Terminate a lease without penalty or payment to escape a violent situation.
- If a domestic violence victim, obtain at no cost a copy of the incident report the responding law enforcement agency is required to write.
- If a sexual assault victim, have a confidential sexual assault examination at no cost and receive notice of rights and resources from the medical facility.
- If a sexual assault victim, refuse a polygraph examination without impacting whether the investigation or prosecution will proceed.

## PROVIDING NOTICE OF RIGHTS TO VICTIMS

Law enforcement agencies are required to notify victims of certain victim rights and local resources at initial contact.

Prosecutors are required to provide a notice of rights to victims once charges have been filed.

Minnesota Statutes section 611A, subdivision 2.

## Frequently Asked Questions

### **How can I get specific information about the case?**

Call your local law enforcement agency, prosecutor's office, or victim service provider for information.

### **What if I need financial assistance?**

You could be eligible for reparations from the State of Minnesota if you are a victim of a violent crime and have out-of-pocket costs related to medical care, counseling, a funeral, lost wages, or certain other expenses. You could be eligible for restitution from the defendant if he/she is found guilty or enters a guilty plea.

### **Can I attend all the hearings?**

Yes. In general, criminal court proceedings involving adult defendants are open to the public. A judge may close a hearing or exclude a party under certain circumstances. Victims in cases involving juvenile offenders may attend the court proceedings.

### **What should I do if I receive a subpoena?**

A subpoena is a court order to appear in court. Read it very carefully. It will have instructions on whom to call for court information and location. If you have a scheduling conflict or have any questions, call whomever sent the subpoena as soon as possible. As a witness, you will receive a small fee for your time and mileage.

### **Do crime victim rights apply when the offender is a juvenile?**

Yes, the same rights apply in both adult and juvenile cases.

### **How will I know when the offender gets out of jail or prison?**

Prior to conviction, a county jail or detention facility must notify a victim of a violent crime of the offender's release. All victims, regardless of the crime, are strongly encouraged to register with the VINE (Victim Information and Notification Everyday) program to request automatic release notification. Following conviction, victims of inmates in a county facility must make a request for release notification to that facility and can also register with VINE. Victims of inmates in a Department of Corrections facility must register with the Minnesota CHOICE program for release notification.

## Resources

### **When the offender is in custody:**

To request to be notified of an inmate's release or to obtain other custody information:

### **County jails and detention facilities:**

Minnesota VINE  
Victim Information and Notification Everyday  
1-877-MN4-VINE • 1-877-664-8463  
[www.vinelink.com](http://www.vinelink.com)

### **Minnesota Department of Corrections (DOC):**

Minnesota CHOICE  
[www.minnesotachoice.com](http://www.minnesotachoice.com)  
DOC Victim Assistance Program 800-657-3830

### **For information on financial compensation in cases of violent crime, call:**

Crime Victims Reparations Board  
651-201-7300 • 1-888-622-8799  
[ojp.dps.mn.gov](http://ojp.dps.mn.gov)

### **If you are a crime victim or witness and you believe your rights have been violated, call:**

Crime Victim Justice Unit  
651-201-7310 • 1-800-247-0390 ext. 3

## CONTACT US

Office of Justice Programs  
445 Minnesota Street, Suite 2300  
St. Paul, MN 55101-1515

E-mail: [dps.justiceprograms@state.mn.us](mailto:dps.justiceprograms@state.mn.us)

Website: [ojp.dps.mn.gov](http://ojp.dps.mn.gov)

651-201-7300 Main

888-622-8799 Toll Free

651-205-4827 TTY

651-296-5787 Fax

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# CRIME VICTIM RIGHTS



OFFICE OF JUSTICE PROGRAMS

MINNESOTA DEPARTMENT OF PUBLIC SAFETY