

VICTIM RIGHTS POST CONVICTION

RELEASE NOTIFICATION

Following a conviction, crime victims have the right to receive notice of an incarcerated person's release from a jail, detention facility, or Minnesota Department of Corrections (DOC) facility (prison). This release notification is not automatic—victims must request notification of a person's release. Notice will be given for release (including work release and extended furloughs), transfers to a less secure facility, and if an inmate escapes or dies.

Release from county jail

To receive release notification from a county jail, **victims must make a request in writing** to the facility. Victims can contact the jail to find out more about how to make a request.

Victims can also register with VINE (Victim Information and Notification Everyday), the automated service that notifies victims by phone call, text, and/or email when the jailed individual is released.

Release from DOC facility

For release notification from a DOC facility, **victims must make a request** through Minnesota Haven, an online service of the DOC. Victims will be notified of the incarcerated person's release, transfer to a less secure facility, escape, death, and any subsequent releases if the person re-enters the facility.

Victims of predatory offenders can request to be notified of the end-of-confinement review process and receive additional information and notification if the person is eligible for a community notification risk level assignment.

Through Minnesota Haven, victims can also provide input into an incarcerated person's re-entry plan, receive assistance with safety planning, and request to participate in restorative justice processes.

Victims of incarcerated persons can request to be notified of the five-digit zip code of the person's residence upon or after release from a DOC facility.

In some circumstances, an incarcerated person may be able to reduce their term of incarceration or supervision through earning incentive credits. Victims

have a right to notice if the incarcerated person is eligible under this program and to provide input into the incarcerated person's rehabilitation plan.

ON PROBATION OR SUPERVISED RELEASE

A release notice to a victim must include the person's conditions of release and the name of the person's probation officer or supervising agent or agency. For persons release from a DOC facility, the name of the supervising agent can be found on the "Incarcerated Individual Search" page on the DOC Website.

Victims have a right to know the conditions of probation or supervised release. More specific information, such as the person's address, place of employment, and psychological evaluation results, is private and will not be shared with the victim.

Victims have a right to know whether the person is complying with probation or supervised release conditions, however, they will not be automatically notified of noncompliance. Victim reports of noncompliance can be made to the probation officer or supervising agent. Criminal conduct can be reported to the appropriate law enforcement agency. Not all violations of probation or supervised release conditions will result in a return to jail or prison.

Victims do not have a statutory right be notified when a person has violated the terms of probation. Nonetheless, victims can contact the probation officer and inform them of their interest in any probation revocation proceedings. Victims, like any member of the public, can attend probation revocation hearings.

A person can be on probation for a maximum period of five years. Victims can always contact the prosecutor's office to confirm the end date of probation.

While the person is on probation or under supervision, victims can contact the probation officer or supervising agent with questions about noncompliance with probationary or supervision terms, change in status, violation petitions and proceedings, and any other concerns about the person.

Unsupervised probation

Some persons on probation will be "unsupervised," meaning no specific agent is assigned to them, and some persons are supervised by the court. This is sometimes called "administrative probation." To communicate concerns regarding these individuals, victims can contact the probation or community corrections agency or the prosecutor for assistance in bringing probation violations to the attention of the court.

Transfer of supervision

Persons who live or wish to live in another state can request that their supervision be transferred to that state. To determine if the person's supervision has been transferred to another state or transferred back to Minnesota, go to www.interstatecompact.org and search under the "ICOTS" feature.

Early release from probation

A person on probation may be eligible for early release from probation if certain conditions are met. Notice to a victim is not required, but a victim can ask the probation officer if a person is eligible.

RESTITUTION

If the person on probation has not paid restitution according to the payment plan, a victim has the right to request a probation review hearing by contacting the prosecutor or probation officer. In addition, the probation officer shall ask for a review hearing if probation will expire within 60 days and restitution has not been paid.

APOLOGY LETTER

Upon request, the victim has a right to be notified if an incarcerated person has submitted a letter of apology.

EXPUNGEMENT

Persons with convictions can file a petition requesting that the record of their arrest and conviction be expunged. When a record is expunged, it is sealed and cannot be seen by the public. **Upon written request** to the prosecutor's office, victims have the right to be informed of expungement proceedings, to provide input, and to be informed of the outcome.

Expungement by agreement

In some circumstances, a prosecutor can agree to an expungement without the defendant filing a petition. Before agreeing to seal the record, the prosecutor must make a good faith effort to notify the victim of the offense of the intended agreement and the opportunity to object to the agreement.

Automatic expungement

There are certain offenses and circumstances where a defendant's conviction will automatically be expunged. If the person is pleading guilty pursuant to a plea agreement to a charge that is eligible for such an automatic expungement, the prosecutor is required to notify the victim.

CIVIL COMMITMENT

Petition for civil commitment

The victim has the right to be notified when the county attorney's office has filed a petition to have the person who caused the harm to be civilly committed to a treatment facility. In addition, the victim has a right to attend any related hearings, to be notified of the outcome of the petition, and to be notified of the process for requesting notification from the treatment facility of a change in status if the person is committed.

Change in status and release

If the person is civilly committed to a treatment facility, the victim has a right to be notified of a change in the person's status, including transfers, provisional discharges, granting pass-eligibility or a pass plan, or otherwise being temporarily or permanently released. Before a change in status, the head of the facility must notify the victim of their right to submit a written statement regarding the proposed discharge or release plan. To receive this notification, **victims must submit a written request** to the head of the facility where the person is confined.

Prosecutors are required to notify victims about their post-conviction rights under Minnesota Statutes Chapter 611A.

APPEAL

Prosecutors' offices are required to notify victims of an appeal. This notification is automatic; victims do not have to make a special request for it. Victims must also be notified of the contested issues, the process, scheduled hearings, their rights, and the outcome.

SENTENCE MODIFICATION

There are some situations where the court may be considering a modification to the defendant's original sentence, for example, to correct a sentence, when the defendant is resentenced as a result of an appeal, or when the prosecutor seeks a sentence adjustment. In these situations, the prosecutor is required to notify the victim of the proceeding, the right to be present at the hearing, and the right to provide input to the court concerning the sentence modification or adjustment.

CLEMENCY

When a person applies for clemency, the victim must be notified about the application, the proceeding at which the application will be heard, and the victim's right to attend the proceeding and submit a written or oral statement. Clemency includes a pardon, a reprieve of a sentence imposed, or commutation of a sentence.

PAROLE AND SUPERVISED RELEASE

The Supervised Release Board has the authority to grant parole or supervised release to certified adults and persons serving a life sentence/indeterminate sentence after they have served their minimum term of imprisonment. Victims have the right to be notified of review hearings and attend them and to provide input, either orally or in writing. The victim's statement must be considered when making the parole or supervised release decision.

Some notifications to victims will not occur until years after the conviction. Victims are encouraged to update their contact information with the relevant agency to ensure that they receive their post-conviction notifications.

SAFETY FOR VICTIMS

Getting help: Victims who have not yet sought the assistance of a victim service provider are encouraged to do so for guidance to address their needs which can include safety planning and recovery. A victim service provider directory is available on the OJP Website.

Address confidentiality program: Safe at Home is an address confidentiality program for survivors of domestic violence, sexual assault, stalking, and others who fear for their safety. The Minnesota Secretary of State Website has information about the program and the local organizations to contact to apply.

Confidential test: Sexual assault victims and other victims of violent crime who may have had contact with the convicted person's semen or blood can make a confidential request through the prosecutor's office to have the person tested for HIV and obtain the test results.

Violation of protective orders: For persons in custody, violations of civil protective orders and criminal no contact orders can be reported to both the victim's local law enforcement agency and to the jail or correctional facility.

Extending protective orders: Victims with an order for protection that expired or will expire while the person is in jail or prison can petition the court for a new order even if the person has made no new threats or committed no new acts of violence against them.

Preparing for release: Prior to release, victims of a person in a DOC facility (prison) can contact the incarcerated person's case manager or the Victim Assistance and Restorative Justice Unit to discuss any safety concerns and provide input for the release plan or conditions. The case manager is listed along with other incarcerated person information on the Incarcerated Individual Search page of the DOC Website.

RESOURCES

Inmate Custody Status Information

Jails: VINE, www.vinelink.com, 877-664-8463
DOC: www.doc.state.mn.us/publicviewer

Request Release Notification

Jails: Contact county jail and/or use VINE www.vinelink.com | 877-664-8463
DOC: victimassistance.doc@state.mn.us
800-657-3830

Department of Corrections Victim Services and Restorative Justice

victimassistance.doc@state.mn.us
800-657-3830, mn.gov/doc/victims

Financial Assistance

Minnesota Crime Victims Reimbursement Board
Office of Justice Programs
ojp.dps.mn.gov
651-201-7300 | 888-622-8799

For restitution questions, contact the prosecutor or the DOC Victim Services and Restorative Justice Unit.

Access to Public Case Records

Minnesota Judicial Branch Website
www.mncourts.gov/publicaccess

Address Confidentiality Program

Safe at Home
Minnesota Secretary of State
www.sos.state.mn.us
safe.athome@state.mn.us
651-201-1399 | 866-723-3035

Victim Resources

For more information about resources, go to the OJP Website: ojp.dps.mn.gov.

For questions about crime victim rights, contact the Crime Victim Justice Unit at 651-201-7310, 800-247-0390, cvju.ojp@state.mn.us

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OFFICE OF JUSTICE PROGRAMS
MINNESOTA DEPARTMENT OF PUBLIC SAFETY