

CRIME VICTIM JUSTICE UNIT



OFFICE OF JUSTICE PROGRAMS
MINNESOTA DEPARTMENT OF PUBLIC SAFETY

Crime Victims Have Rights

RIGHT TO BE NOTIFIED OF

- Crime victim rights.
- Prosecution process and the right to participate in it.
- Contents of any plea agreement.
- Changes in court proceeding schedule when a victim has been subpoenaed or requested to testify.
- Final disposition of the case.
- Appeals filed by the defendant, the right to attend the oral argument or hearing, and the right to be notified of the final disposition.
- Proposed sentence modifications for the offender, including the date, time, and location of the review hearing and the right to provide input.
- Release or escape of the offender from prison or a custodial institution or transfer to a lower security facility.
- Offender's petition for expungement.
- Right to request restitution.
- Right to apply for reparations.
- Information on the nearest crime victim assistance program or resource.
- Petition to civilly commit an offender, outcome of that petition, and notice of offender's possible discharge/release from civil commitment.

RIGHT TO PROTECTION FROM HARM

- Right to a secure waiting area during court proceedings.
- Right to request that home and employment address, telephone number, and birth date be withheld in open court.
- Right to request that law enforcement agency withhold identity from the public.
- Protection against employer retaliation for victims and witnesses called to testify and for victims of violent crimes and their family members who take reasonable time off to attend court proceedings.
- Tampering with a witness is a crime and should be reported.

RIGHT TO PARTICIPATE IN PROSECUTION

- Right to request a speedy trial.
- Right to provide input in a pretrial diversion decision.
- Right to object orally or in writing to a plea agreement at the plea presentation hearing.
- Right to object orally or in writing to a proposed disposition or sentence.
- Right to inform court of impact of crime orally or in writing at the sentencing hearing.
- Right to inform court at the sentencing hearing of social and economic impact of crime on persons and businesses in the community.
- Right to be present at the sentencing and plea presentation hearings.
- Right to submit statement regarding decision to discharge/release offender from civil commitment.

RIGHT TO APPLY FOR FINANCIAL ASSISTANCE

- Victims of violent crime may apply for financial assistance (reparations) from the state if they have suffered economic loss as a result of the crime.
- Victims may request the court to order the defendant to pay restitution if the defendant is found guilty or pleads guilty.
- Victims may request that a probation violation hearing be scheduled 60 days prior to the expiration of probation if restitution has not been paid.

DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND HARASSMENT VICTIMS

- Right to be informed of prosecutor's decision to decline prosecution or dismiss case along with information about seeking a protective or harassment order at no fee.
- Protection against employer retaliation for victims to take reasonable time off to attend order for protection or harassment restraining order proceedings.
- Domestic abuse victims have the ability to terminate lease without penalty.
- Sexual assault victims can make confidential request for HIV testing of the offender.
- Sexual assault victims do not have to pay the cost of a sexual assault examination.
- Sexual assault victims may not be required to undergo a polygraph examination for an investigation or prosecution to proceed.

The CVJU has the authority to investigate complaints about members of the criminal justice system so as to promote the highest attainable standards of competence, efficiency, and justice for crime victims. The actions of the CVJU are guided by impartiality, confidentiality, and respect for all parties.

CVJU PROVIDES INFORMATION AND REFERRAL

- Reviews crime victim rights and relevant criminal statutes.
- Explains how the criminal justice system works and what to expect from it.
- Explains the roles of law enforcement, prosecutors, judges, advocates, and others.
- Explains how to obtain case information or provide additional information to criminal justice professionals.
- Makes referrals to victim to appropriate agencies and organizations, including crime victim service providers.

CVJU PROVIDES ASSISTANCE

- Suggests strategies for victims to use to resolve issues with criminal justice system personnel.
- Attempts to resolve issues of concern for victims informally.

CVJU INVESTIGATES

- Investigates crime victim rights violations and mistreatment by reviewing case documents interviewing involved parties.
- Determines whether crime victim rights violations or mistreatment occurred.
- Explains subject agency actions to victim.
- Documents findings in a report or letter to involved parties.
- Makes recommendations to subject agency to correct errors and improve response to victims where complaint is substantiated.

RESOLVING THE COMPLAINT ON YOUR OWN

A difference of opinion or misunderstanding is often resolved by taking the time to talk and listen. Here are some basic steps that can be taken to address problems and concerns with an individual or agency:

Read everything sent to you – Review the documents given or sent to you by police, prosecutors, probation officers, or other court personnel.

Ask questions – If you do not understand why something happened, ask for an explanation. Do not be afraid to ask about the relevant rules, policies, or laws.

Keep records – Relying on memory is not always the most reliable method of recordkeeping, and it can prove problematic if you want to make a formal complaint about a specific person or agency. Take notes of conversations, ask for the names and titles of people you speak to, and keep all correspondence.

Prepare yourself – Before calling an agency, review any documents and have your questions ready. Be clear ahead of time what you are asking and what you want.

Leave messages – Remember that people can be busy and may not be able to talk to you right away. Leave a complete message about why you are calling along with your contact information. When trying to communicate with the prosecutor's office, it is often easier to contact the victim advocate (if there is one) rather than the attorney in charge of the case.

Go through standard complaint procedures – Victims of crime who have complaints always have the option of relying on routine complaint methods. The most common method is to go through the chain of command—ask to speak to the person's supervisor. In addition, law enforcement agencies in Minnesota are required to have a procedure by which citizens can make complaints. In some jurisdictions, that procedure is posted on their websites and/or they may have a standard form already prepared. In other jurisdictions, there is no standard form, and the victim must submit their complaint directly to the chief of police.

Rely on the CVJU and local advocates – Even if you do not wish to file a complaint with the CVJU, the staff is still available to answer questions and provide guidance about how to handle a problem with a criminal justice professional. In addition, the CVJU encourages victims to rely on their local advocates to provide information about the case as well as explanations about the process. If you need a referral to a local victim advocate, call the CVJU office.

TO MAKE A COMPLAINT

If you are a victim of a crime and feel that your rights have been violated or you have been mistreated by a member of the criminal justice system, you may contact the CVJU to request assistance or make a complaint. Complaint forms are available by contacting the CVJU or from the Office of Justice Programs Web site.

The CVJU has the authority to investigate complaints from crime victims about actions taken by members of the criminal justice system and organizations providing services to victims. The CVJU does not have the authority to investigate judges.

The Crime Victim Justice Unit provides a process for crime victims to question the actions by criminal justice and victim service agencies, and advances policy and practice to ensure that crime victims are treated with fairness, dignity, and respect.

CONTACT US

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