

POST CONVICTION ISSUES



OFFICE OF JUSTICE PROGRAMS
MINNESOTA DEPARTMENT OF PUBLIC SAFETY

Crime victims have needs, even after the offender is convicted. "Post Conviction Issues" describes crime victim rights, how victims can get information, and steps that can be taken toward safety and recovery.

RELEASE NOTIFICATION

Crime victims have the right to receive notice of an offender's release from a jail, detention facility, or Minnesota Department of Corrections (DOC) facility. Release notification after an offender has been sentenced is not automatic. Victims must request notification of an offender's release from jail or prison.

Notice will be given for release (including work release and extended furloughs), transfers to a less secure facility, and when an inmate escapes or dies.

County jail

To receive notification from a county jail, victims should make their request in writing directly to the facility. The process of notification varies by county, so victims are encouraged to contact the jail to find out how to make a request.

Victims should also register with VINE (Victim Information and Notification Everyday), the automated service that notifies victims by phone and/or email when an offender is released.

If an offender later returns to custody, a victim must make a new request for notification, either to the facility or by re-registering with the VINE service. This applies even if the offender was out for only a short time.

Correctional facility

For release notification from a DOC facility (prison), victims should make a request through MN CHOICE, an online service. Victims will be notified of an offender's transfer to a less secure facility, escape, death, and any subsequent releases if the offender re-enters the facility.

Through MN CHOICE, victims of predatory offenders may request to be given additional information and notification if the offender is eligible for a community notification risk level assignment. In addition, through CHOICE, victims can communicate with DOC personnel and provide input into the offender's re-entry plan.

ON PROBATION OR SUPERVISED RELEASE

A release notice to a victim must include the offender's conditions of release and the name of the offender's supervising agent or agency. In addition, for DOC offenders on supervised release, the name of the supervising agent can be found on the "Offender Locator" page of the DOC Website.

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

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

Some offenders on probation will be "unsupervised," meaning no specific agent is assigned to that offender, and some offenders are supervised by the court. To communicate concerns regarding that offender, contact the probation or community corrections agency, or contact the prosecutor for assistance in bringing possible probation violations to the attention of the court.

Offenders can request that their supervision be transferred to another state. This commonly happens if a person from another state commits a crime in Minnesota. To determine if the offender's supervision has been transferred to another state or transferred back to Minnesota, go to www.interstatecompact.org and search under the "ICOTS" feature.

An offender 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 agent if an offender is eligible.

Victims are encouraged to contact the agent with questions about noncompliance, change in status, and subsequent proceedings, as well as other concerns about the offender.

POST-CONVICTION PROCEEDINGS

Victim participation in the criminal justice system process does not end with conviction. However, in many post-conviction proceedings, victims must take steps to ensure their participation.

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

Probation revocation: Victims do not have a statutory right to be notified when an offender has violated the terms of probation. Nonetheless, victims are encouraged to maintain contact with the probation agent and inform them of their interest in any probation revocation proceedings. Victims, like any member of the public, can attend probation revocation hearings.

Expungement: Offenders can request that the record of their arrest and conviction be expunged. Victims have the right to be informed of expungement proceedings, to provide input, and to be informed of the outcome. To receive notice of an expungement, a victim must make a written request to the prosecutor's office.

Civil commitment: Victims have a right to be notified of an offender's petition for civil commitment, to attend any related hearings, to be notified of the outcome, and to be notified of the release of a civilly committed offender. To receive notice, victims must submit a written request to the county attorney.

Life sentences: The DOC will notify a murder victim's spouse or next of kin of the parole or supervised release hearing for those offenders serving a life sentence. These victims have a right to attend the hearing and provide input, either orally or in writing. The commissioner must consider the victim's statement when making the parole decision.

Some notifications to victims will not occur until years after the conviction, so updating the relevant agency with current contact information is important.

SAFETY FOR VICTIMS

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

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

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

Violations of protective orders: For offenders in custody, violations of civil protective orders and criminal no contact orders should 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 inmate is incarcerated can petition the court for a new order even if the offender has made no new threats or orchestrated no new acts of violence against them while incarcerated.

Preparing for release: Prior to the release of an offender, victims of offenders in a DOC facility can contact the DOC case manager to discuss any safety concerns and provide input for the release plan or conditions. The case manager is listed along with other offender information on the "Offender Locator" page of the DOC Website.

RESTITUTION AND REPARATIONS

For victims of offenders in prison, it is important to confirm that the restitution order has been sent to the facility so that restitution can be withheld from any prison earnings. For offenders on probation, victims should contact the probation officer, or, if none has been assigned, the probation department or court administration regarding any nonpayment issues.

Even after conviction, victims of violent crime can apply for reparations to assist with expenses resulting from the crime, such as medical expenses and lost wages. Contact OJP for information about the process and filing timelines.

RESOURCES

Inmate Status Information

VINE (Victim Information and Notification Everyday)
www.vinelink.com
877-664-8463 | TTY: 866-847-1298
DOC Offender Locator: www.doc.state.mn

Request Release Notification

County jail:
www.vinelink.com | 877-664-8463
Department of Corrections facility:
www.minnesotachoice.com | 800-657-3830

Department of Corrections Victim Assistance Program

victimassistance.doc@state.mn.us
800-657-3830
For information about: MN CHOICE, restorative justice initiatives, predatory offenders

Financial Compensation

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

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
MN Relay Service: 800-627-3529 or 711.

Victim Resources

Office of Justice Programs
Victim service provider directory, crime victim information, reparations
OJP Website: ojp.dps.mn.gov
651-201-7300 | 888-622-8799
TTY: 651-205-4827