

Victim Rights and Resource Guide



**ANOKA COUNTY
ATTORNEY'S OFFICE**

Brad Johnson, County Attorney

Dear Anoka County Neighbors,

The Anoka County Attorney's Office strives to protect the public and contribute to a well-governed community by prosecuting criminals, protecting vulnerable children and adults, and supporting victims. The mission of the Anoka County Attorney's Office is to improve the quality of justice and enhance public safety for all residents. Victims and witnesses play a vital role in the criminal justice system. Their cooperation is essential to hold offenders accountable for their crimes. We offer this booklet of information, along with direct services, to better assist victims as they navigate through the criminal justice system.

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Victim Witness Overview

The goal of the Anoka County Victim/Witness Services unit is to provide victims and witnesses supportive services and assistance to deal with the crime itself, and to understand their role in the criminal justice system.

We strive to protect the rights and interests of crime victims and witnesses in the criminal justice system, while encouraging participation in the court process and addressing individual needs brought on by victimization.

Prevention and Education

Crime prevention education and information about the criminal justice process are important components of the Anoka County Attorney's Office. We provide community education and outreach in Anoka County on many topics, including:

- Crime Victim Rights
- Sexual Assault
- Domestic Violence
- Elder Abuse and Financial Exploitation
- Identity Theft and Scams
- Online Safety
- Opioid Abuse and Other Drug Trends
- Specialty Courts

If you would like to request a presentation by the Anoka County Attorney's Office, call the Public Information Officer at 763-324-5471 or email rs-attorney@anokacountymn.gov.

Services Provided

What does a Victim/Witness Specialist do?

- Help crime victims understand their rights and the criminal justice system;
- Notify and educate victims about their statutory rights;
- Empower victims and witnesses to make decisions that are right for them;
- Provide ongoing information about the status of a case;
- Escort victims to the courtroom and attend hearings when available;
- Support victims' decisions to participate in the prosecution process;
- Work with prosecuting attorneys to ensure victim input is considered in the criminal case;
- Read victim impact statements in court (if requested by victims);
- Serve as a liaison to other criminal justice agencies, such as law enforcement and corrections;
- Prepare victims and witnesses for questions when they are in the witness stand;
- Refer and assist in applying or requesting financial assistance through restitution, reimbursement, and emergency funds.

Contact the Victim/Witness Services Division:

Email: victimwitnessservices@anokacountymn.gov

Website: anokacountymn.gov/victimwitness

Phone: 763-324-5350

Monday through Friday 8 a.m. to 4:30 p.m.

Tell us how we're doing: anokacountymn.gov/vwfeedback

Deano

Anoka County Attorney's Office Facility Dog

Deano provides crime victims with comfort and support through the criminal justice process. He works with individuals who have experienced child abuse, sexual assault, and domestic violence. He also works with surviving family members of homicide victims, as well as other crime victims who request his presence. He is compassionate, engaging, and adaptable which allows him to meet the unique needs of each individual. Deano has been trained by Can Do Canines and is ADI Public Access Certified. He has two co-handlers who accompany him to meetings with crime victims. Deano loves his job and we are grateful to have him as our co-worker.



Crime Victim Rights

Minnesota law protects victims of crime. Minnesota Statute Chapter 611A provides the following rights.

When the crime is reported to Law Enforcement:

- **Keep Identity Confidential.** You have the right to ask the law enforcement agency to keep your identity private. The law allows law enforcement to protect your identity from the public in the following circumstances:
 - If you are the victim of criminal sexual conduct, sexual extortion, or sex trafficking; or
 - If the release of your identifying information would threaten the personal safety or property of the victim.
- **Notified of Your Rights.** You have the right to be notified of crime victim rights.
- **Crime Victim Assistance Program.** You have the right to be provided information on the nearest crime victim assistance program or resource and their contact information.
- **Financial Repayment.** You have the right to apply for repayment from the other party (also referred to as “offender” and “abuser” in this publication) or by the government for non-property losses related to a violent crime, and the telephone numbers to call to request an application.
- **Release of Offender and Release Conditions.** In cases of violent crime or domestic abuse where an arrest has been made, you have the right to be notified of the release of the offender along with information on the release conditions and the supervising agency.
- **Deceased Victim’s Property.** In homicide cases, you have the right to be notified of rights and procedures for protecting the deceased victim’s property.

- **Domestic Violence Cases.** In domestic violence cases, you also have the right to:
 - Ask the city or county attorney to file a criminal complaint;
 - Ask the court (by filing a petition through a separate court process) (1) to order the abuser to not do any acts of abuse; (2) to order the abuser to leave your household; (3) to prevent the abusers from entering your residence, school, business, or place of employment; (4) an order awarding you or the other parent custody of or parenting time with your children; (5) an order directing the abuser to pay support to you and the minor child. (See page 6 for more information.)

When a complaint has been filed with the court, you have the following rights:

- **Prosecution of the Case.** You have the right to be notified of the prosecution of the case, the prosecution process, and all your rights.
- **Bail Hearing.** You have the right to be present at the hearing where the court determines the offender's release. The court will hear relevant information about you as the victim or your family's account of the alleged crime.
- **Change in Court Date/Time.** You have the right to be notified of a change in the schedule of the court proceedings if subpoenaed or asked to testify.
- **Attend Court Proceedings.** You have the right to be present at court proceedings, even when the offender is a juvenile.
- **Speedy Trial Request.** You have the right to ask the prosecutor to request a speedy trial (a speedy trial is generally held within 60 days of an appropriate request).

- **Order for Protection or Restraining Order.** You have the right to seek an order from the court asking for an Order for Protection under 518B.01 or a Restraining Order under 609.74B, at any point including a dismissal of the case involving domestic abuse assault, criminal sexual conduct, harassment, or stalking. You may ask the court for an order without paying a fee. To obtain an Order for Protection or a Restraining Order, you must file a Petition with the Court asking for this relief. Petitions are available on-line at mncourts.gov or you can receive a paper copy of the Petition at the Family Court Division of the Anoka County Court Administration located at 2100 3rd Avenue, Anoka, MN. Through a petition you are able to seek additional relief and protections that go beyond a no contact order which is issued through your criminal proceedings.
- **Jailhouse Witness.** You have the right to be notified if the prosecutor has decided to offer or provide a jailhouse witness a plea agreement in exchange for testimony against the offender.
- **Pre-Trial Diversion.** You have the right to be notified of a possible pretrial diversion (which is an agreement to resolve the case outside of the court system) and the right to provide input prior to the referral.
- **Plea Agreement and Plea Hearing.** You have the right to be notified of the contents of a proposed plea agreement, including the time recommended for defendant to serve in jail or prison; you have the right to be notified of plea hearing(s), attend the plea hearing(s), and you have the right to know whether the crime is eligible for an automatic expungement under Minnesota Stat. § 609A.015. You have the right to object to a proposed plea agreement at the plea hearing either in writing or orally.

- **Video or Audio Recording.** You have the right to **not allow** any video or audio recording of you in the courtroom prior to testifying or giving a victim’s impact statement. Visual and audio coverage is only permitted if you agree to the coverage in writing.
- **Pre-Sentence Investigation (PSI).** If a pre-sentence investigation is conducted, you have the right to provide (1) a summary of the damages, harm, and all other problems generated by the crime, (2) a statement of what sentence you think is appropriate, and (3) and a written objection to the proposed sentence or plea agreement.
- **Sentencing and Victim Impact Statement.** You have the right to be present at the sentencing hearing. You have the right to give an “impact statement”. The impact statement may include (1) a summary of the harm or trauma suffered as a result of the crime, (2) a summary of the economic loss or damage suffered as a result of the crime, and (3) your reaction to the proposed sentence or disposition.
- **Offender is a Military Veteran.** If the offender is or was a member of the United States military, the Court can defer or suspend the case. You have the right to attend a hearing to defer, you have the right to tell the court about the harm you suffer, and you have the right to object to the deferred prosecution. If you do not wish to appear at the hearing, you can request that the prosecutor present the court with your information.
- **Payment for Expenses You Incurred.** You have the right to apply for payment of expenses or losses resulting from the crime. For more information see page 11.
- **Community Impact Statement.** Community members have the right to give a community impact statement at the sentencing hearing.

- **Final Disposition of the Case.** You have the right to be notified either orally or in writing of the final disposition of the case and your postconviction rights.
- **Modification of Sentence.** You have the right to be notified if the court is considering modifying the sentence in a felony or crime of violence or attempted crime of violence.
- **Appeal.** You have the right to receive notice of the defendant’s appeal of the case and the final decision on the appeal.
- **Release from jail or prison.** If you are the victim of a “violent crime” as defined by Minn.Stat. §609.1095, and the offender has been committed to a facility by the court, you have the right to submit a written statement regarding the decision to discharge, grant pass-eligible status, the approval of a pass plan, or otherwise permanently or temporarily release an offender that has been committed.
- **Civil Commitment.** You have the right to be notified of a petition to civilly commit the offender, the outcome of that petition, and if committed, their release or discharge. (NOTE: the victim must request this notification)

You have rights about your safety, privacy, and protection during the prosecution, including the following:

- **Secure Area of Courthouse.** You have the right to use a secure waiting area or use safeguards against the offender and their supporters in the courthouse.
- **Keep Identity Confidential.** You have the right to ask the prosecutor that your home and employment addresses, telephone numbers, and birthdate be withheld from the offender and in open court.
- **Notified of Bail Hearing.** You have the right to be notified of a bail hearing in cases of violent crime and domestic abuse.

- **Witness Tampering.** You have the right to be free of witness tampering. (Witness tampering is when someone tries to change your testimony or prevent you from testifying).
- **No Contact and Protective Orders.** You have the right to enforcement of any criminal no contact order or civil protective orders if they exist.
- **Employer Retaliation Prohibited.** You have the right to be free from employer retaliation for you or your family member(s) for taking reasonable time off to attend hearings or to testify in cases of violent crime.
- **Deceased Victim's Property.** You have the right to request a court order preventing an offender from disposing of the deceased victim's property.

After an offender is convicted, you have the following rights:

- **Outcome of the Case.** You have the right to be notified of the outcome of the case.
- **Release, Escape, or Transfer from Custody.** You have the right to be notified about the release or escape from custody of the offender from jail or prison and the right to know if the offender is transferred to a lower security facility. (NOTE: the victim must request this notification.)
- **Keep Identity Confidential.** You have the right to ask the Department of Corrections to keep your identity private at all times.
- **End-of-Confinement Hearing.** In cases of predatory offenders, a committee will convene and assess the offenders' public risk when it gets close to the offender's release date. You have the right to submit written input for consideration at the hearing. (NOTE: the victim must request this right)
- **HIV Testing.** You have the right to confidentially request that the court order an HIV test after a sexual assault or a violent crime where there has been exposure to bodily fluids during commission of the crime.

- **Appeal.** You have the right to be notified of an appeal, the right to attend the hearing on the appeal, and the right to be notified about the result of that appeal.
- **Modification of Sentence.** In felony or violent crime cases, you have the right to be notified of a proposed modification to the sentence, the related hearing, and the right to provide input.
- **Expungement.** You have the right to be notified of an expungement petition, the expungement hearing date, time and location, and the right to make an oral or written statement. (NOTE: the victim must request this notification).
- **Location of the Offender.** If the offender is committed to a state prison, you have the right to know the city and zip code of the offender's residence upon their release.

Payment of crime related expenses:

- **Reimbursement From the State.** You have the right to apply for reimbursement (financial compensation) for non-property losses related to a violent crime.
- **Payment From the Offender.** You have the right to request restitution (another form of financial compensation) from the offender for out-of-pocket expenses directly related to the crime if the offender is convicted; and
- **If the Offender Fails to Pay Restitution.** You have the right to ask the offender's probation officer to schedule a hearing if the offender fails to pay restitution as court ordered.

Domestic violence, sexual assault, sexual extortion, or harassment victims, you have the following rights:

- **Decline to Charge or Case Dismissal.** 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 Lease Agreement.** You have the right to terminate a lease without penalty or payment to escape a violent situation (Minn.Stat. §504B.206, subd. 1).
- **Free Police Report.** If you are a domestic violence victim, you have the right to get a free copy of the incident report the responding law enforcement agency is required to write.
- **Ask the Prosecutor to File a Complaint.** If you are a domestic abuse victim, you have the right to ask that the prosecutor file a criminal complaint.
- **Confidential Sexual Assault Exam.** If you are a sexual assault victim, you have the right to have a confidential sexual assault exam at no cost and receive notice of your rights and resources from the medical facility.
- **Refuse a Polygraph Exam.** If you are a sexual assault victim, you have the right to refuse a polygraph exam without impacting whether the investigation or prosecution will proceed.

If you have questions about your rights or want to know how to participate in the criminal justice process, contact our office:

Email: victimwitnessservices@anokacountymn.gov

Website: anokacountymn.gov/victimwitness • **Phone:** 763-324-5350

For questions about possible violations of your rights, contact the Office of Justice Programs Crime Victim Justice Unit:

Email: cvju.ojp@state.mn.us

Website: ojp.dps.mn.gov • **Phone:** 651-201-7310

Financial Help for Victims

If you are a victim of a crime, you may be able to receive money for your damages and harm. There are two different ways you can apply for money. One method is through restitution, the other is through reimbursement.

Restitution: Restitution is the money a judge orders the offender to pay to the victim to compensate the victim for losses related to the crime.

Restitution is part of the offender's sentence or disposition and can be ordered in both adult and juvenile cases after the offender is found guilty or pleads guilty. The amount of restitution ordered by the judge depends on the victim's crime-related expenses and the offender's ability to pay.

Reimbursement: Victims of a violent crime can also seek reimbursement through the Minnesota Crime Victims Reimbursement Program. This program provides financial help to victims and their families for losses incurred as a result of the crime. Reimbursement through this program is not court-ordered. It does not require a conviction or plea of guilty. See page 14 for more information.

Restitution

Who can request restitution?

Victims with out-of-pocket losses resulting from the crime may request restitution. Organizations such as churches, schools, businesses, or government agencies may also be eligible if they sustained a loss due to the crime.

What will restitution cover?

Eligible expenses for restitution include a victim's out-of-pocket losses that are a direct result of a crime. Eligible expenses may include, but are not limited to, medical and dental bills, counseling costs, lost wages, property losses, and money spent repairing damaged property.

If the entire amount of out-of-pocket loss is unknown at the time of sentencing or juvenile disposition, the amount of restitution may be determined at a later date, although restitution should still be requested. Requests may also be made for anticipated expenses, such as ongoing medical or counseling expenses.

What expenses are not covered?

Costs that are not related to the crimes committed by the offender will not be included in a restitution order. Generally, restitution cannot be ordered for physical pain, suffering, or emotional trauma.

How to request restitution:

An Affidavit of Restitution form should be completed prior to sentencing or juvenile disposition hearing. Submit your affidavit(s) to the Restitution Specialist in the Anoka County Attorney's Office.

Supporting documentation must be included in the request, which can include medical/dental bills, insurance co-payment receipts, estimates for replacing stolen items or repairing damaged property, counseling bills, transportation expenses, proof of lost wages, etc.

These requests should be submitted as early in the prosecution process as possible. This information is important to have during the plea negotiation process. If the victim later identifies or incurs additional expenses, information about those expenses should also be forwarded.

How restitution is determined:

At sentencing or juvenile disposition hearing, the court will typically order restitution as a part of the sentence or disposition. If the amount has not yet been established, the court may reserve the issue and determine the amount at a later date.

The court can deny or reduce restitution but must record the reasons. Two factors are considered when determining the amount: (1) the amount of economic loss sustained by the victim as a result of the offense and (2) the income, resources, and obligations of the offender. If the offender wishes to contest the amount of restitution, a hearing will be set. The prosecutor has the burden of demonstrating the amount of loss sustained by the victim.

The court can amend or issue an order of restitution after sentencing or disposition if (1) the offender is still under the court's jurisdiction, (2) the victim has submitted sufficient evidence of the right to restitution, and (3) the true extent of the victim's loss was not known at time of sentencing, disposition, or restitution hearing.

After restitution is ordered:

Generally, an offender will be ordered to pay restitution according to a payment schedule. The offender's probation officer is responsible for creating the payment schedule and monitoring the payments made to the victims. If the offender is not put on supervised probation, the court administrator or another official may set up the payment schedule. If no payment plan is ordered, the restitution is due on the date of sentencing. In some counties the restitution order will be sent to collections.

Any restitution ordered by the court will be paid to the court administrator. The court administrator may hold the payment up to 30

days, and then will mail a restitution check to the victim. If the victims do not receive scheduled payments, they should contact the offender's probation officer or the court administrator.

If the offender is in prison, victims should contact the court administrator or the Victim Assistance Program at the Department of Corrections (800-657-3830) to be sure that the restitution order has been sent to the correctional facility. State correctional facilities send restitution payments to victims on various schedules.

If you have questions about restitution, contact:

Email: victimwitnessservices@anokacountymn.gov

Phone: 763-324-5434

Crime Victim Reimbursement Program

To be eligible for reimbursement, the following criteria must be met:

- The crime must have occurred in Minnesota, or a foreign country without a compensation program;
- The crime must have been reported to police within 30 days (no limit for sexual assault and child abuse victims but must be reported);
- The victim must cooperate fully with the investigation and prosecution of the offender;
- The victims must not have committed a crime or contributed to the incident through their own misconduct;

- An application form must be submitted within three years of the crime (child abuse claims must be filed within three years of the date the crime was reported to police); and
- All available collateral sources must be used first, including health insurance, Medical Assistance, auto insurance, short-term and long-term disability, social security benefits, etc.

How to apply:

Contact the Victim Witness Specialist assigned to your case to assist you.

OR

Complete application through Victim Services Portal on the OJP website.

Who can apply for reimbursement?

- Person who suffers a physical or emotional injury or death as a result of a crime;
- Person injured or killed trying to prevent a crime, apprehend a suspect, or help a police officer;
- Person who paid for services for the victim;
- Family member, dependent, or estate of the victim;
- Guardian, guardian ad litem, conservator, or authorized agent of any of these persons.

Types of crimes eligible for reimbursement:

Damage from property crimes are not covered. In general, damage from violent crimes are eligible. Some examples include: homicide, assault, domestic abuse, sexual assault, child abuse (physical and sexual), human trafficking, kidnapping, arson, robbery, harassment or stalking, felony hit and run, driving under the influence, and criminal vehicular operation.

What benefits are available?

Each category of expenses have limits and the total benefits cannot exceed \$50,000 per victim. Allowable reimbursement claims include the following expenses:

- Medical expenses including hospital, doctor, ambulance, medication management, prescriptions, chiropractic care, acupuncture, chemical dependency treatment, and prosthetic devices;
- Counseling expenses by a licensed provider for victims and their family members;
- Cultural healing services;
- Mileage to and from medical, mental health, and dental appointments;
- Funeral expenses including funeral services, cremation, burial, headstone, flowers, obituary, lodging and travel for family members to attend funeral;
- Lost wages due to a disabling physical or psychological injury
- Loss of support to dependents (spouse/domestic partner and minor children) of a homicide victim;
- Childcare if the victim is unable to provide care due to injury or death;
- Home health care provided by licensed professional;
- Transportation costs, meals, and lodging to return an abducted child; and
- Crime scene clean-up.

**If you have questions about Crime Victim Reimbursement,
contact:**

Office of Justice Programs

Crime Victims Reimbursement Program

445 Minnesota Street, Suite 2300

Email: dps.justiceprograms@state.mn.us

Website: <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-reimbursements.aspx>

Phone: 651-201-7300

Additional Financial Resources

Anoka County Sexual Assault Victim Fund: Provides financial assistance for victims of sexual assault or abuse within Anoka County.

Phone: 763-795-5477

General Crime Victim Emergency Fund: Provides emergency funds used to meet the needs of victims of crime not related to domestic abuse, sexual assault, or child abuse.

Phone: 612-767-9844

If you need additional financial assistance, please contact our office for referrals.

Resources

Alexandra House: Provides legal advocacy, support services, safety planning, elder abuse services, and emergency funds for domestic violence and sexual assault survivors throughout Anoka County.

Phone: 763-780-2330

Web: alexandrahouse.org

Anoka County Self Help Center: Helps individuals find information and services about legal problems when they are not represented by an attorney.

Phone: 763-760-6699

Cornerstone General Crime: Connects victims of violent or property-related offenses (cannot be domestic or sexual violence related) with individual, legal, financial, and therapy services.

Phone: 952-884-0376 or 24/7 crisis line 952-884-0330

Web: cornerstonemn.org

Day One Crisis Line: Referral to closest emergency shelter.

Phone: 866-223-1111 or Text 612-399-9995

Mediation and Restorative Services: Provides housing resource navigation services, mediation services for renters and owners, and Victim Offender Dialogue (VOD) services.

Phone: 763-422-8878

Web: mediationservices.org

Mid Minnesota Legal Aid: Provide legal services for low-income individuals. Does not offer legal help for criminal cases.

Phone: 612-332-1441

Web: mylegalaid.org

Immigrant Law Center: Provides immigration legal assistance to low-income immigrants and refugees in Minnesota.

Intake Line: 1-800-223-1368

Minnesota Elder Justice Center: Provides legal support services including safety planning, obtaining protective orders, accompanying individuals to court, and limited pro bono legal representation to support victims of abuse.

Phone: 651-440-9300; Victim Services 651-440-9312

Web: elderjusticemn.org

Minnesota Haven: Correction's system that notifies victims about the status of offenders in the prison system and can provide critical information about safety, restitution payment, release and much more.

Phone: 651-361-7250

Web: mn.gov/doc/victims

Minnesota VINE Service: Provides custody status information about inmates and their release. This service is free and anonymous.

Web: vinelink.com

Mothers Against Drunk Driving: Offers emotional support, resources, education, financial compensation, referrals and assisting preparing statements.

Phone: 651-523-0802 or 1-877-623-3435

Web: madd.org

Office of Justice Programs: Provides financial reimbursement through its Crime Victim Reimbursement Program. They can answer questions regarding victim rights, report victim rights violations, and can assist victims in locating local service providers.

Phone: 651-201-7310 ext. 3 or 1-888-622-8799

Web: dps.mn.gov/divisions/ojp

Survivor Resources: Offers crisis response, grief support and other services for families of victims of death due to homicide, suicide, accidental overdose, and violent death.

Phone (St. Paul): 651-266-5674 or (Minneapolis): 612-673-3951

Web: survivorresources.org

Contact Us

We are located in the Anoka County Government Center, at the corner of Main Street and 3rd Avenue in the City of Anoka.

2100 3rd Ave

Suite 720

Anoka, MN 55303

Anoka County Attorney's Office

Phone: 763-324-5550

Email: rs-attorney@anokacountymn.gov

Web: anokacountymn.gov/attorney

Victim/Witness Services

Phone: 763-324-5350

8 a.m.-4:30 p.m., Monday through Friday

Email: victimwitnessservices@anokacountymn.gov

Web: anokacountymn.gov/victimwitness

Feedback

We want to know your experience with us. To complete a survey, visit anokacountymn.gov/vwfeedback