

POST-CONVICTION RIGHTS NOTICE TO VICTIMS

Victims have a right to be informed of certain events that occur after the defendant has been convicted and sentenced. These events do not happen in every case, but if they do, they may happen months or years after the case is over. In some situations, the notice will automatically be provided to the victim, and in others, the victim must request to be notified. This notice explains these post-conviction rights for crime victims in Minnesota.

Release or reduction in custody status

If an offender is in jail or prison, a victim has a right to be notified of an offender's release, reduction in custody status, extended furlough (temporary release), work release, and escape. The victim must make a written request to the custodial facility where the offender is located.

Jails: Contact the jail and ask where to send a written request to be notified of an offender's release or reduction in custody status. To find out where an offender is located, go to www.vinelink.com to search Minnesota jails or call 877-664-8463.

Minnesota Department of Corrections (DOC) facility (prison): Notifications for release or reductions in custody status for offenders in a DOC facility are done through the "Minnesota Haven" service. To request notifications, complete the Minnesota Haven registration form located on the DOC Website (mn.gov/doc/victims_notification-of-custody-status-and-release/). Victims of certain predatory offenders in a DOC facility have additional notification rights and must register with Minnesota Haven to receive these notifications.

For questions and assistance, contact the DOC Victim Services-Restorative Justice Unit at 651-361-7250, 800-657-3830, or victimassistance.doc@state.mn.us.

The victim must make a written request to the custodial facility where the offender is located to receive notification.

Appeals

The prosecutor is required to notify the victim about an appeal filed in the case. This notice must contain either a copy of the brief filed by the responding party in the appeal (which could be either the prosecutor or the defendant) or an explanation of the contested issues. In addition, the notice must include an explanation of the appeal process, information about scheduled oral arguments or hearings, a statement that the victim and the victim's family may attend the argument or hearing, and the name and telephone number of whom to contact for further information.

After a final decision on the appeal, the prosecuting attorney must notify the victim of the decision and any impact that decision has upon the judgment of the trial court.

If the defendant is released pending the appeal, the prosecutor must make a reasonable effort to notify the victim as soon as possible of the defendant's release.

The victim does not have to make a specific request to receive these notices.

Expungement

Petition for expungement: A victim in a criminal case has a right to be notified by the prosecutor when the defendant files a petition to expunge records related to the case. When a record is expunged, it is sealed and cannot be seen by the public. If the defendant's record is fully expunged, the defendant's arrest records related to that criminal case will also be sealed.

The notice of the expungement petition provided by the prosecutor must also inform the victim of their right to be present at the expungement hearing and to submit an oral or written statement at the hearing. The statement can describe the harm suffered by the victim as a result of the crime and the victim's recommendation on whether expungement should be granted or denied. The judge is required to consider the victim's statement when making a decision.

The victim does not have to make a specific request to receive these notices.

Expungement by agreement: In some circumstances, a prosecutor can agree to an expungement without the 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.

The victim does not have to make a specific request to receive this notice.

Civil commitment – petition filed

The victim has a right to be notified when the county attorney's office has filed a petition to have the offender civilly committed to a treatment facility. A county attorney who files a civil commitment petition must make a reasonable effort to provide notice of the filing to any victim of the underlying crime that forms the basis for the civil commitment or was listed as a victim in the petition.

Following the civil commitment proceedings, the county attorney must provide notice of the outcome of that petition to the victim. If the person has been civilly committed, the prosecutor must also notify the victim of the process for requesting notification of a change in status of the committed person.

The victim does not have to make a specific request to receive these notices.

Civil commitment – change in status/release/discharge

If the offender is civilly committed to a treatment facility, the victim has a right to be notified of a change in status of the person. When considering a change in status, the head of the facility must notify the victim of their right to submit a written statement regarding the decision. A change in status includes when the person is being transferred, provisionally discharged, granted pass-eligible status or a pass plan, or otherwise temporarily or permanently released.

The victim must make a written request to the executive director of the treatment facility (or their designee) where the person is to receive this notice.

Written Requests to Prosecutor: For notifications requiring a written request to the prosecutor, please complete the *Post-Conviction Notification Request* form provided, or prepare your own written request, and return it to the prosecutor's office.

If you have questions about any of these rights, please contact the prosecutor's office.

IMPORTANT: Victims who wish to be notified of events that happen after conviction must keep their contact information up-to-date with the agency that is responsible for providing the notification.