



# VICTIM POST-CONVICTION NOTIFICATION RIGHTS

Minnesota Statute Chapter 611A provides that victims of crime have certain post-conviction notification rights. A sexual assault victim may want to be notified of the offender's custody status after the offender has been convicted and sentenced to a county jail or state correctional facility. In Minnesota, the victim must take certain actions requesting notification in order for this right to be exercised.

## How does victim notification happen?

There are different victim notification procedures depending on where offenders are incarcerated, e.g. county jails or detention centers vs. state correctional facilities (prisons).

Minnesota also has an automated victim notification system called VINE. Information about VINE can be found at [www.vinelink.com](http://www.vinelink.com) or call (877) 664-8463, or call Minnesota Office of Justice Programs, Crime Victim Services at (651) 201-7316. The VINE system is a supplemental way for a victim to receive release notification.

## Victim notification if the offender is in county jail or detention center

Following a conviction, local jails and detention facilities are required to attempt to notify victims who have submitted a written request to the head of the facility (i.e. the jail administrator) however the process of notification varies from county to county. Contact the county jail or detention center to find out the specific notification process in order to provide accurate information to the victim with whom you are working. Victims should register with VINE in addition to following local procedures to ensure that notification is made.

If an offender is released from a local detention facility and then returns, the victim must submit a new written request to the facility in order to receive notification. Similarly, a victim must re-register with VINE in order to get release notification.

Victims are not notified when an offender is returned to custody. An easy way for a victim to monitor custody status is to look up the offender on [www.vinelink.com](http://www.vinelink.com) (no registration is required).

Note: Release notification to victims of violent crime is required during the pre-conviction phase without a specific request.

## Victim notification if the offender is in Department of Corrections custody (adult or juvenile)

The DOC must make a **good faith effort to notify the victim who has requested notification** when an offender is being released. This good faith effort must occur 60 days before an offender's release:

- From custody
- For work release
- On furlough (juveniles only)
- From a juvenile facility
- From a facility after confinement because of incompetence or mental illness

The DOC must also make a **good faith effort to notify the victim who has requested**

**notification:**

- When an offender's custody status is reduced and he or she is transferred to a less secure facility
- If an offender escapes and when he or she is apprehended
- If/when an offender dies while in custody
- Note that victims are not notified when an offender returns to custody. Go to [www.vinelink.com](http://www.vinelink.com) to monitor custody status (no registration required). If the victim has sent in the written form, the DOC will provide notice of re-release without a subsequent request, however they will not provide notice of the return to the facility.

**What must the victim do to ensure s/he is notified if the offender is held in a Department of Corrections facility?**

In order to be notified, a victim must send a written request for notification to the Commissioner of Corrections (received by DOC's Victim Assistance Program).

The DOC provides a Victim Notification Request Form for victims' use. The form can be found at [www.doc.state.mn.us/crimevictim](http://www.doc.state.mn.us/crimevictim). Information in the request form is private and will not be disclosed to the offender.

If the DOC does **not** have a request for notification on file, they will assume the victim does not want any contact regarding the offender and DOC will **not** attempt to notify a victim of release or status change of the offender.

**What happens if a victim moves?**

If a victim moves, s/he should complete a new Notification Request Form and send it to the DOC to ensure that further notification will occur. If the offender is being held in a local jail or detention facility follow the notification procedures provided by the county. Typically, local facilities only call victims and do not send letters so providing up-to-date phone numbers is particularly important.

DOC will only use the last known address they have for the victim. They will not attempt to locate the victim if they no longer have the correct address therefore it is critical that the victim fills out a new Notification Request Form every time s/he moves.

Whether the offender is being held by the DOC or in a local jail or detention facility, victims should always update their VINE registration with new contact information: [www.vinelink.com](http://www.vinelink.com) or (877) 664-8463.

**What is different about notification for predatory offenders?**

Minnesota Statutes §§244.052 and 244.053 provide victims of adult predatory offenders with additional notification.

- **A victim must submit a written request to be notified to the Commissioner of Corrections in order to receive notification about a predatory offender (received by DOC's Victim Assistance Program).** The victim will receive the types of notification listed above.
- A victim will also be notified by the DOC prior to the release of the predatory offender of the option to not have her/his contact information sent to local law enforcement and not be notified of the offender's approximate residence. If the victim does not object, the DOC will send a copy of the written request to the law enforcement agency with jurisdiction of the predatory offender.
- The law enforcement agency with jurisdiction will notify the victim of the

predatory offender's release and approximate residence.

- Depending upon the predatory offender's risk level, the law enforcement agency with jurisdiction will notify certain community groups and members of the offender's release from custody, the offender's approximate residence and the offender's risk level assignment and/or may conduct a public forum.
- Community notification requirements may continue for 10 years or longer if the offender is required to register for a longer period of time.
- See MNCASA's Fact Sheets on Community Notification of Predatory Offenders and Predatory Offender Registration.

For more information about predatory offenders and community notification, you may contact MNCASA or Victim Assistance Unit, Minnesota Department of Corrections, 1450 Energy Park Drive, St. Paul, MN 55109, 651.361.7250 or 800.657.3830 or [victimsassistance@doc.state.mn.us](mailto:victimsassistance@doc.state.mn.us).

## Issues for Advocates

Many victims count on notification to help them assess their ongoing physical and emotional safety. The multiple systems for notification are complicated and the role of advocates is critical. Here are tips for local advocates:

- Remember that in order for notification to happen, a victim must act affirmatively and request notification in writing. It is not enough for a victim to verbally request notification when meeting with law enforcement, a probation agent or victim advocate. The victim must make a written request to the jail or local detention facility or submit a Notification Request Form if the inmate is in a DOC facility (see above).
- Ensure that all advocates understand the victim notification processes and are able to explain that information to victims with whom they work.
- Contact local county jail or detention center and learn their notification process. You may want to offer to help law enforcement if there is difficulty in finding a victim for notification as advocates may have more current contact information for a victim.
- **Discuss with the victim any fear s/he may have regarding who has access to contact information on the request form. Reassure the victim that the data on that form is private.**
- Victims may not feel it is necessary to think of the release notification now. Do what you can to encourage them to keep the DOC or local jail or detention facility informed of address changes, name changes, or change in desire to be notified. Victims should always be aware of the importance of VINE because jail personnel or personnel in local detention facilities may not follow through on the requested notification.
- Explain to victims that requesting notification through the jail or through VINE is important because an offender's actual release date may change due to sentencing to service. Also, in county facilities, an offender, in some circumstances, can be temporarily released under a furlough.
- Notification may not seem to be relevant if the offender is given a local probationary sentence. Remember that if the offender violates conditions of release and is sent to prison, the victim notification will then apply. Establish protocols with your probation agents, court administration, and/or prosecutors to make sure victims are notified if a revocation of release occurs so that the victim can submit the required Victim Notification form.
- Have Victim Notification forms available at your office to give to victims you

are working with and want to be notified.

- Familiarize yourself with the VINE system and be ready and able to explain the resource to any victim with whom you work. Be aware that VINE is an important supplementary tool because sometimes jail personnel do not act upon notification requests.
- Remind victims that they can check the custody status of the offender in a DOC or local facility at any time by going to [www.vinelink.com](http://www.vinelink.com).

Ensure that the victim connects with the probation agent on any cases in which jail or prison time is not immediately ordered. If the offender should be sent to either jail or prison at a later date due to violation of conditions of release, make sure the victim is informed of that change of status and reminded to submit their written request for notification. The DOC form can be found at [www.doc.state.mn.us/crimevictim](http://www.doc.state.mn.us/crimevictim).

Use the following resources for additional help if necessary:

- Victim Assistance Program, Minnesota Department of Corrections, 651.361.7250 or 800.657.3830 or [victimassistance@doc.state.mn.us](mailto:victimassistance@doc.state.mn.us)
- The offender's case manager. You can locate the offender's case manager at <http://info.doc.state.mn.us/publicviewer/main.asp>
- Risk Assessment and Community Notification Unit, Minnesota Department of Corrections, 651.361.7275.

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