

# Crime Victim Rights

## RIGHT TO BE NOTIFIED OF

- Crime victim rights and information on the nearest crime victim assistance program or resource.
- The right to apply for reparations (financial compensation) for non-property losses related to a violent crime.
- Prosecution process and the right to participate in it.
- The contents of a proposed plea agreement.
- A change in the hearing schedule if subpoenaed or asked to testify.
- The right to request restitution.
- The outcome of the case.
- An appeal, the right to attend the related hearing, and the right to be notified of the result of that appeal.
- Proposed disposition/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 PROTECTION FROM HARM

- Right to ask the law enforcement agency to keep your identity private in reports available to the public.
- Right to a secure waiting area or safeguards against the offender and his/her supporters during court proceedings.
- Right to report witness tampering or violations of no contact or restraining orders.
- Right to request that home and employment addresses, telephone numbers, and birth date be withheld from the offender and in open court.
- Protection against employer retaliation for victims or family member(s) taking reasonable time off to attend hearings or to testify in cases of violent crime.

## CRIME VICTIM DEFINED

Under Minnesota law, a crime victim is defined as a person who incurs loss or harm as a result of a crime. A victim includes the family member, guardian, or custodian of a minor, incompetent, incapacitated, or deceased person.

Minnesota Statutes section 611A, subdivision 1

## RIGHT TO PARTICIPATE IN PROSECUTION

- Right to ask the prosecutor to request a speedy trial.
- Right to provide input in a pretrial diversion decision.
- Right to be notified of and attend the plea and disposition hearings.
- Right to object to a proposed plea agreement at the plea hearing.
- Right to give a victim impact statement orally or in writing at the disposition or sentencing hearing.

## RIGHT TO APPLY FOR FINANCIAL ASSISTANCE

- Victims of violent crime may apply for financial compensation (reparations) for non-property losses related to a violent crime.
- Victims may request the judge to order the offender to pay restitution if the offender is found delinquent (guilty).
- Victims may request that a probation violation hearing be scheduled if restitution has not been paid.

## DOMESTIC VIOLENCE, SEXUAL ASSAULT, & STALKING VICTIMS

- 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.
- Protection against employer retaliation for victims taking reasonable time off to attend order for protection or harassment restraining order proceedings.
- Right to terminate lease without penalty or payment to escape a violent situation.
- If a domestic violence victim, obtain at no cost a copy of the incident report the responding law enforcement agency is required to write.
- Sexual assault and some violent crime victims can make a confidential request for HIV testing of the offender if the offender is found delinquent.
- A sexual assault victim has the right to have a confidential sexual assault examination at no cost and receive notice of rights and resources from the medical facility.
- Sexual assault victims may refuse a polygraph examination without impacting whether the investigation or prosecution will proceed.

# GENERAL INFORMATION

## How can I get information about the case?

Call the victim witness coordinator in the county attorney's office where the crime occurred for questions about the process, case status information, and upcoming court dates.

In addition to the crime victim rights listed in this brochure, a victim in a juvenile delinquency case is entitled to receive the following information about the juvenile: the name and age of the juvenile, the act for which the juvenile was petitioned (charged), the date of the offense, and the outcome of the case.

## Will this case go to trial?

Like adult cases, very few juvenile cases go to trial. Most cases are resolved by a plea agreement in which the juvenile pleads guilty to the delinquent act in return for the prosecutor making a specific recommendation to the court for an appropriate disposition given the circumstances of the case.

## What should I do if I receive a subpoena or am called to testify?

A subpoena is a court order to appear in court. Read it very carefully. It will have instructions on whom to call for information about the date, time, and location of the proceeding. However, if you have a scheduling conflict or have any questions, call whoever sent the subpoena. As a witness, you will receive a small fee for your time and mileage.

## Who can attend court proceedings?

In general, the public cannot attend juvenile court proceedings, with some important exceptions:

- Any victims of the delinquent act can attend the court proceedings, however, they can be excluded when psychological testing information about the juvenile is being discussed.
- A person with "a direct interest in the case" can attend the court proceedings at the discretion of the court.
- The public can attend proceedings in cases in which the juvenile is alleged to have committed an offense or has been proven to have committed an offense that is a felony and was at least 16 years old at the time of the offense.
- The victim has a right to have a support person present in the court room when giving testimony.

## What if I suffered loss as a result of the crime?

If the juvenile offender pleads guilty or is found guilty of committing a delinquent act, a judge may order that the juvenile pay restitution to the victim. Restitution is the out-of-pocket losses resulting from the crime, including medical expenses, lost wages, and property loss or damage. The county attorney's office or probation department will provide a form to complete in which you describe your out-of-pocket losses.

In addition, you could be eligible for reparations from the State of Minnesota if you are a victim of a violent crime and have out-of-pocket costs related to such things as medical care, counseling, a funeral, or lost wages. You can file a claim for reparations even though the juvenile's case is still going through the court process. Information about the reparations program can be found online at: [ojp.dps.mn.gov](http://ojp.dps.mn.gov) or call 1-888-622-8799.

## How will I know when the offender gets out of a detention facility?

Victims of crime, including victims of crimes committed by juveniles, have a right to be notified of the release of the offender from a detention or correctional facility. After the disposition, the victim must make a request directly to the facility to be notified. Unlike adult facilities, juvenile detention facilities are not connected with VINE, an automatic victim notification system.

Although most information about a juvenile offender is considered confidential, a juvenile correctional agency may release private or confidential data about the juvenile to victims to the extent necessary for them to assert their right to request notice of release.

## How can I get a copy of the police report?

Victims seeking a copy of the law enforcement investigative report must make a written request to the prosecutor's office. That request can be refused if the prosecutor believes that it will interfere with the investigation or that the request is prompted by a desire on the part of the requester to engage in unlawful activities. Identifying information in the report about juvenile witnesses may be blacked out. In felony cases with offenders at least 16 years old, victims may be able to get a copy of the report at the conclusion of the case.

## JUVENILE COURT TERMS

### DELINQUENT ACT

A delinquent act is an act committed by a juvenile that would be a crime if committed by a person over age 18. The juvenile is “charged” when a petition has been filed alleging that the juvenile committed the delinquent act. When a juvenile is charged with a crime, the legal process is significantly different from the process used for adults.

### DETENTION

A juvenile taken into custody and arrested for a crime may be detained. The arresting officer may release the juvenile to the custody of a parent or guardian, place the juvenile in a shelter, or continue the detention. The law requires that a juvenile be released from detention unless certain circumstances exist. Most juveniles in detention must come before the court within 24 to 48 hours for a detention hearing. Most juvenile offenders are not detained. They are summoned to court by a mailed notice.

### ARRAIGNMENT

At the arraignment hearing, the juvenile will appear in court and be asked to enter a plea of guilty or not guilty to the offense alleged in the petition. Juveniles are entitled to an attorney and may apply for an attorney to be appointed to represent them. Upon a guilty plea, the juvenile’s case goes to disposition, either immediately or in the future. A not guilty plea leads to further proceedings and eventually a trial.

### PRETRIAL HEARING

In some jurisdictions, the judge may order a pretrial hearing to decide issues of law before trial. Citizen witnesses (including victims) are usually not called to testify at these hearings. The juvenile may plead guilty to the delinquent act at this hearing.

### TRIAL

Juvenile trials are held before a judge. A juvenile offender has the same legal protections during trial as an adult charged with a similar crime. The judge or jury will make a determination that the allegation in the petition is “proven” or “not proven.” If a judge finds that the allegation has been proven, the case proceeds to a disposition hearing.

### DISPOSITION

Once the juvenile is adjudicated delinquent (found guilty), a disposition hearing is scheduled. This is similar to the sentencing hearing in adult court. The judge has a broad range of consequences and programming to consider for the juvenile, including, but not limited to: issuing a warning, ordering payment of restitution to the victim and/or fines, community service, probation, electronic monitoring, foster care, out-of-home placement, or detention. The disposition will depend on the offense, the juvenile’s criminal history, or the availability of appropriate services.

### DIVERSION

Offenders with little or no juvenile history may be eligible for a diversion program in which they admit to the crime, but are diverted out of the court process. Instead, they participate in a program with an educational or rehabilitative component. The goal is to create an incentive for the offender to change, ensure restitution to the victims, and hold the offenders accountable to society. Juveniles who do not successfully complete the diversion program will return to juvenile court to answer to the charges.

### EXTENDED JUVENILE JURISDICTION

In some cases involving an offender age 14 to 17 who commits a more serious offense, the case may be prosecuted as an extended juvenile jurisdiction (EJJ) proceeding. EJJ is an alternate way to deal with juveniles who have committed serious crimes and for whom transfer to adult court may not be appropriate. The juvenile offender receives a juvenile court disposition and a stayed adult sentence (meaning it is “on hold”). The court has jurisdiction over the juvenile offender until he or she is 21. If the juvenile violates the terms of the juvenile court disposition or commits a new crime, the judge can impose the adult sentence. In EJJ cases, a juvenile has a right to a jury trial.

### CERTIFIED AS AN ADULT

Juveniles ages 14 to 17 who commit serious crimes may be “certified as an adult.” Once a case is transferred to adult court through certification, the case is outside of the juvenile court’s jurisdiction.

## Resources

### United Way 211

Dial 2-1-1 or 1 800-543-7709 to call the 24-hour free and confidential referral and information helpline.

[www.211.org](http://www.211.org)

### Minnesota Day One 24-Hour Crisis Line

Confidential information and resources for all ages experiencing domestic violence, sexual assault, or human trafficking.

1-866-223-1111 • [dayoneservices.org](http://dayoneservices.org)

### Information on obtaining a protective order

Local courthouse/court administration

### Financial compensation for victims of violent crime

Crime Victims Reparations Board  
651-201-7300 • 1-888-622-8799

### Crime victim rights, resources, and local victim services

[ojp.dps.mn.gov](http://ojp.dps.mn.gov)

### If you are a crime victim or witness and you believe your crime victim rights have been violated, call:

Crime Victim Justice Unit  
651-201-7310 • 1-800-247-0390 ext. 3

## CONTACT US

Office of Justice Programs  
445 Minnesota Street, Suite 2300  
St. Paul, MN 55101-1515

E-mail: [dps.justiceprograms@state.mn.us](mailto:dps.justiceprograms@state.mn.us)

Web site: [ojp.dps.mn.gov](http://ojp.dps.mn.gov)

651-201-7300 Main  
888-622-8799 Toll Free  
651-205-4827 TTY  
651-296-5787 Fax

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# THE JUVENILE COURT PROCESS

## CRIME VICTIM RIGHTS AND INFORMATION



## OFFICE OF JUSTICE PROGRAMS

MINNESOTA DEPARTMENT OF PUBLIC SAFETY

*Crime victim rights in Minnesota apply to victims of crimes committed by both juveniles and adults.*