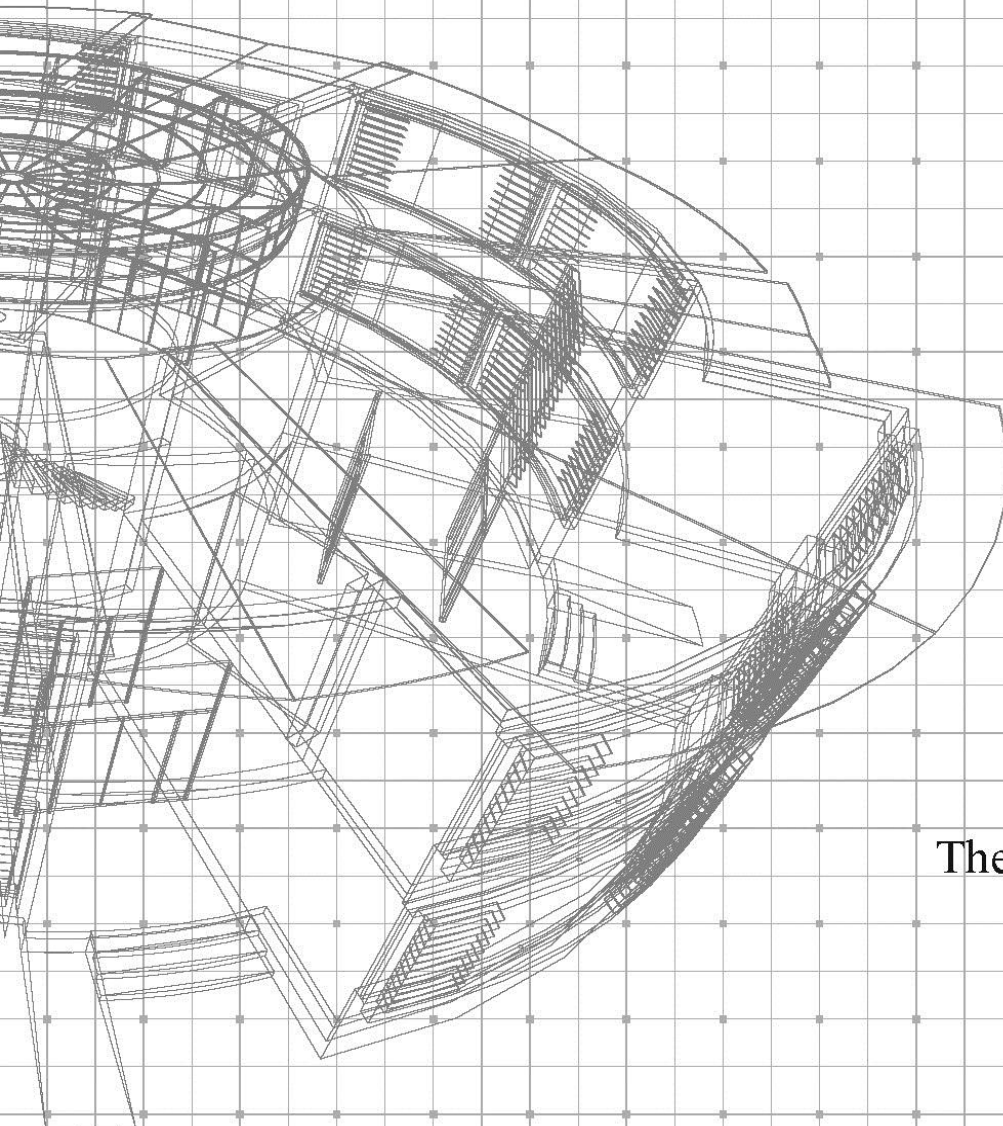


CHAPTER 6

Victim Services

St. Louis County Attorney's Office



The Duluth
blueprint
for **safety**

Victim Services

St. Louis County Attorney's Office: Victim Services Policy

Scope

Victim Services is uniquely situated within the prosecutor's office to promote victim safety and engagement with the legal system. Victim Services will let victims know that the information they share might not be confidential as the prosecutor may have to disclose conversations between the victim and the advocate to the defense. Victim safety is further enhanced when victim services has a collaborative working relationship with community advocates. This relationship will also provide more avenues for victims to give input to the criminal justice process.

Training Memos

The following training memos are a reference tool for victim services staff and are available online from Praxis International's *Blueprint Materials* (http://www.praxisinternational.org/blueprint_materials.aspx):

- *1A Practitioners' Guide to Risk and Danger in Domestic Violence Cases*
- *1C Training Memo - Intervention with Victims of Battering as Suspects or Defendants*
- *6A Training Memo - Victim Impact Statements*
- *6B Training Memo - Responding to Persons with Disabilities*
- *6C Victim Witness Advocacy in Domestic Violence Cases*

Procedures

- A. Charging
- B. Pre-Trial Support and Information
- C. Plea Negotiation
- D. Assistance at Trial
- E. Post-Conviction Assistance

A. Charging

1. During initial contact, build rapport and engage the victim in the legal process. Talk with the

victim about limits of confidentiality by reassuring her or him that their contact information, where they are living, and their wishes related to the prosecution are confidential and will not be disclosed to the defense. Explain that as a representative of the county attorney's office other communication must be disclosed to the prosecutor, and potentially, to the defense. If the victim is reluctant to talk with victim witness, encourage her or him to explore with a confidential advocate the implications of talking with the prosecutor's office.

2. Inform the victim of the prosecutor's decision to charge or decline a case verbally or through letter as in accordance with Minn. Stat. § 611A.0315.
 - a) If the victim desires, set up a meeting with the prosecutor to ensure that the victim's concerns are thoroughly considered and that she or he understands the basis for the prosecutor's decision.
 - b) Problem-solve with the victim regarding any safety concerns related to the charging decision and ensure that the victim is referred to a community advocate.
3. Attend quarterly interagency meetings with the prosecutors, system advocates, and law enforcement to review cases and discuss how differences might be resolved from a victim safety-centered position. Only closed cases would be reviewed.

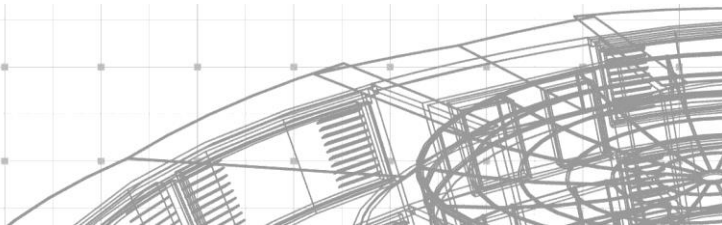
B. Pretrial Support and Information

1. Attempt to establish relationships with victims by contacting them as soon as possible after charging to ensure that victim's wishes and safety needs are central to case management.
 - a) Diligently make efforts to contact the victim:
 - Use numbers provided in the police report.
 - Contact local advocacy programs (Safe Haven, AICHO, DAIP, PAVSA, CHUM) to see if they have permission to share whether they have talked with the victim.
 - Send a letter to the victim's last known address with information about charges, how to find out about the defendant's next appearance date, the rights of crime victims, how to reach victim services and how victim services can assist them.
 - b) Send out a form notifying victims that the case has been declined or charged. Include crime victim rights, and restitution forms.
2. Communicate with the victim in their first language and in ways that address limited English proficiency and literacy. (If a victim's language is known to be other than English, send forms in their first language).
3. Offer referrals to community resources such as community advocacy so victims can access emergency funds, housing, and job searching which may improve the support and likelihood a victim has to participate in the criminal justice process.

4. Emphasize that it is the state's decision to carry the case forward and that it is not the victim's decision nor responsibility.
5. Answer victim's question concerning the criminal justice system:
 - a) Bail, conditional release, and Domestic Abuse No Contact Order (DANCO).
 - b) The charges and what they mean.
 - c) The criminal process and the role of the various players including representatives of the defense.
 - d) Ask the victim about safety concerns regarding the defendant.
6. In cases where the victim does not want a DANCO, explore her/his concerns about the impact of the order.
 - a) Explore whether the victim's safety would be enhanced if contact with the defendant is permitted.
 - b) Explore whether the victim is being intimidated or threatened by the defendant or others; if so cover options with the victim to report to prosecutor and law enforcement.
 - c) Talk to the victim about specific safety concerns. See *1A Training Memo: Practitioners' Guide to Risk and Danger in Domestic Violence Cases*.
 - d) Communicate the victim's wishes and concerns as well as information regarding risk and danger to the prosecutor.
 - e) Be available to address victim concerns and answer questions throughout the pre-trial phase through phone, email, and in person contact.
7. Provide required victim notification pursuant to state law and assist victims in exercising their rights under the law through brochures sent in charging letter.
 - a) Notify verbally and send copies of pertinent documents, including;
 - o Notice of victim's rights and options through Victim Services.
 - o Financial assistance available to crime victims in the form of restitution and reparations.
 - o How to access Minnesota CHOICE for victim information about changes in the defendant's custody status. www.minnesotachoice.com and DOC website www.doc.state.mn.us

C. Plea Negotiation

1. Relay Prosecutor's proposition for the plea negotiation to the victim. Seek input from the victim on case resolution and explore its impact on her/his life.
 - a) Ask for victim input on proposed negotiations regarding:
 - o Incarceration



- Batterers' Group and Sentencing Circle options
 - Evaluation, treatment, and level and frequency of monitoring drug and alcohol abuse
 - Mental health evaluation, treatment, or requirement that the defendant be compliant with medications or other treatment
 - Offender contact with the victim and/or children
- b) Forward this information to the prosecutor.
 - c) If the victim disagrees with a proposed plea, ensure that the victim's arguments are relayed to the prosecutor. Communicate the prosecutor's reasoning for the negotiation to the victim.
 - d) If the victim wishes to state their opposition on the record, encourage them to appear for sentencing and/or submit a written Victim Impact Statement.
2. Assist the victim with reparations requests.
 - a) Make necessary forms and procedural information available, and help complete forms and gather information to substantiate the victim's financial losses.
 3. If the victim chooses to prepare a victim impact statement, assist and ensure that the statement is presented to the court in accordance with the victim's wishes and distributed to the judge, probation, and attorneys. See *6A Training Memo - Victim Impact Statements*.

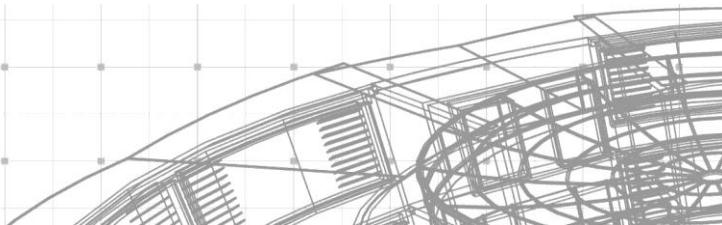
D. Assistance at Trial

1. Prepare and support the victim and witnesses to testify at trial.
 - a) Attempt to locate victims and other witnesses through available records that may include:
 - Contact shelters or advocacy programs and leave messages requesting that the victim call Victim Services.
 - Check the location of the family through school records; colleges, vice principals, and or central administration.
 - Victim's employment.
 - Asking witnesses if they know how to find the victim.
 - Requesting assistance from law enforcement investigators.
2. Communicate with witnesses regarding subpoenas and the trial schedule.
3. Arrange if needed, transportation, lodging, interpreter services or other logistical support for victims and witnesses.
 - a) Intercede with employers to secure witness availability to attend court hearings. Verification of court appearances can be produced to avoid threats and pressure of employment termination.

- b) Arrange for the payment of witness fees, child care expenses, and lost wages as allowed by state statute and office resources.
 - c) Arrange for safe waiting space as requested by the victim or witnesses.
 - d) Arrange safe escorts to, from, and inside the courthouse.
4. Orient victims and other witnesses to the court proceedings
- a) Give particular attention to the needs of child witnesses by:
 - o Collaborating with First Witness Child Advocacy Center
 - o Meeting with them in a child-friendly setting
 - o Talking with them about what to expect
 - o Taking them on a tour of the courtroom
 - o Taking other steps necessary to minimize their discomfort
 - b) Support the needs of adult victims with disabilities. See *6B Training Memo - Responding to Persons with Disabilities*.
 - o Collaborate with local agencies that serve people with disabilities for advocacy, transportation, and can provide additional access accommodations for all abilities.
5. Accompany victims and other witnesses to the courtroom and remain to provide support.
6. Wait with or maintain contact with the victim while the jury deliberates and prepare to assist and support the victim following the verdict.
- a) Communicate the case outcome, answer questions, and explain options.
 - b) Be particularly attentive to victim safety with the verdict particularly in the case on an acquittal.
 - o Notify court security for safe escorts out of the courthouse
 - o Alert court security if there are threats, harassment, & intimidation occurring
 - o Request additional court security officers to maintain safety

E. Post-Conviction Assistance

1. Enhance safety by providing post-conviction information and support.
- a) Facilitate victim connection to probation following a guilty plea or verdict
 - o Provide the PSI writer with updated contact information for the victim, unless the victim has requested otherwise (located in prosecution file).
 - o Upon request of the victim, assist the victim in making a connection (phone & email) to the PSI writer.
 - b) Contact victim prior to sentencing to discuss the sentencing hearing. Determine whether



- the victim has talked to the PSI writer or plans to attend the sentencing hearing.
- c) Attend the sentencing hearing
 - Provide support if the victim is present
 - Ensure that the victim impact statement is presented to the court in accordance with their wishes.
 2. Send a letter informing the victim of the sentence. If appropriate, call the victim.
 3. Reduce the financial impact of the violence by assisting with and reparations.
 4. Make sure the victim has contact information for probation to report violations.
 - a) Encourage and support victim in reporting to L.E. and/or to notify probation and the prosecutor to address violations promptly.
 5. When the sentence involves jail or prison time, inform the victim how to request notification of inmate release through CHOICE. If a victim requests, help prepare for release by referring them to community advocates, restraining order options, providing referrals for safe relocation, and other safety measures.
 6. Notify the victim of any post-conviction motions filed by the defense for appeal or expungement of the record. Talk with the victim about the process and assist them in communicating concerns to the court.

2013 Minnesota Statutes

611A.0315 VICTIM NOTIFICATION; DOMESTIC ASSAULT; CRIMINAL SEXUAL CONDUCT; STALKING

Subdivision 1. Notice of decision not to prosecute

- a) A prosecutor shall make every reasonable effort to notify a victim of domestic assault, a criminal sexual conduct offense, or stalking that the prosecutor has decided to decline prosecution of the case or to dismiss the criminal charges filed against the defendant. Efforts to notify the victim should include, in order of priority: (1) contacting the victim or a person designated by the victim by telephone; and (2) contacting the victim by mail. If a suspect is still in custody, the notification attempt shall be made before the suspect is released from custody.
- b) Whenever a prosecutor dismisses criminal charges against a person accused of domestic assault, a criminal sexual conduct offense, or stalking, a record shall be made of the specific reasons for the dismissal. If the dismissal is due to the unavailability of the witness, the prosecutor shall indicate the specific reason that the witness is unavailable.
- c) Whenever a prosecutor notifies a victim of domestic assault, criminal sexual conduct, or stalking under this section, the prosecutor shall also inform the victim of the method and benefits of seeking an order for protection under section 518B.01 or a restraining order under section 609.748 and that the victim may seek an order without paying a fee.

Subd. 2. Definitions

For the purposes of this section, the following terms have the meanings given them.

- a) “Assault” has the meaning given it in section 609.02, subdivision 10.
- b) “Domestic assault” means an assault committed by the actor against a family or household member.
- c) “Family or household member” has the meaning given it in section 518B.01, subdivision 2.
- d) “Stalking” means a violation of section 609.749.
- e) “Criminal sexual conduct offense” means a violation of sections 609.342 to 609.3453.