

VICTIMS SERVICES HANDBOOK

SERVICES FOR VICTIMS

**Willmar Police Department
Crime Prevention Officer
(320) 235-2244**

**Kandiyohi County Sheriff
Crime Prevention Officer
(320) 235-1260**

**Kandiyohi County Attorney
Victim/Witness Specialist
(320) 231-2440**

**Kandiyohi County Community Corrections
Victim Programming
(Victim/Offender Mediation, Property Crime Impact Panel,
Victim Support Group)
(320) 231-6222**

**Crime Stoppers
(320) 235-3640**

**Crisis (24 Hours)
(320) 235-4613**

**Shelter House
(320) 235-0962
1-800-792-4210**

**Kandi/Swift Sexual Assault Services
(320) 235-8001
1-888-235-8001**

**Minnesota Crime Victims Reparations Board
(651) 282-6256
1-800-247-0390**

**Minnesota's Office of
Crime Victims Ombudsman**

GLOSSARY

Acquittal:

A legal judgment, based on the decision of a judge or jury that the defendant's guilt was not proven beyond a reasonable doubt.

Arraignment:

A hearing where the defendant is brought before the court to determine if the defendant wishes to enter a plea of "guilty" to the charge. If a guilty plea is entered, pre-sentencing and sentencing procedures shall follow.

Confidential Information:

In terms of data privacy rights, such information is available only to the government.

Disposition:

The final judicial decision which ends a juvenile delinquency case.

First Appearance:

A hearing at which the defendant is advised of the nature of the charge, advised of his or her rights, bail or release conditions are set, and a public defender may be appointed.

Omnibus Hearing:

A hearing at which attorneys may bring evidentiary or other pre-trial issues to the judge for a decision.

Plea:

Defendant's formal answer in court to the charge that he or she committed the crime.

Plea agreement:

An agreement between the State and the defendant by which the defendant agrees to plead guilty under certain terms and conditions. Plea agreements are a means at

arriving at a reasonable disposition without the necessity of a trial. The victim has the right to be informed of the plea agreements and to voice any objections at the sentencing hearing. All plea agreements must be approved by the judge.

Pre-sentence Investigation (PSI):

A report written by an agent of the court, usually after a plea or conviction. The investigation provides the judge with information about the defendant and the crime's impact on the victim. The PSI report includes recommendations for sentencing and, when appropriate, court supervision of the defendant during probation. In juvenile cases, this report is called a pre-dispositional investigation.

Pre-trial hearing:

A hearing at which a plea agreement is often discussed and offered, and the defendant may plead guilty and proceed to sentencing, or a trial date will be set.

Private information:

In terms of data privacy rights, such information is available only to the government and the "subject" of the information – "subject" meaning the minor and the minor's parent(s) or guardian(s).

Public information:

In terms of data privacy rights, such information is available to anyone who requests it.

Reparations:

Payments to victims of violent crime to help with some financial losses.

Restitution:

Payments ordered by the judge to repay victims for economic losses incurred as the result of the crime. The victim/witness specialist in the County Attorney's Office will contact the victim regarding restitution.

Sentencing:

The final judicial decision which ends an adult criminal proceedings by judgement of acquittal, dismissal, or sentencing of a convicted defendant.

Subpoenas:

A court order requiring a person to appear in court and give testimony.

Trial:

A court proceeding at which the defense and prosecuting attorneys present their case through witnesses and exhibits; a judge or jury will review the evidence and decide if the prosecuting attorney has proven the case “beyond a reasonable doubt.” The verdict will be guilty or not guilty based on a unanimous decision.

Victim Impact Statement(VIS):

A statement given by the victim which details how the crime has affected the life of the victim and what sentence the victim feels would be appropriate.

COPING WITH VICTIMIZATION

One day you are not a victim and the next day you are a victim. No one can plan for such disruption in one’s life. People who have not personally experienced victimization can never fully understand the pain and consequences of being a victim. Often victims are left with a confusing array of feelings.

COMMON VICTIM REACTIONS

> *Whatever you are feeling — your feelings are normal.*

?? Victims and their friends and family may feel overwhelmed by their reactions to crime. Shock, numbness, denial, disbelief, fear, anger, distrust, frustration, and loneliness are some of the realities victims must face.

> *You may be filled with disbelief about the incident.*

?? The shock and loss of control over life and personal safety may leave

victims very confused.

> Anger is a common reaction.

?? Victims often feel angry with the defendant, the disruption in their life, the criminal justice system, and even anger towards those closest to them. Try to direct anger where it belongs — at the offender. Talking can be a useful method to resolve these feelings.

> Grief, sorrow, and depression frequently follow loss or injury, especially of property that is valued.

?? Grief and sorrow can last for a lengthy period of time — be patient and know that what victims are feeling is okay.

> Guilt is normal.

?? Victims often second-guess themselves saying, “I should have ...”, No one chooses to become a victim, but many victims feel responsible for what happened. Victims are not to blame for the crime. The criminal is at fault.

> Fear is hard to evade.

?? Crime is sudden and sometimes life threatening. Once victims have experienced crime first hand, it may be difficult for them to feel safe. Victims may face fears of staying at home, leaving home, or trusting anyone. With the passing of time, these fears will subside.

> Your feeling may become heightened at various times.

?? Certain events may cause varying emotions to return to the victim. Observing someone who looks like the criminal, hearing sounds that remind the victim of the crime, arrest or trial of the offender, or an anniversary date that has special significance may cause a flood of emotion.

CRIME PREVENTION

PROTECT YOURSELF AND YOUR FAMILY AGAINST CRIME.

This information will help you protect yourself and your family against crime. Your justice system professionals are working diligently to eliminate crime. Your help is needed. To assist them, each citizen should review the steps which he or she can take

to prevent crime and to bring offenders to justice. Included you will find some practical hints that will help you to safeguard your family, yourself, and your property.

1.) *How to Protect Yourself and Your Family.*

- ?? Teach children never to accept rides or treats from strangers. If suspicious adults are seen near children, call the police.
- ?? Some children take things from the stores because "it's what all the kids are doing." Let your children know that apprehension for shoplifting may lead to detention and Juvenile Court action, which may result in probation or transfer of legal custody.
- ?? If you receive an obscene telephone call, hang up immediately. Don't try to recognize the caller or react with fear and anger. If calls persist, contact the telephone company,
- ?? Give baby-sitters a telephone number where they can reach you. Instruct your sitter never to admit anyone to your home, and have the sitter tell those who call by phone to leave their name and number so that you can return the call "shortly."
- ?? If you live alone, get an unlisted telephone number, or change your listing to initials only. Women living alone should use only their initials on mailboxes or doors.
- ?? Install bright lights around your home and driveway. Light is the best deterrent to burglars. Keep a telephone in your bedroom, with emergency numbers close at hand.
- ?? If your car breaks down, raise the hood and then return to the car and remain there with the doors locked until help comes.
- ?? To some teenagers, car theft is a "lark." Theft of autos or theft from autos may, in addition to the penalties imposed on juvenile offenders, result in a certification to be tried as an adult, which would make the juvenile subject to imprisonment or a fine or both.

- ?? Never resist an armed robber. Observe height, weight, skin color, etc. Police need these details.

2.) How to Protect Your Home

- ?? Keep a written inventory of your household belongings. This list should include serial numbers of radios, TVs, VCRs, etc. The list will help you to reclaim stolen articles later recovered by police. In addition, it is wise to join "Operation Identification" wherein your local police department will assign you a code number to engrave on your valuables.
- ?? Install single cylinder dead bolt locks with high security strike plates in your home.
- ?? Credit card thefts are rising. Make a list of the numbers of your cards. If cards are lost or stolen, report the loss by telephone to the issuer immediately. Follow up with a notice in writing. This can absolve you of liability for illegal purchases made in your name. Old cards should be cut into pieces before you discard them.
- ?? At vacation time, leave a house key with your neighbor. Also, notify police of your travel plans and give them a number where they can reach you in an emergency. Stop mail and newspaper deliveries and be sure that someone cuts your grass while you are gone. A timing device that turns on lights at night is a wise investment.
- ?? Keep jewelry, stock certificates, and other valuables in a bank box.
- ?? Observant neighbors account for a very substantial percentage of the arrests of burglars in the act of robbing homes. This points out the importance of asking a neighbor to keep an eye on your house while you are away.
- ?? Don't deal with fix-up people who "just happen to be passing through your neighborhood," unless you thoroughly check out references and other work they have performed. Work they do on your home or car may prove to be inferior and over-priced and you may never recover the loss if they do not have a nearby address.
- ?? A radio playing softly in an apartment or a house (when you are away) is

an effective deterrent to intruders. Other aids: strong locks and noisy watch dogs.

VICTIM'S RIGHTS

Being a crime victim or witness can be a difficult and traumatic experience. Victims and witnesses play a vital role in the criminal justice system and without their cooperation, it is impossible to hold criminals accountable.

In Minnesota, crime victims and witnesses have certain rights that are mandated by the state legislature. They can be found in the Minnesota Book of Statutes Chapter 611A.

Right to be Notified of:

- ?? Victim's rights.
- ?? Content of plea bargain agreements.
- ?? Changes in the schedule of court proceedings, including the date, time and place of sentencing.
- ?? Final disposition of a case.
- ?? With certain offenses, transfer of the offender to a less secure correctional facility.
- ?? With certain offenses, release of the offender from prison or custodial institution.
- ?? With certain offenses, escape and apprehension of the offender from prison or the institution.

Right to Apply for Financial Assistance

- ?? Victims may be eligible for financial assistance from the state if they have suffered an economic loss as a result of a violent crime.
- ?? Victims can request the court to order the defendant to pay restitution.

Right to Participate in the Prosecution

- ?? Right to inform the court of the impact of the crime at the sentencing hearing.
- ?? Right to have input in a pre-trial diversion program decision.
- ?? Right to request a speedy trial.
- ?? Right to bring a supportive person to the pre-trial hearing.
- ?? Right to object to a proposed disposition or sentence.
- ?? Right to object to a plea agreement.
- ?? Right to attend the sentencing hearing.

Right to Protection From Harm

- ?? Tampering with a witness is a crime in Minnesota.
- ?? Victims and witnesses do not have to give their addresses in open court.
- ?? Victims have the right to a secure waiting area during court.
- ?? Employer may not discipline or dismiss victims or witnesses who are called to testify in court.

VICTIM RESTITUTION/REPARATIONS

RESTITUTION

Definition — Restitution is money that the judge orders the offender to pay to reimburse the victim for expenses incurred as a result of a criminal act. Restitution may be ordered in both juvenile and adult cases, after the offender has been convicted or found delinquent. Restitution may be ordered in addition to imprisonment and/or a fine. The amount of restitution must be based on the amount of economic loss sustained by the victim as a result of the crime, and the offender's income, resources, and obligations.

1. Procedure for Getting Restitution Ordered.

The request for restitution is usually made in writing prior to sentencing. In Kandiyohi County, the County Attorney Office's Victim/Witness specialist will have the victim complete a form listing the losses incurred as a result of the crime. The victim is also allowed to provide oral testimony at the hearing, and it is up to the judge to determine whether the evidence is competent. The court does not have to order restitution, especially if the necessary information is not provided by the victim. The court may hold a hearing on restitution due to objections by the offender or the victim. In such a case, the court must notify the victim at least five (5) days before the hearing.

1. Amount of Restitution

Victims of crime have the right to request restitution for all expenses which resulted from the crime. This may include, but is not limited to, medical bills, counseling expenses, transportation, lost wages due to injury, and stolen or damaged property. The losses must be directly related to the crime. It can also be ordered for anticipated expenses and other uncompensated losses. Some judges will order restitution only for expenses not covered by insurance.

2. Who *Can Receive Restitution*?

The offender may be ordered to pay restitution to victims other than natural persons; e.g. a church, corporation, or business if they sustained a loss resulting from crime.

3. What if the Offender Has Not Paid the Restitution?

The probation officer is responsible for monitoring the offender's restitution payments. Victims have the right to ask the probation officer to schedule a probation review hearing. If the offender was sent to prison and is earning wages, part of the wages can be used to pay restitution. If restitution is ordered as part of a probationary sentence and probation is later revoked for a violation, the restitution obligation still continues. If the offender still has not paid restitution ordered, a victim can try to collect through a civil judgment in civil court. Getting a

civil judgment does not automatically result in collection of the money from the offender. It means that offenders can no longer use bankruptcy proceedings to get out of their restitution obligations.

DIFFERENCES BETWEEN RESTITUTION AND REPARATIONS

- ?? **Restitution** is financial assistance obtained from the offender.
- ?? **Restitution** is only available if the offender is convicted of a crime and the judge orders it.
- ?? **Restitution** can be ordered for all expenses related to the crime, including property losses.
- ?? **Reparations** is financial assistance from the government.
- ?? **Reparations** are available for any victim of a violent crime regardless of whether or not the case is charged or the offender is found guilty.
- ?? **Reparations** are only available for victims of violent crime, and do not pay for property losses.

REPARATIONS

The Minnesota Crime Victims Reparations Board helps victims of violent crime with some of their financial losses. The following is a list of some of the board's eligibility requirements:

- 1.) The board does not pay for losses due to theft or for stolen or damaged property. Your claim must be for some other type of offense.
- 2.) The crime must have occurred in Minnesota.
- 3.) This crime must have been reported to the police within 30 days of its occurrence, or is a sexual assault or child abuse case.
- 4.) Your claim must be filed within two years of the incident or within two years of the report to the police in child abuse cases.
- 5.) The claimant must be a victim, a relative or guardian of a victim, an individual paying for services for the victim, or a representative of a deceased victim's estate.

- 6.) The victim must have suffered physical or emotional injury, or death, as the result of a crime, a reasonable attempt to prevent a crime, or an effort to apprehend an individual suspected of committing a crime.
- 7.) The claimant and victim must fully cooperated with law enforcement officials during their investigation and prosecution (where prosecution occurred).
- 8.) Actual out-of-pocket losses (medical expenses, wage loss etc.) must total \$50 or more after insurance.
- 9.) The victim did not commit a crime in connection with this incident.
- 10.) The victim did not contribute to the incident through any misconduct.

If you believe you are eligible to file a claim, call the Minnesota Crime Victims Reparations Board at 1-612-282-6256, 1-800-247-0390, or TDD 1-612-282-6555.

VICTIM IMPACT STATEMENTS

What are Victim Impact Statements?

- ?? Victim impact statements comprise one of the core rights afforded to victims in our state. A victim impact statement is that statement by a victim which describes the physical, emotional, and financial effects of the offense on the victim and his or her family. Victim impact statements (VIS) provided to the court are considered the most effective measure to ensure that “the voice of the victim” is heard in court proceedings.

Why are Victim Impact Statements Important?

- ?? Victims often have important information to offer courts about not only how the offense affected them, but also suggestions that can hold the offender accountable for his/her actions to them, as well as to their community, along with measures that can contribute to the offender’s competency, development, and personal responsibility. A considerable amount of research has determined that VISs are consistently ranked as an important victims’ right by both victims of juvenile and adult offenders, and the American public. In addition, two factors have been identified that can reduce victim stress resulting from both their

victimization and dealing with the justice system: (1) information; and (2) being taken seriously and being believed — both of which are provided through the use of victim impact statements.