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P.O. Box 739  
Hinckley, MN 55037

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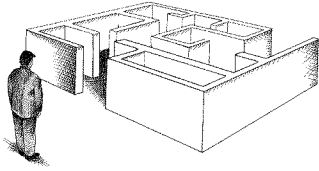
**1-800-644-0003**



# Crime Victim Manual

A Handbook to assist  
victims of crime navigate  
the criminal justice  
system in Pine County





Fortunately, many people have never been a victim of crime. So when crime does occur, victims usually don't know what they should do. This brochure will

answer many of your questions, but the criminal justice system can be confusing to navigate and you may need more help. Each of the Pine County offices referenced will gladly answer any questions. Additionally, WINDOW Victim Services provides advocacy to victims of crime and can help you understand your rights, assist in completing forms, and offer general support throughout the process.

To help you keep important data regarding your case close at hand, fill out the following information, as it pertains to your case.

Date of crime: _____
Place of crime: _____
Arresting Officer: _____
ICR# _____
Court case #: _____
Prosecuting Attorney _____
Offender name: _____
Charges filed: _____
Date of arraignment: _____
Probation Officer: _____

This manual is written to provide guidance through the criminal justice system for victims of crime in Pine County.



Produced by

Pine County Probation  
635 Northridge Dr NW  
Pine County Court house  
Pine City, MN 55063

In cooperation with

WINDOW Victim Services  
P.O. Box 739  
Hinckley, MN 55037

\* Contact information for all services and resources referred to in this manual are listed inside the back cover.

## RESOURCES

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### **Pine County Courthouse Offices**

635 Northridge Dr NW, Pine City, MN 55063

County Probation (Court Services)

320-629-5692

Fax (320) 629-5683

County Attorney

320-629-5620 ext. 5620

Court Administration

320-629-5634

Crime Victim Services

320-629-5711

Health & Human Services

320-629-5725

*All county offices can be reached toll free at 1-800-450-7463.*

### **State Probation (Dept of Corrections)**

320-629-6418

### **Crime Victims Reparations Board**

445 Minnesota Street, Suite 2300

St. Paul, MN 55101-1515

651-201-7300, or 1-888-622-8799

### **Pine County Sheriff's Department**

Dispatch 320-629-3930

Civil Process 320-629-8383

### **Mental Health Crisis Line**

1-800-523-3333 (24 hour)

### **WINDOW Victim Services**

320-384-7113, or 1-800-644-0003

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### **NOTES:**

## VICTIM RIGHTS & THE CRIMINAL JUSTICE SYSTEM

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Criminal justice refers to the system used by government to maintain social control, enforce laws, and administer justice. Law enforcement (sheriff), courts, probation, and corrections are the primary agencies charged with these responsibilities. The pursuit of criminal justice, like "justice", "fairness" or "process", is essentially the pursuit of an ideal.



Pine County takes this idea one step further and incorporates restorative justice into its philosophy to build and maintain community capacity. The main feature of restorative justice is a focus on victims. Pine County strives to provide justice for victims of crime and observes a variety of practices to demonstrate that belief. In Pine County you have a right to be heard. This is accomplished in the following ways.



Victim participation in court processes through notification of time and place of hearings



Opportunity to offer an opinion on offender sentencing sanctions



Restitution



Submission of a Victim Impact Statement

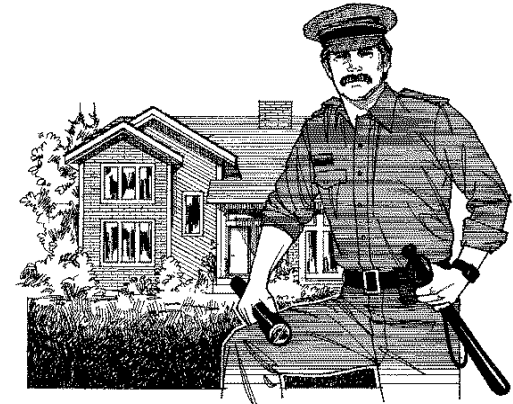


Inclusion in the Pre-sentencing Investigation process if ordered by the court

## RETURN OF PROPERTY

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Law enforcement personnel may require personal belongings and other possessions, including recovered stolen property, as evidence in a criminal investigation. They must be retained until they are no longer needed for prosecution purposes. Contact WINDOW Victim Services, the County Attorney's office, or the law enforcement officer who is investigating the case regarding the return of property.



## VICTIM SATISFACTION SURVEY

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At some point during the first year after the offense has been charges, the victim will receive a Victim Satisfaction Survey from County Probation (Court Services). This survey provides an important opportunity for victims to report their overall experience with the Pine County criminal justice system.

The information provided is used by the Probation Advisory Committee and the County Probation (Court Services) department as a way to evaluate current services to victims, as well as how to develop improvements for victims services. Because this is your chance to speak out, it is very important that victims fill out and return the survey.

## VICTIM IMPACT STATEMENT

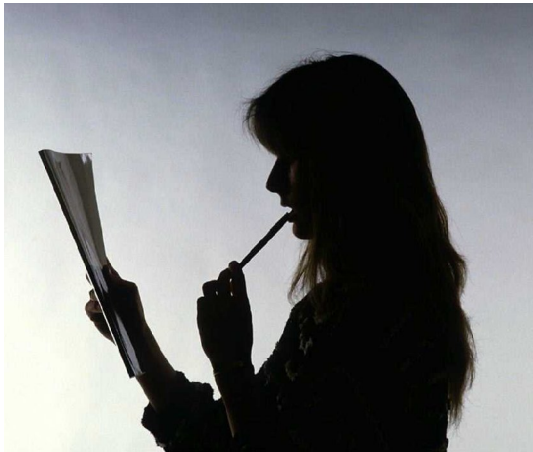
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A Victim Impact Statement gives the victim an opportunity to describe how they have been affected by the crime, what damage has occurred, and losses incurred. The victim can choose to present it to the judge:

- in written form, or
- orally during proceedings by victim, Prosecuting Attorney, or Victim Services Advocate, as victim chooses

A Victim Impact Statement should include:

- Brief statement of the harm or injury suffered as a result of the crime
- Summary of monetary loss or damage, with request for out-of-pocket expenses
- What sentence the offender should receive
- Victim's reaction or objections to proposed sentence
- Overall effect of crime on victim & family



## ADULT CRIMINAL JUSTICE PROCESS

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### The Arrest and Charging Stage

When a law enforcement agency learns of potential criminal activity, either through a citizen complaint or through a direct encounter, and determines that an offense has occurred, there are a few options for how to proceed. There are two fundamental decisions to make:

- whether or not to arrest the offender, and
- what form of charging to use

### The Prosecution Stage

**First appearance.** The person is told of the nature of the charges, advised of certain rights, given an opportunity to request a public defender (if he or she cannot afford an attorney), and, if the person is in custody, bail is decided and set.

**Discovery.** Disclosure of evidence between prosecution and defense.

**Omnibus hearing.** Multiple motions, frequently relating to evidentiary issues, can be brought and heard. Occasionally there may be other or additional hearings between the omnibus hearing and plea hearing or a trial.

**Plea hearing.** Defendant declares guilty or not guilty.

**Trial.** If the defendant does not plead guilty, the case proceeds to trial. If the defendant pleads guilty or is found guilty at trial, he or she is sentenced.

## FREQUENTLY ASKED QUESTIONS

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### **Q. I want to attend the offender's court hearings. How do I know when they are?**

A. When charges have been filed, the prosecutor or county attorney's office sends out letters of notification. Included in this letter are the Affidavit for Restitution, the Victim Impact Statement form, and a copy of Victims Rights. You may indicate your desire to be notified of hearing on the Victim Impact Statement, or you may inform the county attorney's office. Court hearings may be rescheduled, so it may be in your best interest to call the Court Administration office for confirmation the day before a scheduled hearing.



Several flow charts follow that will explain the criminal justice process that pertains to you. When you have been informed of the type of case that the offender will be processed through, you can follow along to get a better understanding of the stages the case is going through so you know what to expect.

### **Q. What is the difference between the adult and the juvenile proceedings?**

A. Included in the flow charts are those for both types of cases. Following the charts are glossaries of court terms that will assist you to understand what each step means.

## CRIME VICTIM REPARATIONS

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After the amount of the award is determined, an award notice and explanation of benefits is sent to the victim and his or her providers. After the award notice is mailed, a check is sent to the victim or his/her provider by the Department of Finance.

### **Board Review**

If there is a question about the applicant's eligibility under the Boards statutes and rules, the claim is forwarded to the Board for review. The Board votes on the eligibility and benefit levels of questionable claims.

### **Appeals Process**

Applicants who are dissatisfied with the Board's actions on their claim may submit an appeal letter. Applicants who are still dissatisfied with the Board's decision can proceed to an administrative hearing conducted by an impartial administrative law judge.

### **Program Coverage**

\*Please note: maximum benefit amounts change annually depending on available funding. For up-to-date information about benefits go online to [www.ojp.state.mn.us](http://www.ojp.state.mn.us) or contact WINDOW for assistance and information.

### **Allowable expenses include:**

- Medical and dental costs.
- Mental health care for the victim, immediate family members of the victim or witnesses to a violent crime.
- Expenses related to the return of an abducted child.
- Funeral and burial costs including transportation and lodging for family members to attend the funeral.
- Lost wages for the victim due to a disabling physical or psychological injury from the crime.
- Loss of support benefits for dependents of a deceased victim.
- Childcare or professional household services to replace services provided by the victim prior to the crime.

## CRIME VICTIM REPARATIONS

The Reparations Board provides benefits for expenses incurred by the victim as a result of the crime. The Board only pays expenses that are not covered by another source of funding, such as health or auto insurance. Property Losses are not covered.

### Procedures

The application process begins when a claim form is received from the victim. A request is then sent to the investigating law enforcement agency for information verifying the crime. Claims specialists review the application and law enforcement reports to make an initial decision on the claim. This includes determining whether the claim meets the board's eligibility requirements.

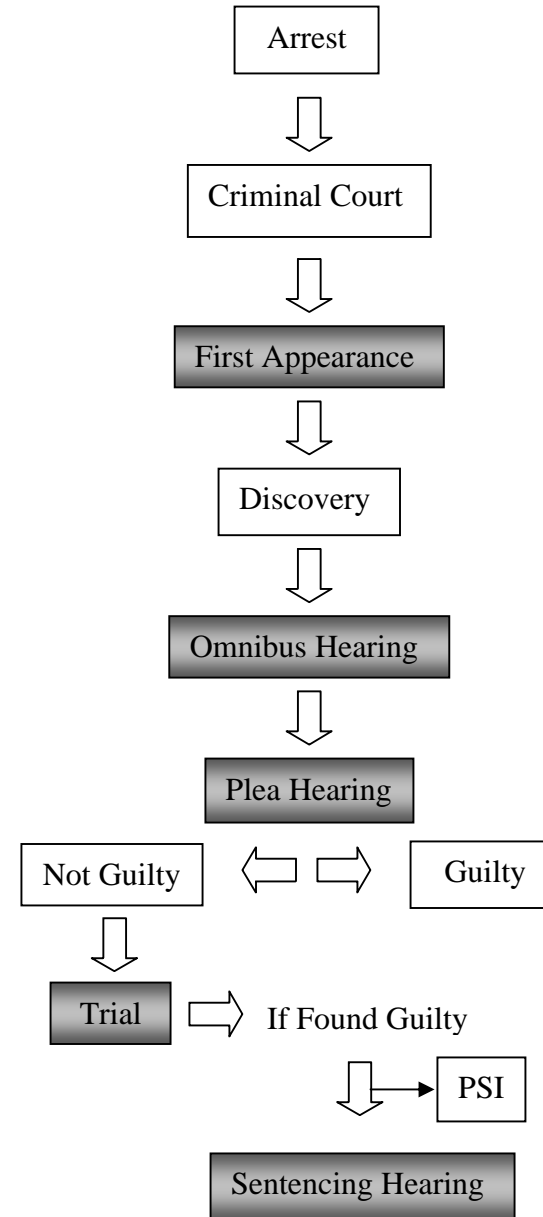
### Eligibility Requirements

- The applicant must have been a victim of a crime involving injury or death in Minnesota or a Minnesota resident victimized while traveling in another country.
- Claims must be submitted to the Board within 3 years of the crime (except for child abuse).
- The crime must have been reported to the police within 30 days (except for sexual assault and child abuse).
- The victim must have cooperated fully with law enforcement officials.
- Victims who contributed to the crime through serious misconduct or criminal activity are disqualified, or may receive a substantially reduced award.

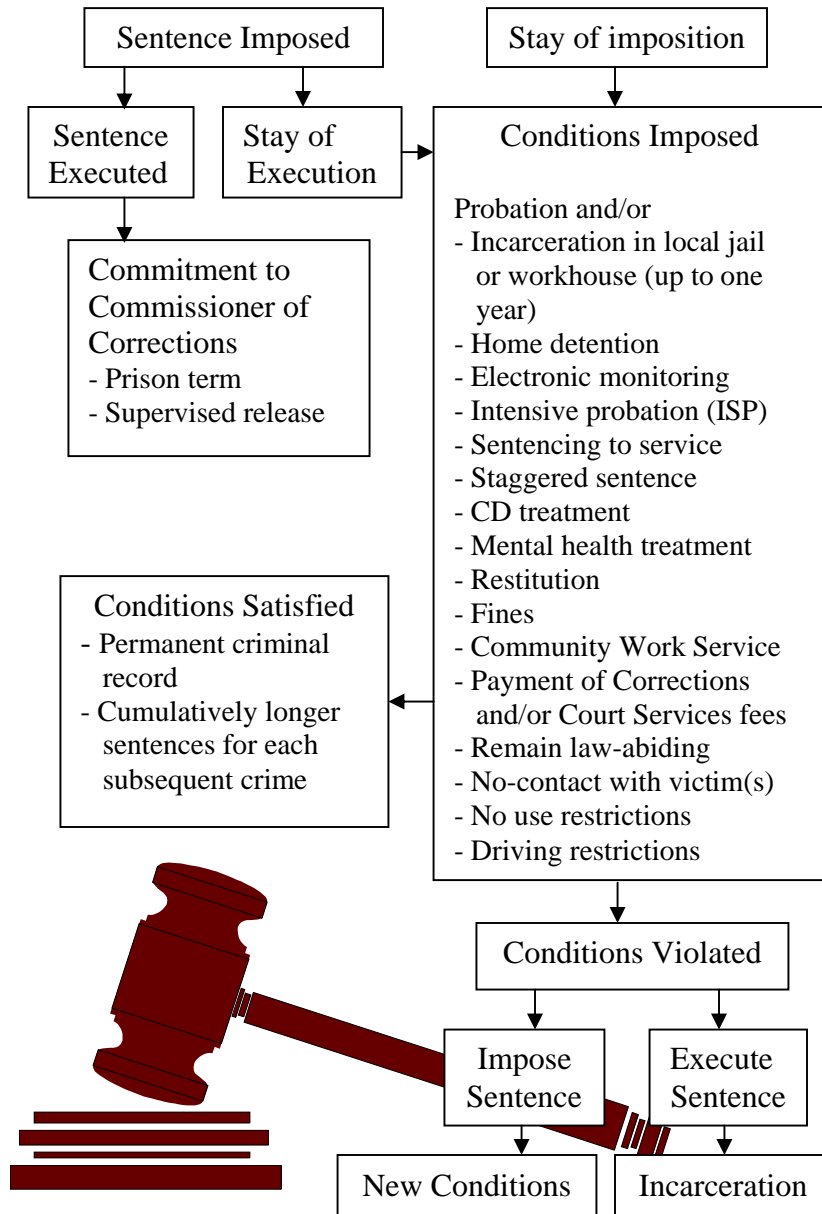
### Award Process

If the applicant clearly meets all of the eligibility requirements, the staff immediately begins to collect billing information and other documentation from service providers to determine the amount of the victim's losses. Staff members work to ensure that all applications are processed in a timely manner, and that applicants receive all of the benefits due to them.

## ADULT COURT PROCESS



## THE SENTENCING STAGE



## COURT-ORDERED RESTITUTION COLLECTION

- The offender's probation officer is usually responsible for creating a payment schedule and monitoring restitution.
- Victims can notify the offender's probation officer if payments are not being received., and request a Restitution Review Hearing. *A court-imposed sentence does not guarantee payment to victims.*
- Alternative Recovery Avenues
  - Parental Responsibility
    - A Conciliation Court action can hold juvenile offender's parents accountable for up to \$1,000.00
  - Civil Judgment
    - This will create a lien against the offender for up to 10 years, which prevents obtaining financing for a home, car, or most loans until restitution is paid. This is renewable.
  - Writ of Execution
    - Court Administration can obtain a list of offender's property, employment, and bank records, and the sheriff's department executes the order.
- Revenue Recapture
  - Monetary loss is recovered from intercepted state, property, or renter's refunds, or from political contribution funds, or lottery winnings over \$600.00.
- Collection Agency or Private Attorney

## RESTITUTION

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### Frequently Asked Questions

**Q. I already filled out a form regarding my losses. Do I have to do it again?**

A. Not necessarily. Law enforcement, county attorney, and probation officers all use different forms and become involved at different stages of a case. Information provided to law enforcement is part of the investigation. The County Attorney's Office sends out forms and uses the information for prosecution purposes. The Probation department requests information as part of the pre-sentence or predisposition investigation, and/or restitution investigation. If you have already filled out a claim form or Victim Impact Statement for the County Attorney's Office, just notify the probation officer of where they were sent. In most cases, the probation officer will be able to get a copy.

**Q. What can I do to help the process along when I file a claim for losses?**

A. Provide all the documentation that supports and validates your claim to avoid a contested restitution hearing. Avoid making claims related to emotional trauma. When making claims for property, include estimates and/or receipts for actual repairs. If there are injuries, send copies of the medical bills. If your insurance company paid you for any claims related to this matter, you will also need to provide that information. If the Court orders restitution to you and the insurance company, you will get paid first.

## COURT TERMS

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**Arraignment**-A hearing before a judge during which the judge reads the charges to the defendant and the defendant pleads guilty or not guilty.

**Civil lawsuit**-A lawsuit brought by individuals, companies or agencies against other individuals, companies or agencies to obtain relief for injuries suffered, monetary loss, physical injury, etc.

**Conviction**-any of the following accepted and recorded by the court:

- A plea of guilty; or
- A verdict of guilty by a jury or a finding of guilty by the court.

**Crime**-conduct that is prohibited by local ordinance and results in bodily harm to an individual; or conduct that is included within the definition of "crime" as follows:

- Felony-a crime for which a sentence of imprisonment for more than one year may be imposed.
- Misdemeanor-a crime for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both, may be imposed
- Gross misdemeanor-any crime which is not a felony or misdemeanor. Penalties include imprisonment from 91 days to one year, or a fine of not more than \$3,000, or both
- Petty misdemeanor-a petty offense which is prohibited by statute, which does not constitute a crime and for which a sentence of a fine of not more than \$300 may be imposed.

**Jail**-County incarceration for one year or less.

## COURT TERMS

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**Indictment-** A written accusation charging that a person has committed a crime.

**Parole-** Supervised release from a prison before the completion of prisoner's sentence. Parolees are still considered to be serving their sentences, and may be returned to prison if they show poor adjustment to society.

**Pre-sentence investigation (PSI)-**The investigation by a probation officer of the court to determine the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused by it to others and to the community before sentence is imposed. Additional criteria is considered when the crime:

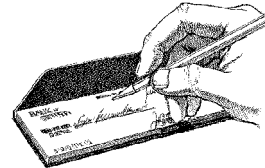
- involves a fire
  - a description of the financial and physical harm the offense has had on the public safety
  - personnel who responded to the fire is included
- is a felony
  - a sentencing worksheet facilitating the application of the Minnesota Sentencing Guidelines is completed
- is a felony involving the sale or distribution of a controlled substance
  - the report shall include a description of any adverse social or economic effects the offense has had on persons who reside in the neighborhood where the offense was committed
- has a chemical use, domestic abuse, or compulsive gambling component; assessment is included if these factors contributed to the commission of the crime

## RESTITUTION

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Restitution, money the judge orders the offender to pay to the victim for damages related to the crime, is part of the offender's sentence. This can be ordered in adult and juvenile cases, and depends on the victim's expenses and the offender's ability to pay.

- Claim forms are available from the County Attorney, Probation, or WINDOW Victim Services.
- All claims must be supported by receipts, medical/dental bills, estimates, insurance information, loss of wage verification, and transportation costs, and be directly related to the crime.



- Keep Probation or Court Administration informed of current contact information so payments are sent to correct address.
- Either the offender or victim may request a *Restitution Hearing*. This is held if the amount of restitution, or the validity of the claim, is unsatisfactory to one of the parties.
- The Court cannot order monetary restitution for physical or emotional pain caused by trauma during the crime. However, victims may pursue this course in civil court.

## SENTENCING OR DISPOSITION OPTIONS

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When probation officers make recommendations to the judge for sentencing (adults) or disposition (juveniles), several factors are taken into consideration.



### **Adherence to Minnesota Presumptive Sentencing Guidelines**

Required incarceration with mitigating circumstances and aggravating factors as allowed by law.

### **Level of risk to public safety and appropriate supervision/incarceration**

The community and victim should feel safe. Public safety measures should restrict the opportunity for offenders to commit new offenses, and match the level of risk.

### **Offender accountability**

Offenders should be held accountable for their actions. Restitution, community service, impact panels, and apologies are ways that offenders can reflect on what they did wrong, how the victim was affected, and to identify their consequences.

### **Offender competency/rehabilitation**

Many offenders need help developing skills to deal with problems. By doing so, chances of re-offending are reduced.

## COURT TERMS

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**Pre-trial hearing**-A court procedure during which the issues to be tried are narrowed and certain facts and admissions are agreed upon in order to speed up the trial.

**Prison**- State incarceration for no less than one year and one day.

**Probation**-a court-ordered sanction imposed upon an offender for a period of supervision no greater than that set by statute. It is imposed as an alternative to confinement or in conjunction with confinement or intermediate sanctions. The purpose of probation is to deter further criminal behavior, punish the offender, help provide reparation to crime victims and their communities, and provide offenders with opportunities for rehabilitation.

**Prosecutor**- A public officer who conducts criminal proceedings on behalf of the state.

**Rehabilitate**-To permanently change behavior.

**Restitution**-The sentence often used instead of a fine or imprisonment, designed to restore the victim to his or her condition before the crime.

**Sentence**-The time to be served in a prison or jail; also includes fine, probation, restitution and community service depending on level of crime for which offender is convicted. for misdemeanor or gross misdemeanor:

- imprisonment for a definite term; or
- payment of a fine, or to imprisonment for a specified term if the fine is not paid
- both imprisonment for a definite term and payment of a fine; or

## COURT TERMS

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- payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both; or
- payment of a local correctional fee in addition to any other sentence imposed by the court; or
- work service in a restorative justice program in addition to any other sentence imposed by the court
- payment of compensation (restitution) to the victim or the victim's family; and payment of money to a victim assistance program or other program directed by the court if victim is deceased or if victim has been paid in full, or to a government entity that incurs loss as a direct result of a crime
- for felony:
  - life imprisonment; or
  - imprisonment for a fixed term of years set by the court; or
  - both imprisonment for a fixed term of years and payment of a fine; or
  - payment of a fine without imprisonment or to imprisonment for a fixed term of years if the fine is not paid; or
  - payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both; or
  - payment of a local correctional fee in addition to any other sentence imposed by the court.

**State**-The party in a criminal trial that represents the public.

**Suspended sentence**-a sentence can be suspended if certain conditions are met.

## SENTENCING OR DISPOSITION OPTIONS

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Competency encourages the ability to do something well that others value.

### **Victim restoration and input**

As part of the Victim Impact Statement, victims have the right to request any sentencing/disposition options they feel are important. Victim input is a very important part of this report. Concerns, considerations, and sentencing suggestions are factored in before the court orders a sentence. Victims can be creative in their ideas for offender penalties, as long as they are legal, safe, and feasible. Victims have the right to object to probation officers' recommendations by writing them down. The objections are included with the pre-sentence or pre-disposition investigations report that goes to the judge.

### **No contact provisions**

A victim may ask the Court to order a no contact provision. This means the offender is not to have any contact with the victim(s) and this becomes a condition of the offender's probation.

### **Criminal Disposition**

A victim may also seek an Order For Protection (OFP) or a Harassment Restraining Order (HRO) as a civil matter. If an OFP or HRO is dismissed, it does not automatically lift the no contact order as part of the probation conditions, or vice versus. Each takes a separate procedure to initiate.

## JUVENILE COURT TERMS

**Juveniles Certified as an Adult** – Court decision, by motion of prosecutor, to prosecute a juvenile under adult rules when there is evidence that public safety is not served by handling the case in juvenile court

- Must be 16 or 17 years old at time of offense; and
- The court finds probable cause to believe that either a felony offense occurred that is punishable under presumptive guidelines for commitment to prison; or a felony offense occurred while using a firearm
- **Extended Jurisdiction Juvenile**-14 years of age or older who commit felony-level delinquent acts and are subject to adult certification and who would be more aptly treated by the juvenile court

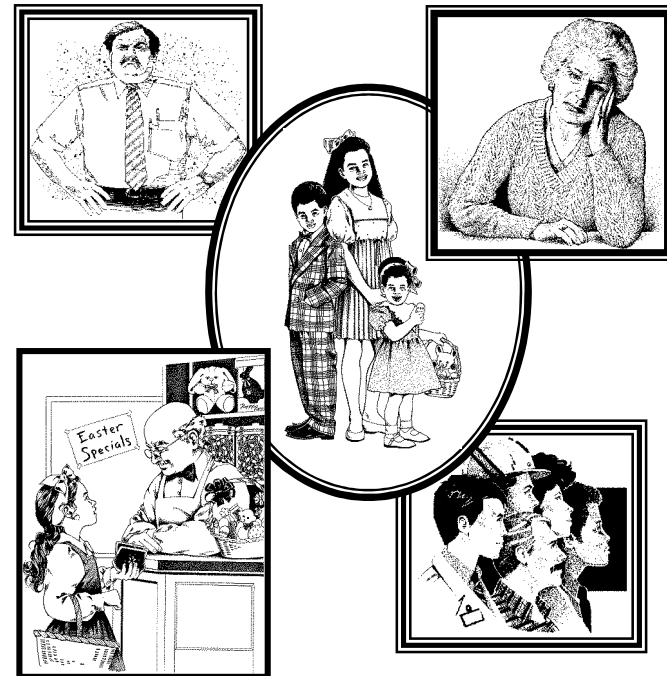
**Pre-Disposition Investigation**- The investigation by a probation officer of the court to determine the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused by it to others and to the community before sentence is imposed.

**Probation**- The investigation, evaluation, and supervision process involved in the court-order sanction for certain offenders as an alternative to confinement. The purpose is to deter further criminal behavior, punish the offender, help provide reparation to victims/community, and provide offenders with opportunities for rehabilitation.

**Status offense**-A class of crimes that concerns the accused's characteristics; for example - truancy only applies to minors.

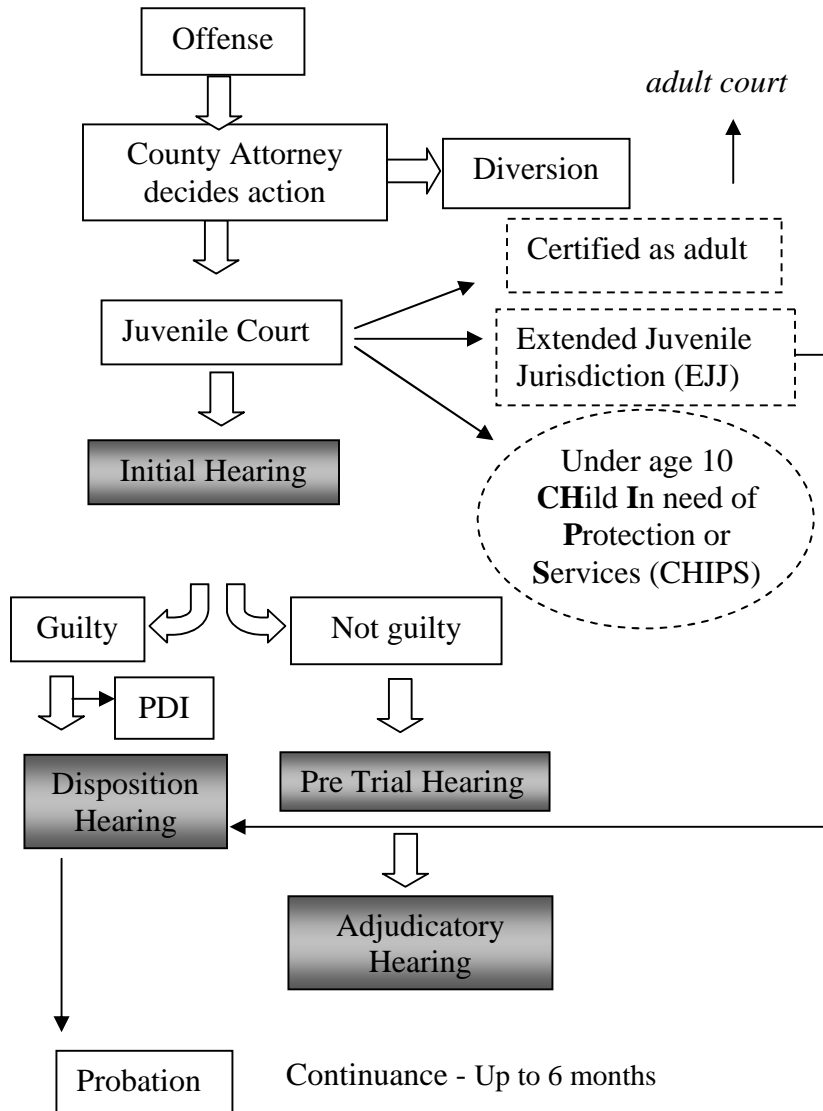
## COURT TERMS

**Victim**-a natural person who incurs loss or harm as a result of a crime, including a good faith effort to prevent a crime, a corporation that incurs loss or harm as a result of a crime, a government entity that incurs loss or harm as a result of a crime, and any other entity authorized to receive restitution. This includes the family members, guardian, or custodian of a minor, incompetent, incapacitated, or deceased person.



*\*The term "victim" does not include the person charged with or alleged to have committed the crime*

## JUVENILE COURT PROCESS



Continuance - Up to 6 months

Adjudicated Delinquent - To age 19

Extended Juvenile  
Jurisdiction (EJJ) - To age 21

## JUVENILE COURT TERMS

**Adjudicated**-The action taken after a case has been heard and the facts stated in the petition are proven (similar to ‘found guilty’ in an adult case)

**Contested**-definition of a case before the Juvenile Court in which the defendant denies allegations (same as a ‘trial’ in adult court)

**Detention**-the temporary care of children who require a setting (secure or unsecure) for their own or the community’s protection pending court disposition

**Disposition**-Formal decision of the court for handling a case (similar to “sentencing” in adult court) that may include dismissal, probation, training, counseling, foster care, incarceration, or other rehabilitative services

**Juvenile Offender**- an individual under 18 years of age committing unlawful acts that fit into one of the following categories:

- **Juvenile Delinquent**-Individual under the age of 18 who commits acts which would be unlawful if committed by an adult
- **Juvenile Petty Offenders**-Children who engage in conduct which is unlawful for them but not unlawful for adults
- **Juvenile Traffic Offenders**-Children who violate traffic laws