

OJP POLICY PROPOSAL

PROSECUTOR NOTIFICATIONS

Notice of declination

Under Minn. Stat. section 611A.0315, prosecutors are required to notify victims of their decision to decline charging in cases of domestic assault, harassment and stalking, and criminal sexual conduct crimes.

There is a gap in the current statute for Order for Protection, Harassment Restraining Order and DANCO violation cases that are declined. These protective orders are obtained for safety purposes by victims of domestic abuse, sexual assault, and harassment/stalking, and the rationale for declination notification applies equally to them.

Notice to victims in juvenile court proceedings

Under section 611A.02, the court is required to provide a notice to victims who attend a juvenile court proceeding. Responsibility for distribution of victim rights and information is more logically assigned to prosecutors given that they have victim contact information, have more direct contact with victims, and already have notification responsibilities to victims. It is proposed that prosecutors provide this notice to these victims at the start of the case, something which many prosecutorial agencies already do. OJP will still be responsible for maintaining a current model notice.

LAW ENFORCEMENT NOTICES

“Victim information card”

Under Minnesota Statutes section 611A.02, law enforcement officers must provide a notice of rights and information to all crime victims at first contact. In addition, under section 629.341, officers must provide additional information to victims of domestic abuse. This proposal seeks to update and refine the law enforcement victim notification scheme to (1) correct incorrect information, (2) use plain language, and (3) make clear that the notice can be provided electronically.

“Homicide notice”

Starting in 2013, law enforcement agencies are required to provide additional information to victims of homicide. Because the required information exceeds the space available on typical victim information cards, OJP developed a separate model homicide notice (About a Homicide). This proposal makes clear that the homicide notice is separate from and in addition to the regular law enforcement victim notice in cases of homicide.