

VICTIM NOTIFICATION

Minnesota Sex Offender Program

Issue Date: 5/7/19 Effective Date: 6/4/19 Policy Number: 215-5260

POLICY: Upon written request, Minnesota Sex Offender Program (MSOP) staff provides written notification to victims meeting statutory criteria when a client has experienced, requested and/or been granted a Change of Status, ensuring private and confidential data classification for the victim.

AUTHORITY: [Minn. Stat. § 246.014, subd. \(d\)](#)
 [Minn. Stat. § 611A.01 and § 611A.06](#)
 [Minn. Stat. § 253D.14](#)

APPLICABILITY: MSOP, program-wide

PURPOSE: To establish procedures for notifying identified victims of an MSOP client's Change of Status.

DEFINITIONS:

Change of Status – for purposes of this policy, change of status includes:

1. Provisional discharge
2. Discharge
3. Unauthorized absence
4. Placement in a less secure environment (Community Preparation Services)
5. Death

Crime – conduct prohibited by statute or local ordinance resulting in bodily harm to an individual or for which the actor may be sentenced to imprisonment with or without fine. Crime also includes conduct which would be included within that definition but for the fact that the person engaging in the conduct lacked capacity to commit the crime or the act was alleged or found to have been committed by a juvenile. Crime also includes any violent crimes listed in Minnesota Statute 609.1095.

Victim – a person incurring loss or harm as a result of a crime, including a good faith effort to prevent a crime. Victim also includes a person who has incurred loss or harm as a result of a crime the behavior for which forms the basis for the client's commitment, regardless of whether the individual was convicted of a crime.

Victim Notification File –secure file, separate from the client's treatment and medical record, which contains information concerning the victim, including any victim requests, notices provided by the facility to the victim and any other information which acknowledges the identity and the location of the victim.

PROCEDURES:

- A. A victim may initially contact MSOP by telephone or in writing to request notification of a client's change of status. MSOP may receive information regarding victims from county attorneys, the Minnesota Attorney General's Office, and the Minnesota Department of Corrections as well as the Minnesota Coalition Against Sexual Assault (MNCASA).
- B. The MSOP Admissions Coordinator determines whether a requesting individual meets the statutory requirements (Minn. Stat. §§253D.14, 611A.01, and 611A.06) to receive victim notification:
 1. For individuals meeting the statutory requirements:

- a) documents the decision using the Victim Notification Status form (215-5260b);
 - b) sends the Acknowledgment of Request for Victim Notification (215-5260c) and a sample copy of the Notification of Change of Status (215-5260a) to the identified victim within five business days of determination.
2. For individuals not meeting the statutory requirements:
 - a) documents the decision using the Victim Notification Status Form (215-5260b).
 - b) sends the requestor a written notification explaining the reason for denial using the Victim Notification Denial Letter (215-5260g); and
 - c) retains the victim request and the original of the Victim Notification Status form (215-5260b).
 3. Victims meeting the statutory requirements (Minn. Stat. §§ 253D.14, 611A.01, and 611A.06) for victim notification status are responsible for informing the MSOP Admissions Coordinator of changes in contact information.
- C. The Admissions Coordinator provides the General Counsel's Office Legal Services Coordinator with the name and contact information of any victim(s) who have requested notification when a client petitions for a reduction in custody, in order to provide the required notifications per MSOP Division Policy 215-5060, "Reduction in Custody/Special Review Board."
- D. When notified of any change of status, the Admissions Coordinator:
1. sends notification to the victim(s) using the Notification of Change of Status (215-5260a) upon a change of status;
 2. ensures maintenance and private data classification of a qualified individual's Victim Notification File including all communication to and from the victim; and
 3. makes a written contact with all individuals receiving victim notification at least once every two years to confirm the person wants to continue receiving victim notification (Victim Status Declaration Letter (215-5260d) and Victim Status Declaration Form 215-5260e).
- E. The facility clinical director, Community Preparation Services Director, or designee:
1. notifies the victim within six hours of a client's unauthorized absence;
 2. sends a certified letter to the victim within 24 hours of the unauthorized absence if the victim is not reached by telephone; and
 3. notifies the victim within 24 hours of a client's return from unauthorized absence as set forth in E.1 and E.2 above.
- F. File Management
1. The Admissions Coordinator maintains a Victim Notification File for each client who has a current victim requesting notification, including:
 - a) Victim Notification File Summary Form (215-5260f) to record any file activity and pertinent contact information;

- b) written requests from victims and copies of the corresponding Victim Notification Status forms;
 - c) a copy of the corresponding Acknowledgment of Request for Victim Notification (215-5260c);
 - d) copies of any completed Notification of Proposed Change of Status forms;
 - e) copies of any Victim Status Declaration Letters and Forms; and
 - f) all undelivered mail in the Victim Notification File.
2. Victim Notification Files are identified as:
- a) Active (current client of the MSOP); or
 - b) Closed (non-response to Victim Status Declaration Form; death of client; discharge from civil commitment).
3. MSOP maintains a list of all clients with victim notification files accessible to MSOP staff in Phoenix.

REVIEW: Annually

REFERENCES: MSOP Division Policy 215-5060, "Reduction in Custody/Special Review Board"
Minnesota Government Data Practices Act

ATTACHMENTS: Notification of Change of Status (215-5260a)
Victim Notification Status (215-5260b)
Acknowledgement of Request for Victim Notification (215-5260c)
Victim Status Declaration Letter (215-5260d)
Victim Status Declaration (215-5260e)
Victim Notification File Summary (215-5260f)
Victim Notification Denial Letter (215-5260g)

SUPERSESSON: MSOP Division Policy 215-5260, "Victim Notification," 4/3/18.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

/s/
Nancy A. Johnston, Executive Director
Minnesota Sex Offender Program