

VICTIM NOTIFICATION

Minnesota Sex Offender Program

Issue Date: 2/2/16 Effective Date: 3/1/16 Policy Number: 215-5260

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

AUTHORITY: Minn. Stat. §246.014, subd. (d)

APPLICABILITY: Minnesota Sex Offender Program (MSOP), program-wide

PURPOSE: To establish procedures for notifying identified victims of an MSOP client's Change in 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. Information regarding victims may also come 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, in consultation with the MSOP Executive Clinical Director:
 1. determines whether a requesting individual meets the statutory requirements (Minn. Stat. §§253D.14, 611A.01, and 611A.06) to receive victim notification:
 - a) For individuals meeting the statutory requirements:
 - (1) documents the decision using the Victim Notification Status form (215-5260b);

- (2) sends the Acknowledgment of Request for Victim Notification (attached) and a sample copy of the Notification of Proposed Change of Status form (215-5260a, attached) to the identified victim within five days of determination.
 - b) For individuals not meeting the statutory requirements:
 - (1) documents the decision using the Victim Notification Status Form.
 - (2) sends the requestor a written notification explaining the reason for denial; and
 - (3) retains the victim request and a copy of the Victim Notification Status form.
- C. Victims meeting the statutory requirements (Minn. Stat. §§253D.14, 611A.01, and 611A.06) for victim notification status are responsible for informing the MSOP contact person of changes in contact information.
- D. The Admissions Coordinator:
1. sends all required notifications to the victims using the Notifications of Proposed Change of Status form within the specified time frame at least 14 days prior to a Change of Status.
 2. informs the victim by telephone when a 14-day notice of Change of Status is not possible providing the following information:
 - a) The conditions governing the Change of Status; and
 - b) The name of the Facility Clinical Director who can be contacted regarding the Change in Status.
 3. uses the Notifications of Proposed Change of Status for any Change of Status, (more than one may be announced together).
 4. notifies the Special Review Board Coordinator if an identified victim has requested notification of the Change in Status when a client or the Executive Director/designee petitions the Special Review Board;
 5. ensures maintenance and private data classification of a qualified individual's Victim Notification File including any notifications provided by the Executive Clinical Director or designee;
 6. makes a written contact with all individuals receiving victim notifications at least once every two years to confirm the person wants to continue receiving victim notification (Victim Status Declaration Letter (215-5260d, attached) and Victim Status Declaration Form 215-5260e, attached); and
- E. The facility clinical director reviews comments submitted by the identified victim and:
1. responds to comments received within the appropriate time frame;
 2. determines if the comments impact the treatment team's recommendation for the Change of Status; and

3. sends a response informing the identified victim whether or not the Change of Status has been modified.

F. The Executive Clinical Director/designee will:

1. Immediately notify the victim by telephone upon an unauthorized absence.
2. If the victim is not reached immediately by telephone, a certified letter will be mailed to the victim within 24 hours of the unauthorized absence.
3. Notify the victim upon the client's return from unauthorized absence as set forth in F.1 above.

G. 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, attached) 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 form;
 - d) copies of any completed Notification of Proposed Change of Status forms;
 - e) copies of any Victim Status Declaration Letters and Forms; and
 - f) file all undelivered Victim Status Declaration Forms and written notifications in the Victim Notification File.
2. Victim Notification Files are identified as:
 - a) Active (current client of the MSOP);
 - b) Inactive (client discharged due to transfer to another non-MSOP program; revocation; petition dismissed); or
 - c) Closed (non-response to Victim Status Declaration Form; death of client; discharge from civil commitment).
3. The Admissions Coordinator maintains a list of all clients with victim notification files, which is accessible to MSOP Staff on the Admissions SharePoint site.

REVIEW: Annually

REFERENCES: Minnesota Government Data Practices Act

ATTACHMENTS: Notification of Proposed Change of Status (215-5260a)
Victim Notification Status Form (215-5260b)
Acknowledgement of Request for Victim Notification (215-5260c)
Victim Status Declaration Letter (215-5260d)
Victim Status Declaration Form (215-5260e)

Victim Notification File Summary Form (215-5260f)

Victim Notification Denial Letter (215-5260g)

SUPERSESSSION: MSOP Policy 203.260, "Victim Notification," 3/1/11.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

/s/

Shelby R. Richardson, Interim Executive Director
Minnesota Sex Offender Program