

## Resources

Someplace Safe: \_\_\_\_\_  
[www.someplacesafe.info](http://www.someplacesafe.info)

Law Enforcement: \_\_\_\_\_

County Attorney: \_\_\_\_\_

City Attorney: \_\_\_\_\_

Food Shelf: \_\_\_\_\_

Mental Health Services: \_\_\_\_\_

Medical: \_\_\_\_\_

Human Services: \_\_\_\_\_

Community Action: \_\_\_\_\_

Salvation Army: \_\_\_\_\_

Father's Resource: \_\_\_\_\_

HRA: \_\_\_\_\_

ECFE: \_\_\_\_\_

Suicide Hotline: \_\_\_\_\_

Work Force Center: \_\_\_\_\_

Legal Services: \_\_\_\_\_

Court Administration: \_\_\_\_\_

Court forms: [www.mncourts.gov](http://www.mncourts.gov)

## Court Dates

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### Reparations

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### Restitution

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### Victim Impact Statement

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**All Advocacy services provided by Someplace Safe are completely free and confidential.**

### GRIEVANCE PROCEDURE

If a client has concerns about a staff person, or a decision made by staff concerning you, you may file a grievance. If you need help with this, a volunteer can be called to assist you.

The steps that are involved in filing grievance are:

1. Put your grievance in writing.
2. Write what you think the solution to the problem should be.
3. Give it to the Supervisor.

As soon as possible, usually in a day or two, the Supervisor will meet with you directly. If you feel that there has been no resolution to your complaint, you can request in writing that the grievance go to the Director. The Director will respond in writing within 3 working days. If no satisfactory agreement can be reached, you can request that the grievance be submitted to the Personnel Committee of the Board of Directors. The grievance must be in writing and include pertinent information to the remedy being sought. The Personnel Committee shall review the grievance at the Board's next scheduled meeting.

We hope that the clients will request that the committee handle the grievance only after the client has tried to deal directly with the staff person involved or by working through options with the Director or Supervisor.

# **Financial Assistance for Crime Victims**

As a victim of a crime, you have a right to request reimbursement for losses sustained as a result of the crime.

1. Restitution
2. Reparations
3. Civil Court

## **1. Restitution**

Restitution is money that the judge orders the offender to pay to reimburse the victim of the crime. Restitution may be ordered in both juvenile and adult cases after the offender has been convicted or found delinquent. Restitution must be based on the amount of losses sustained by the victim as a result of the crime and the offender's income, resources, and obligation.

### **Requesting Restitution**

The request for restitution should be made in writing prior to sentencing. The County Attorney provides an opportunity for the victim to submit an Affidavit of Loss to be reviewed by the Court.

If the full extent of the victims' loss is not known at the time of sentencing, and the offender is on probation or supervised release, the amount of restitution may be determined at a later date. The Judge does not have to order restitution and if the Judge does not order it, the Judge must explain the reasons. The offender will not be ordered to pay restitution for offenses of which he/she was not found guilty.

### **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
- \* Stolen or damaged property

The losses must be directly related to the crime.

In some cases, requests can be made for anticipated expenses. For example, an offender can be ordered to pay for counseling that the victim may need in the future. Some Judges will order restitution only for expenses not covered by insurance. The restitution order must include a payment schedule or structure.

## **2. Reparations**

Reparations are financial compensation from the State of Minnesota Crime Victims Reparations Board for violent crimes. This program was enacted because of increased public safety concern for victims of violent crimes, and the recognition that the state bears some responsibility for the cost of crime. The purpose of the program is to restore victims economically to the fullest extent possible.

Reparations are different from restitution in that the state may pay the claim even if the offender is found not guilty or the offender is never identified.

## **Eligibility**

To be eligible for compensation, a victim must meet certain requirements. The five primary requirements are:

- Claims must be for an injury or death as a result of a crime
- Claims must be submitted within three years of the crime
- Victims must have reported the crime to law enforcement within thirty days
- Victims must cooperate fully with law enforcement
- Victims must not have contributed to the crime through their own misconduct or criminal activity

There are exceptions to these rules, particularly for domestic abuse and sexual assault cases. Claim forms and assistance are available at Someplace Safe, the prosecuting attorney, or the Minnesota Crime Victims Reparations Board (1-888-622-8799).

## **Types of Coverage**

The Reparations Board covers the following types of expenses related to the crime (if they have not been paid by other sources):

- Medical or dental care
- Prescription drugs
- Ambulance services
- Psychological counseling
- Loss of income
- Substitute child care
- Reasonable household services
- Funeral expenses
- Return of an abducted child
- Loss of support for dependents

Personal property losses and moving expenses are NOT eligible for reparations compensation.

As a victim of a violent crime, you should file a claim with the Reparations Board even though you are requesting restitution. You may have trouble collecting restitution from the offender, or you may be eligible for reparations, so it is a good idea to pursue both at the same time. If the Board pays your expenses and the offender also pays you restitution for the same expenses, you must reimburse the Board for the amount it paid.

## **3. Civil Court**

Another option for obtaining compensation for your losses is by suing the offender in Civil Court. If the total amount of your claim is under \$7500, you may file a case in conciliation court. You do not need an attorney for Conciliation court, but a judge can grant permission if you want to hire an attorney to represent you. Conciliation court forms are available at the court administrator's office. If your total losses are greater than \$7500 you must file your case in district court.

# The Criminal Justice System

All legal matters filed in the criminal justice system are broadly classified as civil or criminal.

## Civil

Civil cases are usually disputes between private citizens, corporations, governmental bodies or other organizations. They may involve property or personal rights - for example, actions arising from landlord and tenant disputes, auto or personal injury accidents, breach of warranty on consumer goods, contract disputes, adoptions, marriage dissolutions (divorce), wills and guardianship.

## Criminal

Criminal cases are brought by the government against individuals or corporations accused of committing a crime. The government makes the charge because a crime is considered an act against all of society.

The prosecuting attorney prosecutes the charge against the accused person (defendant) on behalf of the government (plaintiff). In criminal cases, the prosecution must prove that the defendant is guilty beyond a reasonable doubt.

There are two major classifications of crimes: felonies and misdemeanors. Serious crimes are called felonies and possible punishment is confinement in a state prison. Examples of such crimes are arson, assault, larceny, burglary, murder, rape, robbery, kidnapping, and sale of controlled substances (such as illegal drugs).

Lesser offenses are called misdemeanors. There are three types of misdemeanors, depending on the seriousness of the crime. Possible punishment is confinement in a local jail and/or payment of a fine.

Examples of the most serious misdemeanors, called gross misdemeanors, include second or subsequent DWI (driving while intoxicated) violations and sale of tobacco or alcohol to children. Other misdemeanor offenses include disorderly conduct, prostitution, tampering with a motor vehicle, trespass, littering, writing bad checks and making harassing phone calls. Petty misdemeanors are not punishable by imprisonment but only by a fine. Examples include possession of a small amount of marijuana and most traffic and parking violations.

It is very important to remember that the government has the burden of proving the defendant guilty beyond a reasonable doubt. The defendant does not have to prove his or her innocence.

## PROGRESSION THROUGH THE MINNESOTA COURT PROCESS

### Gross misdemeanor or Felony

### Misdemeanor

#### **1<sup>st</sup> appearance**

Rule 5

Sometimes called a bail hearing, given his rights, charges explained, may enter a plea, request for an attorney

#### **Pre- Trial Hearing**

Rulings by the court on probable cause and pre-trial issues

#### **2<sup>nd</sup> appearance**

Rule 8

He will enter a plea or request Omnibus hearing have attorney present or waive right.  
(may be combined with a rule 5 hearing)

#### **Omnibus Hearing**

Court rules on probable cause and pre-trial issues.  
Sometimes plea agreements are done at this time.

#### **Plea Hearing**

Held only if defendant pleads guilty

#### **Trial**

If no plea was made, there is a trial to determine guilt or innocence.  
Sometimes a plea agreement is reached before this happens.

#### **Pre-Sentence Investigation**

Pre-sentence investigator will interview the assailant, the victim, prior incidents, and witnesses and make a recommendation to the judge at the sentence hearing.

#### **Sentence**

The judge will give a sentence after reading and hearing the recommendation of the prosecuting attorney, the defense attorney, and the pre-sentence investigator.

# Protective Orders

## WHAT IS A HARASSMENT RESTRAINING ORDER?

A harassment restraining order (HRO) is a court order that can prohibit contact. It provides protection from harassment and assault. It may prevent an abuser from entering your home, your place of employment, or educational institution.

An HRO is not a criminal court proceeding but takes place in a civil court proceeding.

You may qualify for a Harassment Restraining Order if the other party has engaged in “repeated unwanted acts, words, or gestures that are intended to have an adverse effect on the safety, security or privacy of another, regardless of the relationship between the actor and he intended target.”

## HOW DO I APPLY FOR A HARASSMENT RESTRAINING ORDER?

You can apply for an HRO yourself in the county you live. You do NOT need an attorney. There is a filing fee of \$250 for all Harassment Restraining Orders.

Many victims of harassment find it helpful to have an advocate support them through the HRO process. An advocate is a person who helps you get what you decide is best for you. You can, however, apply for an HRO without the assistance of an advocate or attorney.

There is a filing fee of \$250 for all Harassment Restraining Orders. Advocates can speak with you about other options if you can not afford the fee. Certain individuals may qualify for a waiver called an In Forma Pauperis; this fee waiver is based on your ability to pay the fee. The court may also grant a Harassment Restraining Order fee waiver; this is granted by the Judge if your HRO meets certain criteria.

## What Happens At the Hearing?

Not every HRO petition (application for HRO) has a hearing. The Petitioner (person who filed the HRO) or Respondent (Person who the HRO is against) can request a hearing, or the Judge may set a hearing if they would like additional information. The Respondent(s) have the right to request a hearing if they disagree with any portion of the HRO, object to the HRO being issued, or wish to be heard. Either party may also request the HRO be dismissed or modified at any time throughout the period that the order is valid.

The Petitioner (Person who filed the HRO) must attend any court ordered hearings or the Order will be dismissed.

At the hearing, the court will ask to hear both sides talk about the abuse described in the Petition (all allegations listed on the HRO application), and will also hear any other relevant testimony. You have the right to have an attorney present if you wish.

You do not need an attorney for this type of a hearing, but if the other side does have an attorney, you can ask the judge for more time (called a continuance) so you can seek legal council.

It would be to your benefit to bring evidence such as police reports, medical records, photocopies, witnesses, etc., to support your claim.

You should also prepare a list of specific restrictions or limitations you want placed on the respondent, as part of the HRO. The Judge cannot order someone be barred from a house of worship or public places.

You should keep a copy of your protection order with you at all times. If you need assistance from law enforcement, show the officer your copy of the order.

## What Happens If the Harassment Restraining Order is violated?

If the abuser harms you, threatens you, or comes to your home, they have violated the HRO. Call law enforcement right away.

## This is the criteria needed to qualify for a Harassment Restraining Order

**To file an HRO a Petitioner must have the NAME & LOCATION of Respondent. Without this information the Order will not be valid.**

**Unless the incident was a physical or sexual assault it needs to be repeated. It also helps if the Petitioner asks that the Respondent not contact them again.**

- Respondent physically or sexually assaulted the Petitioner as follows:
- Respondent has followed, pursued or stalked the Petitioner as follows:
- Respondent(s) made uninvited visits to the Petitioner(s) as follows:
- Respondent(s) made harassing phone calls to the Petitioner(s) as follows:
- Respondent(s) made threats to the Petitioner(s) as follows:
- Respondent(s) frightened Petitioner(s) with threatening behavior as follows:
- Respondent(s) called the Petitioner(s) abusive names as follows:
- Respondent(s) damaged the Petitioner’s property as follows:
- Respondent(s) broke into and entered the Petitioner’s residence as follows:
- Respondent(s) stole property from the Petitioner(s) as follows:
- Respondent(s) took pictures of the Petitioner(s) without permission of the Petitioner(s) as follows:

## **What are General Crimes?**

General Crime is ANY crime committed other than sexual assault, domestic violence, or child abuse/neglect. At Someplace Safe we offer services to victims of these crimes.

### **General Crimes**

- |                    |                  |                             |
|--------------------|------------------|-----------------------------|
| * Arson            | * Homicide       | * Kidnapping                |
| * Robbery          | * Identity Theft | * Property Crime            |
| * Stalking         | * Theft          | * Terroristic Threats       |
| * Assault          | * Burglary       | * Vehicular Homicide/Injury |
| * Fraud            | * Harassment     | * Elder Abuse/Neglect       |
| * Hate/Bias Crimes |                  |                             |

### **Who Are the Victims?**

Any person, young or old, regardless of age, sexual orientation, economic status, or educational background may be a victim of a crime. If you have been victimized by a crime, there is help available through Someplace Safe.

## **General Crimes Programs**

The General Crimes programs of Someplace Safe are operated by staff or volunteers who have been trained to help victims/survivors cope with a wide range of needs and responses to victimization.

### **24 Hour Crisis Line**

There is a crisis line available to anyone at any time, 24 hours a day, seven days a week. The line is staffed by individuals trained to listen, offer information, and make referrals.

### **Advocacy Services**

Advocates are trained staff and volunteers who offer help for victims, survivors, family and friends who have been affected by general crime. Advocates are available 24 hours a day and will assist survivors of abuse or assault at the hospital or law enforcement center. Advocates will also be available to accompany the survivor and/or family through the criminal or civil court systems.

### **Parenting Time Centers**

Someplace Safe Parenting Time Center provides a safe, neutral environment to visit or exchange children. Intakes are required. PTC offices are located in Fergus Falls, Perham, Ortonville, Morris, and Glenwood. Sliding fee scale used for services.

### **Community Education**

The goals of community education are prevention and awareness. Presentations are designed to increase awareness about domestic violence, sexual assault, and protecting yourself from crime victimization. Our speakers include trained staff and volunteers who will speak to clubs, schools, or organizations. Informative programs are available on domestic violence, dating violence, sexual assault, child abuse and safety provisions; these focus on raising awareness and prevention of future violence. Presenters also discuss all services available through Someplace Safe.

## **Volunteers**

Trained volunteers are directly involved in providing the services that Someplace Safe offers. All volunteers complete an initial 40 hour training program and receive on-going training. If you are interested in volunteer opportunities, call Someplace Safe for more information.

## **Crime Victims Rights**

As a victim of a crime, you have the right to be informed and participate in prosecution. You also have the right to:

- Request a speedy trial.
- Receive notice of changes in the schedule of court proceedings if you are required to testify.
- Have a safe waiting area separate from the defendant during court.
- Not give out your home or work address in open court unless the judge finds that this is necessary.
- Take time off work to testify without your employer disciplining you.
- Be notified of any plea agreement or disposition before it is finalized.
- Express to the judge orally or in writing any objection you may have to the proposed plea agreement or disposition, or have the prosecuting attorney do so on your behalf.
- Be present at the offender's sentencing hearing. You, or the prosecutor on your behalf, can submit a victim impact statement, orally or in writing, at the sentencing hearing.
- Be notified of the final disposition of the case.
- Receive restitution. You must submit requests for restitution in writing.
- Request a probation review hearing if the offender fails to pay restitution as ordered.
- Know when an offender is released or escapes from jail, prison, or any other facility, or is transferred to a minimum-security setting. You must request this in writing from the Commissioner of Corrections or the head of the facility where the offender is confined. If VINE service is available in your area, you may call to see if the offender remains in custody.
- Victims of Criminal Sexual Conduct may ask the prosecutor to request the court to order a convicted sex offender to submit to testing for HIV or AIDS if certain conditions occurred in the crime.
- Victims of domestic assault or harassment have the right to input in a pre-trial diversion decision.
- Injured victims may receive financial compensation from the Crime Victim Reparations Board for certain costs incurred as a result of crime such as medical care, counseling costs, lost wages, childcare, or funeral expenses – NOT property damage or loss. Claims must be filed within two years of injury except cases involving domestic child abuse. For application information, call 1-800-247-0390, TTY (612) 282-6555.

**REMEMBER:** Tampering with a witness is against the law. If you are threatened, call your local law enforcement agency and/or your prosecuting attorney.

# Stalking

## Things You Need To Know About Stalking

1. **Stalking is a crime.**

Stalking is a course of conduct directed at a specific person that places a reasonable person in fear for her/his safety. It is against the law. Stalking across state lines or in federal territories is illegal under federal law.

2. **Many people are stalked.**

1 in 12 women and 1 in 45 men will be stalked in their lifetimes. 1.4 million people are stalked every year in the United States. Stalking happens to people of all racial and ethnic backgrounds.

3. **Stalking can occur during a relationship, after a relationship, or in the absence of a relationship.**

Stalking often begins during a relationship. Stalkers may keep the victim under surveillance or threaten her/him. Others begin stalking after the victim has ended the relationship, and the stalker feels desperate to maintain or regain control. Still others become fixated on a victim without ever having had any relationship with the person. This may be an obsessed admirer who wants to be in a relationship with you. The attention may flatter you at first – until the person won't take no for an answer.

4. **Stalking often follows a pattern.**

It may start as unwanted attention: calling, leaving messages, unwanted letters, emails, gifts, following you, showing up at your work or home uninvited, and spying on you.

5. **Stalking can be very dangerous.**

76 percent of women killed by their intimate partners were stalked by these partners before they were killed. All stalkers should be considered unpredictable and very dangerous. There is no way to know if a stalker will become violent.

6. **Technology can be used to stalk.**

Although newly-developed technology enhances our lives, it can also empower criminals. Cell phones, computers, and surveillance equipment are just some of the technologies stalkers now use.

7. **The difference between harassment and stalking is:**

Harassment is an intentional series of acts that alarm, annoy, torment, or terrorize the person it is directed at.

Stalking includes harassment but also includes a credible threat. A “credible threat” is a threat made “with the intent and the apparent ability to carry out that threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety”.

## Stalking or Harassment Safety Tips

1. Listen to your intuition. Use your internal radar to pick up signals that something might be wrong.
2. Avoid all contact. Say NO if you're not interested in a relationship. Clearly and directly tell the pursuer that you are not interested and then avoid all contact. Handle any unexpected or unavoidable contact calmly so as not to escalate the situation.
3. Don't react to the stalker, no matter how frightened or angry you are. Stalkers thrive on your energy. They want to elicit attention – positive or negative – from you. Don't try to bargain with them.
4. Take privacy and safety precautions. Install deadbolt locks. Keep your doors, windows, and garage locked. Install curtains or blinds to make it impossible to see movement or people in your house. Prepare an evacuation route just in case.
5. Change your routes and routines. Vary the daily routes you take, whether by car or by foot. Keep your car locked and park in well-lit areas.
6. Inform others. Let people around you – including family, friends, neighbors, co-workers, school officials, and police – know what's going on and enlist their help. Contact a victim advocate.
7. You can apply for a Harassment Restraining Order. It is possible that an order may increase the stalker's behavior. Do your best to cut off the stalker's access to you, as well as the energy he/she will try to elicit from you. Keep as much evidence as possible: messages, emails, a written journal of every time the stalker bothers you. Talk to a victim advocate about the risks and benefits of getting an order.

**No matter why someone is stalking or harassing you,  
remember – it's not your fault.**

## Crime and Elderly

- One of the biggest worries shared by older people is that they might be victims of crime. Actually, the rates of the three most serious crimes – murder, rape, and assault – are very low among the elderly. But crimes that do affect the elderly include purse snatching, fraud, theft of checks from mail, vandalism, and harassment (especially by teenagers).
- Physical handicaps, such as a vision or hearing loss, can make the elderly easy prey. With diminished strength, older people are less able to defend themselves or escape from threatening situations.

### Crime Prevention

**At Home:** the best crime prevention measure is to lock doors and windows. Almost half of all home and apartment burglaries occur because someone did not “lock up.” In addition these tips may be useful:

- Use common sense. For example, when answering the door, look through the peephole or ask the visitor to identify himself or herself before you unlock it.
- Mark valuable property by engraving it with your driver’s license or state identification number (available from your State Motor Vehicle Administration).
- Keep photographs of hard to engrave items. Make a list of the valuables in your home and keep it in a safe deposit box at the bank, if you have one.
- Install good security equipment so your locks, doors, and windows cannot be broke.

**On the Street:** prevention means staying alert at all times, even in your own neighborhood. Walk with a friend when you go out, and be aware of places where crimes can occur, such as dark parking lots or alleys. Here are suggestions for reducing your risk on the street:

- Avoid dressing in showy manner.
- Carry little cash and hand it over without question if you are attacked. If possible, do not carry a purse. Put your money in a pocket.
- Have monthly pension or Social Security checks sent directly to your bank for deposit.

**Con Games:** are attempts to swindle someone out of money, property, or other valuables. The con artist may, for example, pose as a bank examiner and request that you withdraw, and temporarily turn over to him or her, money from your bank account. The swindler convinces you that this is all part of a “test” the bank is conducting to uncover a dishonest bank employee. Do not withdraw money from your bank at the suggestion of a stranger.

**Consumer Fraud:** is too often successful among the elderly, although people of all ages are victims. The following are common schemes you should watch for:

- **Health insurance policies that appear to pay gaps in Medicare coverage** - but do not. Check the policy with your state insurance commission, a lawyer, or the Better Business Bureau before spending any money.
- Glasses or hearing aids sold at bargain rates by unlicensed salespersons. **Ask your doctor’s advice if you need to purchase a low-cost appliance.**
- **Products advertised as miracle cures.** This is known as “health quackery.” Each year millions of dollars are spent on products and devices advertised as cures for arthritis, cancer, baldness and insomnia. Do not buy any product advertised to treat a condition that medical science has not yet found a cure for.

- **Investment opportunities that are “too good to be true.”** If you are asked to withdraw a large sum from your bank account, first talk the plans over with a bank representative.
- **Home repair frauds.** Do not agree to let someone who is “just driving by” work on your home. Shop around before you spend money on home improvements.
- **Door-to-door salespersons that use various types of pressure to get you to buy.** If you have any doubt whether or not you want the item, ask the person to come back another day. This will give you time to call the Better Business Bureau to check out an unfamiliar company.

### Elder Abuse

Types of abuse to elderly individuals vary widely. The Elderly may be victimized by family, friends, acquaintances, or strangers.

The abuse may include...

**Physical Abuse:** pushing, shoving, slapping, hitting, strangulation, kicking, beating, threatening with or using an object or weapon.

**Emotional Abuse:** name calling, threats, insults, isolation, threatening in a degrading manner, yelling.

**Financial:** theft, destruction or misuse of property, exploitation of belongings, property, or money.

**Neglect:** withholding daily needs – food, personal care, or medication, withholding medical care, over or under sedation.

**Sexual:** unwanted touching, rape, calling someone sexual names, making remarks with sexual undertones.

**The victim of Elder Abuse is...**

- Typically 75 years of age or older.
- Usually female.
- Lives with and is dependent on a family member or caretaking.
- May be mentally or physically impaired.

**The Abuser is...**

- Usually related to the elderly person – whether a spouse, adult son or daughter, grandchild, or other relative – lives with and provides care for the elderly person 75% of the time.
- The presence of an elderly person needing additional care can cause stress that contributes to the caregiver’s abusive behavior.
- The caregiver may be abusive without counting in stress as a factor. Using power and control to achieve a desired outcome.