



## Victim Assistance & Restorative Justice Program Victim Visitation Restriction Frequently Asked Questions

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### 1. **Why is the visiting policy being changed?**

The Minnesota Department of Corrections (DOC) is adopting this policy change to enhance the safety and security for victims of crimes committed by those individuals incarcerated with the DOC. Additionally, this change provides consistency with the DOC's conditions of release for which the offender must follow while on supervision in the community upon release from incarceration. Specifically, the condition related to contact with a victim; "no direct or indirect contact with any current or prior victims, without documented approval of the agent/designee." Adoption of this policy change will reduce the confusion experienced by offenders and victims at the time of their release from incarceration.

### 2. **Who does this change affect? What is the definition for victim in this process?**

If you are an active visitor and have been identified as a victim of an active offense for which the offender is incarcerated or have an active protective order, you are affected by the policy change.

The DOC's visiting policy defines a victim as, "the individual(s) named as a victim in the complaint, in any charging documents that were dropped as part of a plea agreement where the offender was convicted out of the same set of circumstances, is the protected party of an active protective order or is the subject of an active Department of Corrections no contact directive."

### 3. **What is a protective order?**

A protective order is ordered by a judge, restricting contact between the offender and the party(ies) identified. Protective orders include:

- **Harassment/Restraining Order (HRO): MN Statute 609.748.** Court order utilized for contact restrictions where no significant relationship is required between the parties identified in the order.
- **Order for Protection (OFP): MN Statute 518B.01.** Court order utilized for contact restrictions when a significant relationship is present.
- **Domestic Abuse No Contact Order (DANCO): MN Statute 629.75.** Court order utilized for contact restrictions during the course of criminal proceedings for domestic abuse, harassment/stalking of a household member or a violation of OFP or prior DANCO.

4. **How is the DOC implementing the new policy?**

The DOC is implementing the new policy in phases. The implementation process allows time for those individuals impacted to prepare for the policy change.

Effective **March 1, 2016**, victims of an active offense, who submit a new visiting application, will be denied.

Effective **June 27, 2016**, those individuals who have been identified as a victim of an active offense and are actively visiting the offender, will no longer be allowed to visit.

This policy does NOT apply to offenders serving Life without the Possibility for Parole.

5. **How does this affect video visiting?**

Currently, video visits are only allowed with individual(s) on an offender's approved visit list. As a result of the policy change, if a visitor is no longer approved to visit, they will no longer be allowed to participate in video visiting.

6. **Can my children continue to visit if I am no longer able to?**

Yes. If your children are approved visitors and are not documented as a victim, they will remain as an active visitor. However, you will no longer be able to escort them for the visit. You must follow the standard minor visitation process and complete the Minor Escort Authorization form granting permission for up to three specified adults to escort the minor(s) for the visit. The specified adult must be on the offender's approved visit list.

Please visit the Minnesota Department of Corrections website, click on 'For Victims' on the top of the page, for additional information.

Victim Assistance and Restorative Justice Program staff is available at 651.361.7250 or 1.800.657.3830 or [victimassistance.doc@state.mn.us](mailto:victimassistance.doc@state.mn.us)