

SF1907: ENSURING THE ETHICAL USE OF APOLOGY LETTERS
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BACKGROUND:

Minnesota Department of Corrections policy prohibits those in prison from sending apology letters to the victims of their crimes or family members of those victims, either directly or through a third party. Apology letters are kept by the D.O.C. and may be provided to victims/family members upon request. However, there have been instances where victims/family members appear unaware that an apology letter exists at the time of a subsequent hearing on a petition for clemency or before a court, or that there is a process for receiving such a letter. The resulting narrative that the petitioner “never apologized” or took responsibility is false, yet powerful.

SOLUTION:

The proposed amendments to MN 611A.06 and 611A.02 seek to ensure that victims/family members only receive apology letters if they desire to receive them, while ensuring that availability is known to the victims/family members, and that those letters be made available to those involved in making decisions on clemency and second-chance sentencing before courts.

The proposed amendment to MN 611A.06 codifies the requirement that apology letters be made available to victims/family members who request to be provided with those letters. It tracks the language of 611A.06(1)(a), which requires notice upon request of release from prison or a reduction in custody status.

The proposed amendment to MN 611A.02 does two things. First, it codifies a requirement that apology letter availability be made a part of notices to victims/family members. Second, it requires that apology letters be provided upon request to the Minnesota Board of Pardons, the Minnesota Clemency Review Commission, and to courts.

OUTCOME:

Apology letters are an important part of the restorative justice component of Minnesota law. Their role should be properly described in statute to allow their use within the bounds of victim consent.