

Registered Predatory Offender

327.1 PURPOSE AND SCOPE

Best Practice

This policy establishes guidelines by which the Stillwater Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

327.2 POLICY

Best Practice

It is the policy of the Stillwater Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

327.3 REGISTRATION

Best Practice

The Investigation Unit supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Bureau of Criminal Apprehension (BCA) in accordance with Minn. Stat. § 243.166 within three days of the registration. Registration and updated information from a person who lacks a primary residence shall be forwarded within two business days. Updated primary address information from any registered predatory offender shall also be forwarded within two business days (Minn. Stat. § 243.166).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

327.3.1 NOTIFICATION TO REGISTRANTS

State

The registration process established by the Investigation Unit supervisor should include procedures for determining whether an individual requires notification of his/her requirement to register because the individual was not otherwise notified of the requirement by the sentencing court or assigned a corrections agent (Minn. Stat. § 243.166).

327.3.2 REGISTRATION PROCESS

State

When an offender arrives to register with this department, the assigned investigator should:

Stillwater Police Department

Policy Manual

Registered Predatory Offender

- (a) Determine in what state the offense was committed.
- (b) Confirm the individual is required to register by reviewing the list of Minnesota offenses on the BCA's Predatory Offender Registration website or in the BCA Predatory Offender Registration (POR) Manual that is available on the BCA's secure website.
- (c) If a person is required to register, search the BCA's secure website to verify whether the offender is already registered and a DNA sample has been submitted.
- (d) If the offender is already registered, complete a Change of Information Form (available on the BCA's secure website).
- (e) If the offender is not registered, complete a POR Form (available at BCA's secure website).
- (f) If the offender is from another state, contact the state (information for each state is listed on the BCA's website) and request a copy of the offender's original registration form, criminal complaint and sentencing documents.
 - 1. Documents obtained should be submitted to the BCA with a registration form.
 - 2. The BCA will determine if registration is required and inform the department and the offender.

Additional information regarding offender registration is available in the POR Manual or by contacting the Predatory Offender Unit by phone or through the BCA secure website.

327.3.3 GUIDELINES AND FORMS

State

The registration process shall be in accordance with Minn. Stat. § 243.166 and follow the guidelines implemented by the BCA. Forms used in the registration process are available from the secure website operated by the BCA.

327.4 MONITORING OF REGISTERED OFFENDERS

Best Practice

The Investigation Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the BCA secure website or the Department of Corrections Offender Information (DOC) website.
- (c) Contact with a registrant's parole or probation officer, if any.

Any discrepancies should be reported to BCA in writing.

The Investigation Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Stillwater Police Department personnel who have a need to know, including timely updates regarding new or relocated registrants.

Registered Predatory Offender

327.5 DISSEMINATION OF PUBLIC INFORMATION

State

Members will not make a public notification advising the community of a particular registrant's presence in the community without permission from the Chief of Police. Members who believe notification is appropriate should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police based on statutory requirements, with the assistance of legal counsel as necessary, whether such a public alert should be made.

The Data Specialist shall release local registered offender information to residents in accordance with state law (Minn. Stat. § 244.052; Minn. Stat. § 243.166, Subd. 7; Minn. Stat. § 13.01 et seq.) and in compliance with a Minnesota Government Data Practices Act request.

327.5.1 LEVEL 1 DISCLOSURE

State

Data maintained by law enforcement may be subject to limited disclosure (Minn. Stat. § 244.052, Subd. 4) (refer to the DOC document "Confidential Fact Sheet - For Law Enforcement Agency Use Only" or other DOC guidance):

- (a) Mandatory disclosure:
 - 1. Victims who have requested disclosure
 - 2. Adult members of the offender's immediate household
- (b) Discretionary disclosure:
 - 1. Other witnesses or victims
 - 2. Other law enforcement agencies

327.5.1 MANDATORY DISSEMINATION

State

The Department shall provide and release predatory offender data, or updated data, obtained from the DOC based upon the offender's status of a Level 1, 2, or 3.

The Department shall continue to disclose data on an offender as required by law for as long as the offender is required to register under Minn. Stat. § 243.166.

Disclosure to the health care facility, home care provider, or hospice provider of the status of any registered predatory offender under Minn. Stat. § 243.166 who is receiving care shall be made by this department (Minn. Stat. § 244.052, Subd. 4c).

The Department shall provide an offender's change of status to the entities and individuals who were initially notified if the Department becomes aware that the area where notification was made is no longer where the offender resides, is employed, or is regularly found (Minn. Stat. § 244.052, Subd. 4).

Stillwater Police Department

Policy Manual

Registered Predatory Offender

327.5.2 LEVEL 2 DISCLOSURE

State

Data is subject to limited disclosure for the purpose of securing institutions and protecting individuals in their care while they are on or near the premises of the institution (Minn. Stat. § 244.052, Subd. 4) (refer to DOC document "Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota - Risk Level 2" or other DOC guidance):

- (a) In addition to Level 1 disclosure, the Department may disclose data to:
 - 1. Staff members of public and private educational institutions, day care establishments, and establishments that primarily serve individuals likely to be victimized by the offender.
 - 2. Individuals likely to be victimized by the offender.
- (b) Discretionary notification must be based on the offender's pattern of offending or victim preference as documented by the DOC or the Minnesota Department of Human Services (DHS), or Direct Care and Treatment.

327.5.3 LEVEL 3 DISCLOSURE

State

Data is subject to disclosure not only to safeguard facilities and protect the individuals they serve but also to protect the community as a whole (Minn. Stat. § 244.052, Subd. 4) (refer to the DOC document "Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota" or other DOC guidance):

- (a) The Department shall disclose information to the persons and entities provided for Level 1 and 2 disclosures.
- (b) The Department shall disclose data to other members of the community that the offender is likely to encounter unless public safety would be compromised by the disclosure or a more limited disclosure is necessary to protect the identity of the victim.
- (c) A good faith effort must be made to complete the disclosure within 14 days of receiving a confirmed address from the DOC.
- (d) The process of notification is determined by this department. The DOC has recommended that the community be invited to a public meeting and disclose the necessary data. Assistance is available from the DOC Risk Assessment/Community Notification (RA/CN) Unit.

Data disclosed to the public of a Level 3 predatory offender shall be forwarded to the DOC within two days of the department's determination to disclose (Minn. Stat. § 244.052, Subd. 4(g)).

327.5.4 HEALTH CARE FACILITY NOTIFICATION

State

Upon notice that a registered predatory offender is planning to be in this jurisdiction or has been admitted to a health care facility, home care provider, or hospice provider in this jurisdiction, this department shall provide a fact sheet to the facility administrator with the following data (Minn. Stat. § 243.166, Subd. 4b) (refer to the DOC documents, "Law Enforcement Agency Fact Sheet

Stillwater Police Department

Policy Manual

Registered Predatory Offender

Health Care Facility Notification Data on a Registered Offender Not For Distribution to Facility Residents” and “Law Enforcement Agency Fact Sheet Health Care Facility Notification Data on a Registered Offender For Distribution to Facility Residents” or other DOC guidance):

- (a) Name and physical description of the offender
- (b) Offender’s conviction history, including the dates of conviction
- (c) Risk level assigned to the offender, if any
- (d) Profile of likely victims

327.5.5 SPECIALIZED NOTIFICATION

State

Offenders from other states and offenders released from federal facilities are also subject to notification (Minn. Stat. § 244.052, Subd. 3a):

- (a) If this department learns that a person under its jurisdiction is subject to registration and desires consultation on whether the person is eligible for notification, the Department must contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform this department whether to proceed with community notification in accordance with the level assigned by the other state.
- (b) If the DOC determines that the governing law in the other state is not comparable, community notification by this department may be made consistent with that authorized for risk Level 2.
- (c) If this department believes that a risk level assessment is needed, the Department may request an end-of-confinement review. The Department shall provide to the DOC the necessary documents required to assess a person for a risk level.

327.5.6 VICTIM NOTIFICATION

State

If a predatory offender resides, expects to reside, is employed or is regularly found in this jurisdiction, the Department shall provide victims who have requested notification with data that is relevant and necessary to protect the victim. Information disclosed should be obtained from the risk assessment report provided by DOC (Minn. § Stat. 244.052, Subd. 3).

The DOC will provide victim contact data to this department when there is a victim who has requested notification (refer to the DOC document “Victim Data Confidential for Law Enforcement Agency Use Only”).

It may be appropriate for members of the Department to directly contact the victim. Community victim advocacy or prosecutor resources may also be available to assist with locating and notifying a victim. Assistance is also available from the DOC victim services staff.

Members of the Department may contact other victims, witnesses and other individuals who are likely to be victimized by the offender.

Stillwater Police Department

Policy Manual

Registered Predatory Offender

327.5.7 HOMELESS NOTIFICATION PROCESS

State

If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should be as specific as possible. These offenders are required to check in weekly with local law enforcement, unless an alternative reporting procedure is approved by the Investigation Unit supervisor (Minn. Stat. § 243.166, Subd. 3a).

327.5.8 LIMITATIONS OF RELEASE OF DATA

State

Disclosures permitted or required for Level 2 or 3 offenders shall not be made if the offender is placed or resides in a DOC-licensed residential facility. Upon notification that the offender is released to a permanent address, the disclosures permitted or required by law shall be made (Minn. Stat. § 244.052, Subd. 4). Data regarding the victim or witnesses shall not be disclosed (Minn. Stat. § 244.052, Subd. 4(e)).

The broadest disclosures authorized under Minn. Stat. § 244.052, Subd. 4 may still be made for certain offenders (sexually dangerous persons or persons with a sexual psychopathic personality) even though still residing in a residential facility (Minn. Stat. § 253D.32, Subd. 1).

327.6 DISCLOSURE TO LOCAL WELFARE AGENCY

State

Upon request, members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs under Chapter 260E (Minn. Stat. § 243.166).

327.7 MINNESOTA COMMUNITY NOTIFICATION ACT

Agency Content

See attachment: [Community Notification Act - End of Confinement Review Committee \(ECRC\).pdf](#)

Attachments

Community Notification Act - End of Confinement Review Committee (ECRC).pdf



Fact Sheet

Community Notification Act

What is Minnesota's Community Notification Act?

- The Community Notification Act requires a risk level to be assigned to offenders who are subject to registration as a predatory offender before they are released from confinement in a state prison or treatment facility. The Community Notification Act also requires that community notification of the offender's release occur.

What are the risk levels?

- Level 1 – lower risk
- Level 2 – moderate risk
- Level 3 – higher risk

What is registration?

- Since July 1, 1991, predatory offenders in Minnesota have been required to register their addresses with local law enforcement agencies, who then forward the information to the Minnesota Bureau of Criminal Apprehension, which maintains a database that can be used by the law enforcement agencies.

Who is assigned a risk level?

- Risk levels are assigned to predatory offenders:
 - 1) Released from a state prison in Minnesota;
 - 2) Released from a state prison in another state who come to Minnesota under supervision;
 - 3) Released from a federal prison and intending to reside in Minnesota;
 - 4) Released from confinement who were committed as sexually dangerous persons, sexually psychopathic personalities or mentally ill and dangerous; or
 - 5) Upon request from local law enforcement if released from a federal prison or another state's prison (and not under supervision).
- As of January 1, 2016, approximately 9,400 of Minnesota's 17,500 registered (active) predatory offenders fall under the above categories and are assigned a risk level.

Facts About Minnesota's Community Notification Act

- ▶ Minnesota's Community Notification Act was effective January 1, 1997.
- ▶ Assignment of risk levels is the statutory responsibility of the Minnesota Department of Corrections.
- ▶ Community notification is the statutory responsibility of law enforcement.
- ▶ Level 3 offenders are identified on a public website.
- ▶ Offenders are subject to the provisions of the Community Notification Act for as long as they are required to register as predatory offenders.
- ▶ Of all offenders who have been assigned risk levels, approximately 57% are level 1; 31% are level 2; and 12% are level 3.
- ▶ Approximately 360 level 3 offenders are living in Minnesota communities (as of 1/1/16).

Who assigns risk levels?

- An End-of-Confinement Review Committee (ECRC) is established at each Minnesota state prison or treatment facility to determine risk levels. For offenders released from federal or out-of-state prisons, an ECRC in the Minnesota Department of Corrections (DOC) Central Office performs this function.

Who serves on the ECRC?

- The prison warden or treatment facility head where the offender is confined, or that person's designee; a law enforcement officer; a treatment professional trained in assessing sex offenders; a caseworker experienced in supervising sex offenders; and a victim services professional.

What does the ECRC consider when assigning risk level?

- The seriousness of the offense; the offender's prior offense history; the offender's characteristics, such as response to prior treatment efforts and history of substance abuse; the availability of community support to the offender, such as therapeutic treatment, a stable and supervised living arrangement, familial and social relationships, and the offender's education or employment stability; whether the offender has indicated, or credible evidence in the record indicates, that the offender will reoffend; and whether the offender demonstrates a physical condition that minimizes risk of reoffense, including but not limited to advanced age or a debilitating illness or physical condition.

Can a risk level be changed?

- Yes. Within 14 days of being assigned risk level 2 or 3, an offender can request review from an administrative law judge. Also, after three years from initial risk level assignment, an offender can request that the ECRC consider a level reassessment.

Who provides notification to the community?

- The DOC provides information from the ECRC to law enforcement, which is responsible for notification in the community where the offender is to reside.

Who may law enforcement notify about release or relocation of an offender?

- Level 1 – Victims of and witnesses to the crime, other law enforcement agencies, and anyone identified by the prosecuting attorney to receive the information.
- Level 2 – In addition to the above, notification may be given to schools, daycare centers, and other organizations where individuals who may become victims of the offender are regularly found. Law enforcement may also choose to notify certain individuals that they determine to be at possible risk. The information is not to be redistributed by organizations.
- Level 3 – Requires broad public notification, usually done through a public meeting. Law enforcement may also notify individuals and agencies included in Level 1 and Level 2 notifications, and may use the media and other distribution methods to get information to the public.

What is included in the notification?

- General area of residence, description of the offender and photo, and a description of past criminal behavior by the offender.

Are risk levels public?

- Levels 1 and 2 are not public, except as released by law enforcement as specified in the Community Notification Act. Information about level 3 offenders is posted on the DOC's website once a community notification meeting has been held at the request of law enforcement (<https://coms.doc.state.mn.us/Level3/>)

How long are offenders subject to community notification provisions?

- For as long as they are required to register as predatory offenders. Registration is generally required from ten years to lifetime.

November 2016

Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, Minnesota 55108-5219
651/361-7200
TTY 800/627-3529
www.doc.state.mn.us