PREDATORY OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION

Brownsdale Police Department

POLICY

It is the policy of Brownsdale Police Department to protect the public by disclosing information on predatory offenders residing in the agency's community. This agency will decide what information to disclose and who to disclose it to, based on the predatory offender's assigned risk level and the relevant state statute.

DEFINITIONS

Immediate Household: has the meaning given to it in MN Statute 244.052, subdivision 1(2).

Likely to Encounter: has the same meaning given to it in MN Statute 244.052, subdivision 4(c).

Predatory Offender or Offender: means a person who is required to register as a predatory offender under MN Statute 243.166.

Predatory Offender Registration and Community Notification: refers to the Minnesota law that requires certain predatory offenders to register with the Minnesota Department of Public Safety Predatory Offender Unit. The law also provides for community notification about certain adult predatory offenders who have been incarcerated by the Minnesota Department of Corrections (DOC) or confined by the Minnesota Department of Human Services (DHS).

Primary Address: has the meaning given to it in MN Statute 243.166, subdivision 1a(k).

Offender Risk Level: means the risk assessment score a predatory offender is assigned by the end-of-confinement review committee which indicates the presence of identified predictive risk factors that may contribute to re-offending in a same or similar fashion. The three risk levels a predatory offender can be assigned are:

Level 1
Level 2
Level 3

Note: Some offenders who are required to register as predatory offenders are not assigned a risk level because their sentence was completed prior to predatory offender legislation or because they have not spent time in state or federal prison. These offenders are not subject to community notification, with the exception of designated healthcare facilities (MN Statute 243.166, subdivision 4(b)).

Registrant: means the predatory offender or offender subject to registration.

Risk Assessment Scale: means the scale the Commissioner of Corrections uses to assign weights to the various risk factors listed in MN Statute 244.052, subdivision 3(g), and specifies the risk level to which offenders with various risk assessment scores shall be assigned.

PROCEDURE

REGISTRATION

When an individual arrives to register with this agency, [officers] should ask what state the offense was committed in and if the individual has previously registered elsewhere. [*Officers*] shall verify that the individual is at the correct location to complete their registration - meaning that the registrant's primary address, work address, or school address are within this agency's jurisdiction. [*Officers*] can review the list of registrable offenses on the BCA's website or by referring to MN Statute 243.166, subdivision 1b. In some cases, the agency may have received prior notice from the commissioner of corrections that a predatory offender would be coming to the agency to complete their registration.

If the individual is required to register, contact the BCA POR UNIT or login to the POR LE/ES portal to determine whether the individual has already registered and submitted a DNA sample. If the individual is already registered, complete a *Change of Information Form*. If the individual is not registered, complete a *Predatory Offender Registration Form*. If the individual is from or registered with another state, contact the state the individual is registered in and request a copy of the offender's original registration form, criminal complaint, and sentencing documents. All documents and photos can be downloaded and/or submitted via the BCA's MN Predatory Offender Registry Electronic Submissions (POR ES) portal.

Link: https://dps.mn.gov/divisions/bca/bca-divisions/investigative-services/specialized-investigative-services/predatory-crimes/predatory-crimes-law-enforcement/por-information-law-enforcement

This agency strongly encourages its [*officers*] to verify the addresses of registrants living in this jurisdiction. MN Statute 243.166 requires predatory offenders to register a new primary address at least 5 days before the person starts living at a new location. The statute also requires registrants to provide written notice to the assigned corrections agent or to the law enforcement authority that has jurisdiction over the person's primary address that the person is no longer living or staying at an address, immediately after the person is no longer staying there. Statute requires the predatory offender to submit these written notices in person. Homeless registrants within this agency's jurisdiction, or any agency's jurisdiction, are required to check in/register with law enforcement on a weekly basis.

If an [*officer*] finds that a registrant is not living at their registered primary address, contact the BCA POR UNIT or login to the POR ES portal to determine whether a *Change of Information Form* was submitted. If it was not, the registrant may be charged with failure to notify authorities of a change in residence. To make this charge, contact the BCA POR UNIT to request a prosecution packet. Submit the packet to the county attorney's office to file formal charges. Prior to submitting any formal charging paperwork, [*officers*] shall verify that the registrant is no longer residing at his/her last address. If possible, [*officers*] should collect evidence of the registration violation in the form of a formal statement from friends, co-workers, neighbors, caretakers, etc. of the registrant.

For questions concerning predatory offender registration refer to the Bureau of Criminal Apprehension (BCA)'s Predatory Offender Registration via the link above for detailed information, or contact the Predatory Offender Unit (BCA POR UNIT) by calling (651) 793-7070 or 1-888-234-1248.

COMMUNITY NOTIFICATION

Law enforcement agencies receive information from the BCA and DOC regarding the assigned risk level of predatory offenders. The duty of law enforcement to provide notification depends on the risk level assigned as described below. Public notification must not be made if a registrant is placed or resides in one of the DOC licensed residential facilities (halfway houses) such as those operated by RS-Eden, Alpha House, 180 Degrees, Damascus Way, or Bethel Work Release (contact the DOC RA/CN unit for a current list of designated halfway houses). If a predatory offender or registrant leaves a DOC licensed facility, [*officers*] shall not disclose any information until the law enforcement agency is notified the registrant will move to a residential location within the agency's jurisdiction. If public notice (level 2 or 3) is required on an unhoused registrant, that notice should include as much specificity as possible, for example, "in the vicinity of *(location, landmark, intersection)*."

Level 1 Notification. This agency and its [*officers*] may disclose the information it maintains on level 1 predatory offenders to other law enforcement agencies. The agency may disclose registrant information received from the DOC to any victims of or witnesses to the offense committed by the registrant. This agency and its [*officers*] shall disclose registrant information to the victims of the offense committed by the registrant who have made a disclosure request for enhanced notification as well as the adult members of the registrant's immediate household. For more information regarding level 1 offender notification, refer to MN Statute 244.052, subdivision 4(b) (1).

See Appendix A: Confidential Fact Sheet - For Law Enforcement Agency Use Only

Level 2 Notification. This agency and its [*officers*] may make the same disclosures for a level 2 predatory offender as a level 1. Registrant information may also be disclosed to agencies and groups that the registrant is likely to encounter for the purpose of securing those institutions and protecting individuals in their care while they are on or near the premises of the institution. These agencies/groups include the staff members of public and private education institutions, day care establishments, and establishments that

primarily serve individuals likely to be victimized by the registrant. [*Officers*] shall make notification determinations based on the registrant's pattern of offending or victim preferences as documented in the information provided by the DOC or DHS. Level 2 predatory offender information may also be provided to property assessors, property inspectors, code enforcement officials, and child protection officials who are likely to visit the registrant's home while carrying out their work duties. For more information regarding level 2 predatory offender public notifications, refer to MN Statute 244.052, subdivision 4(b)(2).

See Appendix B: Fact Sheet - Notification of Relocation in Minnesota

Level 3 Notification. This agency shall disclose level 3 predatory offender information to the individuals and organizations that are eligible for disclosure for level 1 and 2 registrants. This agency shall also disclose level 3 registrant information to members of the community whom the registrant is likely to encounter, unless this agency determines that public safety would be compromised by the disclosure or that a more limited disclosure is necessary to protect the identity of the victim. For more information regarding level 3 registrant public notification, refer to MN Statute 244.052, subdivision 4(b)(3).

The agency must make a good faith effort to complete the disclosure on a level 3 predatory offender within 14 days of receiving documents/notice from the DOC. The process of notification will be determined by this agency.

HEALTH CARE FACILITY NOTIFICATION

Upon notice that a registered predatory offender without a supervising agent has been admitted to a health care facility in its jurisdiction, law enforcement shall provide a fact sheet to the facility administrator with the following information: name and physical description of the offender; the offender's conviction history, including the date of conviction; the risk level assigned to the offender, if any; and the profile of likely victims.

VICTIM NOTIFICATION

This agency shall provide victims who have requested notification with information that is relevant and necessary to protect the victim and augment their safety planning efforts. The victim is not required to live within this agency's jurisdiction to receive notification. The DOC will provide victim contact information to the law enforcement agency when there is a victim/witness who has requested enhanced notification. Law enforcement personnel may directly contact the victim/witness. Community based victim advocacy resources may also be available to assist with locating a victim and with providing notification. Assistance is also available from the DOC RA/CN and Victim Services staff.

See Appendix C: Victim Survivor Notification

OUT OF STATE PREDATORY OFFENDERS AND OFFENDERS RELEASED FROM FEDERAL FACILITES SUBJECT TO NOTIFICATION

If an [*officer*] with this law enforcement agency learns that a person under its jurisdiction is subject to registration and desires consultation on whether or not the person is eligible for notification, the agency, or [*officer*], must contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform this agency that it may proceed with community notification in accordance with the level assigned by the other state. If DOC determines that the governing law in the other state is not comparable, community notification by this agency may be made consistent with that of a level 2 registrant.

If an [*officer*] or other member of this agency believes that a risk level assessment is needed, the agency may request an end-of-confinement review by the DOC. This agency shall provide the DOC any necessary documents required for assessing the predatory offender and assigning a risk level.

Note:

- Neither this agency nor its [*officers*] shall disclose the identity or any identifying characteristics of the victims of or witness to a predatory offender's offense(s).
- A registrant who is the subject of a community notification meeting may not attend the meeting.
- This agency shall disclose information on a registrant as required by statute for as long as the offender is required to register under MN Statute 243.166.
- When a registrant for whom notification was made no longer resides, is employed, or is regularly found in this agency's jurisdiction, the agency shall inform the entities and individual initially informed of the registrant's status.

For questions regarding community notification or the risk level assigned, contact the Risk Assessment/Community Notification Unit of the Department of Corrections (DOC RA/CN Unit) at 651-361-7340 or at notification.doc@state.mn.us. The DOC is also available to assist agencies with conducting public notification meetings when a registrant who is subject to notification moves into a law enforcement jurisdiction.

STATUTORY REFERENCES

- MN STATUTE 243.166 – Registration of Predatory Offenders
- MN STATUTE 243.167 – Registration Under Predatory Offender Registration Law for Other Offenses
- MN STATUTE 244.10 – Sentencing Hearing; Deviation from Guidelines
- MN STATUTE 244.052 – Predatory Offenders; Notice
- MN STATUTE 244.053 – Notice of Release of Certain Offenders
- MN STATUTE 253D.32 – Scope of Community Notification
- MN STATUTE CHAPTER 13 – Government Data Practices
- ADMINISTRATIVE RULE 6700.1615 – Required Agency Policies