

SECTION SMP

SMP-J PREDATORY OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION

SMP-J: PUBLIC NOTIFICATION OF SEX OFFENDERS

Section SMP-J.10 Scope

This policy is intended to ensure that this agency complies with the requirements of (Minn. Stat. 243.166, 244.052, and 244.053) to provide for the registration of sexual offenders and other predator offenders and to provide community notification relative to the release of certain of those offenders, while maintaining the legally required privacy and other rights of those offenders.

Section SMP-J.11 Policy

It is the policy of the Avon Police Department to protect the public by disclosing information on predatory offenders residing in an agency's community. The extent of the information disclosed and to whom is at the discretion of the agency unless otherwise noted. However, it must relate to the level of danger posed by the offender, to the offender's pattern of offending behavior, and to the need of community members to enhance their individual and collective safety.

Section SMP-J.12 Definition

Three possible risk levels can be assigned to an offender. They are:

- Level 1 – low risk of re-offending
- Level 2 – moderate risk of re-offending
- Level 3 – high risk of re-offending

Note: Some offenders are not assigned a risk level due to their offense being adjudicated prior to predatory offender legislation enactment or due to the offender's conviction not leading to supervision by the Department of Corrections. These offenders are still subject to the predatory offender registration statutes, though they are *not* subject to community notification.

Section SMP-J.13 Procedure

- A. Community Notification** - For questions regarding community notification or risk level assigned to an offender, please contact the Predatory Offender Unit of the Department of Corrections (DOC) at 651.642.0279 or at www.corr.state.mn.us. The DOC will answer questions about the process and responsibilities, and assist agencies in conducting public notification meetings when an offender subject to notification moves into a law enforcement jurisdiction. Attached to this policy are:
- Example 1, "*Community Notification: Risk Assignment Report*", an internal law enforcement document prepared by the DOC
 - Example 2, "Fact Sheet", a notice for public distribution

B. Notification Process

Level 1 – The purpose is to disclose information to raise awareness.

- Mandatory – Victims who have requested disclosure.
- Discretionary – Witnesses or victims, other law enforcement agencies.

Level 2 – The objective is to disclose information to safeguard facilities and protect the individuals within those facilities. (Example - attachment 2, “Fact Sheet”)

- Mandatory – All persons and entities included in Level 1 disclosure.

Note: If the offender is placed or resides in a residential facility, do NOT disclose any information until the law enforcement agency is notified that the offender has been relocated.

- Discretionary – Groups and agencies that the offender is likely to encounter including staff members of both public and private schools, day care facilities and organizations that would provide services to the individuals likely to be victimized by the offender.
 - ❑ Consider using the following to assist with discretionary disclosure: the offender’s prior history; offense characteristics; employment; recreational, social and religious interests; and characteristics of likely victim.

Level 3 – The goal is to disclose information not only to safeguard facilities and protect the individuals they serve, but also to protect the community as a whole.

- Mandatory – All persons and entities included in Level 1 and Level 2 disclosure. A good faith effort must be made to notify within 14 days of receiving documents from DOC.

Note: If the offender is placed or resides in a residential facility, do NOT disclose any information until the law enforcement agency is notified that the offender has been relocated.

- Discretionary – Other members of the community who 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.
 - ❑ How an agency decides to inform the public is their discretion. The current standard for a Level 3 offender is to invite the community to a public meeting and disclose the necessary information.

C. Registration - For questions concerning registration, please contact the Bureau of Criminal Apprehension Predatory Offender Unit (BCA POR) at 651.603.6748 / 1.888.234.1248 or at www.dps.state.mn.us/bca or refer to the Predatory Offender Registration Manual (POR Manual) for detailed information.

When an offender arrives at your agency to register, determine if he/she is required to register (review list of registerable offenses in the POR Manual) and in what state the offense was committed.

If the offender is required to register, contact the BCA POR to clarify if the offender is registered and if a DNA sample has been submitted.

- If the offender is already registered, complete a Change of Information Form included in the POR Manual.
- If the offender is not registered, complete a Predatory Offender Registration Form included in the POR Manual.
- If the offender is from another state, contact the state (information for each state is listed in the POR Manual) and request a copy of his/her original registration form, criminal complaint and sentencing documents.

It is recommended the agency verify the address of offenders living in their community.

- If the offender is not living at the residence, contact the BCA POR to determine if a Change of Information Form was submitted. If it was not, the offender may be charged with failure to notify authorities of a change in residence.
- Contact the BCA POR to request a Prosecution Packet. Submit the packet to the county attorney's office to file a formal charge.
 - It must be verified that the offender is no longer residing at his/her last address prior to submitting the Prosecution Packet for charging. Depending on the county attorney, formal statements may be needed from friends, co-workers, neighbors, caretakers, etc.

Date]

CONFIDENTIAL

Community Notification: Risk Assignment Report Law Enforcement Agency Use Only

Not for Use in Public Notification

The individual who appears on this notification is subject to registration as a predatory offender under MN Statutes, Sections 243.166 or 243.167. In addition, this individual is subject to community notification under MN Statutes, Section 244.052.

The following information is for law enforcement use only.

[OFFENDER NAME] [Date of Birth]

RISK LEVEL ASSIGNED: 1 [DATE RISK LEVEL ASSIGNED]

A. OID: [XXXXXXX]

Race: [NNNN] Hispanic: [Yes/No]
Height: [N' N"] Eyes: [NNNN]
Weight: [NNN] lbs. Hair: [NNNNN]
Complexion: [NNNNN] Build: [NNNNN]

Conviction statute(s): [609.NNN]

Investigating agency: [NNNNN] Police Department

Incarceration date: [NN/NN/NN]

Release date: [NN/NN/NN]

Supervision expiration date: [NN/NN/NN]

Supervision agent: NNNNN NNNN at (651) 555-1515

Offense: Offender engaged in sexual contact with the victim (female, age NN). Contact included NNNNNNNNNNNNN. Compliance was gained by [NNNNNN]. Offender was [relationship] to victim.

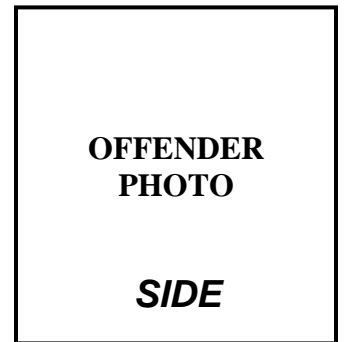
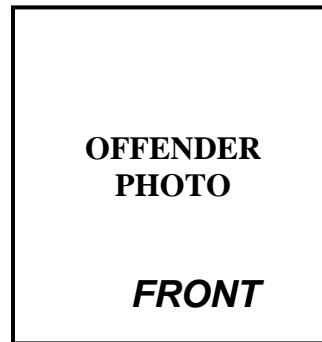
Previous offense(s) and/or behavior(s): [NNNNNNNNNNNNNNNNNN]

Revocation information: [date]—due to [NNNNNNNNNNNNNNNNNN]

Special release conditions: [NNNNNNNN; NNNNNNNNNNNNNNNNNNN; NNNNNNNNNNNNN; NNNNNNNNN.]

Address: [Org], [Street], [City], [State], [Zip]. [telephone]

Date of address change: NN/NN/NN



If you have any questions regarding this information or the policies regarding the notification statutes please contact:

XXXXXX XXXXXX
Community Notification Coordinator
Minnesota Department of Corrections
651-643-xxxx xxxx@doc.state.mn.us

XXXXXX Police Department

FACT SHEET

NOTIFICATION OF RELEASE IN MINNESOTA

RISK LEVEL TWO-

In addition to level one notification (other law enforcement agencies, any victims of, or witnesses to, the offense committed by the offender), law enforcement may notify staff members of public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender.

The XXXXXXX Police Department is releasing the following information pursuant to Minnesota Statutes, Section 244.052 which authorizes law enforcement agencies to inform the public of a sex offender=s release from prison, or a secure treatment facility, when that XXXXXXX Police Department believes that the release of information will enhance public safety and protection.

The individual who appears on this notification has been convicted of Criminal Sexual Conduct or other offense that requires registration with law enforcement pursuant to Minnesota Statutes, Sections 243.166 or 243.167.

This offender is *not wanted by the police* at this time and *has served the sentence* imposed on him by the court. This notification is not intended to increase fear in the community. It is the belief of law enforcement that an informed public is a safer public.

Not the XXXXXXXXXX Police Department, the supervising release agent, nor the Minnesota Department of Corrections may direct where the offender does or does not reside, nor can these agencies direct where he works or goes to school. The risk level of this offender has been determined based largely on his/her potential to re-offend based on his/her previous criminal behavior.

Convicted sex offenders have always been released to live in our communities, but it was not until passage of the Registration Act that law enforcement had an ability to know the residence, or track their moves after their initial release. Since the passage of the Community Notification Act, law enforcement may share information about many of these offenders with the public. Abuse of this information to threaten, harass, or intimidate registered offenders may be a crime, and will not be tolerated. Such abuses could potentially end the ability of law enforcement to do these notifications. The only person who wins if community notification ends is the sex offender since many of these offenders derive their power from the opportunity that secrecy provides them.

The XXXXXXX Police Department is available to help you by providing you and your family with useful information on personal safety. The XXXXXXX Police Department may be reached at (651) 555-1515. If you want to report criminal activity of this or any other offender please call 911.

[OFFENDER NAME] [Date of birth]

OID: [NNNNNN]

Race: [NNNNN] Hispanic: [Yes/No]
Height: [N' NN"] Eyes: [NNNNN]
Weight: [NNN] lbs. Hair: [NNNNN]
Complexion: [NNNNNN] Build: [NNNNN]

Conviction statute(s): [609.NNN]

Release date: NN/NN/NN

Supervision agent: NNN NNNN at 651/555-1515.

Offense: Offender has a history of sexual contact with [NNNNNNNNNNNNNN]. The contact includes [NNNNNNN]. Compliance was gained by [NNNNNNN]. Offender was [relationship] to the victim.

Address: 1000 Block of NNNNN Avenue, [city], MN [zip code].

Date of address change: NN/NN/NN

