Predatory Offender Registration & Notification
Section 54

VI. PURPOSE

The purpose of this directive is to provide members of the Deer River Police Department with a directive providing guidance to provide the community with the maximum information authorized by law relating to the release of predatory offenders consistent with the requirements of public safety and the legal rights of the offender; and to ensure compliance with the requirements of MN Statutes 243.166, 244.052 and chapter 13 to provide for the registration of predatory offenders.

VII. POLICY

It has been found that when the public is provided with adequate notice and information concerning a predatory offender who has been or is about to be released from custody, and who resides or will reside in or near their neighborhood, the community can develop constructive plans to prepare themselves and their children for the offender's release. It is the directive of the Deer River Police Department to facilitate the registration of predatory offenders, and to provide community notification regarding the release of those offenders as designated by statute, while preserving the rights of those offenders.

VIII. SCOPE

This directive applies to all sworn officers and other members of the Deer River Police Department engaged in the discharge of official duties, whether within or outside of the City of Deer River.

IX. PROCEDURE

A. Required Registration Procedures - An offender must register under Minnesota Statute 243.166 if the offender was charged with, or petitioned for, a felony violation of or attempt to violate any of the offenses listed in Minnesota Statute 243.166 Subd. 1b.

B. Registration Process – The central repository for registration is the Minnesota Bureau of Criminal Apprehension.

1. Predatory offenders on State or Federal Probation, parole or supervised release are required to register with a corrections agent as soon as one is assigned. Copies of the registration form are forwarded to the following:

a) Bureau of Criminal Apprehension (original and one copy). The BCA shall forward this information to the law enforcement agency with primary jurisdiction over the location where the offender is expected to reside.

b) Corrections Agent

c) Department of Corrections – Sex Offender/Chemical Dependency Services Unit if appropriate.

d) Offender

2. If an offender does not currently have a Minnesota or Federal Corrections Agent because the offender is no longer under supervision, they shall register with the law enforcement agency with primary jurisdiction over the location in which they reside.

Copies of the Registration form as provided by the BCA shall be provided within two (2) working days as follows:

a) BCA (original and copy) along with a completed fingerprint card (as provided by the BCA) and a photograph.
b) Agency files.
c) Offender

C. Change of Address Requirement – MN Statute 243.166 requires an offender who starts living at a new address including living in another state, to give written notice of the new living address to the assigned correctional agent or to the law enforcement authority with which the person is currently registered. The offender must make this notice at least five (5) days before beginning to live at the new address.

1. Offenders who have no primary address are required to register with the law enforcement agency that has jurisdiction in the area where the person is staying within 24 hours of when the no longer have a primary address or with the agency having jurisdiction of a new area they begin staying in within 24 hours of entering the new jurisdiction.
2. Predatory offenders that are on State or Federal probation, parole, or supervised release are required to register with their assigned corrections agent. The corrections agent shall forward the Change of Address Form as provided by the Minnesota BCA to the Bureau of Criminal Apprehension within two (2) working days. Copies of the registration form are forwarded to the following:

a) Bureau of Criminal Apprehension (original and one copy). The BCA shall forward this information to the law enforcement agency with primary jurisdiction over the location where the offender expects to reside.
b) Corrections Agent
c) Department of Corrections – Sex Offender/Chemical Dependency Services Unit, if appropriate.
d) Offender

3. If an offender does not currently have a Minnesota or Federal Corrections Agent because the offender is no longer under supervision, they shall register their address change with the law enforcement agency with primary jurisdiction over the location in which they reside. Copies of the Registration form as provided by the BCA shall be provided within two (2) working days as follows:

a) BCA (original and copy) along with a completed fingerprint card (as provided by the BCA) and a photograph. Law Enforcement Agency with primary jurisdiction over the location in which the offender intends to reside.
b) Agency files
c) Offender

D. Offenders From Other States – When the state accepts an offender from another state under the reciprocal agreement under the interstate agreement, the acceptance is conditional on the offender agreeing to maintain a current registration under this section while the offender lives in Minnesota.

1. Offenders who have been convicted or adjudicated or released from confinement in another state of a comparable offense requiring registration within the last ten years,

even if they are no longer under supervision, are required to register if they have moved to Minnesota after July 1, 1995 and remain longer than 30 days. They are to register with the law enforcement agency with primary jurisdiction over the location in which they live. The original and one copy of the Registration Form, along with a completed fingerprint card (as provided by the BCA) and a photograph, is to be forwarded to the BCA.

2. The offender will be advised of the requirements of MN Statute 609.3461, Subdivision 3, which requires offenders under supervision from another state to make arrangements with their supervising agent to provide a biological sample for purposes of DNA testing. The cost for obtaining the biological specimen is the responsibility of the supervising agency.

E. Registration Period – An offender must comply with the registration requirement until ten years have lapsed since the person was initially registered for the offense, or until the probation, supervised release or conditional release period expires, whichever occurs later.

1. Registration Verification
2. Each year, within 30 days of the anniversary date of the person's initial registration the BCA shall mail a verification to last reported address of the person.
3. The person shall mail the signed verification form back to the BCA within 10 days after receipt of the form, stating on the form the current and last address of the person.
4. If the person fails to mail the form back to the BCA within 10 days after the receipt of the form, the person will be in violation of this section.
5. Criminal Penalty – If an offender is required to register under this section and the offender violates any provisions or intentionally provides false information to a corrections agent or law enforcement officer, the offender is guilty of a gross misdemeanor. Any violation of this section may be prosecuted where the offender resides or where the offender was last assigned to a Minnesota corrections agent.
6. An offender who fails to provide their change of address information may also be subject to an additional five (5) year period of registration.
7. Subsequent convictions for failure to register are a felony.

F. Data Practices

1. All Predatory Offender Registration Data contained on the Minnesota Predatory Offender Registration Form is private data to be used for law enforcement purposes.
2. However, data provided by the Department of Corrections and data obtained from other sources other than the Minnesota Predatory Offender Registration Form may be disclosed as for the purposes of community notification as described below.

G. Reports

1. An incident report must be completed on all predatory offenders reported to the DRPD. This report shall contain all data with respect to their past criminal record including MO's if known.
2. The DRPD will assist an offender in completing a Predatory Offender Notification and Registration Form and/or Predatory Offender Change of Address Notice for offenders registering with the Department.

3. All completed forms must be promptly mailed to the Minnesota BCA, Attn: POR Unit, 1430 Maryland Avenue East, St. Paul Minnesota 55106
4. A copy of all completed forms will be retained for the departmental records.

H. Community Notification – Release from Prison or Treatment Facility

1. Upon receipt of notice of End of Confinement Review Committee meeting:
2. Prior to the release of a sex offender covered by notification, the DOC is required to convene an End of Confinement Review Committee to assign the offender a risk level.

a) The DOC will notify the law enforcement agency responsible for the charge resulting in confinement of the time and place of the End of Confinement Review Committee meeting and that the agency may provide information in writing that may be relevant to the offender's risk level

b) Upon receipt of the notice for the DOC, the agency should respond by providing the End of Confinement Review Committee the additional information the agency believes is relevant to the risk level assignment or respond to the End of Confinement Review Committee that no additional information is currently available. In any case, a response to the End of Confinement Review Committee should be made promptly.

3. Upon receipt of End of Confinement Review Report and Records - Pursuant to MN Statute 244.052, subdivision 3(f), not less than 60- days before an offender is released from confinement by the Commissioner of Corrections or Commissioner of Human Services, the State End of Confinement Review Committee is required to provide to the appropriate law enforcement agency all relevant information the Commissioner has concerning the offender, including information on the risk factors in the offender's history and the risk level to which the offender was assigned. Except when an offender is imprisoned in a Minnesota Department of Corrections facility for less than 90 days, the report and relevant data will be provided as soon as it becomes available, MN Statute 244.052, subdivision 5.
4. Upon receipt of assessment and data, the department will open a file in the offender's name. The data contained in this file will be treated as public data, except for those portions designated by the DOC or other responsible authority with some other classification.
5. As soon as reasonably possible upon receipt of the assessment and data, but not more than 30 days, the agency which was responsible for the charge resulting in confinement shall review and determine whether or not to request that the Committee conduct a re-assessment of the assigned risk level. In making the determination, the agency may consult with other appropriate law enforcement and prosecutorial agencies. A request for reassessment shall list all facts and circumstances arising after the initial assignment or facts and circumstances known to law enforcement but not considered by the Committee.
6. If the agency determines to seek re-assessment, a written request the re- assessment, along with all supporting data, shall be forwarded to the Director of the Sex Offender/Chemical Dependency Services Unit as soon as reasonably possible.
7. Once the requested review is completed, or if the agency accepts the original risk level assessment, the agency shall proceed with preparation of the community notification plan, consistent with the offender's assigned risk level.

8. Within five (5) days after receiving the offender's approved release plan from the office responsible for adult releases, the appropriate department shall give to the law enforcement agency having primary jurisdiction where the offender plans to reside, all relevant information the department has concerning the offender, including information on risk factors in the offender's history and the risk level to which the offender was assigned.
9. Community Notification Plan – For each offender who falls within this section of the directive, a community notification plan will be established. Upon receipt of the information described in the Disclosure of Information to the Public section of this directive, a good faith effort shall be made to complete the plan at least 14 days after the receipt of the offender's confirmed address.

a) The notification plan will be consistent with the risk level assessment established by the DOC and include the preparation of an Offender Fact Sheet or the use of the fact sheet(s) provided by the DOC.
b) An Offender Fact Sheet shall, at minimum, include:
c) Date the fact sheet was issued.
d) Minnesota State Identification Card.
e) The Agency responsible for the fact sheet.
f) Legal Authority under which the fact sheet was prepared.
g) A method of contacting the Law Enforcement Agency for further information.
h) Statement of Offenders Rights.
i) The name, date of birth and physical description of the offender.
j) A recent photograph if available.
k) A Statement of Offense for which the offender was convicted or another legal basis for the offender's confinement.
l) A brief description of the facts of that offense. The description should be written in a manner that shall not disclose the identity of the victims of or witnesses to the offense. The description of the offense should be written so as to not unreasonably arouse the anger of those who review it or jeopardize the safety of the offender. The agency may use the offense summary information provided by the End of Confinement Review Committee for the offense summary.
m) The DOC assigned Risk Level.
n) The address at which the offender intends to reside. In most circumstances, this should not include the specific street number of the residence.
o) The scope of the Community Notification Law.

10. Law Enforcement Disclosure of Information to the Public – The law enforcement agency in the area where the predatory offender resides, expects to reside, is employed, or is regularly found, shall disclose to the public any information regarding the offender contained in the report forwarded to the agency under the sections of this directive deemed necessary to protect the public and to counteract the offender's dangerousness. The extent of the information disclosed and the community to whom disclosure is made must relate only to, and include, all of the following:

a) The level of danger posed by the offender.
b) The offender's pattern of offending behavior.

c) The need of the community for information to enhance their individual and collective safety.

11. Level I – Disclosure of Information to the Public – For a Risk Level I Offender, a fact sheet shall be distributed as follows:

a) Mandatory Disclosure

b) Victims. The fact sheet or information contained within, shall be given to by the law enforcement agency responsible for the community notification, in person or by the phone, to the victims of the offense committed by the offender.

c) Adult members of the offender's immediate household.

d) Offender. The offender shall be mailed the fact sheet.

e) Discretionary disclosure

f) Any witnesses to the offense committed by the offender who have requested disclosure if that request has been made known to the agency, and if the agency is provided an address for the witness(es) with which to communicate the information.

g) Any other law enforcement agency where the offender is likely to be encountered.

h) Offender criminal history records may be disclosed to the extent such a record is classified as public data and as authorized under Criminal History Conviction Data section of this directive.

i) Requests for data not contained in the Fact Sheet shall be provided in accordance with section VII of this directive.

12. Level II – Disclosure of Information to the Public-For a Risk Level II Offender who is placed in a Residential Facility, disclosure shall be as follows:

a) Mandatory Disclosure

b) Disclosure shall be made to all persons and entities that Level I disclosures would be made.

c) Discretionary Disclosure

d) Additional Level II disclosure may not be made until the head of the facility notifies the Commissioner of Corrections or the Commissioner of Human Services that the offender's placement or residence in the facility is scheduled to end. Upon receipt of this notification, the agency may make disclosures as authorized in section: v, below.

e) For a Risk Level II Offender not placed in a Residential facility, a Fact Sheet shall be distributed as follows:

f) Mandatory Disclosure

g) Disclosure shall be made to all persons and entities that Level I disclosures would be made.

h) Discretionary Disclosure

i) Additional disclosure may be made to the following groups and agencies the offender is likely to encounter for the purpose of securing those institutions and protecting individuals in their care when they are on or near the premises of the institution.

j) In determining the public and private educational institutions, day care establishments, and other establishments and organizations, if any, who will be given the fact sheet under this provision, the Deer River Police Department will consider the offender's prior history, offense characteristic, employment, recreational, social, and religious interests; and the characteristics of likely victims. The Department shall consult with any other law

enforcement agencies with primary jurisdiction over which the offender is likely to be encountered.

k) The Department may also disclose the information to individuals the Department believes are likely to be victimized by the offender. The Department's belief shall be based on the offender's pattern of offending or victim preference as documented in the information provided by the DOC or Human Services. Such groups may include:

(1) Public and private educational institutions including staff.

(2) Day care establishments including staff.

(3) Establishments and organizations that primarily serve individuals likely to be victimized by the offender.

(4) Offender criminal history records may be disclosed to the extent such public record is classified as public data and as authorized under section: 7.22 of this directive.

(5) Requests for data not contained in the fact sheet shall be provided in accordance with sections: 7.12 through 7.18.3 of this directive.

13. For a Risk Level II Offender not placed in a Treatment Facility, a Fact Sheet shall be distributed as follows:

a) Mandatory Disclosure

b) Disclosure shall be made to all persons and entities that Level I disclosure will be made.

d) Additional disclosure may be made to the following groups and agencies the offender is likely to encounter for the purpose of securing those institutions and protecting individuals in their care when they are on or near the premises of the institution.

e) In determining the public and private educational institutions, day care establishments, and other establishments and organizations, if any, who will be given the fact sheet under this provision, the Deer River Police Department will consider the offender's prior history, offense characteristic, employment, recreational, social, and religious interests; and the characteristics of likely victims. The Department shall consult with any other law enforcement agencies with primary jurisdiction over which the offender is likely to be encountered.

f) The Department may also disclose the information to individuals the Department believes are likely to be victimized by the offender. The Department's belief shall be based on the offender's pattern of offending or victim preference as documented in the information provided by the DOC or Human Services. Such groups may include:

g) Public and private educational institutions including staff.

h) Day care establishments including staff.

i) Establishments and organizations that primarily serve individuals likely to be victimized by the offender.

j) Offender criminal history records may be disclosed to the extent such a public record is classified as public data and is authorized under section 7.22 of this directive.

k) Requests for data not contained in the fact sheet shall be provided in accordance with section 7.12 through 7.18.3 of this directive.

14. Level III – Disclosure of Information to the Public-For a Risk Level III Offender who is placed in a Residential Facility, disclosure shall be as follows:

a) Mandatory Disclosure
b) Disclosure shall be made to all persons and entities that Level I disclosures would be made.
d) Additional disclosure of the fact sheet shall be made to any other members of the community the offender is likely to encounter.
e) In determining the establishments and organizations who will be given the fact sheet under this provision, the Department may consider the offender's prior history, offense characteristics, employment, recreational, social and religious interests; and the characteristics of likely victims. The Department shall consult with any other law enforcement agencies with primary jurisdiction over which the offender is likely to be encountered.
f) The Department shall meet with community members including a public meeting, as defined by MN Statute 451.705, in the area where the predatory offender will reside or is likely to be found. If a public meeting is determined not to be appropriate for a specific case, the reason the meeting was not held shall be documented in the Department's case files.
g) The Department shall make reasonable efforts to notify members of the community through appropriate use of public information resources, including news media.
h) In conducting a community notification meeting, the Department will give due regard to and address the essential components of the community notification fact sheet created under this directive. The Department shall consider and use as appropriate a variety of informational approaches, which may include:
i) Description of the Community Notification Law and Sex Offender Registration Law.
j) Relevant information concerning the offender who is subject to the notification.
k) Information that will promote public safety and protection from other offenders that may be subject to notification.
l) An explanation of the rights of the offenders to be free of legal harassment.
m) Assistance of community leaders, other officials, and relevant professional disciplines.
n) Information relevant to the scope of notification for the offender who is subject to notification.
o) Information about what to do or who to call if the offender is encountered or concerning the offender's activities.
p) General personal safety and crime prevention tips, fact sheets or related materials.
q) Information concerning general sex offender and predatory offender characteristics.

15. Exchange of Information between law enforcement agencies

a) The Department may provide any data in its possession obtained under the community notification or predatory registration statutes to another law enforcement agency that is initiating or conducting an investigation, or to assist that law enforcement agency in conducting community notification or predatory offender registration.
b) Re-Notification

16. When an offender notifies the Department of the intent to move from the jurisdiction or within the jurisdiction, the department shall:

a) Assist the offender in completing the Predatory Offender Change of Address Notice.

Once completed, a copy of the form shall be sent to the Chief Law Enforcement Officer of the jurisdiction which the offender intends to move, and the Minnesota BCA. A copy will be retained for the Department.

b) Upon request of the agency in the jurisdiction to which the offender intends to move, the Department shall provide the agency with all information pertaining to the offender in its possession which is requested.

c) The Department shall periodically review all community notification files to determine if re-notification of the community is appropriate. In making that determination, the Department shall consider the nature and characteristics of the community, including the extent of changes in its population and membership.

d) Upon receipt of a reclassification of an offender risk level, the Department shall proceed with the development and distribution of Community Notification Plan as set in section 712 through 7.18.3.

17. Community Notification: Sentencing Guidelines Dispositional Departures

a) Pursuant to MN Statute 244.10, Subdivision 2a, in any case in which a person is convicted of an offense which requires registration under MN Statute 243.166, and the presumptive sentence under the sentencing guidelines is commitment to the custody of the Commissioner of Corrections, if the court grants a dispositional departure, the probation or court services officer assigned to supervise the offender shall provide in writing to the Department the fact that the offender is on probation and the terms and conditions of probation.

b) Upon receipt of notice from court services or probation officer under this provision, a file in the offender's name shall be opened. The data in this file is classified as public data.

18. Community Notification Plan

a) For each offender who falls within the scope of this directive, a community notification plan shall be established. A good faith effort shall be made to prepare the notification of the plan as soon as possible.

b) The notification plan shall be developed in consultation with the court services or probation officer and prosecuting authority and shall include the preparation of an Offender Fact Sheet.

c) Offender fact sheet: An offender fact sheet shall consist of public data unless otherwise authorized by court order or consent of the offender, and at a minimum, shall include:

(1) The date the fact sheet was issued.
(2) The Minnesota State Identification Number, if available.
(3) The agency responsible for the fact sheet.
(4) The legal authority under which the fact sheet was prepared.
(5) A method of contacting the Department for further information.
(6) A statement of the offender's rights.
(7) The name, date of birth and age of the offender.
(8) A recent photograph, if available.
(9) A statement of the offense that the offender was convicted.
(10) A brief description of the facts of that offense. This description should be taken from court records and written in a manner that protects the identity of the victim and witnesses to the offense to the extent it is reasonably possible to do so. The description

of the offense should be written in a manner so as to not unreasonably arouse the anger of those who review it or jeopardize the safety of the offender.

(11) The scope of the Community Notification Law.
(12) Distribution of the Offender Fact Sheet.
(13) A copy of the fact sheet shall be mailed to the offender.
(14) Disclosure may be made to the following groups and agencies the offender is likely to encounter. Such groups may include:
(15) Public and private educational institutions.
(16) Day care establishments.
(17) Establishments and organizations that primarily serve individuals likely to be victimized by the offender.
(18) In determining the establishments and organizations who will be given the fact sheet under this provision, the Department may consider the offender's prior history, offense characteristics, employment, recreational, social, and religious interest and the characteristics of likely victims.

19. Community Notification: All Other Registered Offenders

a) This directive recognizes that under MN Statutes, not all persons who are required to register under MN Statute 243.166 fall within the Community Notification Act.
b) Any data in the possession of the Department concerning an individual who is required to register, but is not subject to the Community Notification Act, shall be administered, collected, maintained, and disseminated consistent with MN Statute 13.82 or any other relevant provisions of law.

20. Criminal History Conviction Data

a) MN Statute 13.87 classifies certain conviction data for adult and certified juvenile offenders as public data and requires the BCA to allow a member of the public to inspect that data in its offices at no charge.
b) Data that is not conviction data is classified as private data and may not be disclosed except as authorized by the Minnesota Government Data Practices Act and the data practices directive of this Department.
c) Conviction data is classified as public only until 15 years has elapsed since the offender was discharged from the sentence imposed for the conviction. Following that time, conviction data is classified as private data.
d) The following data obtained from the BCA records for convicted offenders for which less than 15 years have passed since expiration of sentence may be disclosed as public data:

(1) Offender name and date of birth.
(2) Charged offense, conviction offense and level of offense (felony or misdemeanor).
(3) Arresting agency and case number.
(4) Court of Conviction and court file number.
(5) Sentence imposed.
(6) Institution of confinement, if any.
(7) Minnesota State Criminal History (SID) number.