

6 - PREDATORY OFFENDER REGISTRATION & COMMUNITY NOTIFICATION POLICY

6-100 PREDATORY OFFENDER REGISTRATION

6-101 Purpose

This policy ensures that UMDPD complies with the requirements of Minnesota Statutes 243.166, 243.167, 244.10, 244.052, 244.053, Minnesota State Statutes Chapter 13 (Minnesota Government Data Practices Act), and the Campus Sex Crimes Prevention Act (H.R. 3244 Sect.1601) to provide for the registration of sexual and other predatory offenders and to notify the community of the release of those offenders.

6-102 Policy

It is the policy of the University of Minnesota Duluth Police Department to protect the public by disclosing information on predatory offenders residing in its community. This agency will decide what information to disclose and who to disclose it to based on the level of danger posed by the offender, the offender's pattern of offending behavior, and the needs of community members to enhance their individual and collective safety.

6-103 Statutory Authority

UMDPD shall enforce this policy through the authority granted by the following statutes: M.S.S. 243.166: Sex Offender Registration
M.S.S. 244.10: Community Notification (Prison)
M.S.S. 244.053: Community Notification (Non-prison)
M.S.S. Chapter 13: Minnesota Government Data Practices Act
H.R. 3244 Sect. 1601: Campus Sex Crimes Act

6-200 DEFINITIONS

Predatory Offender Registration and Community Notification: 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).

Offender Risk Levels: The level of notification is governed by the level of risk assigned by the DOC. 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 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.

6-300 COMMUNITY NOTIFICATION PROCEDURES

For questions regarding community notification or the risk level assigned to an offender 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 will answer questions about the notification process and agency responsibilities. The DOC is also available to assist agencies in conducting public notification meetings when an offender subject to notification moves into a law enforcement jurisdiction.

Forms that are provided to law enforcement agencies by the DOC to assist them in performing community notifications:

- CONFIDENTIAL - Fact Sheet - Law Enforcement Agency Use Only
- Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota-Risk Level Two
- Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota-Risk Level Three
- Law Enforcement Fact Sheet - Health Care Facility Notification - Information on a Registered Offender; Not for Distribution to Facility Residents
- Law Enforcement Fact Sheet - Health Care Facility Notification - Information on a Registered Offender; for Distribution to Facility Residents
- VICTIM DATA - CONFIDENTIAL - For Law Enforcement Agency Use Only.

6-301 Registration Procedures

For questions concerning predatory offender registration refer to the Bureau of Criminal Apprehension (BCA)'s Predatory Offender Registration website at www.dps.state.mn.us/bca for detailed information, or contact the Predatory Offender Unit (BCA-POR) by calling (651) 793-7070 or 1-888-234-1248.

When an offender arrives to register with this agency, determine what state the offense was committed in and if the individual is required to register by reviewing the list of registerable offenses on the POR website.

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

- If the offender is already registered, complete a *Change of Information Form* included on the BCA's website at www.dps.state.mn.us/bca.
- If the offender is not registered, complete a *Predatory Offender Registration Form* included on the BCA's website at www.dps.state.mn.us/bca.
- If the offender is from another state, contact the state (information for each state is listed on the BCA's website at www.dps.state.mn.us/bca) and request a copy of the offender's 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 registered address, 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. To make this charge, contact the BCA-POR to request a prosecution packet. Submit the packet to the county attorney's office to file a formal charge.

Note: 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.

6-301 Notification Process

Law enforcement agencies receive information from the BCA and DOC pertaining to the risk levels of 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 an offender is placed or resides in one of the DOC licensed residential facilities (halfway houses) operated by RS-Eden, Alpha House, 180 Degrees, Damascus Way, or Bethel Work Release. Do NOT disclose any information until the law enforcement agency is notified the offender will move to a residential location.

Level 1: Information maintained by law enforcement and may be subject to limited disclosure. *See attachment 1: Confidential Fact Sheet – For Law Enforcement Agency Use Only.*

- Mandatory disclosure
 - Victims who have requested disclosure
- Discretionary disclosure
 - Other witnesses or victims
 - Other law enforcement agencies.

Level 2: Information 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. *See attachment 2: Law Enforcement Agency Fact Sheet – Notification of Release in Minnesota – Risk Level 2.*

- In addition to Level 1 disclosures, the law enforcement agency may disclose information to:
 - Staff members of public and private educational institutions, day care establishments and establishments that primarily serve individuals likely to be victimized by the offender.
 - Individuals likely to be victimized by the offender.
- Discretionary notification must be based on the offender's pattern of offending or victim preference as documented by DOC or DHS.

Level 3: Information subject to disclosure, not only to safeguard facilities and protect the individuals they serve, but also to protect the community as a whole. *See attachment 3: Law Enforcement Agency Fact Sheet – Notification of Release in Minnesota.*

- In addition to Level 2 disclosures, law enforcement shall disclose information to other members of the community whom 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.
- A good faith effort must be made to complete the disclosure within 14 days of receiving documents from DOC.
- The process of notification is determined by the agency. The current standard for a Level 3 offender is to invite the community to a public meeting and disclose the necessary information. Assistance is available from DOC RA/CN Unit.

6-302 Healthcare 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 dates of conviction; the risk level assigned to the offender, if any; and the profile of likely victims. *See attachment 4: Law Enforcement Agency Fact Sheet - Health Care Facility Notification Information on a Registered Offender Not For Distribution to Facility Residents & attachment 5: Law Enforcement Agency Fact Sheet - Health Care Facility Notification Information on a Registered Offender For Distribution to Facility Residents.*

6-303 Specialized Notifications

Offenders from Other States and Offenders Released from Federal Facilities Subject to Notification

- If a local 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 must contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform law enforcement 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 law enforcement may be made consistent with that authorized for risk level 2.
- In the alternative, if a local law enforcement agency believes that a risk level assessment is needed, the agency may request an end-of-confinement review. The local law enforcement agency shall provide to the DOC necessary documents required to assess a person for a risk level.

6-304 Victim Notifications

Law enforcement agencies in the area where a predatory offender resides, expects to reside, is employed, or is regularly found shall provide victims who have requested notification with information that is relevant and necessary to protect the victim and counteract the offender's dangerousness.

DOC will provide victim contact information to the law enforcement agency when there is a victim who has requested notification. *See attachment 6: VICTIM DATA – CONFIDENTIAL – For Law Enforcement Agency Use Only.*

Law enforcement personnel may directly contact the victim. Community victim advocacy resources may also be available to assist with locating a victim and with providing notification. Assistance is also available from the DOC Victim Services staff.

Law enforcement also may contact other victims or witnesses as well as other individuals who are likely to be victimized by the offender.

6-305 Homeless Persons Notification

If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should include as much specificity as possible, for example "in the vicinity of _____". These offenders are required to check in with local law enforcement on a weekly basis.

6-400 NOTICE TO THE UNIVERSITY BY EMPLOYED OR ENROLLED OFFENDERS

(A) Pursuant to the Campus Sex Crimes Prevention Act (H.R.3244 Section 1601): ...Any person who is required to register in a State shall provide notice as required under State law—

- I. Of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student; and
- II. Of each change in enrollment or employment status or such person at an institution of higher education in that state.

Change in Status under subparagraph (A)(ii) shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated information is promptly made available to a law enforcement agency having jurisdiction where such institution is located and entered into the appropriate State records or data system.

However, UMDPD may obtain or receive notification of such persons (registered predatory offenders) who are working for or attending the University from the appropriate state records and/or from neighboring law enforcement agencies. Because UMDPD have jurisdiction over this institution, this law allows us to advise our campus community about such persons through various methods.

6-401 State Reporting to Institutions of Higher Learning

State procedures shall ensure that the registration information collected under paragraph (1):

- Is promptly made available to a law enforcement agency having jurisdiction where such institution is located; and
- Entered into the appropriate state records or data system.

Also, (3) nothing in this subsection shall require an educational institution to request such information from any State.

6-402 Disclosures by Institutions of Higher Learning

An institution of higher education may advise the campus community of law enforcement agency information provided by a state...concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address (Section 170101(j) of U.S.C. 1407(j)).

In accordance with the Campus Sex Crimes Prevention Act (Title 42, Chapter 136, Subchapter 4, Section 14071), individuals who are required to register under M.S.S. 243.166 must follow state procedures for registration and must also notify [us] when working for or attending the University.

However, UMDPD may obtain or receive notification of such persons (registered sex offenders) who are working for or attending the University from the appropriate State records and/or from neighboring law enforcement agencies. Because UMDPD have jurisdiction over this institution, this law allows us to advise our campus community about such persons through various methods.