

# 137. PREDATORY OFFENDER REGISTRATION



## RICHFIELD POLICE DEPARTMENT POLICY

Effective Date:	01/01/97
No. of Pages:	11
Serial Number:	10-037
Authority:	Chief Jay Henthorne

*NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.*

### I. PURPOSE

This Policy is intended to ensure that this Department complies with the requirements of Minnesota Statutes 243.166, 243.167, 244.10, 244.052, 244.053, and Minnesota Statutes, Chapter 13 to provide for the registration of sexual offenders and other predatory 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.

### II. POLICY

It is the policy of the Richfield Police Department to protect the public by disclosing information on predatory offenders residing in this Department's community. This Department 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 member to enhance their individual and collective safety.

### III. DEFINITIONS

#### **PREDATORY OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION**

Minnesota Law 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:

- a) Level 1 – low risk of re-offending
- b) Level 2 – moderate risk of re-offending
- c) 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.*

### III. PROCEDURE

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](http://www.dps.state.mn.us/bca) for detailed information, or contact the Predatory Offender unit (BCA-POR) by calling 651-793-7070.

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 registrable 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.

- a) 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](http://www.dps.state.mn.us/bca).
- b) If the offender is not registered, complete a *Predatory Offender Registration Form* included on the BCA website at [www.dps.state.mn.us/bca](http://www.dps.state.mn.us/bca).
- c) If the offender is from another state, contact the state (information for each state is listed in the PRO Manual) 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.

- a) 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 maybe charged with failure to notify authorities of a change in residency. 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 maybe needed from friends, co-workers, neighbors, caretakers, etc.*

#### **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) or at 651-361-7340 or at [notification.doc@state.mn.us](mailto: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.

Attached to this Policy are examples of forms that are provided to law enforcement agencies by the DOC to assist them in performing community notifications:

- a) CONFIDENTIAL – Fact Sheet – Law Enforcement Agency Use Only
- b) Law Enforcement Agency Fact Sheet – Notification of Release in Minnesota-Risk Level Two
- c) Law Enforcement Agency Fact Sheet – Notification of Release in Minnesota-Risk Level Three
- d) Law Enforcement Fact Sheet – Health Care Facility Notification – Information on a Registered Offender Not for Distribution to Facility Residents
- e) Law Enforcement Fact Sheet – Health Care Facility Notification – Information on a Registered offender for Distribution to Facility Residents
- f) VICTIM DATE – CONFIDENTIAL – For Law Enforcement Agency Use Only

#### **1) 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.



- a) 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
    - (1) Victims who have requested disclosure
  - Discretionary disclosure
    - (1) Other witness or victims
    - (2) Other law enforcement agencies.
- b) Level 2 – Information subject to limited disclosure for the purpose of securing institution and protecting individuals in their care while they are on or near the premises of the institution. *See Attachment 2: Law Enforcement Fact Sheet – Notification of Release in Minnesota – Risk Level 2.*
- In addition to Level 1 disclosures, the law enforcement agency may disclose information 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.
  - Discretionary notification must be based on the offender's pattern of offending or victim preference as documented by DOC or DHS.
- c) 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 for 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.

## **2) 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 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.*

## **3) Specialized Notifications**

- a) 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.
- b) Victim Notification
- 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.
- c) Homeless Notification Process
- 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 Richfield." These offenders are required to check in with local law enforcement on a weekly basis.


#### **CRIMINAL HISTORY CONVICTION DATA**

- 1) Minnesota Statute 13.87 classifies certain conviction data for adult and certified juvenile offenders as public data and requires the Bureau of Criminal Apprehension to allow a member of the public to inspect that data at its offices at no charge.
- 2) Data which 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 policy of this Department.
- 3) Conviction data is classified as public only until fifteen 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.



- 4) The following data obtained from Bureau of Criminal Apprehension records for conviction offenders for which less than fifteen years have passed since expiration of sentence may be disclosed as public data:
- a) Offender name and date of birth;
  - b) Level of Offense (felony or misdemeanor);
  - c) Arresting agency and case number;
  - d) Court of conviction and court file number;
  - e) Sentence which was imposed;
  - f) Institution of confinement, if any;
  - g) Minnesota State Criminal History (SID) Number

By Order Of:

  
\_\_\_\_\_  
Chief of Police

**Attachment 1**

**CONFIDENTIAL**  
**Fact Sheet**  
**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 *Minnesota Statutes* 243.166 or 243.167. In addition, this individual is subject to community notification under *Minnesota Statute* 244.052.

**The following information is for law enforcement use only.**

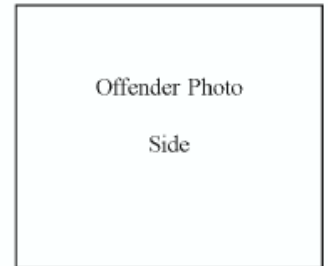
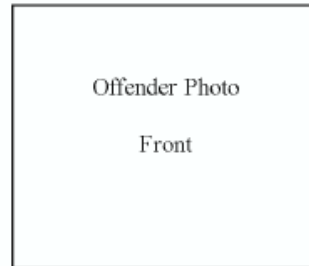
**RISK LEVEL ASSIGNED:** 1 (01/02/2005)

**JOHN SMITH**

**DOB:** 03/04/1952

**OID:**456456

Race: White	Hispanic: No
Height: 5'06	Eyes: Hazel
Weight: 175 lbs	Hair: Brown
Complexion: Medium	Build: Medium



Registration statute(s): 609.342 (2006)

Investigating agency: Anytown Police Department

Incarceration date: 05/06/2007

Release date: 06/07/2008

Supervision expiration date: 09/10/2011

Supervision agent: Judy Jones at 651-123-4567

Offense: Offender engaged in sexual contact with victim (female, age 16). Contact included penetration. Offender gained access to victim in a public place. Force was used to gain compliance. Offender was not known to victim.

Other offense(s) and/or behavior(s): Offender has a history of chemical dependency.

Revocation/New conviction information: 04/05/2006 due to contact with minors

Special release conditions: Complete sex offender programming; Must not obtain prescription for drugs to improve sexual function; No purchase/possession of sexually explicit materials nor enter establishment with sexual entertainment as primary business; No direct/indirect contact with minors; Must not own/operate device with Internet capabilities or call sex/chat/dating/social lines; No use of media to solicit personal contact; Comply with chemical dependency programming; Maintain full-time work/education/treatment.

Address: 1234 Main Street, Anytown Police Department

Date of address change: 08/09/2010

If you have any questions regarding this information or the policies regarding the notification statutes please contact:  
Community Notification Information at 651-361-7340, toll free 866-396-9953 or email [notification.doc@state.mn.us](mailto:notification.doc@state.mn.us)  
Minnesota Department of Corrections

**Attachment 2**

***Anytown 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 *Anytown Police Department* is available to provide you with useful information on personal safety. The *Anytown Police Department* may be reached at 612-234-4567. To report criminal activity by this offender or any other individual, please call 911.

**JOHN DOE**

**DOB: 01/02/1993**

**OID: 234234**

Race: White  
Height: 5'09"  
Weight: 165 lbs  
Complexion: Medium

Hispanic: No  
Eyes: Hazel  
Hair: Brown  
Build: Medium

Registration statute(s): 609.342

Investigating agency: Anytown Police Department

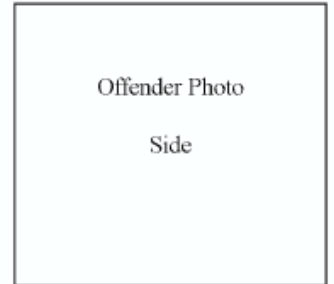
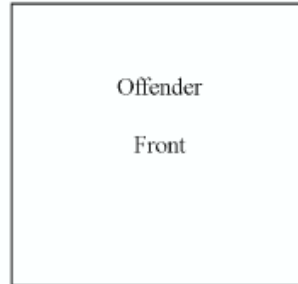
Release date: 01/02/2009

Supervision agent: George Jones 612-234-4567

Offense: Offender engaged in sexual contact with victim. Contact included penetration. Offender was known to victim.

Address: 400 Block of Main Street, Anytown, MN 54321

Date of address change: 01/02/2009



The *Anytown Police Department* is releasing this information pursuant to Minnesota Statutes 244.052. This statute authorizes law enforcement agencies to inform the public of a sexual or predatory offender's release from prison or a secure treatment facility when the *Anytown 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 another offense that requires registration with law enforcement pursuant to Minnesota Statutes 243.166 or 243.167.

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

The *Anytown Police Department*, the supervising release agent, and the Minnesota Department of Corrections may NOT direct where the offender does or does not reside, nor can these agencies direct where he/she 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 sexual and predatory offenders have always been released to live in our communities. It was not until the passage of the Registration Act that law enforcement had an ability to track the movement of these offenders after their initial release. With the passage of the Community Notification Act law enforcement may now share information about many of these offenders with the public. Abuse of this information to threaten, harass or intimidate a registered offender is unacceptable and such acts could be charged as a crime. Such abuses could potentially end the ability of law enforcement to provide these notifications. If community notification ends the only person who wins is the offender. Many of these offenders derive their power from the opportunity that secrecy provides.

**Attachment 3**

***Anytown Police Department***

***FACT SHEET***

**NOTIFICATION OF RELEASE IN MINNESOTA**

**RISK LEVEL THREE**

In addition to level two notification (schools and daycares as well as establishments and Organizations that primarily serve individuals likely to be victimized by the offender), law enforcement may notify other members of the community whom the offender is likely to encounter.

The *Anytown Police Department* is available to provide you with useful information on personal safety. The *Anytown Police Department* may be reached at 612-234-4567. To report criminal activity by this offender or any other individual, please call 911.

**JOHN DOE**

**DOB: 01/02/1993**

**OID: 234234**

Race: White  
Height: 5'09"  
Weight: 165 lbs  
Complexion: Medium

Hispanic: No  
Eyes: Hazel  
Hair: Brown  
Build: Medium

Registration statute(s): 609.342

Investigating agency: Anytown Police Department

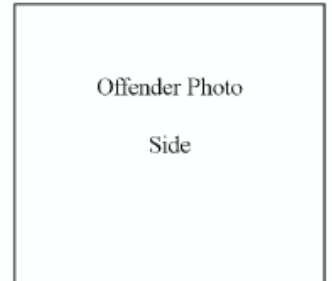
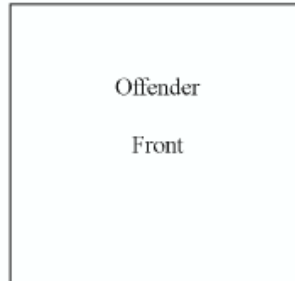
Release date: 01/02/2009

Supervision agent: George Jones 612-234-4567

Offense: Offender engaged in sexual contact with victim. Contact included penetration. Force was used to gain compliance. Offender was not known to victim.

Address: 400 Block of Main Street, Anytown, MN 54321

Date of address change: 01/02/2009



The *Anytown Police Department* is releasing this information pursuant to Minnesota Statutes 244.052. This statute authorizes law enforcement agencies to inform the public of a sexual or predatory offender's release from prison or a secure treatment facility when the *Anytown 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 another offense that requires registration with law enforcement pursuant to Minnesota Statutes 243.166 or 243.167.

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

The *Anytown Police Department*, the supervising release agent, and the Minnesota Department of Corrections may NOT direct where the offender does or does not reside, nor can these agencies direct where he/she 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 sexual and predatory offenders have always been released to live in our communities. It was not until the passage of the Registration Act that law enforcement had an ability track the movement of these offenders after their initial release. With the passage of the Community Notification Act law enforcement may now share information about many of these offenders with the public. Abuse of this information to threaten, harass or intimidate a registered offender is unacceptable and such acts could be charged as a crime. Such abuses could potentially end the ability of law enforcement to provide these notifications. If community notification ends the only person who wins is the offender. Many of these offenders derive their power from the opportunity that secrecy provides.



**Attachment 4**

***Anytown Police Department***  
***FACT SHEET***

**Health Care Facility Notification**  
**Information on a Registered Offender**  
**Not for Distribution**

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**RISK LEVEL NONE Classification**

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The *Anytown Police Department* is available to provide you with useful information on personal safety. The *Anytown Police Department* may be reached at 612-555-1515. To report criminal activity by this offender or any other individual, please call 911.

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**Name: JOHN DOE**

Current Age: 26

Race: White

Hispanic: No

Height: 5'10"

Eyes: Blue

Weight: 200 lbs.

Hair: Black

Complexion: Medium

Build: Small

Conviction History: 1 Count of 1st Degree Criminal Sexual Contact (1999)

Investigating agency: Hamilton Police Department

Victim Profile: Female, age 14, Offender was previously known to victim.

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The Law Enforcement Agency is providing this information pursuant to Minnesota Statutes 243.166 Subd. 4b. This statute provides for the distribution of information by facility administration to facility residents on registered offenders with an assigned risk level.



**Attachment 5**

***Anytown Police Department***  
***FACT SHEET***

**Health Care Facility Notification  
Information on a Registered Offender  
For Distribution to Facility Residents**

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**RISK LEVEL ONE Classification**

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The *Anytown Police Department* is available to provide you with useful information on personal safety. The *Anytown Police Department* may be reached at 612-555-1515. To report criminal activity by this offender or any other individual, please call 911.

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**Name: JOHN SMITH**

Current Age: 26

Race: White                      Hispanic: No

Height: 5'10"                      Eyes: Blue

Weight: 200 lbs.                      Hair: Black

Complexion: Medium                      Build: Small

Conviction History: 1 Count of 1st Degree Criminal Sexual Contact (1999)

Investigating agency: Hamilton Police Department

Victim Profile: Female, age 14, Offender was previously known to victim.

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The Law Enforcement Agency is providing this information pursuant to Minnesota Statutes 243.166 Subd. 4b. This statute provides for the distribution of information by facility administration to facility residents on registered offenders with an assigned risk level.





## VICTIM DATA CONFIDENTIAL

### *Law Enforcement Use Only*

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. (*Mn. Stat. 244.052, subd. 4*). The data on this form is confidential (*Mn. Stat. 13.85, subd. 3*). It is being released to your agency to assist you in satisfying this requirement.

**Offender Name:** JONES, John  
**OID Number:** 234234  
**Risk Level:** 1  
**Date of Release/Address Change:** 01/02/2008

- The Department of Corrections **DOES NOT HAVE** a current request for victim notification at this time.
- The Department of Corrections **DOES HAVE** a request for notification on this offender. Please find the information needed to contact the victim below:

**Victim Name:** Jane Doe  
**Street Address:** 123 Main Street  
**City/State/Zip:** Anytown, MN 12345  
**Phone number:** \_\_\_\_\_ **Alternate number:** \_\_\_\_\_  
**Email address:** \_\_\_\_\_

**Date:** 01/02/2009

If this information is no longer valid, please contact

Minnesota Department of Corrections Victim Assistance Program  
1450 Energy Park Drive, Suite 200, Saint Paul, MN 55108  
1-800-657-3830  
[victimassistance@state.mn.us](mailto:victimassistance@state.mn.us)

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