

## Sex Offender Community Notification

### ➤ **Introduction**

In accordance with Minnesota Statute 243.166 all felony level sex offenders in Minnesota have been required since 1991 to register their home address with local law enforcement. Additionally, the Minnesota Legislature passed Minnesota Statute 244.052 a Community Notification Act in 1996, which requires that local law enforcement inform the public about sex offenders living in their communities.

Neither the registration nor the notification laws are retroactive, meaning any sex offender convicted before 1991 is not required to register their home address. Any sex offender released from prison before 1997 was not subject to community notification.

### ➤ **Facts about Sexual Violence in Minnesota**

According to the Minnesota Department of Corrections, over 90% of all convicted sex offenders knew their victims (according to victim interviews) prior to sexually assaulting them. Contrary to popular belief, most sex offenders do not assault strangers. They look like anyone else. They are our friends, family members, and community members and leaders. They are most often people we know and trust.

In Minnesota, the most common sex offense committed by those who have gone to prison is that of child molestation. The second most common is rape, followed by incest and the sexual offenses that fall into a category listed as 'other' (prostitution, pornography, etc.).

### ➤ **Commonly Asked Questions**

#### **If this person is so dangerous, why are they being released from prison in the first place?**

Minnesota is a state that has specific sentence lengths for specific crimes, known as determinate sentencing. When an offender is sentenced to prison by a judge, the length of required prison time has been previously established for the offense by the Sentencing Guidelines Commission, and applies to anyone convicted of the same offense. Someone with no previous criminal offenses may have a shorter sentence than someone who has been in trouble before.

In Minnesota, people are released from prison after serving two-thirds of their sentence with the last third to be served at a workhouse, halfway house, supervised release, etc. While out on supervised release, offenders are being monitored by probation officers. At some point, the offender will have served the sentence mandated by law and must be released from prison and/or probation.

Once the sentence is finished, Rock Nobles Community Corrections, Minnesota Department of Corrections, local law enforcement, or the courts do NOT have the authority to tell the offender where they can live or work.

**Why is this offender being placed in my neighborhood?**

Sex offenders are NOT placed in any neighborhoods or communities. Once they are released from prison, they are free to live wherever they choose. Most offenders are released to the jurisdiction that originally gained conviction and is overseeing their probation. This jurisdiction cannot legally deny them residency. Offenders who want to move outside that jurisdiction must obtain permission prior to moving and may be denied residency.

**Who determines what offenders are subject to the Community Notification Act?**

90 days prior to being released from prison, a sex offender in Minnesota is assigned a Re-offense Risk Level. This Risk Level is determined by the End of Confinement Review Committee (ECRC), a group of psychologists, criminal justice professionals, and victim advocates. The Risk Level assigned ultimately determines the scope of community notification.

A sex offender may be assigned a Risk Level of I, II, or III. An offender found to be a **Risk Level I** is considered the LEAST likely to re-offend and only local law enforcement and victims or witnesses are notified of the offenders release or relocation.

An offender found to be a **Risk Level II** is thought to pose a MODERATE risk of re-offense. In this case, local law enforcement, and victims or witnesses are notified of the offender's release or relocation, as well as any agencies that may serve a population at risk of victimization that are located near the offender's home. For example, if the offender victimized a child he or she had access to a Day Care, local law enforcement would notify all licensed Day cares in the vicinity of the offender's home. The same may be true of nursing homes, schools, etc.

An offender determined to be the MOST likely to re-offend is assigned a **Risk Level III**. In this case, local law enforcement, victims or witnesses, and any agencies that serve a population at risk of victimization may be notified, as well as the general public. Community Notification to the general public may take place in the form of a community meeting. People living within a three block radius of where the offender will be or is residing may receive notice of the community meeting via a flyer and/or broadcast system that would provide information about an upcoming meeting.

At a Community Notification meeting, the public can expect to hear a presentation consisting of general facts about the Community Notification Law, statistics about sex offenders, and specific information about the sex offender

moving into or already living in the community. The public will have an opportunity to ask a panel of criminal justice professionals questions, as well as be provided educational literature. Local law enforcement does everything it can to notify the community before an offender is released or relocates; however, this is not always possible.

In a case where an offender poses a severe risk to himself/herself and/or to the public, Rock Nobles Community Corrections, Minnesota Department of Corrections or local law enforcement can petition to have an offender **Civilly Committed**, rather than releasing them into the general population.

Of the over 4,500 registered sex offenders in Minnesota, the largest number of those (subject to Risk Level assignment) are Level I's. Level II sex offenders constitute the second largest number of offenders, with Level III's making up the smallest number (1.1% in 2004).

### **What happens if a sex offender doesn't register his or her address?**

People convicted of felony level sex offenses, as of 1991, are required to register their home addresses, as well as other identifying information, with local law enforcement agencies. Sex offenders must do this upon release from prison, upon moving to Minnesota, anytime they move within Minnesota, and of 10 years or whenever their probation/parole ends (whichever is greater). Some offenders are subject to lifetime registration and offenders who work or attend school in Minnesota, regardless of whether or not they live here, must register here as well.

Failing to register ones address is considered a felony, and carries with it a mandatory minimum sentence of 1 year and 1 day in prison for a first offense. Subsequent registration violations carry additional prison time.

### ➤ **Personal Safety Tips**

A key reason the Minnesota Legislature passed the Community Notification Act was to promote public safety. Rock Nobles Community Corrections believes an informed public is a safer public. You are being provided information about Level III sex offenders; we ask that you use it wisely.

Use this information as a catalyst to talk with your family about sexual violence. Assure your children that they can talk with you about questions they have about good touch versus bad touch, what to do if a stranger approaches them or if someone they know acts inappropriately towards them. Remind your children basic safety rules: never talk to strangers or accept rides from people you don't know; watch out for common lures and tricks (a lost adult wanting directions, asking you to help look for a lost pet, offering you money, candy, toys in exchange for a favor, etc.). Teach them to use the buddy system and to listen to their instincts – if something doesn't feel or seem right, talk to you, a teacher, or another adult they trust.

For adults, keep your windows and doors locked whether you are home or not. Some break-ins happen when you've just stepped outside to water your lawn or shovel snow. Consider taking a personal safety class and scheduling a home security check, these services may be offered free by your local law enforcement. Consider joining or developing a neighborhood block club. Neighbors who know each other are more likely to look out for one another.

To search for Level III sex offenders in the State of Minnesota, go to the Minnesota Department of Corrections website;

[www.corr.state.mn.us](http://www.corr.state.mn.us)

Click on 'Search Offender Records'

Click on "Level 3 Offender Search"

Follow the steps.

➤ **Area Resources**

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