

Registered Predatory Offender

328.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Nobles County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered offenders.

328.1.1 DEFINITIONS

DOC - Department of Corrections

Predatory Offender - A person who is required to register as a predatory offender under Minn. Stat. § 243.166. However, the term does not include persons required to register based solely on a delinquency adjudication (Minn. Stat. § 244.052 Subd. 1 (5)). 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 unless the person received a dispositional departure in sentencing under the sentencing guidelines and received a probationary sentence Minn. Stat. § 244.10 Subd. 8).

Level 1 Predatory Offender - Low-risk offender as determined by the End of Confinement Review Committee (ERC) of the DOC. Notification may be provided to other law enforcement agencies or persons authorized to receive criminal history data. Data may be provided to victims or witnesses of the crime. The Office shall disclose upon request data to victims or other adult members who reside within the same household (Minn. Stat. § 244.052 Subd. 4 (b) (1)).

Level 2 Predatory Offender - Moderate-risk offender as determined by the ERC. Notification may be provided to other law enforcement agencies or persons authorized to receive criminal history data. Data may be provided to victims or witnesses of the crime. The Office shall disclose upon request data to victims or other adult members who reside within the same household. Additionally, data may be provided to establishments, institutions or businesses that may come into contact with the offender (Minn. Stat. § 244.052 Subd. 4 (b) (2)). Persons sentenced who receive a downward dispositional departure shall be considered for purposes of this policy to be a Level 2 offender, although any data released shall only be data classified as public in accordance with the requirements of Minn. Stat. 244.10 Subd. 8.

Level 3 Predatory Offender - High-risk offender as determined by the ERC. Notification shall be provided to other law enforcement agencies or persons authorized to receive criminal history data. Data shall also be provided to victims or witnesses of the crime or others who reside within the same household as the offender. Data shall be provided to establishments or business that may come into contact with the offender. Data shall be disseminated to the public at large via print, web-based services, radio, public forums or meetings, or a combination of formats unless public safety would be compromised by such disclosure or that a more limited disclosure is necessary to protect the identity of the victim (Minn. Stat. § 244.052 Subd. 4 (b) (3)).

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328.2 POLICY

It is the policy of the Nobles County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

328.2.1 LIMITATIONS ON EXTENDED RELEASE

Individuals and entities receiving information regarding registered sex offenders may only be authorized to disclose such information to additional persons if the Office determines the appropriate scope and that such disclosure will enhance the public safety. The Office may not authorize any disclosure of such information by its placement on a non-Office Internet website.

328.2.2 DEPARTMENT OF CORRECTIONS ASSISTANCE

Assistance regarding community notification or the risk level assigned to an offender is available from the Risk Assessment/Community Notification Unit of the DOC (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 Office responsibilities. The DOC provides sample forms, specialized data and is also available to assist in conducting public notification meetings and other assistance.

328.3 REGISTRATION

The Investigation Unit/Detectives Office supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Bureau of Criminal Apprehension (BCA) in accordance with Minn. Stat. § 243.166 within three days of the registration. Registration and updated information from a person who lacks a primary residence shall be forwarded within two business days. Updated primary address information from any registered predatory offender shall also be forwarded within two business days (Minn. Stat. § 243.166).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

328.3.1 REGISTRATION PROCESS

When an offender arrives to register with this office/Office, the assigned investigator should

- (a) Determine in what state the offense was committed.
- (b) Confirm the individual is required to register by reviewing the list of offenses on the Bureau of Criminal Apprehension (BCA)'s Predatory Offender Registration website or in the BCA Predatory Offender Registration (POR) Manual.

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- (c) If a person is required to register, contact BCA to verify whether the offender is already registered and a DNA sample has been submitted.
- (d) If the offender is already registered, complete a Change of Information Form (available at BCA's website).
- (e) If the offender is not registered, complete a Predatory Offender Registration Form (available at BCA's website).
- (f) If the offender is from another state, contact the state (information for each state is listed on BCA's website) and request a copy of the offender's original registration form, criminal complaint and sentencing documents.

Additional information regarding offender registration is available in the POR Manual or by contacting the Predatory Offender Unit by phone or through the BCA website.

328.3.2 LEVEL 2 DISCLOSURE

Data is 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 (Refer to the BCA document "Law Enforcement Agency Fact Sheet , " Notification of Release in Minnesota , " Risk Level 2" for detail):

- (a) In addition to Level 1 disclosure, the Office may disclose data 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.
- (b) (Discretionary notification must be based on the offender's pattern of offending or victim preference as documented by DOC or Department of Human Services (DHS).

328.3.3 LEVEL 3 DISCLOSURE

Data is subject to disclosure not only to safeguard facilities and protect the individuals they serve but also to protect the community as a whole (Refer to the BCA document "Law Enforcement Agency Fact Sheet , " Notification of Release in Minnesota" for detail):

- (a) In addition to Level 2 disclosure, the Office shall disclose data to other members of the community that 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.
- (b) A good faith effort must be made to complete the disclosure within 14 days of receiving documents from DOC.
- (c) The process of notification is determined by this office. The current standard for a Level 3 offender is to invite the community to a public meeting and disclose the necessary data. Assistance is available from DOC RA/CN Unit.

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Data disclosed to the public of a Level 3 predatory offender shall be forwarded to the DOC within 48 hours of dissemination (Minn. Stat. § 244.052 Subd. 4 (g)).

328.3.4 HEALTH CARE FACILITY NOTIFICATION

Upon notice that a registered predatory offender without a supervising agent has been admitted to a health care facility in this jurisdiction, this office shall provide a fact sheet to the facility administrator with the following data (Refer to the BCA documents, "Law Enforcement Agency Fact Sheet - Health Care Facility Notification Data on a Registered Offender Not For Distribution to Facility Residents" and "Law Enforcement Agency Fact Sheet - Health Care Facility Notification Data on a Registered Offender For Distribution to Facility Residents" for detail):

- (a) Name and physical description of the offender.
- (b) Offender's conviction history, including the dates of conviction.
- (c) Risk level assigned to the offender, if any.
- (d) Profile of likely victims.

328.3.5 SPECIALIZED NOTIFICATION

Offenders from other states and offenders released from federal facilities are also subject to notification:

- (a) If this office learns that a person under its jurisdiction is subject to registration and desires consultation on whether the person is eligible for notification, the Office must contact the DOC. The DOC will review the governing law of the other state and, if comparable to Minnesota requirements, inform this office whether to proceed with community notification in accordance with the level assigned by the other state.
- (b) If the DOC determines that the governing law in the other state is not comparable, community notification by this office may be made consistent with that authorized for risk Level 2.
- (c) In the alternative, if this office believes that a risk level assessment is needed, the Office may request an end-of-confinement review. The Office shall provide to the DOC the necessary documents required to assess a person for a risk level.

328.3.6 VICTIM NOTIFICATION

Should a predatory offender reside, expects to reside, is employed or is regularly found in this jurisdiction, the Office shall provide victims who have requested notification with data that is relevant and necessary to protect the victim and counteract the offender's dangerousness.

The DOC will provide victim contact data to this office when there is a victim who has requested notification (Refer to the BCA document "Victim Data - Confidential - For Law Enforcement Agency Use Only for detail).

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It may be appropriate for members of the Office to directly contact the victim. Community victim advocacy or prosecutor 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.

Members of the Office may contact other victims or witnesses as well as other individuals who are likely to be victimized by the offender.

328.3.7 GUIDELINES AND FORMS

The registration process shall be in accordance with Minn. Stat. § 243.166 and follow the guidelines implemented by the BCA. Forms used in the registration process are available from the secure website operated by the BCA.

328.3.8 NOTIFICATION TO REGISTRANTS

The registration process established by the Investigation Unit supervisor should include procedures for determining whether an individual requires notification of his/her requirement to register because the individual was not otherwise notified of the requirement by the sentencing court or assigned a corrections agent (Minn. Stat. § 243.166).

328.4 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 _____". These offenders are required to check in with local law enforcement on a weekly basis.

328.4.1 LIMITATIONS OF RELEASE OF DATA

Disclosures permitted or required for Level 2 or 3 offenders shall not be made if the offender is placed or resides in a DOC-licensed residential facility. Upon notification that the offender is released to a permanent address the disclosures permitted or required by law shall be made (Minn. Stat. § 244.052 Subd. 4). Data regarding the victim or witnesses shall not be disclosed (Minn. Stat. § 244.052 Subd. 4 (e)).

328.5 MONITORING OF REGISTERED OFFENDERS

The Investigation Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the BCA secure website or the Department of Corrections Offender Information (DOC) website.
- (c) Contact with a registrant's parole or probation officer, if any.

Any discrepancies should be reported to BCA in writing.

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The Investigation Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Nobles County Sheriff's Office personnel who have a need to know, including timely updates regarding new or relocated registrants.

328.5.1 DATA PROHIBITED FROM INTERNET RELEASE

The following data shall not be released over the Office Internet website:

- (a) Any data identifying the victim or witnesses.
- (b) The offender's social security number, driver's license number or telephone number.

328.5.2 DATA PERMITTED FOR INTERNET RELEASE

The following data may be included on the Office Internet website:

- (a) The offender's full name and any aliases.
- (b) The offender's gender.
- (c) The offender's race
- (d) The offender's physical description.
- (e) The offender's photograph.
- (f) The offender's date of birth.
- (g) Type of offense the offender was convicted of, the date of conviction and the punishment received.
- (h) The offender's home address by block number, block number of the address of the employer or block number of the address of the school of the offender.
- (i) Any other data that the Office deems relevant, such as:
 - 1. Description of the offender's vehicle(s) or vehicle(s) the offender is known to drive.
 - 2. Type of victim targeted by the offender.
 - 3. Relevant parole or probation conditions, such as prohibiting contact with children.
 - 4. Dates of crimes resulting in current classification.
 - 5. Dates of release from confinement.
 - 6. The offender's enrollment, employment or vocational status with any university, college, community college or other institution of higher learning.

Before releasing the address of any offender, the deputy shall verify that the data it is correct.

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328.6 DISSEMINATION OF PUBLIC INFORMATION

Members will not make a public notification advising the community of a particular registrant's presence in the community without permission from the Sheriff. Members who believe notification is appropriate should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff based on statutory requirements, with the assistance of legal counsel as necessary, whether such a public alert should be made.

The Nobles County Sheriff shall release local registered offender information to residents in accordance with state law (Minn. Stat. § 244.052; Minn. Stat. § 243.166, Subd. 7; Minn. Stat. § 13.01 et seq.) and in compliance with a Minnesota Government Data Practices Act request.

328.6.1 HOMELESS NOTIFICATION PROCESS

If public notice (Level 2 or 3) is required on a registered homeless offender, that notice should be as specific as possible. These offenders are required to check in weekly with local law enforcement, unless an alternative reporting procedure is approved by the Investigation Unit supervisor (Minn. Stat. § 243.166, Subd. 3a).

328.7 PUBLIC INQUIRIES

As a general rule, the Office will not release data over the telephone. The public may call the State Offender Records at 651-361-7340 or 866-396-9953. Data is also available through the Internet at <http://www.doc.state.mn.us>.

Members of the public may access Level 3 predatory offender data by way of their personal computer through the Internet at <http://www.doc.state.mn.us/level3/Search.asp>.

328.8 PREDATORY OFFENDER REGISTRATION

The registration of predatory offenders and duties of the Office shall be performed in compliance with Minnesota statutes and in accordance with Office procedures for registrations.

Data regarding predatory offender registration is available from the BCA Predatory Offender Registration Manual (POR Manual) or by contacting the Predatory Offender Unit (BCA-POR) at (651) 793-7070 or 888-234-1248, or through its website at www.dps.state.mn.us/bca.

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

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. After the registration status is determined perform one of the following:

- (a) If the offender is already registered, complete a Change of Data Form, included in the POR Manual and available on the BCA's website, www.dps.state.mn.us/bca.

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- (b) If the offender is not registered, complete a Predatory Offender Registration Form, included in the POR Manual.

328.8.1 REGISTRATION PROCESS

It is the responsibility of the Investigators supervisor to ensure the following:

- (a) All assigned employees receive appropriate training regarding the predatory offender registration process.
- (b) As part of the registration process, predatory offenders have direct contact with a sex crimes detective when reasonably available to facilitate a proper threat assessment.
- (c) A system is established and maintained that will reasonably accommodate registrants as they seek to register. The system should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance.
- (d) A data dissemination process is established and maintained to provide patrol and Investigators personnel with timely updates regarding new registrants or registrants who have relocated.
- (e) A process is established and maintained to legally verify that a registrant remains in compliance with his/her registration requirements after the initial registration.

328.9 PREDATORY OFFENDER REASSESSMENT

Within 30 days of the receipt of the report indicating the offender's risk level, the Office may submit to the review committee facts and circumstances known but not considered by the committee that support a request for reassessment (Minn. Stat. § 244.052 Subd. 3 (h)).

If the Office or employee learns or suspects that a person who is subject to registering under law and living in Minnesota has not been assigned a risk level, the Office or employee who has learned of this data shall contact the BCA within three business days (Minn. Stat. § 244.052 Subd. 3 a (d)).

328.10 SECTION TITLE

328.11 DISCLOSURE TO LOCAL WELFARE AGENCY

Upon request, members may disclose the status of an individual as a predatory offender to a child protection worker who is conducting an assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs under Chapter 260E (Minn. Stat. § 243.166).

328.12 SECTION TITLE

328.13 SECTION TITLE