

City of Baxter

**Police Department Manual**

<b>PREDATORY OFFENDER REGISTRATION, COMMUNITY NOTIFICATION AND ADDRESS VERIFICATION CHECKS</b>			
<b>POLICY TYPE:</b>	POST (Mandatory)	<b>POLICY NUMBER:</b>	107
<b>EFFECTIVE DATE:</b>	February 1, 2012	<b>REVISION DATE:</b>	
<b>REFERENCE:</b>	MN Statutes 243.166, 243.167, 244.10, 244.052, 244.053 and Chapter 13		
<b>PAGE(S):</b>	11	<b>AUTHORIZED BY: Chief James Exsted</b>	

**PURPOSE**

This policy is intended to ensure that this agency complies with the requirements of MN Statutes 243.166, 243.167, 244.10, 244.052, and 244.053 and MN Statutes, Chapter 13.

**POLICY**

It is the policy of the Baxter Police Department to protect the public by disclosing information on predatory offenders residing in an agency’s community. The extent of the information disclosed and to whom is at the discretion of the agency unless otherwise noted. However, it must relate to the level of danger posed by the offender, to the offender's pattern of offending behavior, and to the need of community members to enhance their individual and collective safety.

**DEFINITIONS**

- A. Predatory Offender Registration and Community Notification** refers to 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).
- B. Offender Risk Levels** means the level of notification that 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 are not assigned a risk level due to their offense being adjudicated prior to predatory offender legislation enactment or due to the offender’s conviction not leading to supervision by the Department of Corrections. These offenders are still subject to the predatory offender registration statutes, though they are *not* subject to community notification.

## PROCEDURE

### A. COMMUNITY NOTIFICATION

For questions regarding community notification or risk level assigned to an offender, please 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](mailto:notification.doc@state.mn.us). The DOC will answer questions about the process and responsibilities, and assist agencies in conducting public notification meetings when an offender subject to notification moves into a law enforcement jurisdiction.

Attached to this policy are:

- 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

#### 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.

**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.

## 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 \_\_\_\_\_". These offenders are required to check in with local law enforcement on a weekly basis.

### **B. REGISTRATION**

For questions concerning registration, please contact 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 or 1-888-234-1248.

When an offender arrives at your agency to register 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 clarify if the offender is registered and if a DNA sample has been submitted.

- If the offender is already registered, complete a Change of Information Form.
- If the offender is not registered, complete a Predatory Offender Registration Form.
- If the offender is from another state, contact the state and request a copy of his/her 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 residence, 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.

### C. DEPARTMENT PROCEDURES-VERIFICATION CHECKS

1. It is the policy of this agency that address compliance checks be conducted on all registered predatory offenders known to be residing within the City of Baxter.
2. Verification of a predatory offender's address should be attempted within three (3) days upon the following circumstances:
  - a. Any receipt of a predatory offender form by an individual whose duty to register as a predatory offender in accordance with Minnesota Statute 243.166 and/or Minnesota Statute 243.167.
  - b. Receipt of "Change of Address" form submitted in person by the registered predatory offender.
  - c. Notification by the Minnesota Bureau of Criminal Apprehension (MN BCA) or the MN Department of Corrections (MN DOC) regarding a "Change of Address" or "Notification Packet" informing the Baxter Police Department that a predatory offender who falls within the community notification statute has or will be moving into the jurisdiction of the City of Baxter.
3. Address compliance checks are to be conducted by the Baxter Police Department on all registered predatory offenders at least three times every twelve (12) months or as often as warranted by determinable information received by this agency or risk level assigned.
4. When information is received by the Baxter Police Department regarding predatory offenders moving into or residing within jurisdictions where another law enforcement agency has primary jurisdiction, our department will forward all information to that agency.
5. An ICR report shall be completed on all predatory offender address compliance checks noting that the offender is either compliant or noncompliant.
  - a. If the offender is found non-compliant and unable to be located the officer shall complete a supplementary report providing all facts obtained regarding their investigation.

- b. The Predatory Offender Registration Units at the MN Bureau of Criminal Apprehension shall also be notified of the offender's status. A prosecution packet shall be requested from the MN BCA to be filed with our reports and forwarded to the Crow Wing County Attorney's Office requesting appropriate action.

**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.**

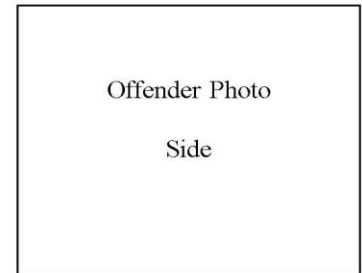
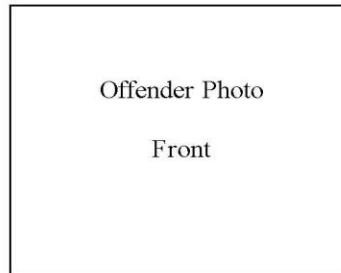
**RISK LEVEL ASSIGNED:** 1 (01/02/2005)

**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

# 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.

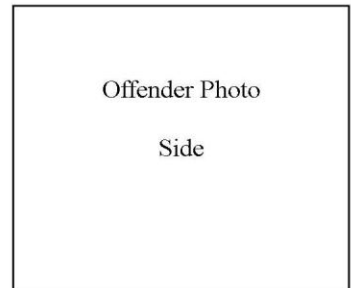
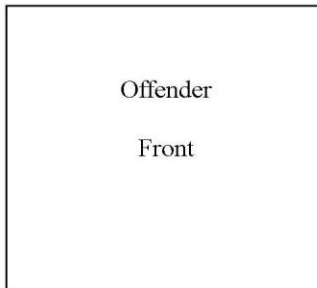
The *Anytown Police Department* is available to provide you with useful information on personal safety. The *Anytown Police Department* may be reached at 612-234-4567. To report criminal activity by this offender or any other individual, please call 911.

**JOHN DOE**

**DOB: 01/02/1993**

**OID: 234234**

Race: White                      Hispanic: No  
Height: 5'09"                    Eyes: Hazel  
Weight: 165 lbs                 Hair: Brown  
Complexion: Medium         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 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.



# 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.

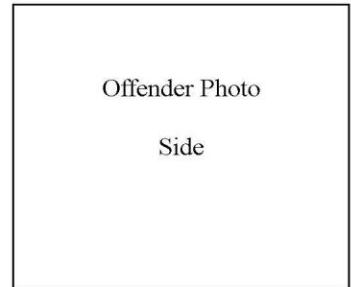
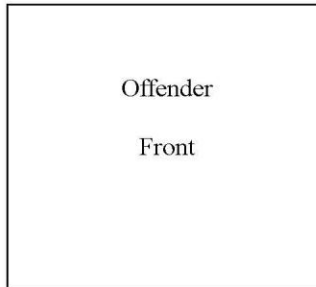
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**JOHN DOE**

**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.

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***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.

***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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