



CRYSTAL POLICE DEPARTMENT

TITLE: Predatory Offenders
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I. POLICY

It is the policy of the Crystal Police Department to protect the public by disclosing information on certain predatory offenders residing in the City of Crystal. This agency is guided on the release of offender information by MN Statutes 243.166, 243.167, 244.10, 244.052, 244.053, and Minnesota Statute Chapter 13- Minnesota Government Data Practices Act.

II. 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 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.

III. REGISTRATION PROCEDURES

When an offender arrives to register with the Crystal Police Department, the records staff will determine what state the offense was committed in and if the individual is required to register by reviewing the list of offenses requiring registration on the POR website.

If the offender is required to register, review the BCA predatory offender website 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.

The Crystal Police Department will verify the address of offenders living in their community.

If the offender is not living at the registered address, the officer conducting the verification will submit an offense report. Officers must take recorded statements from witnesses who verified the offender was not living at the registered address. Reports and statements shall be forwarded to investigations for follow up. Investigating officers will contact the records manager 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. At the request of the assigned Investigator, the records manager will request a prosecution packet from the BCA

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. The Hennepin county attorney requires formal statements from friends, co-workers, neighbors, caretakers, etc.

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.

IV. COMMUNITY NOTIFICATION PROCEDURES

A. 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.

- 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.

- 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.

- In addition to Level 2 disclosures, The Crystal Police Department will 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 Crystal Police Department will serve notice to the community that they are invited to a public meeting to disclose necessary information. The DOC RA/CN Unit may be requested to assist with the notification meeting.

B. 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, the Crystal Police

Department 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.

C. Specialized Notifications

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

- If the Crystal Police Department 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 Crystal Police Department 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 the Crystal Police Department may be made consistent with that authorized for risk level 2.
- In the alternative, if the Crystal Police Department believes that a risk level assessment is needed, the agency may request an end-of-confinement review. The Crystal Police Department shall provide to the DOC necessary documents required to assess a person for a risk level.

2. Victim Notification

If the Crystal Police Department jurisdiction encompasses the area where a predatory offender resides, expects to reside, is employed, or is regularly found, the Crystal Police Department 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 Crystal Police Department when there is a victim who has requested notification.

Crystal Police Department 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.

The Crystal Police Department also may contact other victims or witnesses as well as other individuals who are likely to be victimized by the offender.

3. 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_____”. Any notice shall be drafted by the Records Manager and approved by the Chief of Police prior to release. These offenders are required to check in with local law enforcement on a weekly basis.

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.

The following is a list of forms that are provided to law enforcement agencies by the DOC:

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

V. Predatory Offender Verification

- a. On two occasions within each calendar year, the Crystal Police Department will complete the predatory offender verification process. The process will be directed by the Records Manager and conducted with the cooperation of the police and records staff.
- b. Offender packets will be given to the shift Sergeants to be distributed out to patrol officers. Officers are required to conduct residence visits with each offender for whom a packet was generated. Officers will generate a case number for each visit. Visit dates/times/case numbers should be noted on the packet. Officers are required to verify the following:
 1. The offender is residing at the registered address
 2. Offender is still owning / operating listed vehicles

3. Employment status and address
 4. Emergency contact information
 5. Telephone numbers are current
 6. Offender photograph is less than one year old
- c. If evidence indicates that the offender is out of compliance on items 1-5, they will be ordered to appear at the Crystal Police Department within 3 business days to complete an update of predatory offender information form.
 - d. If the offender is out of compliance on item 6 (Offender photograph is more than one year old) the officer may photograph the offender on site and submit the photograph to the Evidence Specialist with information indicating the offender's identity and that the photograph is for predatory offender verification update.
 - e. If the officer is unable to photograph the offender on site, the offender will be ordered to appear at the Crystal Police Department within 3 business days to submit to photographing for the predatory offender verification update.
 - f. The officer should note on the offender packet any changes discovered during the visit. This will serve as notification to the records unit that the offender will be coming to the Crystal Police Department within 3 business days to complete an update form.
 - g. If the offender cannot be contacted and evidence indicates the offender has moved and not updated their address, the Officer shall conduct a full investigation including interviews and taped statements from witnesses, family, associates, prior roommates, new residents, and any other parties who have information about the offender's location, residence, or status. The Records Manager shall be notified of any non-compliant offenders. The Records Manager will work with the investigations unit to submit a BCA-POR non-compliant offender prosecution packet. This packet may be submitted to the county prosecutor for criminal charges.