

WILLMAR POLICE DEPARTMENT

GENERAL DIRECTIVE: 0007

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12/16/2016

Application: All Sworn Personnel & CSOs

Pages: 6

SUBJECT: PREDATORY OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION

PURPOSE

To ensure that the Willmar Police Department complies with the requirements of Minnesota Statutes 243.166, 243.167, 244.12, 244.052, 244.053, Chapter 13, and to ensure Minnesota POST mandated policy compliance.

To provide direction for handling the registration of predatory offenders and to provide community notification relative to the release of certain offenders, while maintaining the legally required privacy and other rights of those offenders.

POLICY

The State of Minnesota has found that as a matter of policy, "If members of the public are provided adequate notice and information about a predatory offender who has been or is about to be released from custody and who lives or will live in or near their neighborhood, the community can develop constructive plans to prepare themselves and their children for the offender's release."

In order to implement this policy, it is the policy of the Willmar Police Department to facilitate the registration of predatory offenders. It is further the policy of the Willmar Police Department to provide community notification relative to the release of those offenders as designated by statute, while preserving the legal rights of those offenders.

It is the policy of the Willmar Police Department to provide the maximum information authorized by law, consistent with the requirements of public safety and the legal rights of the offender.

STATUTORY AUTHORITY

Minnesota State Statute 243.166 - Predatory Offender Registration

Minnesota State Statute 244.052 - Predatory Offenders Notice of Release

Minnesota State Statute 244.053 - Notice of Release of Certain Offenders

Minnesota Statute Chapter 13 - Minnesota Government Data Practices Act

PROCEDURES

REGISTRATION

The Detective Unit shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegations 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, a detective assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the detective shall ensure that the registration information is provided to the Bureau of Criminal Apprehension (BCA) in accordance with Minnesota State Statute 243.166 within two days of registration.

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.

REGISTRATION PROCESS

When an offender arrives to register, the assigned officer/detective should determine whether or not the offender is already registered. For previously registered offenders the officer should:

1. Complete the "Change of Information" form. The form is available at the BCA's website or in the Willmar Police Department (WPD) forms drawer.

For unregistered offenders the officer should:

1. Confirm that the individual is required to register by reviewing the list of offenses on the BCA Predatory Offender Registration website or Minnesota State Statute 243.166.
2. Determine in what state the offense was committed.
3. If a person is required to register, contact BCA to verify whether or not the offender is already registered and a DNA sample has been submitted.
4. If the offender is from another state, contact that 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.
5. Complete a "Predatory Offender Registration" form which is available at the BCA's website or in the WPD forms drawer. **Current practice is to refer offender to Kandiyohi County Probation for initial registration process if they are open. Items 3-5 will be completed by Probation.**

Additional information regarding offender registration is available by contacting the BCA Predatory Offender Unit at (651) 793-7070 or (888) 234-1248, or through the BCA website.

MONITORING OF REGISTERED OFFENDERS

The Detective Unit should establish a system of offender verification checks at least three (3) times annually to ensure registration compliance. The verification would include:

1. Meeting with offender and having offender sign Verification Form and if needed, complete Change of Information Form.
2. Take updated photograph if needed.
3. Homeless offenders are required to check in weekly with local law enforcement. (Lack of Primary Address Form is available at the BCA's website or in the WPD forms drawer.)
4. All completed forms pertaining to offenders are turned in to the Kandiyohi County Records Unit to be forwarded to the BCA and to maintain local records.
5. If offender is noncompliant, start criminal investigation and attempt to determine offender's whereabouts.

DISSEMINATION OF PUBLIC INFORMATION

Employees will not individually make a public notification advising the community of a particular offender's presence in the community. Employees who identify a significant risk or other public safety associated with an offender should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on offenders should be provided the Department of Corrections Offender Information website:

<http://www.corr.state.mn.us/search/default.htm>.

Release of local registered offender information to residents should be referred to Kandiyohi County Records Supervisor and in accordance with Minnesota Statute 244.052 and Minnesota Government Data Practices Act, Minnesota Statute 13.01.

All Predatory Offender Registration Data is **PRIVATE DATA** to be used for law enforcement purposes.

RELEASE NOTIFICATIONS

Offender information that is released should include notification that:

1. The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
2. The information is provided as a public service and may not be current or accurate.
3. Person(s) should not rely solely on the offender registry as a safeguard against offenses in their communities.

4. The crime for which a person is convicted may not accurately reflect the level of risk.
5. Anyone who uses information contained in the registry to harass offenders or commit any crime may be subject to criminal prosecution.
6. Other cautionary notices included in the Minnesota Department of Correction's (DOC) material for public recipients.

MANDATORY DISSEMINATION

This Department shall provide and release all predatory offender data, or updated data, obtained from BCA or the DOC based upon the offender's status of a Level 1, 2, or 3.

- *Risk Level I* is an offender whose risk assessment score indicates a low risk of re-offense. See Minnesota Statute 244.052 Subd. 4(a) (b) (1) Law Enforcement Agency; Disclosure of Information to Public.
- *Risk Level II* is an offender whose risk assessment score indicates a moderate risk of re-offense. See Minnesota Statute 244.052 Subd. 4(a) (b) (2) Law Enforcement Agency; Disclosure of Information to Public.
- *Risk Level III* is an offender whose risk assessment score indicates a high risk of re-offense. See Minnesota Statute 244.052 Subd. 4(a) (b) (3) Law Enforcement Agency; Disclosure of Information to Public.

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.

This department shall continue to disclose data on an offender as required by law for as long as the offender is required to register under Minnesota Statute 243.166.

Disclosure to the health care facility of the status of any registered predatory offender under Minnesota Statute 243.166, who is receiving inpatient care, shall be made by this department (Minnesota Statute 244.052 Subd. 4c).

RISK LEVEL 1 OFFENDER DISCLOSURE

1. Mandatory disclosure:
 - Victims who have requested disclosure
2. Discretionary disclosure:
 - Other witnesses or victims
 - Other law enforcement agencies

RISK LEVEL 2 OFFENDER 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 Willmar Police Department Fact Sheet for Notification of Release in Minnesota for Risk Level Two):

1. In addition to level 1 disclosure, this department may disclose data to:
 - Staff members of public and private educational institutions, daycare establishments, and establishments that primarily serve individuals likely to be victimized by the offender.
 - Individuals likely to be victimized by the offender.
2. Discretionary notification must be based on the offender's pattern of offending or victim preference as documented by DOC or the Minnesota Department of Human Services (DHS).

RISK LEVEL 3 OFFENDER DISCLOSURE

Data is subject to disclosure not only to safeguard facilities and to protect the individuals they serve, but also to protect the community as a whole (refer to Willmar Police Department Fact Sheet for Notification of Release in Minnesota for Risk Level Three):

1. In addition to level 2 disclosure, this department shall disclose data to other members of the community who 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.
2. A good faith effort must be made to complete the disclosure within 14 days of receiving the documents for DOC.
3. The process of notification is determined by this department.

Data disclosed to the public of a level 3 predatory offender shall be forwarded to DOC within 48 hours of dissemination [Minnesota Statute 244.052 Subd. 4(g)].

HEALTH CARE FACILITY NOTIFICATION

Upon notice that a predatory offender, without a supervising agent, has been admitted to a health care facility in this jurisdiction, this department shall provide a fact sheet to the facility administrator with the following:

1. Name and physical description of the offender.
2. Offender's conviction history, including the dates of conviction.
3. Risk level assigned to the offender, if any.
4. Profile of likely victims.

SPECIALIZED NOTIFICATION

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

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

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 (Minnesota Statute 244.052 Subd. 4). Data regarding the victim or witnesses shall not be disclosed [Minnesota Statute 244.052 Subd. 4(e)].

The broadest disclosures authorized under Minnesota Statute 244.045 may still be made for certain offenders (sexually dangerous persons or persons with a sexual psychopathic personality) even though still residing in a residential facility (Minnesota Statute 253B.185 Subd. 10a).

ACCOUNTABILITY

It is the responsibility of all sworn personnel to be familiar with and adhere to this directive. It is the responsibility of all supervisors to ensure this directive is followed. Failure to adhere to this directive may result in disciplinary action up to and including termination.

BY ORDER OF THE CHIEF OF POLICE

James E. Felt

CLN/sae

Willmar 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 **Willmar Police Department** is releasing the following information pursuant to Minnesota Statutes 244.052 which authorizes law enforcement agencies to inform the public of a sex offender's release from prison, or a secure treatment facility, when that **Willmar 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 other offense that requires registration with law enforcement pursuant to Minnesota Statutes 243.166.

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. It is the belief of law enforcement that an informed public is a safer public.

Not the **Willmar Police Department**, the supervising release agent, nor the Minnesota Department of Corrections, may 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 sex offenders have always been released to live in our communities, but it was not until passage of the Registration Act that law enforcement had an ability to know the residence, or track their moves after their initial release. Since the passage of the Community Notification Act law enforcement may share information about many of these offenders with the public. Abuse of this information to threaten, harass, or intimidate registered offenders may be a crime, and will not be tolerated. Such abuses could potentially end the ability of law enforcement to do these notifications. The only person who wins if community notification ends is the sex offender since many of these offenders derive their power from the opportunity that secrecy provides them.

The **Willmar Police Department** is available to help you by providing you and your family with useful information on personal safety. The **Willmar Police Department** may be reached at (320) 235-2244. If you want to report criminal activity of this or any other offender, please call 911.

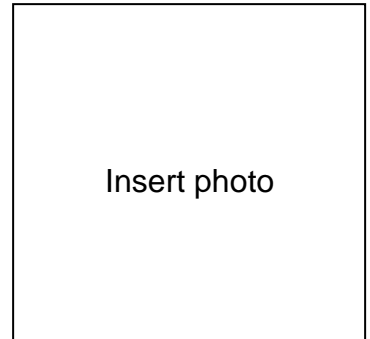
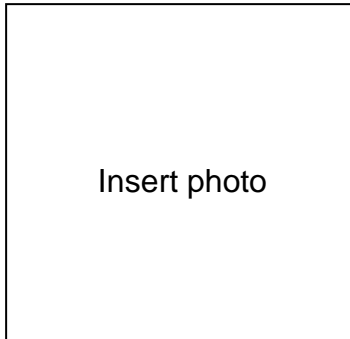
NAME:

Date of Birth:

Age:

MN State ID #:

Race: Hispanic:
Height: Eyes:
Weight: Hair:
Complexion: Build:



Investigating Agency:

Agency Case #:

Conviction Statute(s):

Offense (brief description of facts):

Supervisory Agent:

Release Date:

Residence (current):

Date of Address Change:

Willmar Police Department

FACT SHEET

NOTIFICATION OF RELEASE IN MINNESOTA

RISK LEVEL THREE -

In addition to level two notifications (schools and day cares, 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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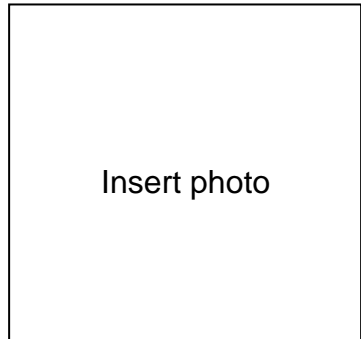
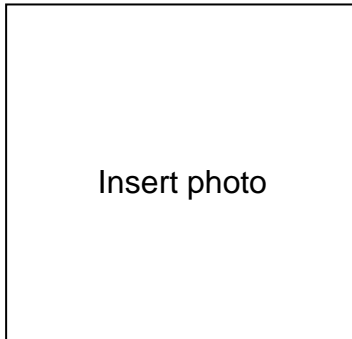
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Investigating Agency:

Agency Case #:

Conviction Statute(s):

Offense (brief description of facts):

Supervisory Agent:

Release Date:

Residence (current):

Date of Address Change: