

409 PREDATORYOFFENDER 1/4

Lakeville Police Department Order #409

General Order-Predatory Offender Notification

Date: 11/08 Personnel: All Personnel Issued by: Chief of Police

Note: This policy is mandated by the Minnesota POST Board.

Policy: It is the policy of the Lakeville 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.

1. DEFINITION

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.

2. PROCEDURE

A. Community Notification - For questions regarding community notification or risk level assigned to an offender, please contact the Department of Corrections (DOC) at 651.361.7360 or at www.corr.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 (see 409F) are:

- Example 1, "*Community Notification: Risk Assignment Report*", an internal law enforcement document prepared by the DOC
- Example 2, "Fact Sheet", a notice for public distribution

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B. Notification Process

Level 1 – The purpose is to disclose information to raise awareness.

- Mandatory – Victims who have requested disclosure.
- Discretionary – Witnesses or victims, other law enforcement agencies.

Level 2 – The objective is to disclose information to safeguard facilities and protect the individuals within those facilities.
(Example - attachment 2, “Fact Sheet”)

- Mandatory – All persons and entities included in Level 1 disclosure.

Note: If the offender is placed or resides in a residential facility, do NOT disclose any information until the law enforcement agency is notified that the offender has been relocated.

- Discretionary – Groups and agencies that the offender is likely to encounter including staff members of both public and private schools, day care facilities and organizations that would provide services to the individuals likely to be victimized by the offender.
- Consider using the following to assist with discretionary disclosure: the offender’s prior history; offense characteristics; employment; recreational, social and religious interests; and characteristics of likely victim.

Level 3 – The goal is to disclose information not only to safeguard facilities and protect the individuals they serve, but also to protect the community as a whole.

- Mandatory – All persons and entities included in Level 1 and Level 2 disclosure. A good faith effort must be made to notify within 14 days of receiving documents from DOC.

Note: If the offender is placed or resides in a residential facility, do NOT disclose any information until the law enforcement agency is notified that the offender has been relocated.

- Discretionary – 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.
- How an agency decides to inform the public is their discretion. The current standard for a Level 3 offender is to invite the community to a public meeting and disclose the necessary information.

C. Registration - For questions concerning predatory offender registration please refer to the Bureau of Criminal Apprehension (BCA)'s Predatory Offender Registration Manual (POR Manual) for detailed information or contact the Predatory Offender Unit (BCA POR) by calling 651.793.7070 or 1.888.234.1248, or through their website at www.dps.state.mn.us/bca.

When an offender arrives at your agency to register, determine if he/she is required to register (review list of registerable offenses in the POR Manual) and in what state the offense was committed.

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 included in the POR Manual.
- If the offender is not registered, complete a Predatory Offender Registration Form included in the POR Manual.
- If the offender is from another state, contact the state (information for each state is listed in the POR Manual) 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.

- Contact the BCA POR to request a Prosecution Packet. Submit the packet to the county attorney's office to file a formal charge.
- 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.