

Registered Predatory Offender

325.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Winona Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

325.2 POLICY

It is the policy of the Winona Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

325.3 REGISTRATION

The Department 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, members assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. All employees assigned to register offenders will receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the employee 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 days. Updated primary address information from any registered predatory offender shall also be forwarded within two 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.

325.3.1 REGISTRATION PROCESS

When an offender arrives to register with this department, the assigned employee 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.
- (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 my BCA website). Use the paper form only if the POR computer is not available.
- (e) If the offender is not registered, complete a Predatory Offender Registration Form (available at BCA's website).

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- (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.
- (g) Fax or scan/email to "POR" on the department copier of the signed, completed paperwork.

It is recommended the agency verify the address of offenders living in their community.

If the offender is not living at the registered address, 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.

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.

325.3.2 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.

325.3.3 NOTIFICATION TO REGISTRANTS

The registration process established by the Department 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).

325.4 MONITORING OF REGISTERED OFFENDERS

The Department 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.

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Any discrepancies should be reported to BCA in writing.

The Department should also establish a procedure to routinely disseminate information regarding registered offenders to Winona Police Department personnel who have a need to know, including timely updates regarding new or relocated registrants.

325.5 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 Chief of Police. Members who believe notification is appropriate 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 of Police based on statutory requirements, with the assistance of legal counsel as necessary, whether such a public alert should be made.

The Chief of Police or his/her designee 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.

325.5.1 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

- (a) 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.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) Other cautionary notices included in the Minnesota Department of Correction's (DOC) material for public recipients.

325.5.2 MANDATORY DISSEMINATION

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

The Department shall continue to disclose data on an offender as required by law for as long as the offender is required to register under Minn. Stat. § 243.166.

Disclosure to the health care facility, home care provider, or hospice provider of the status of any registered predatory offender under Minn. Stat. § 243.166 who is receiving care shall be made by this department (Minn. Stat. § 244.052, Subd. 4c).

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The Department shall provide an offender's change of status to the entities and individuals who were initially notified if the Department becomes aware that the area where notification was made is no longer where the offender resides, is employed, or is regularly found (Minn. Stat. § 244.052, Subd. 4).

325.5.3 LEVEL 1 DISCLOSURE

Data maintained by law enforcement may be subject to limited disclosure (Minn. Stat. § 244.052, Subd. 4) (refer to the BCA document "Confidential Fact Sheet - For Law Enforcement Agency Use Only" or other BCA guidance):

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

325.5.4 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 (Minn. Stat. § 244.052, Subd. 4) (refer to DOC document "Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota - Risk Level 2" or other DOC guidance):

- (a) In addition to Level 1 disclosure, the Department 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 the DOC or the Minnesota Department of Human Services (DHS), or Direct Care and Treatment.

325.5.5 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 (Minn. Stat. § 244.052, Subd. 4) (refer to the BCA document "Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota" or other BCA guidance):

- (a) The Department shall disclose information to the persons and entities provided for Level 1 and 2 disclosures.
- (b) The Department 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.

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- (c) A good faith effort must be made to complete the disclosure within 14 days of receiving documents from DOC.
- (d) The process of notification is determined by this department. The DOC has recommended that the community be invited to a public meeting and disclose the necessary data. Assistance is available from DOC Risk Assessment/Community Notification (RA/CN) Unit.

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

325.5.6 HEALTH CARE FACILITY NOTIFICATION

Upon notice that a registered predatory offender is planning to be in this jurisdiction or has been admitted to a health care facility, home care provider, or hospice provider in this jurisdiction, this department shall provide a fact sheet to the facility administrator with the following data (Minn. Stat. § 243.166, Subd. 4b) (refer to the DOC 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" or other DOC guidance):

- (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

325.5.7 SPECIALIZED NOTIFICATION

Offenders from other states and offenders released from federal facilities are also subject to notification (Minn. Stat. § 244.052, Subd. 3a):

- (a) If this department learns that a person under its jurisdiction is subject to registration and desires consultation on whether the person is eligible for notification, the Department must contact the 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.
- (b) If the 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.
- (c) If this department believes that a risk level assessment is needed, the Department may request an end-of-confinement review. The Department shall provide to the DOC the necessary documents required to assess a person for a risk level.

325.5.8 VICTIM NOTIFICATION

If a predatory offender resides, expects to reside, is employed or is regularly found in this jurisdiction, the Department shall provide victims who have requested notification with data that is

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relevant and necessary to protect the victim. Information disclosed should be obtained from the risk assessment report provided by DOC (Minn. § Stat. 244.052, Subd. 3).

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

It may be appropriate for members of the Department to directly contact the victim. Community victim advocacy or prosecutor resources may also be available to assist with locating and notifying a victim. Assistance is also available from the DOC victim services staff.

Members of the Department may contact other victims, witnesses and other individuals who are likely to be victimized by the offender.

325.5.9 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 Department (Minn. Stat. § 243.166, Subd. 3a).

325.5.10 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)).

The broadest disclosures authorized under Minn. Stat. § 244.052, Subd. 4 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 (Minn. Stat. § 253D.32, Subd. 1).

325.6 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).