

# Registered Predatory Offender

## 808.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Bloomington 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.

### 808.1.1 DEFINITIONS

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).

Predatory 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

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.

## 808.2 POLICY

It is the policy of the Bloomington 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. This will be done in accordance with Minnesota Statutes and will provide as much information as may be authorized by law to other law enforcement agencies, persons, entities and the public consistent with the requirements of public safety and the legal rights of the person.

## 808.3 REGISTRATION

The Investigation Bureau supervisor 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, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, department staff 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

# Bloomington Police Department

## Policy Manual

### *Registered Predatory Offender*

---

a person who lacks a primary residence shall be forwarded within two business days. Updated primary address information from any registered predatory offender shall also be forwarded within two business 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.

#### 808.3.1 NOTIFICATION TO REGISTRANTS

The registration process established by the Investigation Bureau supervisor 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).

#### 808.3.2 REGISTRATION PROCESS

When an offender arrives to register with this department, the assigned investigator should:

- (a) Determine in what state the offense was committed.
- (b) Confirm the individual is required to register by reviewing the list of Minnesota offenses on the BCA's Predatory Offender Registration website or in the BCA Predatory Offender Registration (POR) Manual that is available on the BCA's secure website.
- (c) If a person is required to register, search the BCA's secure website 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 on the BCA's secure website). Change of Information forms are to be completed online and submitted to the BCA as per requirements except in the case of a predatory offender being physically unable to report to the Department, in which case, a form will be printed, and an officer will respond to offender's location to complete the form.
  - 1. The original form shall be forwarded to the BCA within two days.
  - 2. Copies will be provided, one to each person and to the Records Unit.
  - 3. A digital image shall also be provided and uploaded by department members upon request from the BCA.
- (e) If the offender is not registered, complete a POR Form (available at BCA's secure website).
- (f) If the offender is from another state, contact the state (information for each state is listed on the BCA's website) and request a copy of the offender's original registration form, criminal complaint and sentencing documents.
  - 1. Documents obtained should be submitted to the BCA with a registration form.
  - 2. The BCA will determine if registration is required and inform the department and the offender.
- (g) Unless otherwise arranged, all registrations and changes of information shall be accepted during department lobby hours.

# Bloomington Police Department

## Policy Manual

### *Registered Predatory Offender*

---

- (h) The registering department member will also obtain a digital image of the person providing frontal and profile views, also digital images of identifying marks, scars, and tattoos. The photo will be uploaded in the BPD database and forwarded to the BCA in electronic form by the Records Unit.
- (i) The registering department member will also obtain a DNA sample from the person using the convicted offender collection kit provided by the BCA.

Additional information regarding offender registration is available in the POR Manual or by contacting the Predatory Offender Unit by phone or through the BCA secure website.

#### **808.3.3 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.

#### **808.3.4 ADDRESS VERIFICATION**

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

If the person is not in compliance with their mandatory requirements of registering their primary residence, their employment and their vehicle information contact the BCA-POR to determine if a Change of Information Form was submitted. If it was not, the person may be charged with failure to register. To make this charge, request a prosecution packet from the BCA- POR secure online site. Upon receiving the packet, prepare your case and submit it, along with the packet, to the county attorney's office to file a formal charge.

If the person is in custody, request that the packet be electronically forwarded to the Department.

Note: It must be personally verified that the person is no longer in compliance with their requirements prior to submitting the prosecution packet for charging.

#### **808.4 MONITORING OF REGISTERED OFFENDERS**

The Investigation Bureau supervisor 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.

Any discrepancies should be reported to BCA in writing.

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

# Bloomington Police Department

## Policy Manual

### *Registered Predatory Offender*

---

#### 808.4.1 INFORMATION AND ADDRESS VERIFICATION

- (a) Department Verification of Registered Predatory Offender's Information
  - 1. Because the information provided on the original Predatory Offender Registration Form or the Predatory Offender Change of Information Notice is in part provided by the Predatory Offender themselves, this information needs to be verified.
  - 2. All information received on a Predatory Offender by the Records Unit shall be put together in one case file. The Commander of Investigations will coordinate the verification for all predatory offenders. All information will be verified once twice a year.
  - 3. The assigned detective will contact the Predatory Offender. If the assigned detective is unable to make contact after several attempts, the detective will note this on the yearly report tracking sheet.
- (b) If contact is made with the Predatory Offender, the detective will document the contact, indicating who was contacted and the information obtained. This information can be noted on the yearly report tracking sheet.
- (c) If the information cannot be verified the Investigator will notify, if applicable:
  - 1. Minnesota Bureau of Criminal Apprehension
  - 2. State of Minnesota, Department of Correction
  - 3. Offender's Assigned Parole or Probation Authority
- (d) If sufficient information is gathered, the Investigation Bureau may seek criminal charges against the Predatory Offender.

#### 808.5 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 Records Supervisor 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.

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.

#### 808.5.1 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.

# Bloomington Police Department

## Policy Manual

### *Registered Predatory Offender*

---

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).

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).

#### 808.5.2 LEVEL 1 DISCLOSURE

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

- (a) Mandatory disclosure:
  - 1. Victims who have requested disclosure
  - 2. Adult members of the offender's immediate household
- (b) Discretionary disclosure:
  - 1. Other witnesses or victims
  - 2. Other law enforcement agencies

#### 808.5.3 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.

#### 808.5.4 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 DOC

# Bloomington Police Department

## Policy Manual

### *Registered Predatory Offender*

---

document "Law Enforcement Agency Fact Sheet - Notification of Release in Minnesota" or other DOC 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.
- (c) A good faith effort must be made to complete the disclosure within 14 days of receiving a confirmed address from the 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 the DOC Risk Assessment/Community Notification (RA/CN) Unit. At the Chief of Police or designee's discretion, the meeting may be held in-person or via online platforms such as Zoom, Microsoft Teams, or Google Meet.

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

#### 808.5.5 COMMUNITY NOTIFICATION CONCERNING REGISTERED PREDATORY OFFENDERS

A community notification plan shall be made for all registered Level 3 predatory offenders reported to the Department in accordance with Minn. Stat. § 244.052 and 244.10.

- (a) A committee composed of the Commander of Patrol Special Operations, Commander of Investigations, and their designees shall prepare a proposed community notification plan consistent with this policy and submit it to the Chief of Police or designee within fourteen (14) days of receipt of any notice concerning a registered predatory offender to which community notification is applicable.
- (b) The community notification plan developed by the committee shall include a predatory offender fact sheet substantially similar to the following Predatory Offender Information Fact Sheet:
  - 1. Predatory Offender Information Fact Sheet, Level I, II, or III Notification of Release
  - 2. Predatory Offender Information Fact Sheet, Notification of Probation
- (c) Implementing Community Notification Plan for Level 3 Offenders
  - 1. The Investigations Division shall be responsible for Implementing the Community Notification Plan once it is approved by the Chief of Police or designee.
  - 2. The Crime Prevention Unit will assist with notifications utilizing authorized social media, City of Bloomington e-alerts, and other authorized notification methods.

# Bloomington Police Department

## Policy Manual

### *Registered Predatory Offender*

---

3. A copy of the community notification plan shall be filed with original notification, as specified in clause I.C., which will include the following supplemental information:
  - (a) Date and times of any meetings.
  - (b) Summary of who will be notified of the Predatory Offender Information Fact Sheet
  - (c) Other law enforcement agencies which were sent a copy of the Predatory Offender Registration Form or the Predatory Offender Information Fact Sheet.

#### 808.5.6 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

#### 808.5.7 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.

#### 808.5.8 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

# Bloomington Police Department

## Policy Manual

### *Registered Predatory Offender*

---

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.

#### **808.5.9 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 Investigation Bureau supervisor (Minn. Stat. § 243.166, Subd. 3a).

When a homeless predatory offender checks in with the Department, an assigned officer completes the Predatory Offender Lack of Primary Address Weekly Check-In Form. This should include as much specificity as possible, for example "in the vicinity of."

Records Unit updates the BCA website on each completed check-in form weekly.

Weekly check-ins are to take place between the hours of 9:00 a.m. and 5:00 p.m. per Minn. Stat. § 243.166 (3a) (e).

#### **808.5.10 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).

#### **808.6 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).