



COMMUNITY NOTIFICATION OF PREDATORY OFFENDERS

The purpose of community notification is to educate and keep community members safe by informing those most at risk about a predatory offender in their community who is likely to re-offend. See Minn. Stats. §244.052 and §244.053.

Some Basics:

- Community notification allows for the sharing of information that would otherwise be classified as private data and therefore not disclosed to the public.
- To be subject to community notification, the offender must first be required to register as a predatory offender and be sent to prison or committed to a residential treatment facility for their crime.
- Although registration is required, community notification is a different concept than predatory offender registration.
- The purpose of registering is so that law enforcement may locate individuals in order to facilitate the investigation of crimes.
- Community notification applies to adult predatory offenders or to juvenile predatory offenders who have been certified as adults.

What process is followed in determining which offenders are subject to community notification?

- An End of Confinement Review Committee gathers at the facility where the offender is confined and holds a hearing at least 90 days before the offender is released.
- The offender has a right to speak at the hearing.
- The committee reviews information on the offender including past crime history, treatment records, and records from prior court proceedings.
- The committee determines how much of a risk the offender is to the community as a whole.
- The offender is then assigned a risk level and the risk level determines whether information on the offender may be disclosed to others outside of law enforcement.

What information is the committee looking at when making its risk level determination?

- There are a variety of factors the committee considers including how serious a future offense committed by this offender is likely to be; the offender's prior history; and the number of victims involved.

Note: Please see Minn. Stat. §244.052, subd. 3(g) for additional risk factors the committee considers.

Assigned Risk Level I

- This category is deemed the lowest risk to re-offend.
- Information on the offender is **not** shared with the public.
- Information on the offender may be shared among law enforcement.
- Information may be shared with the victim/survivor of the crime **if that person has made a written request for the information.**

**Assigned Risk Level I
continued:**

- If the victim/survivor is under 16, the notice shall be sent to the juvenile's parents or legal guardian.
- If the victim/survivor is deceased, the notice shall be sent to their next of kin as long as the next of kin has made a written request for notification.
- Information on the offender may also be shared with any witnesses that testified against the offender in any court proceedings regarding the predatory offense if they have made a written request for notification.
- The prosecutor for the predatory offense may also make a written request for a particular individual to receive information on the offender.
- Information may also be shared with any adults living in the same household as the offender upon the offender's release.
- Disclosures are permitted during the entire time the offender is required to register.

Assigned Risk Level II

- This category is deemed a medium risk to re-offend.
- In addition to the disclosures allowed in level one, disclosures may be made to agencies and groups who primarily serve people likely to be victimized by the offender.
- These groups or agencies must be in close proximity to where the offender works, lives, regularly visits or is likely to visit regularly.
- This applies to schools, daycares, parks, recreation centers, bars and any other public place where people that would likely be victimized by the offender gather.
- Information may also be shared with other individuals the police think might be likely victims of the offender.
- Law enforcement must choose whom to notify and what close proximity means.
- When determining which places to notify, law enforcement considers what types of activities occur at the location and whether those activities would likely cause interaction with the offender if the offender were at that location.
- The information is **not** shared with other members of the general public.
- Likely victims of the offender are identified by looking at the offender's past pattern of offending.
- The law enforcement agencies where the offender lives, works or is regularly found make the disclosure. More than one agency may make the disclosures.
- Disclosure is supposed to be made within 14 days after law enforcement receives a confirmed address for the offender in their jurisdiction.
- Disclosures **never** contain the identity or identifying characteristics of the victim or of witnesses to the predatory offense.

Assigned Risk Level III

This category is deemed the highest risk to re-offend.

In addition to the disclosures allowed in risk levels one and two, disclosures may be made to any other members of the community that the offender is likely to encounter.

- Because this risk level provides for disclosure to the greatest number of individuals, this is the category for which a community notification meeting is likely to occur.

**Assigned Risk Level III
Continued:**

- In order to protect the identity of the victim or the safety of the public, law enforcement may decide to limit this disclosure.
- Information that is disclosed to the community is also posted on the Department of Corrections website at www.doc.state.mn.us/level3/level3.asp.
- While a level III offender is on supervised or conditional release, their supervising agent tries to minimize the number of level III offenders living in one area, and living near a school.
- People who have an agreement to provide shelter for domestic violence victims/survivors cannot knowingly rent to level III offenders in the same location at the same time as their agreement is in effect.

Change of Risk Level

- An offender may challenge their assigned risk level within 14 days after their risk level has been assigned.
- A hearing will be held and the offender has the burden to prove the assignment was erroneous.
- The offender may be represented by counsel, and may call witnesses and present evidence on their own behalf.
- The victim/survivor of the predatory offense will be notified if they have made an earlier written request for disclosure of information on the offender but they will not be allowed to speak at the hearing.
- Both the law enforcement agency that referred the case for charges and the agency in the community where the offender will reside will also be notified of the hearing.
- An offender may also petition the End of Confinement Review Committee to reassess their risk level three years after the level was originally assigned.
- After the three year reassessment request, an offender may then petition for a reassessment every two years during their predatory registration period.
- If an offender is incarcerated after violating the conditions of release for their sentence, the End of Confinement Review Committee may change the offender's risk level.

**Residential Treatment
Exception**

- During the time an offender is residing in a residential treatment facility community notification will not occur. This includes halfway houses as well.
- At least 14 days before the offender is scheduled to be released from the facility, law enforcement in the community where the offender will reside after release shall be notified of the offender's release.
- This applies to level II and III offenders.

What Can You Do?

- Explain to victims/survivors that community notification is not the same as predatory registration because this concept is confusing to members of the public.
- Remember, the Risk Level assignment is only public information for Level III offenders.
- Reinforce to victims/survivors what the purpose of community notification is and remind them that it is not a punishment.
- Take time to assist victims/survivors with making a written request so they will receive notification about the predatory offender.
- Show victims/survivors the Department of Corrections website which contains information about level three offenders. www.doc.state.mn.us/level3/level3.asp.
- Contact your local law enforcement agency and ask them about starting a

community notification working group in your community so that notification decisions can be discussed among professionals working on cases involving sex offenses.

- Attend community notification hearings and ask questions to find out about the other ways in which the community is being notified about that particular predatory offender.
- Lydia Newlin at the Minnesota Center for Crime Victim Services (651) 205-4825 or (888) 622-8799 is the victim services representative for the End of Confinement Review Committee. Share your concerns and ideas with her. Let victims/survivors know they can speak with her as well.
- Be sure to inform victims/survivors that if they want to continue to receive notification concerning the offender once the offender has been released from prison, they need to send a written request for information to Lydia Newlin – MCCVS 445 Minnesota Street, Ste 2300, St. Paul, MN 55101. She will then forward the request to the appropriate person. **Once the offender is released, the DOC will not act on the victim/survivor's request.**
- Let victims/survivors know the community notification laws may affect them in the future if the offender violates probation and is subsequently sent to prison.
- Remind victims/survivors that every time they move they must then notify the Department of Corrections or if the offender is released, notify Lydia Newlin of their new address. If the victim/survivor prefers, they can request that the advocacy program be the source to receive the disclosure rather than leaving their own home address.
- Check the Department of Corrections wanted fugitive website regularly for offenders who are not in compliance. www.doc.state.mn.us. Let victims/survivors know about this site as well. If they have information that might assist the police in locating these individuals, urge them to contact local law enforcement or the BCA.

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