



COLUMBIA HEIGHTS POLICE DEPARTMENT POLICY MANUAL

TITLE: PREDATORY OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION	GENERAL ORDER NUMBER: 905
REFERENCES: M.S. §§ 241.021, 243.16, 243.166, 244.052, 244.053, 244.10, 245A.02, 253B.185	EFFECTIVE DATE: 06/01/2016
REVIEW DATE: 01/01/2019	DISTRIBUTION: A

The purpose of this General Order is to ensure compliance with the requirements of Minnesota Statutes §§ 243.166, 244.052, and 244.053 providing for the registration of predatory offenders, and community notification relative to the release of certain registered predatory offenders consistent with the legally specified privacy rights of those offenders.

905:1 Definitions

Accepted for Supervision

Accepted from another state under a reciprocal agreement under interstate compact authorized by Minnesota Statutes § 243.16 (reference § 244.052 2d).

Confinement

For the purposes of this General Order, “confinement” means confinement in a state correctional facility, or a state treatment facility (Minnesota Statutes § 244.052 (1)).

Law Enforcement Agency

For the purposes of community notification, a law enforcement agency is defined as the agency having primary jurisdiction over the location where the offender expects to reside upon release, and where the offender is likely to be encountered (Minnesota Statutes § 244.052 (3)).

For all other purposes under this policy, the definition of law enforcement agency includes all agencies that carry on a law enforcement or prosecutorial function including, but not limited to; local, state, and federal agencies; and parole, probation, and court services agencies.

Predatory Offender

For the purposes of predatory offender registration, a predatory offender is an adult or juvenile required to register under Minnesota Statutes § 243.166, Subdivision 1.

For the purposes of community notification, a predatory offender is an adult or certified juvenile who has been convicted of an offense for which registration under Minnesota Statutes § 243.166 is required, or a person who has been committed pursuant to a court commitment order under Minnesota Statutes § 253B.185, regardless of whether the person was convicted of an offense.

Likely to Encounter

1. The organizations or community members are in a location or in close proximity to a location where an offender lives or is employed, or which an offender visits or is likely to visit on a regular basis, other than the location of the offender’s outpatient treatment program; and
2. The types of interaction that ordinarily occur at that location and other circumstances

indicate that contact with an offender is reasonably certain.

the relocation is within the Department's primary service area.

Residential Treatment Facility

A residential facility that is licensed as a residential program, as defined in Minnesota Statutes § 245A.02, Subdivision 14, by the Commissioner of Human Services under Minnesota Statutes § 245A.02, or the Commissioner of Corrections under Minnesota Statutes § 241.021; and the facility and its staff are trained in the supervision of predatory offenders.

Day Care Establishments

All establishments licensed by the state of Minnesota or its agents to provide day care services for children.

Public and Private Educational Institutions

An elementary, secondary, or post-secondary educational institution authorized or licensed by the state of Minnesota.

Predatory Offender Investigator

A detective appointed by the detective supervisor who acts as liaison.

905:2 Predatory Offenders Under Supervised Release

905:21 Original Registration

Predatory offenders must register with their correction agent who will complete the *Predatory Offender Registration Form*. One copy of this form is submitted to the Columbia Heights Police Department if the predatory offender resides, or is to reside, within the Department's primary service area.

905:22 Change of Information Notice

A *Predatory Offender Change of Information Form* must be submitted by the predatory offender to the Bureau of Criminal Apprehension (BCA) whenever they change their residence. A copy of the notice and the registration form is forwarded by the BCA to the Columbia Heights Police Department if

905:3 Predatory Offenders Not Under Supervised Release

905:31 Original Registration

Predatory offenders must register with the Columbia Heights Police Department if said offender resides or establishes residency in the Columbia Heights Police Department's primary service area. Registrations shall be taken only during normal business hours at the Columbia Heights Police Department.

905:311

The primary person responsible for receiving and processing predatory offender registration is the Predatory Offender Investigator, (who is the 5 year investigator). When the Predatory Offender Investigator is not available, the responsibility is handled by the Investigations Sergeant.

905:312

A *Predatory Offender Registration Form* shall be completed for all predatory offenders presenting themselves to the Columbia Heights Police Department for registration.

905:313

The following additional items shall be obtained from the predatory offender:

- Complete set of fingerprints if required; and
- Set of photographs (to include front view and side view at a minimum).

905:314

A copy of the *Predatory Offender Registration Form*, fingerprint card, and photographs shall be submitted to the Bureau of Criminal Apprehension (BCA) within two (2) business days.

905:32 Change of Information Form

Predatory offenders who move within the primary service area of the Columbia Heights Police Department shall submit a *Predatory Offender Change of Information Form* to the Department. Said forms shall only be accepted during normal business hours at the Columbia Heights Police Department.

The predatory offender's name and other information shall be maintained in the Columbia Heights Police Department computerized predatory offender database indicating the information has been received and filed.

905:321

The primary person responsible for receiving and processing predatory offender information changes is the Office Manager. If the Office Manager is not available, it can be completed by other support services staff.

**905:42 Classified as Private Data on
Individuals**

The information contained upon the *Predatory Offender Registration Forms* and the *Predatory Offender Change of Information Forms* is classified as *Private* data on individuals pursuant to the Minnesota Government Data Practices Act, and may only be used for law enforcement purposes, including:

905:322

A *Predatory Offender Change of Information Form* shall be completed for all predatory offenders presenting themselves to the Columbia Heights Police Department for registration of their change of address.

- Submission to other law enforcement agencies having an interest in the predatory offender, including any community where the predatory offender regularly works; and
- Information contained upon these forms may not be provided to other law enforcement agencies without specific prior approval of the Chief Law Enforcement Officer or designee.

905:323

The original and one copy of the *Predatory Offender Change of Information Form* shall be submitted to the Bureau of Criminal Apprehension (BCA) within two (2) business days.

905:43 Address Change

Upon receiving notice that a predatory offender registered with the Columbia Heights Police Department has moved out of the Department's primary service area, a notation stating such shall be made in the predatory offender database, and in the predatory offender file.

905:33

Any person seeking to register as a predatory offender, but not residing within the primary service areas of the Columbia Heights Police Department, shall be directed to the city having primary jurisdiction.

**905:4 Maintenance of Predatory Offender
Registered Information**

**905:5 Notification of Columbia Heights Police
Department**

905:41 Predatory Offender File

Copies of the *Predatory Offender Registration Forms* and the *Predatory Offender Change of Information Forms* shall be maintained in the predatory offender file.

**905:51 Notification to the Columbia Heights
Police Department**

Pursuant to Minnesota Statutes § 244.052, Subdivision 5, the Columbia Heights Police Department shall be given notice that a registered predatory offender will reside within the primary service area of the

905:411

Columbia Heights Police Department upon the registered predatory offender's release from confinement from a state institution.

905:511

These predatory offenders are classified by the Commissioner of Corrections into one of the following three risk levels according to the predatory offender's risk of re-offending:

- Level I - indicates a low risk of re-offending;
- Level II - indicates a moderate risk of re-offending; or
- Level III - indicates a high risk of re-offending.

905:512

Pursuant to Minnesota Statutes § 244.10, the Columbia Heights Police Department shall also receive notice of convictions of registered predatory offenders who are placed on probation, and who reside within the jurisdiction of the Columbia Heights Police Department.

905:513

The Columbia Heights Police Department may also receive notification from other law enforcement agencies concerning registered predatory offenders who reside outside the jurisdiction of the Columbia Heights Police Department, but who are employed or otherwise likely to frequent the Department's jurisdiction.

905:6 Community Notification Plan

905:61

A community notification plan shall be made for all registered predatory offenders reported to reside in the primary service area of the Columbia Heights Police Department in accordance with Minnesota Statutes §§ 244.052 and 244.053.

905:611

The Office Manager shall prepare in writing a proposed community notification

plan consistent with this policy, and submit it to the Chief within thirty (30) days of receipt of any notice concerning a registered predatory offender to which community notification is applicable.

905:612

The community notification plan shall include an *Offender Fact Sheet* provided by the Minnesota Department of Corrections.

905:62 Level I -- Low-Risk Level Offenders

If the offender is assigned to Risk Level I, the agency may maintain information regarding the offender within the agency and may disclose it to other law enforcement agencies. Additionally, the agency may disclose the information to any victims of or witnesses to the offense committed by the offender. The agency shall disclose the information to victims of the offense committed by the offender who has requested disclosure and to adult members of the offender's immediate household.

905:63 Level II -- Moderate-Risk Level Offenders

If the offender is assigned to Risk Level II, the agency also may disclose the information to agencies and groups that the offender is likely to encounter for the purpose of securing those institutions and protecting individuals in their care while they are on or near the premises of the institution. These agencies and groups include the 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 agency also may disclose the information to individuals the agency believes are likely to be victimized by the offender. The agency's belief shall be based on the offender's pattern of offending or victim preference as documented in the information provided by the Department of Corrections or Department of Human Services.

905:64 Level III -- High-Risk Level Offenders

If the offender is assigned to Risk Level III, the agency shall disclose the information to the persons and entities described in clauses (1) and (2) and to other members of the community whom the offender is likely to encounter, unless the law enforcement agency determines that public safety would be compromised by the disclosure or that a more limited disclosure is necessary to protect the identity of the victim.

905:65 Level II and Level III Predatory

Offenders Placed in Residential Facilities

For Level II and Level III predatory offenders, discretionary disclosures shall not be made until the head of the facility notifies the Columbia Heights Police Department that the offender's placement or residence in said facility is scheduled to end.

905:66 Unclassified Registered Predatory

Offenders

For those who are placed on probation as a dispositional departure by the court, an *Offender Fact Sheet* may be distributed to the following groups and agencies the offender is likely to encounter:

- Public and private educational institutions;
- Day care establishments; and
- Establishments and organizations that primarily serve individuals likely to be victimized by the offender.

905:67 Re-Notification

When an offender notifies the Columbia Heights Police Department of the intent to move from the jurisdiction, the Columbia Heights Police Department shall:

- Assist the offender in completing the *Predatory Offender Change of Information Form*. Once completed, a copy of the form shall be sent to the Chief Law Enforcement Officer of the jurisdiction to which the offender intends

to move, and to the Minnesota Bureau of Criminal Apprehension. A copy shall be retained in the Columbia Heights Police Department files.

- Upon the request of the agency in the jurisdiction to which the offender intends to move, the Columbia Heights Police Department shall provide the agency with all information in its possession pertaining to the offender.

905:68 Implementation of Community Notification Plan

The Office Manager or Captain shall be responsible for implementing the community notification plan, once it is approved by the Chief Law Enforcement Officer.

905:69 Copies of the Community Notification Plan

A copy of the community notification plan shall be filed with the original notification that shall include the following supplemental information:

- Date(s), time(s), and location(s) of any meetings;
- Persons to whom the predatory offender information fact sheet were mailed, faxed, or otherwise provided to; and
- Other law enforcement agencies that were sent a copy of the *Predatory Offender Registration Forms*, or the *Offender Fact Sheet*.

<p>BY ORDER OF: Scott Nadeau, Chief of Police</p>
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