



Background

COMMUNITY NOTIFICATION ACT

Facts About Minnesota's Community Notification Act

- ▶ Minnesota's Community Notification Act was effective January 1, 1997.
- ▶ Assignment of risk levels is the statutory responsibility of the Minnesota Department of Corrections.
- ▶ Community notification is the statutory responsibility of law enforcement.
- ▶ Level 3 offenders — those determined at highest risk to reoffend — are identified on a public website.
- ▶ Offenders are subject to the provisions of the Community Notification Act for as long as they are required to register as predatory offenders.
- ▶ Of all offenders who have been assigned risk levels, approximately 58% are level 1; 29% are level 2; and 13% are level 3.
- ▶ Approximately 272 level 3 offenders are living in Minnesota communities (as of 1/1/13).

What is Minnesota's Community Notification Act?

The Community Notification Act requires assignment of a risk level to offenders subject to registration as a predatory offender before they are released from confinement in a state prison or treatment facility. The Community Notification Act also requires that community notification of the offender's release occur. Effective January 1, 1997, this act applies to offenders released on or after that date (M.S. 244.052).

What is registration?

Since July 1, 1991, predatory offenders in Minnesota have been required to register their addresses with local law enforcement agencies (M.S. 243.166). Law enforcement agencies forward the information to the Minnesota Bureau of Criminal Apprehension, which maintains a database that can be used by law enforcement agencies as an investigative tool.

Who is assigned a risk level?

Risk levels are assigned to predatory offenders:

- 1) Released from a state prison in Minnesota;
- 2) Released from a state prison in another state who come to Minnesota under supervision;
- 3) Released from a federal prison and intending to reside in Minnesota;

- 4) Released from confinement who were committed as sexually dangerous persons, sexually psychopathic personalities or mentally ill and dangerous; or
- 5) Upon request from local law enforcement if released from a federal prison or another state's prison (and not under supervision).

As of January 1, 2013, about 8,000 of Minnesota's 17,400 registered (active) predatory offenders fall under the above categories and are assigned a risk level.

What are the risk levels?

Level 1 – lowest public risk
Level 2 – moderate public risk
Level 3 – highest public risk

Who assigns risk levels?

An End-of-Confinement Review Committee (ECRC) is established at each Minnesota state prison or treatment facility to determine risk levels. For offenders released from federal or out-of-state prisons, an ECRC in the Minnesota Department of Corrections (DOC) Central Office performs this function.

Who serves on the ECRC?

- 1) The prison warden or treatment facility head where the offender is confined, or that person's designee;
- 2) A law enforcement officer;

- 3) A treatment professional trained in assessing sex offenders;
- 4) A caseworker experienced in supervising sex offenders; and
- 5) A victim services professional.

What does the ECRC consider when assigning risk level?

A variety of information, including:

- 1) Seriousness of the offense;
- 2) Offender's prior offense history;
- 3) Offender's characteristics, such as response to prior treatment efforts and history of substance abuse;
- 4) Availability of community support to the offender, such as therapeutic treatment, a stable and supervised living arrangement, familial and social relationships, and consideration of the offender's education or employment stability;
- 5) Whether the offender has indicated, or credible evidence in the record indicates, that the offender will reoffend if released into the community; and
- 6) Whether the offender demonstrates a physical condition that minimizes risk of reoffense, including but not limited to advanced age or a debilitating illness or physical condition.

Can a risk level be changed?

Yes. Within 14 days of assignment at level 2 or 3, an offender can request review from an administrative law judge. Also, after three years from initial risk level assignment, an offender can request that the ECRC consider a level reassessment.

Who provides notification to the community?

The DOC provides information from the ECRC to law enforcement, which is responsible for notification in the community where the offender is to reside.

Who may law enforcement notify about release or relocation of an offender?

Level 1 – Victims of and witnesses to the crime, other law enforcement agencies, and anyone identified by the prosecuting attorney to receive the information.

Level 2 – Anyone included in the Level 1 information release. In addition, notification may be given to schools, daycare centers, and other organizations where individuals who may become victims of the offender are regularly found. Law enforcement may also choose to notify certain individuals that they determine to be at possible risk. The information is not to be redistributed by organizations.

Level 3 – Requires broad public notification, usually done through a public meeting. Law enforcement may also notify individuals and agencies included in Level 1 and Level 2 notifications, and may use the media and other distribution methods to get information to the public.

What is included in the notification?

General area of residence, description of the offender and photo, and description of the pattern of behavior that the offender has been known to display.

Are risk levels public?

Levels 1 and 2 are not public, except as released by law enforcement as speci-

fied in the Community Notification Act. Information about level 3 offenders is posted on the DOC's website once a community notification meeting has been held at the request of law enforcement (www.doc.state.mn.us/level3/level3.asp).

How long are offenders subject to community notification provisions?

For as long as they are required to register as predatory offenders. Registration is generally required for ten years after release or until correctional supervision ends, whichever is longer. Some offenders are subject to lifetime registration.

January 2013

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