

Memo

To: Jeremy Barnhart
From: Police Chief Correy Farniok
Date **September 21, 2016**
Re: Sex Offender Registry

Currently there are 8 individuals that in the City of Orono that are required to register with the Orono Police Department as part of the Minnesota Predatory Offender Registration (POR) program through the MN Bureau of Criminal Apprehension (BCA).

These 8 POR's all have a risk level of 1 or not assigned. Risk levels are assigned by the Minnesota Department of Corrections (DOC) not the Bureau of Criminal Apprehension (BCA). Risk Levels are assigned to registrants who are released from prison on or after January 1, 1997.

Risk level one indicates the least likelihood to re-offend. Risk level two indicates a moderate likelihood to re-offend. Risk level three indicates high likelihood to re-offend.

Information about Level 3 offenders is available on the DOC web site. www.doc.state.mn.us

According to a recent search on the DOC website, the closest Level 3 Offenders are in Crystal (2), New Hope (1) and Hopkins (2).

There are no provisions in M.S. § 243.166, Minnesota's registration law, which prohibit registered offenders from living in the vicinity of a school or daycare. Restricting a registrant's residency can be a condition of the registrant's probation or parole; however, if the person is no longer on probation or parole, those restrictions are no longer effective. While there is not a State law regarding residency restrictions for registered offenders, cities can pass local ordinances with restrictions.

The challenge that we face as a police department and as a community is that the most of the information regarding a POR is classified as private and we cannot release information to the public on POR's.

I have also attached pertinent sections of MN Statute 244.052. Which provides information and explains the process for review for Level 3 POR's, the notification required, and information that can be given out a community notification.

“Subdivision 4. Law enforcement agency; disclosure of information to the public.

The law enforcement agency shall employ the following guidelines in determining the scope of disclosure made under this subdivision:

(1) 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 have requested disclosure and to adult members of the offender's immediate household;

(2) 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 human services;

(3) 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.”

Subdivision 4a. Indicates that during the review process for a Level 3 offender the agency responsible for the offender's supervision shall take into consideration the proximity of the offender's residence to that of other Level 3 offenders and proximity to schools.