# Predatory Registrant Registration
# and
# End of Confinement Review Committee

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DEPARTMENT OF CORRECTIONS

# Predatory Registrant Registration

- Minnesota Statue 243.166 & 243.167
- DOC Policy 205.220

# Predatory Registrant Registration

Began in 1991
MN Statute 243.166 and 243.167
DOC Policy 205.220
Fluid legislation
Applies to juveniles and adults
Applies to probationers and commits
Applies to individuals/registrants from other states

# Predatory Registrant Registration

List 1 offenses (§243.166):

- Murder 1, subd 2 only
- Kidnapping
- CSC 1, 2, 3, 4 & 5 subd 3 only
- Criminal Sexual Predatory Conduct
- Indecent Exposure, subd 3 only
- Soliciting a Minor to Engage in Prostitution or Sexual Conduct+
- Using a Minor in a Sexual Performance
- Possession of Child Pornography
- Criminal Abuse
- Comparable offenses from other jurisdictions
- Certain civilly committed individuals

# Predatory Registrant Registration

Anyone charged with a List 1 offense and convicted/adjudicated of any offense, including an offense arising out of the same set of circumstances, is required to register.

# Predatory Registrant Registration

List 2 offenses (§ 243.167):

- Unlawful possession of a firearm
- Murder 1, 2, 3
- Manslaughter 1, 2
- Assault 1, 2, 3, 4, 5 subd 2 or 4 only
- Domestic Assault, subd 2 or 4 only
- Domestic Assault by Strangulation
- Use of Drugs to Injure or Facilitate a Crime
- Aggravated Robbery, subd 1 only
- Kidnapping

# Predatory Registrant Registration

- Kidnapping
- False Imprisonment
- CSC 5, subd 2 only
- Tampering With a Witness, subd 1 only
- Burglary 1, subd 1 only
- Indecent Exposure, subd 2 only
- Crime Committed for the Benefit of a Gang
- Malicious Punishment of a Child
- Harassment; Stalking
- Unlawful Possession of a Pistol or Other Weapon

# Predatory Registrant Registration

Anyone previously convicted/adjudicated for a List 1 offense and who

- Was not required to register because registration did not apply at that time or
- Completed previous registration period,

and

- Commits a List 2 offense on or after 07/01/2000

is required to register

# Predatory Registrant Registration

- The BCA maintains the registry
- The registry is not available to the public, however….
- A registrant's requirement to register is public information
- The current status of a registrant's registration is private
- Non-compliant registrants can be placed on a public website

# End of Confinement Review Committee

- Minnesota Statute 244.052
- DOC Policy 205.220

# Scope

- There are 10 ECRC throughout the state.
  - 8 in DOC facilities
  - 1 at DOC Central Office
  - 1 at DHS

- The DOC administers all ECRCs.

# Scope

ECRCs review all individuals required to register as a predatory registrants who are about to be released from confinement.

**Exception**: Individuals subject to registration based solely on a delinquency adjudication are **NOT** subject to community notification

# Scope

DOC ECRCs review:

- registrants being released from Minnesota correctional facilities
- registrants wishing to transfer supervision to Minnesota via the Interstate Compact
- federal registrants intending to reside in MN upon release
- certain registrants upon request by law enforcement
- registrants seeking a risk level reassessment

# Purpose

"The committees shall assess on a case-by-case basis the public risk posed by predatory offenders who are about to be released from confinement."

- § 244.052

# Purpose

- The risk level assigned is to be used by law enforcement to aid them in community notification.
- The DOC and supervision agencies have also chosen to use this information for other purposes.

# Timeline

- Statute requires that the ECRC review the registrant at least 90 days prior to release.

- If the registrant is received with less than 90 days to serve, “reasonable efforts” shall be made to ensure review at least 30 days before release.

# Timeline

- Our goal is to have ECRCs meet 120-150 days prior to release.
- Statute requires notification to law enforcement 60 days prior to release.
- Some would like ECRC to take place earlier, however, there are several statutory and practical problems with doing it earlier.

# Participants

Participants are appointed by the DOC Commissioner as stipulated in statute.

- CEO of facility, or designee
- Casemanager
- Law enforcement officer
- Treatment professional
- Victim services professional

# Participants

- The registrant has a right to be present and be heard at the meeting.
- Registrants are allowed legal representation. This is **NOT** mandated by statute. Public defenders no longer provide this service.
- Observers are allowed at ECRC for training purposes.

# Risk Assessment

- A sexual offense specific treatment professional (most often a Licensed Psychologist) prepares a Risk Assessment Recommendation for the Committee.

- This recommendation will utilize one of three risk assessment tools:

    - MnSOST-4 is utilized for male individuals with a sex offending history.
    - ADVISOR is utilized for female individuals with a sex offending history.
    - LS/CMI is utilized for male or female individuals with **no** sex offending history

# Risk Assessment

- Each tool has predetermined cut scores for risk level 1, 2 or 3.
- Special Concerns and Mitigating Circumstances can be used to deviate from the risk levels indicated by the tool score.

# Risk Assessment

| Risk Level 1 | Risk Level 2 | Risk Level 3 |
|---|---|---|
| MnSOST-4<br>score under 2.50% | MnSOST-4<br>score 2.50% to 4.29% | MnSOST-4<br>score 4.30%+ |
| ADVISOR<br>score under 2.50% | ADVISOR<br>score 2.50 to 4.30% | ADVISOR<br>score 4.30% or higher |
| | | |
| MnSTARR 3.0 Violent Recidivism<br>score under 75 | MnSTARR 3.0 Violent Recidivism<br>score 76 - 112 | MnSTARR 3.0 Violent Recidivism<br>Score 113 or higher |

# ECRC Process

- The Risk Assessment Recommendation, along with a packet of information, is given to committee members.
- The committee members review the materials.

# ECRC Process

- At the ECRC meeting, committee members can discuss the recommendation, review the risk assessment tool, ask the registrant questions (if s/he chooses to appear), seek clarification on any packet materials.
- The registrant and/or legal counsel are allowed to speak and introduce information.
- The committee members then vote on a risk level assignment. The level with the majority vote is assigned.

# ECRC Process

- The Risk Assessment Report (ECRC Report) is entered into COMS.
- Also available in COMS is the Risk Assessment Recommendation and the risk assessment tool score.

# ECRC Process

- The Risk Assessment Report (ECRC Report) is distributed following the level assignment.

- Distribution includes:
  - Registrant and registrant files
  - Agent (sent by case manager)
  - Original law enforcement agency (sent by RA/CN Unit)

# ECRC Process

- The registrant has 14 days to appeal the risk level assigned.
  - Appeals are heard by an Administrative Law Judge.

- The original law enforcement agency or the registrant's agent may request a reassessment within 30 days citing facts or circumstances not considered by the committee.

# ECRC Process

- The agent, in consultation with the chief law enforcement officer in the area where the registrant resides, may request a reassessment at any time if substantial evidence exists that the registrant's risk has changed.
  - Examples:  treatment failure/completion, exceptional crime free adjustment, lack of appropriate adjustment, evidence of substantial community need for info, mitigating circumstances to narrow scope of notification, etc.

# Risk Levels

It is a common misconception that the assigned risk level is a **measure** of the severity or heinousness of an offense.

# Risk Levels

Risk levels are not a *measure* of the amount of violence or force used in an offense.

Risk levels are not a *measure* of the harm caused by an offense.

# Risk Levels

Risk levels are assigned based on the
likelihood of re-offense
and the
level of community notification required
to inform the offender's likely victim pool.

# Risk Levels

- Factors considered include:
  - Seriousness of potential re-offense
    ie: amount of force, degree of contact, age of victims
  - Sex offending history
    ie: relationship to victims, number of victims, duration of offending
  - Other criminal history
  - Treatment, substance abuse, support, education/employment, physical condition
  - Expressed intent to reoffend

# Summary

- Registration, risk level and community notification are linked.
- **However** not every predatory registrant is subject to a risk level (community notification).

- Total active registrants: 17,933 (01/2019)
- Total active risk levels: 9,652 (01/2019)

# Contact Information

DEPARTMENT OF CORRECTIONS

# Thank you!

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