DEPARTMENT OF CORRECTIONS

Policy Number:	**205.220**
Title:	**Predatory Registrant: Registration, Notification, Public Registrant Website, and Risk Level Assessment**
Effective Date:	**8/5/22**

PURPOSE: To implement procedures to identify those subject to registration. To assign a community notification risk level to qualified registrants. To respond to a victim's request for notification in regard to community notification. To implement procedures for posting information on level 3 registrants on the department-maintained website. To provide procedures for registrant requests for reassessment of assigned community notification risk level.

APPLICABILITY: Minnesota Department of Corrections (DOC)

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DEFINITIONS:

BCA predatory offender change of information form – the document used by a registrant to record information regarding their change of primary residence (including moving in and out of incarceration), employment, vehicle, and any other changes impacting living, working, and education conditions of the registrant. The form is available from corrections and law enforcement staff.

BCA predatory offender registration form – the multi-page document required to be completed by an individual convicted of an offense requiring registration under Minnesota statute is required to complete. Note: documents required for registration for predatory offenses or for completing any of the procedures required for compliance with Minn. Stat. §§ 243.166 and 243.167 can be found at the BCA web site via secure login.

Confinement – confinement in a state correctional facility or a state treatment facility per Minn. Stat. § 244.052.

End of confinement review committee (ECRC) – a standing committee established and administered by the commissioner of corrections that assesses the public risk posed by registrants who are about to be released from confinement, registrants who are accepted from another state under a reciprocal interstate compact, and registrants who relocate to the State of Minnesota (MN) with a MN community notification instance. Each ECRC consists of the chief executive officer (CEO) or the head of the correctional/treatment facility where the registrant is currently confined or that person's designee, a law enforcement officer, a treatment professional who is trained in the assessment of sex offenders, a case manager experienced in supervising sex offenders, and a victim services representative. Members of the committee, except the facility's CEO or head, are appointed by the commissioner to two-year terms.

End of confinement review committee (ECRC) packet -

1. Minnesota Sex Offender Screening Tool (MnSOST-4), Minnesota Screening Tool Assessing Recidivism Risk (MnSTARR), or Female Sex Offender Screening Tool (F-SOST) score sheet;
2. Criminal case documents (including complaint, presentence investigation report, sentence guideline worksheets, and warrant of commitment);
3. Court criminal correspondence regarding document requests;
4. Program review team (PRT) action reports;
5. PRT review reports;
6. Criminal record report (CRR);
7. Law enforcement reports;
8. Discipline information;
9. Hearings and release unit (HRU) disposition reports, violation reports, restructure reports, and related documents;
10. DOC operations incident reports;
11. DOC sex offense specific treatment documents;
12. Non-DOC sex offense specific treatment documents;
13. DOC chemical dependency treatment documents;
14. Non-DOC chemical dependency treatment documents;
15. DOC behavioral health treatment documents;
16. Non-DOC behavioral health treatment documents;
17. Previous ECRC reports and risk assessment recommendations;
18. ECRC correspondence;
19. Sexual psychopathic personality/sexually dangerous person (SPP/SDP) psychologist review reports;
20. Law enforcement ECRC notifications; and

21. Law enforcement polygraph and evidence reports.

ECRC Risk Assessment Recommendation (template attached) – a report provided by the treatment professional to the ECRC making a recommendation of the registrant's community notification risk level.

ECRC Risk Assessment Report (ECRC Report; template attached) – a report that specifies the community notification risk level assigned by the ECRC and lists the reasons underlying the committee's community notification risk level decision (attached).

Female Sex Offender Screening Tool (F-SOST) – a screening tool that provides the ECRC with a numerical value associated with sex offense risk. It is part of the risk assessment scale developed by the DOC.

Incarceration – serving a sentence in a state correctional facility (prison) or federal correctional facility. Also includes placement in another facility under the authority of the commissioner of corrections.

Law enforcement notification packet –

1. Victim notification document;
2. Risk assessment/community notification (RA/CN) unit fact sheet(s);
3. ECRC Report with Risk Assessment Recommendation Report;
4. Criminal complaint: including all complaints, original and/or amended;
5. Pre-sentence investigation: only the non-confidential portions; and
6. Relevant public court documents.

Minnesota Registrant Screening Tool (MnSOST) – a screening tool that provides the ECRC with a numerical value associated with sex offense risk. It is part of the risk assessment scale developed by the DOC and includes updated versions revised as needed.

Minnesota community notification instance – when a registrant's release from a federal or other state incarceration or from a MN treatment facility occurs on or after January 1, 1997, and the registrant is or will be subject to registration in MN due to a conviction for a predatory offense. This does not include persons subject to registration based solely on a delinquency adjudication.

Minnesota Screening Tool Assessing Recidivism Risk (MnSTARR) – screening tool used to assess risk of engaging in further criminal behavior. This scale is used, along with information on the totality/facts of a case and treatment professional recommendations, for the assessment of community notification risk level on registrants for whom use of the MnSOST-4 or F-SOST is not recommended. It is part of the risk assessment scale developed by the DOC.

Mitigating circumstances (utilized with both male and female registrants) –

1. Intervention Followed by Significant Period of Positive Community Adjustment.
   A documented intervention followed by a period of five years during which the individual does not reoffend or engage in high-risk behavior and had access to a potential victim pool.

2. Inhibiting or Incapacitating Physical Illness or Condition
   The individual has developed an incapacitating illness or physical condition decreasing motivation or ability to sexually re-offend (e.g., later stages of a terminal illness).

3. Satisfactory Sex Offense Specific Treatment Participation with No Sexual Re-Offending or High-Risk Behaviors

The individual was not directed to or recommended for chemical dependency treatment and has satisfactorily participated in sex offense specific treatment with no evidence of sexual re-offense or high-risk behaviors since the satisfactory participation.

4. Limited to Juvenile Sexual Offense Adjudication
The individual's only sexual offense was committed when they were a juvenile, and there is no evidence to suggest additional sexual misconduct.

5. Convictions Relating to Child Sexual Abuse Images
The individual's sexual offending consists solely of possession/distribution of child sexual abuse images without evidence of any other known sexual offense behavior.

6. Convictions Limited to Intra-Familial Offending Against Females
The individual's sexual offending is limited solely to intra-familial females.

7. Lengthy Supervision Following Release from Incarceration
The individual is subject to a lengthy period of supervision at the time of release and their prior history suggests supervision will likely serve as a deterrent to committing future person offenses (this is only to be used in conjunction with the LSI-R or LS/CMI).

Registrant – an individual subject to registration under Minn. Stat. § 243.166 or § 243.167.

Public registrant website – website maintained by the DOC and administered by the RA/CN unit with technical assistance from the department's information technology (IT) unit. Posting is authorized by Minn. Stat. §§ 244.052 and 253D.32.

Responsible law enforcement agency – the agency responsible for effectuating victim notification and the law enforcement agency of the registrant's residence. When a registrant is leaving MN, the responsible law enforcement agency is the original MN investigating agency of the predatory offense. If the predatory offense was not committed in MN, the responsible law enforcement agency is the registrant's last MN residence.

Risk assessment scale (male registrant) – a scale developed by the DOC to assign weight to the risk factors listed in Minn. Stat. § 244.052. The ECRC is responsible for the assignment of community notification risk levels and assigns community notification risk levels based on the totality of circumstances and articulable facts, including but not limited to, the score indicated on the MnSOST or MnSTARR, and the information contained in the ECRC Risk Assessment Recommendation. The ECRC guidelines for assigning community notification risk levels are as follows:

1. Risk level one: a community notification risk level of one is assigned in either of the following circumstances:
   a) The registrant has a predicted probability of sexual recidivism lower than 2.50% on the MnSOST-4 and the ECRC determines no special concerns exist warranting a higher community notification risk level assignment.

      This predicted probability corresponds to a percentile rank lower than 56% and represents registrants who are at the lowest risk to reoffend sexually.

   b) The registrant for whom use of the MnSOST-4 is not recommended, scores less than 30 percent in the non-sexual violence category of the MnSTARR and the

ECRC determines no special concerns exist warranting a higher community notification risk level assignment.

c) The registrant for whom use of the MnSOST-4 is not recommended, scores30.00 or greater percent in the non-sexual violence category of the MnSTARR and the ECRC determines mitigating circumstances exist warranting a lower community notification risk level assignment.

2. Risk level two: a community notification risk level of two is assigned in the following circumstances:

a) The registrant has a predicted probability of sexual recidivism from 2.50% to 4.29% on the MnSOST-4, unless the ECRC determines mitigating circumstances exist warranting a lower community notification risk level assignment, or the ECRC determines special concerns exist warranting a higher community notification risk level assignment.

This predicted probability corresponds to a percentile rank from 56% to 87% and represents registrants who are at moderate risk to reoffend sexually.

b) The registrant has a predicted probability of sexual recidivism below 2.50% on the MnSOST-4 and the ECRC determines special concerns exist warranting a higher community notification risk level assignment.

c) The registrant for whom use of the MnSOST-4 is not recommended, scores 30.00 to 59.99 percent in the non-sexual violence category of the MnSTARR, unless the ECRC determines mitigating circumstances exist warranting a lower community notification risk level assignment, or the ECRC determines special concerns exist warranting a higher community notification risk level assignment.

d) The registrant for whom use of the MnSOST-4 is not recommended, scores less than 30.00 percent in the non-sexual violence category of the MnSTARR, and the ECRC determines special concerns exist warranting a higher community notification risk level assignment.

3. Risk level three: a community notification risk level of three is assigned in the following circumstances:

a) The registrant has a predicted probability of sexuality recidivism at or above 4.30% on the MnSOST-4, unless the ECRC determines mitigating circumstances exist warranting a lower community notification risk level assignment.

This predicted probability corresponds to a percentile rank of 88% or higher and represents registrants who are at the highest risk to reoffend sexually.

b) The registrant has a predicted probability of sexual recidivism below 4.30% on the MnSOST-4, and the ECRC determines special concerns exist warranting the highest community notification risk level assignment.

c) The registrant for whom use of the MnSOST-4 is not recommended, scores 60.00 or greater percent in the non-sexual violence category of the MnSTARR, unless the

ECRC determines mitigating circumstances exist warranting a lower community notification risk level assignment.

d) The registrant for whom use of the MnSOST-4 is not recommended, scores less than 60.00 percent in the non-sexual violence category of the MnSTARR, and the ECRC determines special concerns exist warranting the highest community notification risk level assignment.

Risk assessment scale (female registrants) – a scale developed by the DOC to assign weight to the risk factors listed in Minn. Stat. § 244.052. The ECRC is responsible for the assignment of community notification risk levels and assigns community notification risk levels based on the totality of circumstances and articulable facts, including, but not limited to, the score indicated on the F-SOST or MnSTARR, and the information contained in the ECRC Risk Assessment Recommendation. The ECRC guidelines for assigning community notification risk levels are as follows:

1. Risk level one: a community notification risk level of one is assigned in either of the following circumstances:
   a) The registrant scores 60 or less on the F-SOST and the ECRC determines no special concerns exist warranting a higher community notification risk level assignment.

   b) The registrant for whom use of the F-SOST is not recommended, scores less than 10 percent in the non-sexual violence category of the MnSTARR, and the ECRC determines no special concerns exist warranting a higher community notification risk level assignment.

2. Risk level two: a community notification risk level of two is assigned in the following circumstances:
   a) The registrant scores from 61 to 90 on the F-SOST, unless the ECRC determines mitigating circumstances exist warranting a lower community notification risk level assignment, or the ECRC determines special concerns exist warranting a higher community notification risk level assignment.

   b) The registrant scores 60 or less on the F-SOST and the ECRC determines special concerns exist warranting a higher community notification risk level assignment.

   c) The registrant for whom use of the F-SOST is not recommended, scores 10 to 12.99 percent in the non-sexual violence category of the MnSTARR, unless the ECRC determines mitigating circumstances exist warranting a lower community risk level assignment, or the ECRC determines special concerns exist warranting a higher community notification risk level assignment.

3. Risk level three: a community notification risk level of three is assigned in the following circumstances:
   a) The registrant scores 91 or more on the F-SOST, unless the ECRC determines mitigating circumstances exist warranting a lower community notification risk level assignment.

   b) The registrant scores 90 or less on the F-SOST, and the ECRC determines special concerns exist warranting the highest community notification risk level assignment.

c) The registrant for whom use of the F-SOST is not recommended, scores 13 or greater percent in the non-sexual violence category of the MnSTARR, unless the ECRC determines mitigating circumstances exist warranting a lower community notification risk level assignment.

d) The registrant for whom use of the F-SOST is not recommended, scores less than 13 percent in the non-sexual violence category of the MnSTARR, and the ECRC determines special concerns exist warranting the highest community notification risk level assignment.

Special concerns (ECRC risk level when MnSTARR is used as screening tool) (male and female registrants)

1. The degree of likely force or harm used in an offense, should the registrant re-offend.

2. The degree of likely physical contact.

3. The age of the likely victim.

4. The relationship of prior victims to the registrant.

5. The length of time since the registrant's last prior offense, while the registrant was at risk to commit offenses.

6. History of supervision failures.

7. Any indications from the registrant of intent to re-offend.

8. The adequacy of the registrant's release plans to address the registrant's needs.

9. Physical or health conditions that may affect the registrant risk to re-offend.

10. The most appropriate level of community notification.

Special concerns (ECRC risk level when MnSOST-4 is used as screening tool) (male registrants)

1. History of Sexual Reoffending After Initial Detection

   This concern applies to individuals who have two separate felony-level sexual offenses and minimal criminal histories.

2. History of Prior Supervision Failure, A Recent History of Engaging in High-Risk or Grooming-Type Behaviors, or Other Behaviors Suggesting Increased Potential to Reoffend

   This concern includes individuals who have engaged in sexual misconduct while under correctional custody or supervision, or who have multiple probation or supervised release failures involving revocations or new non-sexual offense(s). This can also apply to individuals who refuse to cooperate with post-release attempts to place them in a supportive environment or refuse to provide a release address. This also applies to the individual who is in a position of authority over individuals within the age range of the identified victim pool and/or the individual who befriends family members of potential victims and minimizes the offense history and/or keeps the offense history private.

3. History of Severe or Gratuitous Violence

This includes a history of sadistic characteristics; the use of any weapon, real or implied; an act of torture; and/or force beyond that necessary to accomplish the offense, especially related to the individual's behavior during the sexual offense(s).

4. Predatory offense behavior

This relates to the individual's behavior during the sex-related offense(s) and includes breaking into a house, stalking a victim, or abducting or attempting to abduct a victim. Predatory behavior also includes deliberately sexually assaulting an incapacitated victim, incapacitating a victim with chemical intoxicants in order to facilitate a sexual assault; or forcing a victim to engage in behaviors intended to demean the victim.

5. The Nature of the Victim Pool Suggests Need for Broader Public Notification

This includes evidence of a wider victim pool than reflected by the individual's score on the current actuarial tool. For example: multiple age ranges, stranger victims, particularly vulnerable victims due to age (preschool or younger, elderly), physically vulnerable victims, developmentally delayed victims, or the presence of victims from uncharged offenses. This also applies if it appears notification of the community might be a significant deterrent or preventative factor, given the individual's pattern of acquiring victims. No set number of victims has been determined that would make this special concern relevant. Staff also consider the energy put forth by the individual in acquiring victims, the length of time the individual harmed each victim, the number of times the individual continued to victimize others, the variety of settings in which the individual victimized others, and so on.

6. Deviant Orientation and/or Sexual Preoccupation or Compulsivity.

Evidence of deviant orientation may include (but is not limited to): plethysmograph or Abel Assessment, or Diagnostic and Statistical Manual of Mental Disorders (DSM) diagnosis of paraphilia(s). This may also apply when to individual has disclosed a history (especially more recent) of deviant sexual fantasies or arousal reinforced by masturbation.

7. Evidence or Information Regarding Intent to Reoffend

This includes the individual who has communicated an intent to reoffend sexually, or who has or has expressed an inability or unwillingness to control their sexual behavior.

8. Time in the Community

This concern refers to the individual who has not been in the community for a substantial amount of time since the assignment of the risk level and has not demonstrated that they no longer pose the same degree of risk to the community.

This special concern applies to subsequent assessments when the individual has been confined for most of the time since the initial risk level was assigned.

Special concerns (ECRC Risk Level when the F-SOST is used as screening tool) (female registrants)

1. Numerous and unsuccessful sex offender treatment experiences, and/or reoffended after sex offender treatment.

2. Numerous and unsuccessful chemical dependency treatment interventions, and/or a history of relapse following treatment completion.

3. History of disciplinary reports involving significant frequency, recency, a pattern of escalating seriousness, and/or sexual or assaultive behavior.

4. History of prior supervision failures, or pronounced unwillingness to cooperate with release planning and/or correctional facility authorities.

5. History of severe violence (e.g., murder, manslaughter, first degree assault), which includes gratuitous violence, sadistic characteristics, etc.

6. Predatory offense behavior, including breaking into a house, stalking a victim, or abducting/attempting to abduct a victim.

7. Evidence of an extensive number of victims for which the registrant was not charged.

8. Recurring pattern of failure or refusal to comply with treatment regimens, including medication prescribed for behavior management.

9. The nature of the registrant's victim pool suggests a need for broader notification of the public than permitted by the community notification risk level associated with the registrant's score on the F-SOST.

10. Documented pattern of impaired judgment and behavioral controls related to low intellectual functioning, or, major mental illness that is unresponsive to treatment.

11. Deviant orientation, sexual preoccupation, and/or compulsivity.

12. Registrant has displayed a pattern of sexual misconduct while incarcerated or in similarly structured settings.

13. Registrant engages in high-risk, grooming type behavior, or other behavior suggesting increased potential to reoffend, especially during periods of supervision, or after most recent release from a correctional facility.

14. File material strongly suggests that a "male-influenced" registrant subsequently exhibits offense behavior independently from co-offenders.

Treatment professional – someone who is trained and experienced in the assessment of those who have committed sex offenses and predatory offenses.

PROCEDURES:

A. General

1. The DOC identifies registrants under the authority of the commissioner of corrections who are required to register, assists the registrants in completing documents regarding registration, and forwards the information to the Bureau of Criminal Apprehension (BCA).

2. All registrants who are subject to community notification have a community notification risk level assigned according to the procedures listed below.

3. When a victim has submitted a victim notification request to the DOC (refer to Policy 203.260, "Victim Notification,") and once the registrant has been assigned a risk level, the DOC provides that victim with contact information to the appropriate law enforcement agency.

4. The DOC identifies registrants who are subject to posting of information on the public registrant website and coordinates and posts relevant information as provided by the responsible law enforcement agency. The public registrant website address is https://coms.doc.state.mn.us/publicregistrantsearch.

5. A registrant may request a reassessment (in accordance with Minn. Stat. § 244.052, subd. 3(i)) of their community notification risk level according to procedures below.

6. A registrant may appeal their community notification risk level (in accordance with Minn. Stat. § 244.052, subd. 6) according to procedures below.

B. Predatory offender registration

1. Identification of registrants
Registrants are those who are subject to registration pursuant to Minn. Stat. § 243.166 or § 243.167.

2. Predatory offender registration (timetable and responsibility) - questions regarding registration requirements must be made to the policy compliance supervisor at the risk assessment/community notification (RA/CN) unit at central office.

Time	**Action**	**Responsibility**
Upon admission to the facility	Screen the individual's case to determine if they are subject to registration as a predatory offender. Record this information in the individual's initial program review team (PRT) report and enter the same in the appropriate fields in the correctional operations management system (COMS).	Caseworker and RA/CN unit
Upon admission to the facility	Complete a registration form and forward it to the bureau of criminal apprehension (BCA) and the RA/CN unit at central office.	Registrant and caseworker
Upon admission to the facility	Registrants previously registered must complete a change of information form indicating their new address at MN-DOC. Forward form by fax or e-mail to the BCA and the RA/CN unit. If the registrant refuses, notify the BCA and	Caseworker

	complete an incident report.	
Five days prior to release, or sooner, if information is known	Complete change of information form indicating release address and other information as required on the form. E-mail or fax the completed change of information form to the BCA and the RA/CN unit. Notify the BCA and RA/CN unit and complete an incident report if the registrant fails to comply with a directive to complete registration forms.	Registrant, caseworker, and records unit supervisor

C. Community notification

1. Identification of registrants subject to end of confinement review (ECRC)

a) Any adult registrant released from incarceration on or after January 1, 1997, and at the time of release must register in accordance with Minn. Stat. § 243.166 or § 243.167 is subject to community notification and has a community notification risk level assigned by the ECRC at the appropriate facility before release.

b) Any juvenile registrant adjudicated under extended juvenile jurisdiction (EJJ) whose adult sentence is imposed and who, at the time of release from confinement, requires registration in accordance with Minn. Stat. § 243.166 or § 243.167.

c) An adult registrant who must register in accordance with Minn. Stat. § 243.166 or § 243.167 is not subject to community notification if the requirement to register is based solely on a delinquency adjudication.

d) Registrants who come to MN under state probation transfer are, with exceptions, not subject to community notification. The supervision agent and law enforcement officer manages them in accordance with Minn. Stat. § 244.10, subd. 8. An exception to this occurs when a MN community notification instance has occurred. These cases are subject to community notification as defined in Minn. Stat. § 244.052, subd. 3a.

e) Registrants who enter MN or intend to enter MN under the interstate compact with a MN community notification instance are subject to community notification as described in Minn. Stat. § 244.052, subd. 3a. The department assigns these offenders a risk level prior to entry to MN or as soon as possible upon transfer.

f) Registrants from other states who currently reside in MN, or enter MN and a MN community notification instance has occurred, are subject to community notification in MN as described in Minn. Stat. § 244.052, subd. 3a.

g) Registrants who have been incarcerated in the federal system and who enter MN or intend to enter MN with a MN community notification instance are subject to community notification as described in Minn. Stat. § 244.052, subd. 3a.

h) Registrants who are serving a federal probation sentence are, with exceptions, not subject to community notification. The exception to this is a federal probationer who had a MN community notification instance.

i) Registrants who are under supervision in other states and enter MN or reside in MN without approval of the DOC are in violation of Minn. Stat. § 243.161 and § 243.1605. The department informs law enforcement of these cases when the cases become known and informs the responsible state the offender is in MN illegally and must be ordered back.

2. Registrant appearance

a) The registrant has the right to be present and to be heard at the ECRC meeting.

b) The registrant may have a privately-obtained attorney (licensed in MN) present during the meeting for support and to speak on the registrant's behalf. The attorney may not introduce new legal arguments during the meeting.

c) If assigned a risk level two or three, the registrant may request an administrative review of the assigned risk level. A registrant exercises this right by completing the Notice of Appeal form (attached) and notifying the chair of the ECRC within 14 days of the Notice of Risk Level Assignment (attached).

d) The registrant may request reassessment of their assigned risk level according to the procedures listed in Procedure B.16.

3. ECRC procedures (timetable and responsibility)

Time	**Action**	**Responsibility**
Five to six months prior to release	Registrant's name is forwarded to the ECRC caseworker or designee for ECRC scheduling.	Caseworker
Five to six months prior to release	The case is scheduled for an ECRC meeting. The scheduled date is recorded in COMS. Meetings should be scheduled to take place three to four months prior to release.	ECRC caseworker
Five to six months prior to release	Send notice of the scheduled ECRC meeting to the law enforcement agency responsible for the registrant's charge. Law enforcement may provide information in writing to the ECRC.	ECRC chair
Five to six months prior to release	Notify chemical dependency (CD) and sex offender (SO) treatment programs to forward required documents (attach packet cover sheet) to the caseworker.	Caseworker
Five months prior to release	The ECRC packet is compiled and forwarded to the RA/CN unit at least 30 days prior to the scheduled ECRC.	Caseworker
Upon receipt	The ECRC packet is reviewed for documentation.	RA/CN unit staff
Within five working days of the request	Additional information requested by the SO treatment professional is provided.	Caseworker
At least five working days before the ECRC	The ECRC Report is started in COMS in draft status by entering the ECRC Risk Assessment	SO treatment professional

meeting	Recommendation and screening tool score.	
At least five working days before the ECRC meeting	ECRC packets including the ECRC Risk Assessment Recommendations and screening tool score sheet are provided to ECRC committee members.	ECRC caseworker
Upon request	If the registrant has retained an attorney to represent them during the ECRC meeting, a packet is provided to that attorney upon request, once the registrant signs a release of information form and the attorney signs a Data Practices Agreement (attached).	ECRC caseworker
At least five working days before the ECRC meeting	The ECRC Risk Assessment Recommendation is provided to the registrant, along with the screening tool score sheet, written educational material about community notification, and an Appearance form (attached).	ECRC case worker
Prior to the ECRC meeting	Registrants have the right to appear at the ECRC meeting, but not during deliberations of the ECRC committee members. If the registrant chooses not to attend the ECRC meeting, they must sign the Appearance form noting their decision to not attend. Staff must sign the form if the registrant refuses to sign and does not attend the meeting.	Caseworker and ECRC chair
90 to 120 days prior to release	The ECRC meeting is convened and the community notification risk level assigned. The registrant is informed of the assigned community notification risk level, their requirement to register, and their right to request an administrative review.	ECRC chair
At the ECRC meeting	The registrant is provided with the Notice of Risk Level Assignment form. If the registrant was assigned a risk level two or three, the registrant is provided the Notice of Appeal form. If the registrant did not attend the ECRC meeting, the chair must ensure that these forms are delivered to the registrant within 24 hours of the meeting.	ECRC chair
Within five working days following the ECRC meeting	The ECRC Report is completed and entered into COMS. A copy of the report is sent to those on the report distribution list.	ECRC chair
Within five working days following the ECRC meeting	A copy of the digital audio recording is sent to the RA/CN unit and maintained at the facility for one year.	ECRC chair
At least 60 days prior to release	A law enforcement notification packet is prepared and sent to the appropriate agencies as follows: the investigating law enforcement agency, the law	RA/CN unit support staff

	enforcement agency in the release jurisdictions (within five days after the registrant's release plan is known and approved) and BCA.	
Prior to release	Check MN Haven for victim notification information. Notify law enforcement of any victims or witnesses who have requested notification of the registrant's release and whereabouts.	RA/CN unit
Upon agent assignment	The ECRC Report is sent to the supervising agent.	Case manager

4. Special procedures – when a registrant is admitted to the DOC with less than 90 days to release or is released prior to assigned release date and requires ECRC (e.g., court action rescinding conditional release, receipt of jail credit, etc.)

Time	**Action**	**Responsibility**
Immediately upon being notified that a registrant is subject to immediate release or release within 90 days	The individual's case is screened to determine if the individual is subject to registration as a predatory offender and subject to community notification.	Caseworker
Upon determination that community notification is required	Notify the registrant and the ECRC caseworker for ECRC scheduling.	Caseworker
Upon determination that the registrant is subject to community notification	Notify the RA/CN unit policy compliance supervisor and the assigned treatment professional at the RA/CN unit of the need for ECRC and the registrant's release date. Schedule the ECRC meeting. If the committee is not scheduled to meet within one week at that facility, the ECRC caseworker must explore scheduling an ad hoc meeting.	ECRC caseworker
Upon notification that the registrant is subject to community notification	Contact the arresting law enforcement agency. Law enforcement may provide information in writing to the ECRC.	ECRC chair
Upon determination of date for ECRC	The scheduled date is recorded in COMS and the committee members and the registrant are notified of the scheduled date.	ECRC caseworker
Within 24 hours of determination that community notification is required	Notify CD and SO treatment programs to forward required documents (attached packet cover sheet) to caseworker.	Caseworker
As soon as possible	ECRC packet is compiled and forwarded to RA/CN unit.	Caseworker
Upon receipt	The ECRC packet is reviewed for documentation.	RA/CN unit

As soon as possible	Additional information requested by the treatment professional is provided.	Caseworker
As soon as possible	The ECRC Report is started in COMS in draft status by entering the ECRC Risk Assessment Recommendation and screening tool score.	SO treatment professional
As soon as possible	ECRC packets, including the ECRC Risk Assessment Recommendation and screening tool score sheet are provided to the ECRC committee members.	ECRC caseworker
Upon request	If the registrant has retained an attorney to represent them during the ECRC meeting, a packet is provided to that attorney upon request, once the registrant signs a release of information form and the attorney signs a Data Practices Agreement.	ECRC caseworker
Upon receipt of the risk assessment recommendation	The ECRC Risk Assessment Recommendation is sent to the registrant along with the screening tool score sheet, written educational material about community notification, and an Appearance form.	ECRC caseworker
As soon as possible	The registrant has the right to appear at the ECRC meeting, but not during deliberations by the ECRC committee members. If the registrant chooses not to attend the ECRC meeting, they must sign the Appearance form noting their decision to not attend. Staff must sign the form if the registrant refuses and does not attend the meeting.	Caseworker
As soon as possible	If the registrant has been released and plans to attend the meeting, make arrangements with the facility to accommodate the registrant's admittance into the facility.	ECRC caseworker
On the scheduled date	The ECRC meeting is convened and the community notification risk level is assigned. The registrant is informed of the assigned community notification risk level, their requirement to register, and their right to request an administrative review.	ECRC chair
At the ECRC meeting	The registrant is provided with the Notice of Risk Level Assignment form. If the registrant was assigned a risk level two or three, the registrant is provided the Notice of Appeal form. If the registrant did not attend the ECRC meeting, the chair must ensure that these forms are delivered to the registrant within 24 hours of the meeting.	ECRC chair
As soon as possible	The ECRC Report is completed and entered into COMS. A copy of the report is sent to those on the	ECRC chair

	report distribution list.	
Within five working days of the ECRC	A copy of the digital audio recording is sent to the RA/CN unit and maintained at the facility for one year.	ECRC chair
As soon as possible	A law enforcement notification packet is prepared and sent to the appropriate agencies as follows: the investigating law enforcement agency, the law enforcement agency in the release jurisdictions, and the BCA. Check MN Haven for victim notification information. Immediately notify law enforcement of any victims or witnesses who have requested notification of the registrant's release and whereabouts.	RA/CN unit
Upon agent assignment	The ECRC Report is sent to the supervising agent.	Caseworker

5. Special procedures - when a registrant is admitted past their supervised release date (SRD)

Time	**Action**	**Responsibility**
Immediately upon notification a registrant is admitted past SRD	Screen registrant's case to determine if the registrant is subject to registration as a predatory offender and subject to community notification.	Caseworker
Upon determination that the registrant is subject to community notification	Inform the associate warden of operations (AWO) of the registrant's admission past SRD. Give offense characteristics, any known prior sex or assault related offenses, pending charges, and detainers. If the AWO is not available, contact the associate warden of administration (AWA).	ECRC chair/designee
Upon determination that community notification is required	Make determination whether (or not) to hold the registrant to facilitate an ECRC meeting.	AWO, director of office of legal affairs, and deputy commissioner of facility services
Upon determination that community notification is required	Notify the policy compliance supervisor and the assigned treatment professional at the RA/CN unit of the need for ECRC and the registrant's release date.	ECRC caseworker
Upon determination that community notification is required	Contact appropriate agencies to obtain documents for the ECRC packet.	Caseworker
Upon determination that community notification	Contact the arresting law enforcement agency. Law enforcement may provide written information	ECRC chair

is required	to the ECRC.	
Immediately upon receipt of information	Promptly enter the information into COMS and forward ECRC packet to the RA/CN unit.	Caseworker
Upon determination by the AWO/designee	If released prior to the meeting, notify the registrant's supervising agent and ask about the availability to transport the registrant to the meeting.	Caseworker
Upon receipt of packet	The ECRC Report is started in COMS in draft status by entering the risk assessment recommendation and screening tool score.	treatment professional
As soon as possible	Contact all ECRC members to schedule the ECRC meeting. This meeting should be scheduled as quickly as possible.	ECRC caseworker
As soon as packets are compiled	Distribute packets to committee members.	ECRC caseworker
Upon request	If the registrant has retained an attorney to represent them during the ECRC meeting, a packet is provided to that attorney upon request, once the registrant signs a release of information form and the attorney signs a Data Practices Agreement.	ECRC caseworker
Upon receipt of the risk assessment recommendation	The ECRC Risk Assessment Recommendation is sent to the registrant along with the screening tool score sheet, written educational material about community notification, and an Appearance form. If the registrant has been released, this information may be sent to the registrant via the supervising agent.	ECRC caseworker
Prior to the ECRC meeting	The registrant has the right to appear at the ECRC meeting, but not during deliberations by the ECRC committee members. If the registrant chooses not to attend the ECRC meeting, they must sign the Appearance form noting their decision not to attend. Staff must sign the form if the registrant refuses to sign and does not attend the meeting.	Caseworker and ECRC chair
As soon as possible if held past release or at the next ECRC of releasing facility	The ECRC is convened and the community notification risk level is assigned. The registrant is informed of the assigned community notification risk level, their requirement to register, and their right to request an administrative review.	ECRC chair
At the ECRC meeting	The registrant is provided with the Notice of Risk Level Assignment form. If the registrant was assigned a risk level two or three, the registrant is provided the Notice of Appeal form.	ECRC chair

	If the registrant did not attend the ECRC meeting, the chair must ensure that these forms are delivered to the registrant within 24 hours of the meeting. If the registrant is no longer incarcerated, the chair must ensure that these forms are placed in the mail to the registrant within 24 hours of the meeting.	
As soon as possible	An ECRC Report is completed and entered into COMS. A copy of the report is sent to those on the report distribution list.	ECRC chair
Within five working days of the ECRC	A copy of the digital audio recording is sent to the RA/CN unit and maintained at the facility for one year.	ECRC chair
Within 24 hours/as soon as possible	Check MN Haven for victim notification information. Immediately notify law enforcement of any victims or witnesses who have requested notification of the registrant's release and whereabouts. A law enforcement packet is prepared and sent to the appropriate agencies as follows: the investigating law enforcement agency, the law enforcement agency in the release jurisdictions, and the BCA.	RA/CN unit
As soon as possible	The ECRC Report is sent to the supervising agent.	Caseworker

6. Special procedure – when a registrant is admitted past expiration of sentence
   If a registrant is admitted past expiration of sentence, the above steps in Procedure B.5 must be completed and a meeting scheduled as quickly as possible.

7. Special procedures – when a registrant returns to incarceration status

Time	**Action**	**Responsibility**
Within five days of the violation hearing (if the registrant is revoked or returned to a department facility)	An HRU report is obtained from the HRU. Identify those who are registrants. Provide the criminal complaint, hearing notes, and RA/CN unit file to RA/CN treatment professional.	RA/CN unit
Within five days of receipt hearing notes.	Review file information. Write a memo indicating whether or not another review by an ECRC is recommended. Forward the recommendation memo	RA/CN treatment professional

	to the risk assessment supervisor.	
Within three days of receipt of recommendation memo from RA/CN treatment professional	Review the RA/CN treatment professional's recommendation and rationale. Agreement is indicated by co-signing the memo. When disagreement occurs, discuss with treatment professional until a decision is made. Return file and memo to the RA/CN treatment professional.	RA/CN risk assessment supervisor
Within two days of receipt of signed recommendation memo from RA/CN unit director	E-mail the recommendation memo to the case manager, ECRC case manager, and individuals at other facilities who need to know. Forward the file and memo to the RA/CN unit support staff.	RA/CN risk assessment supervisor
Upon notification that ECRC review is required	Registrant must be scheduled for ECRC review pursuant to Procedure B.3 or B.4 if the registrant has less than 60 days prior to release.	ECRC caseworker
Within three days of receipt of file and recommendation memo	Enter the recommendation into COMS.	RA/CN unit support staff
Following data entry in COMS	RA/CN unit file is given to the risk assessment coordinator for review for SPP/SDP review and MSOP-DOC site review.	RA/CN unit support staff

8. Obtaining information from the Minnesota Sex Offender Program - DOC site (MSOP - DOC site) for the purposes of ECRC.

Time	**Action**	**Responsibility**
Upon receipt of ECRC packet	Determine if registrant has participated in the MSOP-DOC site program. If so, determine if documents regarding program participation are in the RA/CN unit file. Notify MSOP-DOC site caseworker of the need for treatment records, if necessary.	treatment professional
Upon request	MSOP-DOC site caseworker requests the specific records and e-mails the records to the RA/CN unit.	MSOP-DOC site caseworker liaison

9. Special procedures – interstate transfer cases with prison release pending or active supervised release/parole (flow chart attached).

Time	**Action**	**Responsibility**
Within five days of receipt of packet from sending state or upon notification by assigned agent	Packet is forwarded to RA/CN unit if there is indication that the registrant may be subject to community notification.	Interstate unit

Immediately upon determination	Interstate unit is notified when there is indication that the registrant may be subject to community notification.	Assigned agent
Within five days of receipt of packet from interstate unit	Packet is reviewed. When there is not sufficient information to complete a risk assessment, the packet is returned to the interstate unit with a note indicating the reason for the return of the packet. When sufficient information is contained in the packet to complete a risk assessment, the packet is returned to the interstate unit indicating that the case has been placed on the calendar for an ECRC meeting when notification of agent acceptance is received.	RA/CN unit
Within five days of return of packet to interstate unit from RA/CN unit	When there is insufficient information, an attempt is made to obtain the required information from the sending state. Provide the information to the RA/CN unit or inform the RA/CN unit that information is not available.	Interstate unit
Within 15 days of receipt of case from interstate unit	The assigned agent completes an interstate investigation and faxes a notice of acceptance or rejection to the interstate unit.	Assigned agent
Within three days of receipt by interstate unit of the agent's notice of acceptance of the case	Packet is forwarded to the RA/CN unit.	Interstate unit
Within two days of receipt by RA/CN unit of agent's notice to accept the case	The registrant is placed on the ECRC schedule.	RA/CN unit
When registrant is placed on ECRC schedule	A letter is sent to the registrant notifying them of the date and time of the ECRC meeting. A letter requesting victim notification information is also prepared. These letters are forwarded to the interstate unit along with a reply form for the other state to use to confirm that the meeting information was provided to the registrant.	RA/CN unit support staff
Upon receipt of response	ECRC notification forms are forwarded to the registrant via the sending state. When the interstate unit receives a response from the registrant, a copy of the response is provided to the RA/CN unit. If no response from the registrant is received, the interstate unit provides a memo to the RA/CN unit indicating the documents were sent to the registrant's sending	Interstate unit

	state and the reply form was not returned.	
At least five days prior to the ECRC meeting	An ECRC Risk Assessment Recommendation is completed and entered in COMS.	RA/CN treatment professional
Upon completion of the recommendation	The ECRC Risk Assessment Recommendation, the screening tool score sheet, written educational material about community notification, and an Appearance form are forwarded to the interstate unit.	RA/CN unit support staff
Upon receipt of response	The above ECRC documents are forwarded to the registrant via the receiving state. The offender is expected to complete the Appearance form and return it to the interstate unit. The completed form is forwarded to the RA/CN unit. If the registrant does not return the Appearance form, the interstate unit prepares a memo for the RA/CN unit noting that the form was not returned.	Interstate unit
At least five days prior to the ECRC meeting	ECRC packet is compiled and distributed to committee members.	RA/CN unit support staff
Upon request	If the registrant has retained an attorney to represent them during the ECRC meeting, a packet is provided to that attorney upon request, once the registrant signs a release of information form and the attorney signs a Data Practices Agreement.	ECRC case manager
Prior to ECRC meeting	Registrants have the right to appear at the ECRC meeting, but not during deliberations by the ECRC committee members. If the registrant chooses not to attend the ECRC meeting, they must sign the Appearance form noting their decision to not attend. Staff must note if registrant does not return the form.	RA/CN unit
At the scheduled date and time for the ECRC meeting	ECRC meeting is convened and the community notification risk level assigned.	ECRC committee members
At the ECRC meeting	The registrant is provided with the Notice of Risk Level Assignment form. If the registrant was assigned a risk level two or three, the registrant is provided the Notice of Appeal form. If the registrant did not attend the ECRC meeting, the chair must ensure that these forms are sent to the registrant within 24 hours of the meeting.	
Within one day following the ECRC meeting	An ECRC Report is completed.	Interstate unit

Within two days following the ECRC meeting	A copy of the ECRC Report and a letter to the registrant explaining the community notification risk level assignment and the procedure for seeking an administrative review is sent to the sending state. A copy of the ECRC Report is sent to the MN agent.	Interstate unit
Following the ECRC meeting	A law enforcement packet is prepared and sent to the receiving jurisdiction(s) and the BCA. Check MN Haven for victim notification information. Notify law enforcement of any victims or witnesses who have requested notification of the registrant's release and whereabouts.	RA/CN unit

10. Special procedures – registrants from other states with active probation. These registrants are not subject to community notification unless a MN community notification instance has occurred (flow chart attached).

Time	**Action**	**Responsibility**
Within five days of notice of registrant'a arrival in MN	If the RA/CN was notified of the registrant's transfer by the interstate unit, determine if the registrant's transfer to MN was approved. If not approved, inform law enforcement the registrant is in violation of Minn. Stat. § 243.161 and § 243.1605. Also, inform the previous state the registrant is in MN illegally and must be ordered back.	RA/CN unit
Within five days of receipt of packet from sending state or upon notification by assigned agent	Packet is forwarded to RA/CN unit if there is indication that the registrant may be subject community notification.	Interstate unit
Immediately upon determination	Interstate unit is notified when there is indication that the registrant may be subject to community notification.	Assigned agent
Upon receipt of packet	Packet is reviewed. Determine if a MN community notification instance has occurred. If so and if the registrant was assigned a risk level by another state, determine if the risk level assignment process is comparable to MN's process. If comparable, notification proceeds with level assigned by the other state.	RA/CN unit

	If not comparable, the registrant is placed on the ECRC schedule upon transfer acceptance.	
Within five days of notice of registrant's arrival in MN	If a MN community notification instance has occurred and the registrant was not assigned a risk level by another state, the registrant is placed on the ECRC schedule upon transfer acceptance.	RA/CN unit
Upon receipt of packet	The packet is reviewed for data content. When there is insufficient information to complete a risk assessment, the packet is returned to the interstate unit with a note indicating the reason for the return of the packet. When sufficient information is contained in the packet to complete a risk assessment, the packet is returned to the interstate unit indicating that the case will be placed on the calendar for an ECRC meeting when notification of agent acceptance is received.	RA/CN unit
Within five days of return of packet to interstate unit from RA/CN unit	When there is insufficient documentation, make an attempt to obtain the required documents from the sending state. Provide the documents to the RA/CN unit or inform the RA/CN that documents are unavailable.	Interstate unit
Within three days of receipt by interstate unit of the agent's notice of acceptance of the case	Packet is forwarded to the RA/CN unit.	Interstate unit
Within two days of receipt by RA/CN unit of agent's notice to accept the case	The registrant is placed on the ECRC schedule.	RA/CN unit
At least five days prior to the ECRC meeting	An ECRC Risk Assessment Recommendation is completed and entered in COMS.	RA/CN treatment professional
Upon completion of the recommendation	A letter to the registrant is prepared and sent notifying them of the date and time of the ECRC meeting. The ECRC Risk Assessment Recommendation, the screening tool score sheet, written educational material about community notification, and an Appearance form are forwarded to the registrant along with this letter.	RA/CN unit support staff
Upon receipt	The ECRC documents are forwarded to the registrant via the sending state. The registrant is	Interstate unit

	expected to complete the Appearance form and return it to the interstate unit. The completed form is forwarded to the RA/CN unit or a statement is provided noting that the interstate unit did not receive the completed form from the registrant.	
At least five days prior to the ECRC meeting	ECRC packet is compiled and distributed to committee members.	RA/CN unit support staff
Upon request	If the registrant has retained an attorney to represent him/her during the ECRC meeting, a packet is provided to that attorney upon request, once the registrant signs a release of information form and the attorney signs a Data Practices Agreement.	ECRC caseworker
At the scheduled date and time	The ECRC meeting is convened and the community notification risk level assigned.	ECRC committee members
At the ECRC meeting	The registrant is provided with the Notice of Risk Level Assignment form. If the registrant was assigned a risk level two or three, the registrant is provided the Notice of Appeal form. If the registrant did not attend the ECRC meeting, the chair must ensure that these forms are sent to the registrant within 24 hours of the meeting.	ECRC chair
Within one day following the ECRC meeting	An ECRC Report is completed.	Interstate unit
Within two days following the ECRC meeting	Fax the sending state a copy of the ECRC Report and a letter to the registrant explaining the community notification risk level assignment and procedure for appeal. Fax a copy of the ECRC Report to the sending agent.	Interstate unit
Following the ECRC meeting	A law enforcement packet is prepared and sent to the receiving jurisdiction(s) and the BCA. Check MN Haven for victim notification information. Notify law enforcement of any victims or witnesses who have requested notification of the registrant's release and whereabouts.	RA/CN unit

11. Special procedures – federal registrants with expired parole and registrants from other states with expired parole/supervised release (flow chart attached).

Time	**Action**	**Responsibility**
Within five days of	Determine if the registrant was assigned a risk level	RA/CN unit

notice of registrant's arrival in MN	by another state. If a risk level has not been assigned, notify law enforcement to proceed with a level two notification without an ECRC review. Law enforcement may ask the DOC to conduct an ECRC review and assign a risk level. Law enforcement continues to use level two until the ECRC assigns a risk level. If a risk level has been assigned, determine if the risk level assignment process is comparable to MN's process. If the process is comparable, notification proceeds with the level assigned by the other state. If the process is not comparable, notify law enforcement to proceed with a level two notification without ECRC review. Law enforcement may ask the DOC to conduct an ECRC review and assign a risk level. Law enforcement continues to use level two until the ECRC assigns a risk level.	
If ECRC is requested by law enforcement	Enter the case on the ECRC schedule.	RA/CN unit
At least five days prior to the ECRC meeting	An ECRC Risk Assessment Recommendation is completed and entered in COMS.	Treatment professional
At least five days prior to the ECRC meeting	ECRC packet is compiled and distributed to committee members.	RA/CN unit support staff
Upon request	If the registrant has retained an attorney to represent them during the ECRC meeting, a packet is provided to that attorney upon request, once the registrant signs a release of information form and the attorney signs a Data Practices Agreement.	ECRC caseworker
At least five days prior to the ECRC meeting	A letter to the registrant is prepared and sent notifying them of the date and time of the ECRC meeting. Also sent with the registrant's letter are the ECRC Risk Assessment Recommendation, the screening tool score sheet, written educational material about community notification, and an Appearance form.	RA/CN unit support staff
Prior to the ECRC meeting	The registrant has the right to appear at the ECRC meeting, but not during deliberations by the ECRC members. If the registrant chooses not to attend the ECRC meeting, they must sign the Appearance form noting their decision not to attend. Staff must note	RA/CN Unit

	if form is not returned by the registrant.	
At the scheduled date and time	The ECRC meeting is convened and the community notification risk level assigned.	ECRC committee members
Within one day following the ECRC meeting	An ECRC Report is completed.	ECRC chair
Upon completion of the ECRC Report	The registrant is sent a copy of the ECRC Report, a letter explaining the community notification risk level assignment the Notice of Risk Level Assignment form, and the Notice of Appeal form.	RA/CN unit
Following the ECRC meeting	A law enforcement packet is prepared and sent to the receiving jurisdiction(s) and the BCA. Check MN Haven for victim notification information. Notify law enforcement of any victims or witnesses who have requested notification of the registrant's release and whereabouts.	RA/CN unit

12. Special procedures – federal registrants with active or expired probation and registrants from other states with expired probation
These registrants are not subject to community notification unless a MN community notification instance has occurred (flow chart attached).

Time	**Action**	**Responsibility**
Within five days of notice of registrant's arrival in MN	Determine if the registrant was assigned a risk level by another state or if a MN community notification instance has occurred. If a risk level has not been assigned, notify law enforcement to proceed with a level two notification without an ECRC review. Law enforcement may ask the DOC to conduct an ECRC review and assign a risk level. Law enforcement continues to use level two until the ECRC assigns a risk level. If a risk level has been assigned, determine if the risk level assignment process is comparable to MN's process. If the process is comparable, notification proceeds with the level assigned by the other state. If the process is not comparable, notify law enforcement to proceed with a level two notification without ECRC review. Law enforcement may ask the DOC to conduct an	RA/CN unit

	ECRC review and assign a risk level. Notify law enforcement continues to use level two until the ECRC assigns a risk level.	
If ECRC is requested by law enforcement	Enter the case on the ECRC schedule.	RA/CN unit
At least five days prior to the ECRC meeting	An ECRC Risk Assessment Recommendation is completed and entered in COMS.	RA/CN treatment professional
At least five days prior to the ECRC meeting	The ECRC packet is compiled and distributed to committee members.	RA/CN unit support staff
Upon request	If the registrant has retained an attorney to represent them during the ECRC meeting, a packet is provided to that attorney upon request, once the registrant signs a release of information form and the attorney signs a Data Practices Agreement.	ECRC caseworker
At least five days prior to the ECRC meeting	A letter to the registrant is prepared and sent notifying them of the date and time of the ECRC meeting. Also sent with the registrant's letter are the ECRC Risk Assessment Recommendation, the screening tool score sheet, written educational material about community notification, and an Appearance form.	RA/CN unit support staff
Prior to ECRC meeting	The registrant has the right to appear at the ECRC meeting, but not during deliberations by the ECRC committee members. If the registrant chooses not to attend the ECRC meeting, they must sign the Appearance form noting their decision not to attend. Staff must note if form is not returned by the registrant.	RA/CN unit
At the scheduled date and time	The ECRC meeting is convened and a community notification risk level is assigned	ECRC committee members
Within one day following the ECRC meeting	An ECRC Report is completed.	ECRC chair
Upon completion of the ECRC Report	The registrant is sent a copy of the ECRC Report, a letter explaining the community notification risk level assignment, the Notice of Risk Level Assignment form, and the Notice of Appeal form.	ECRC chair
Following the ECRC meeting	A law enforcement packet is prepared and sent to the receiving jurisdiction(s) and the BCA. Check MN Haven for victim notification information. Notify law enforcement of any victims or witnesses who have requested	RA/CN unit

	notification of the registrant's release and whereabouts.	

13. Special procedures – federal registrants with pending prison release and active parole

Time	**Action**	**Responsibility**
Upon notification that a federal registrant is subject to community notification	Information is requested from the supervising federal agent, federal court, Bureau of Prisons, and the BCA. This request includes victim notification information and a current photograph. The RA/CN unit tracking system is initiated/file started and the registrant is placed on the ECRC schedule.	RA/CN unit
When registrant is placed on ECRC schedule	A letter is sent to the registrant notifying them of the date and time of the ECRC meeting. If the registrant has a supervising federal agent, this data may be sent to the registrant via the agent.	RA/CN unit support staff
At least five days prior to the ECRC meeting	An ECRC Risk Assessment Recommendation is completed and entered in COMS.	RA/CN treatment professional
Upon completion of the recommendation	The ECRC Risk Assessment Recommendation, the screening tool score sheet, written educational material about community notification, and an Appearance form are sent to the registrant. If the registrant has a supervising federal agent, this data may be sent to the registrant via the agent.	RA/CN unit support staff
At least five days prior to the ECRC meeting	The ECRC packet is compiled and distributed to committee members.	RA/CN unit support staff
Upon request	If the registrant has retained an attorney to represent them during the ECRC meeting, a packet is provided to that attorney upon request, once the registrant signs a release of information form and the attorney signs a Data Practices Agreement.	ECRC caseworker
Prior to ECRC meeting	The offender has a right to appear at the ECRC meeting, but not during deliberations by the ECRC committee members. If the registrant chooses not to attend the ECRC meeting, they must sign the Appearance form noting their decision not to attend. Staff must note if the registrant does not return the form.	RA/CN unit
At the scheduled date and time	The ECRC meeting is convened and the community notification risk level assigned.	ECRC committee members
Within one day following the ECRC	An ECRC Report is completed.	ECRC caseworker/chair

meeting		
Within two days following the ECRC meeting	The registrant is sent a copy of the ECRC Report, a letter explaining the community notification risk level assignment, the Notice of Risk Level Assignment form, and the Notice of Appeal form. If the registrant has a supervising federal agent, this data may be sent to the registrant via the agent. A copy of the ECRC Report must be sent to the federal agent.	RA/CN unit
Following the ECRC meeting	A law enforcement packet is prepared and sent to the receiving jurisdiction(s) and the BCA. Check MN Haven for victim notification information. Notify law enforcement of any victims or witnesses who have requested notification of the registrant's release and whereabouts.	RA/CN unit

14. Special procedure – when there is insufficient data to complete a risk assessment
If data on a registrant is not sufficient to accurately score the appropriate screening tool and complete a risk assessment, the treatment professional must not recommend a risk level in the ECRC Risk Assessment Recommendation Report. The ECRC assigns a risk level two in such cases, unless there are documented mitigations or concerns to support a risk level other than two. All other appropriate ECRC procedures must be followed in this situation. Efforts must be made to obtain data sufficient to complete a risk assessment. These efforts to obtain data must be documented and retained in OnBase.

15. Requests for reassessment by caseworkers, supervising agents, and law enforcement officials
In accordance with Minn. Stat. § 244.052, the registrant's corrections agent or law enforcement may request that a registrant's risk level be reassessed. While the registrant is incarcerated, the registrant's caseworker serves as the corrections agent.

Time	**Action**	**Responsibility**
When it is determined that information was not considered by the ECRC or when evidence exists that the registrant's risk level should be reviewed	A request for reassessment is made to the RA/CN unit director (the commissioner's designee).	Caseworker, corrections agent, or law enforcement
Within five days of receipt of the request	The request is reviewed and a written response is provided to the requester.	RA/CN unit director
On receipt of the RA/CN unit director's response	If reassessment is recommended, the appropriate ECRC chair is notified and ECRC procedures outlined in B.3 are followed.	ECRC chair
Upon recommendation of	If the registrant has been in the community since the	ECRC chair

a re-assessment by the unit director	last risk level assignment, a criminal history check must be completed.	

16. Registrant requests for reassessment procedure

a) Criteria for consideration of reassessment

A registrant must demonstrate, at a minimum, the following facts and circumstances to be true in their case to qualify for a reassessment.

(1) Three years have elapsed since initial risk level assignment. If a registrant requests a reassessment more than three years since the initial risk level assignment, the offender must have demonstrated, at a minimum, the following facts and circumstances to be true for three years immediately preceding the request.

(2) Two years have elapsed since a denial of ECRC reassessment or two years since last reassessment.

(3) Full compliance with their conditions of release. Full compliance is evidenced by lack of supervision violations or any credible evidence regarding any allegations of non-compliance since the initial risk level assignment, or since the last reassessment or denial of ECRC reassessment.

(4) The registrant has not been convicted of any state or federal felony, gross misdemeanor, or misdemeanor offenses subsequent to the assignment of the original risk level.

(5) The registrant has completed required post-release treatment programming (must provide signed release forms, as necessary).

(6) The registrant has been fully compliant with predatory offender registration. Full compliance is evidenced by lack of registration violations or any credible evidence regarding any allegations of non-compliance with registration requirements since the initial risk level assignment or since the last reassessment or denial of reassessment.

(7) The registrant is not incarcerated.

b) Registrant request procedures

The registrant must:

(1) Send a request to the RA/CN unit. The RA/CN unit sends an application to the registrant along with release forms for any treatment programs the registrant has participated in.

(2) Legibly and completely fill out the application and release forms.

(3) Have the completed application notarized and return the application to the RA/CN unit along with completed release forms.

c) RA/CN unit responsibilities

Upon receipt of the registrant application the RA/CN unit:

(1) Conducts a check to determine if the above-listed timelines have been met for the registrant to be eligible for consideration for a reassessment.

(2) Conducts a history check with the National Crime Information Center (NCIC) and the BCA.

(3) Sends an electronic query to all MN law enforcement agencies, requesting information that may be relevant to risk level reassessment.

(4) Sends a copy of the registrant's completed application and a summary of the results of the law enforcement queries to the supervising agent. The

supervising agent must verify the registrant's self-reported information and provide additional information that the supervising agent may have.

d) Supervising agent responsibilities
The supervising agent:
(1) Reviews the information provided by the registrant for accuracy; and
(2) Provides a written summary to RA/CN unit of the registrant's adjustment to supervision.

e) If criteria for the reassessment request are met:
(1) The RA/CN units determines if risk assessment tools can be scored. Dynamic risk assessment tools are scored on most registrants with sex offenses. Dynamic risk assessment tools are not scored on offenders with only pornography related sex offenses or registrants who do not have a sex offending history.
(2) The RA/CN unit contacts the registrant for an assessment tool interview.
(3) Static, stable, and acute risk assessment tools are scored by the RA/CN unit, if appropriate.
(4) An ECRC meeting is scheduled by the RA/CN unit.
(5) The registrant is sent written notice of the date, time, and location of the meeting.
(6) The ECRC Risk Assessment Recommendation Report is completed and distributed along with other relevant documentation.

f) At the meeting, the ECRC considers all available information. The ECRC determines if the registrant no longer poses the same degree of risk to the community. In making this determination, the ECRC considers factors such as:
(1) The scores on risk assessment tools, if scored.
(2) The registrant's compliance with supervision, treatment requirements, and registration;
(3) Any statements indicating an intent to reoffend or any high risk behaviors exhibited by the registrant;
(4) Amount of at-risk time the registrant has spent in the community; and
(5) Whether the registrant has developed, since risk level assignment, an illness or physical condition that lowers the risk to reoffend.

g) Dynamic risk assessment score guidelines

Assessment tool	**Low**	**Moderate**	**High**
Static-99R	-3 to 1	2 to 3 Moderate low 4 to 5 Moderate high	6+
Stable 2007	0 to 3	4 to 11	12+
Acute 2007	0	1	2+

h) Combining static and stable empirical rules

Static	**Stable**	**Static-stable risk**
Low	Low Moderate	Low Low

	High	Moderate-low
Moderate-low	Low Moderate High	Low Moderate-low Moderate-high
Moderate-high	Low Moderate High	Moderate-low Moderate-high High
High	Low Moderate High	High High Very high

i) Combining static/stable and acute risk factors

Static-stable risk	**Acute**	**Overall Risk**
Low	Low Moderate High	Low Low Moderate
Moderate-low or Moderate-high	Low Moderate High	Low Moderate High
High or very high	Low Moderate High	Moderate High High

j) Following the ECRC meeting, a copy of the ECRC risk assessment report is sent to the registrant and the supervising agent by the RA/CN unit.

17. Administrative review

In accordance with Minn. Stat. § 244.052, the registrant may appeal the risk level assignment of two or three. The registrant must complete the Notice of Appeal form. In order to exercise the right to appeal, the registrant must turn this completed form into the ECRC chair within 14 days of notification of the risk level assigned.

If an appeal hearing is scheduled while the registrant remains incarcerated, the registrant appears at this hearing via interactive television (ITV). These hearings are scheduled according to a calendar agreed upon by the DOC, Attorney General's office (AGO) and Office of Administrative Hearings (OAH). If the registrant is no longer incarcerated on the scheduled hearing date, the hearing takes place at the OAH.

Time	**Action**	**Responsibility**
Upon receipt of the Notice of Appeal form from the registrant	The AGO and RA/CN unit are notified. Ensure a copy of the Notice of Appeal form, along with a copy of the ECRC packet (including the ECRC Risk Assessment Recommendation, the ECRC Report, and the final screening tool score sheet) and a copy of the audio recording are sent to the AGO.	ECRC chair

Upon request	Ensure documents requested by the AGO are provided.	ECRC chair and RA/CN unit
Upon request	Provide registrant access to legal calls if the registrant has an attorney assisting with the appeal process. The registrant must utilize offender phones to contact potential witnesses or other parties for the appeal.	Caseworker
Upon request by registrant	The caseworker/designee provides the registrant the opportunity to listen to the audio recording of the ECRC meeting. If the registrant has been released, a copy of the ECRC audio recording is saved on a compact disc (CD) and sent to the registrant.	Caseworker/designee
Upon notification from the AGO of judge assignment	Complete the Notice of and Order for Hearing form and the Affidavit of Service form (detailed instructions for completing these forms and examples are attached).	ECRC chair
On notification by the AGO of judge assignment	A copy of the RA/CN unit file is sent to the AGO.	RA/CN unit
Upon notification of scheduled appeal hearing date	Complete the Notice of Time and Place of Hearing memo and the Affidavit of Service form (detailed instructions for completing these forms and examples are attached to this policy). Notify victim services (via e-mail to victimassistance.doc@state.mn.us) of the scheduled appeal hearing. Attach a copy of the Notice of Time and Place of Hearing memo to this e-mail.	ECRC chair
Upon notification of scheduled appeal hearing date	Send a letter (attached) to the victim regarding the appeal process.	Victim services staff
Upon notification of scheduled appeal hearing date	If the registrant remains incarcerated on the ECRC appeal hearing date, the registrant appears at the hearing via ITV. Arrangements must be made to accomplish this appearance.	Case manager

18. ECRC member agreements and protocol
    a) All ECRC members and observers must agree to and sign the Data Practices Agreement prior to attending an ECRC meeting. This form must be signed by participants only once.

b) ECRC protocol

(1) The ECRC chair turns on the recorder, introduces themself, and convenes the committee by stating the registrant's name, offender identification number (OID), and the date. When the registrant declines attendance, the chair reports a signed Appearance form is part of the file.

(2) ECRC members must introduce themselves and identify their roles in the committee.

(3) Observers must also identify themselves and their roles in the meeting.

(4) The treatment professional reads the ECRC Risk Assessment Recommendation into the record. If agreeable to the committee and the registrant (if present), the report may be summarized.

(5) The registrant may present information regarding the risk assessment recommendation or other factors they want the committee to consider.

(6) Committee members and the registrant may ask questions, participate in an exchange of information to clarify records or hear additional information from the registrant.

(7) The ECRC chair excuses the registrant and their attorney from the ECRC meeting and shuts off the recorder for the deliberation period by ECRC members.

(8) ECRC committee:

(a) Reviews the ECRC Risk Assessment Recommendation;
(b) Addresses any issues raised by the registrant;
(c) Reviews the screening tool;
(d) Determines if any special concerns or mitigating circumstances (see definitions section) exist;
(e) Confirms any facts;
(f) Votes on community notification risk level (majority rules on the vote) and gives rationale for the vote; and
(g) Determines any residency restrictions, if a risk level three is assigned.

(9) The ECRC reconvenes with the registrant present. The ECRC chair resumes the recording. The ECRC chair informs the registrant of the assigned community notification risk level, provides a brief summary of the committee's decision, and identifies any special concerns or restrictions.

(10) The chair gives the Notice of Risk Level Assignment form to the registrant.

(11) The ECRC chair reviews the appeal rights and predatory offender registration requirements with the registrant. If the registrant was assigned

a risk level two or three, the chair provides the registrant with a Notice of Appeal form.

(12) The recording must be retained a minimum of twelve months at the ECRC facility. A copy of the recording is also sent to the RA/CN unit following the meeting.

19. Records

1. All risk level assignments and related appeal results must be documented in COMS, and copies of all related documents are stored in OnBase.

2. All reassessment requests and responses are documented in OnBase.

D. Victim notification under the community notification statute, Minn. Stat. § 244.052, Subd. 4 and § 244.053

1. If an ECRC is needed on a registrant who is relocating to MN, the interstate agent acts as the registrant's case manager. The agent must check the transfer packet from the sending state or facility for victim notification requests. The search must include a request to the sending state for any victim notification requests prior to the ECRC. The agent passes on any victim notification information to the RA/CN unit.

2. Each time a registrant moves to a new primary law enforcement jurisdiction, the RA/CN unit staff must check MN Haven and, when appropriate, send the Law Enforcement Victim Data form (attached) along with an instruction letter to the law enforcement agency responsible for victim notification.

3. If the victim assistance program (VAP) determines victim contact information is no longer valid or the victim indicates they do not want notification, VAP informs/updates MN Haven. RA/CN unit staff updates their records also.

4. If the RA/CN unit determines victim contact information is no longer valid or the victim indicates they do not want notification, RA/CN unit staff must inform VAP staff. VAP staff updates their records.

5. If a registrant is leaving the State of Minnesota to reside in another state, the RA/CN unit does not send law enforcement packets to the receiving state. The RA/CN unit provides the victim notification document to the original investigating agency for purposes of victim notification.

6. All enhanced victim notification documents must be entered into OnBase, with the current information maintained in MN Haven.

E. Public registrant website (https://coms.doc.state.mn.us/publicregistrantsearch)
The criteria for website posting are:

1. The qualified registrant is living in a community residential setting in MN. As defined in Minn. Stat. § 244.052, Subd. 1, this does not include confinement or residence in a residential facility, and falls within statutory qualifications for posting such information.

2. The responsible law enforcement agency has determined information may be released to the public. This information is generally what is provided on the public notification fact

sheet used by the law enforcement agency for public distribution.

3. The RA/CN unit posts the information upon request of the local law enforcement agency or within two days of release of public information by the local law enforcement agency, whichever is earlier.

4. The RA/CN unit removes the information from the website upon verification the qualified registrant is no longer living at a posted residence.

5. Updated photographs, when provided by outside sources, are added to the website, if the photographs provide a better representation of the registrant than what is provided by COMS.

6. Secondary addresses for qualified registrants are posted only upon request of the responsible law enforcement agency.

INTERNAL CONTROLS:

A. All risk level assignments and related appeal results are documented in COMS, and copies of all related documents are stored in OnBase.

B. All enhanced victim notification documents are retained in OnBase with current information maintained in MN Haven.

C. All reassessment requests and responses are documented in OnBase.

D. All current public registrant listings are available to the public through the public registrant website at https://coms.doc.state.mn.us/publicregistrantsearch.

REFERENCES: Minn. Stat. §§ 243.1605; 243.161; 243.166; 243.167; 244.052; 244.053; 244.10, subd. 8; 253B.18; 253B.185; 253D.32; 526.10 (1992); 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.2231; 609.224, subd. 2; 609.2242, subd. 2 or 4; 609.2247; 609.229; 609.235; 609.245, subd. 1; 609.25; 609.255; 609.322; 609.324; 609.342; 609.343; 609.344; 609.345; 609.3451, subd. 2 and 3; 609.3453; 609.3455, subd. 3a; 609.352; 609.377; 609.498, subd. 1; 609.582, subd. 1; 609.749; 617.23, subd. 2 and 3; 617.246; 617.247; and 624.713
Policy 205.200, "Sex Offender Civil Commitment Screening"
Policy 203.260, "Victim Notification"

REPLACES: Policy 205.220, "Predatory Offender: Registration, Notification, Public Registrant Website, and Risk Level Assessment," 4/28/20.
All facility policies, memorandums, or other communications whether verbal, written or transmitted by electronic means regarding this topic.

ATTACHMENTS: Appearance form – DOC Facilities ECRC (205.220A)
Appearance form - Interstate Offender ECRC (205.220I)
ECRC Report - template (205.220B)
ECRC Member/Observer Data Practices Agreement (205.220C)
Victim Notification Request Verification Letter (205.220E)
Flow Charts of Offenders Subject to Community Notification (205.220F)
ECRC Packet Cover Sheet (205.220G)

Notice of Risk Level Assignment (205.220H)
Law Enforcement Victim Data form (205.220J)
Instruction Letter to Law Enforcement Agency (205.220K)
Instructions for Completing Appeals forms (205.220L)
ECRC Risk Assessment Recommendation Report – template (205.220M)
Frequently Asked Questions (205.220N)
Notice of Appeal form (205.220O)

APPROVALS:
Commissioner, Department of Corrections
Deputy Commissioner, Reintegration and Restorative Services
Deputy Commissioner, Facility Safety and Security
Assistant Commissioner, Organizational and Regulatory Services
Assistant Commissioner, Chief of Staff
Assistant Commissioner, Health, Recovery, and Programming
Assistant Commissioner, Education and Interagency Partnerships