Fact Sheet

Community Notification Act

What is Minnesota's Community Notification Act?

- The Community Notification Act requires a risk level to be assigned to offenders who are subject to registration as a predatory offender before they are released from confinement in a state prison or treatment facility. The Community Notification Act also requires that community notification of the offender's release occur.

What are the risk levels?

- Level 1 – lower risk
- Level 2 – moderate risk
- Level 3 – higher risk

What is registration?

- Since July 1, 1991, predatory offenders in Minnesota have been required to register their addresses with local law enforcement agencies, who then forward the information to the Minnesota Bureau of Criminal Apprehension, which maintains a database that can be used by the law enforcement agencies.

Who is assigned a risk level?

- Risk levels are assigned to predatory offenders:
  1) Released from a state prison in Minnesota;
  2) Released from a state prison in another state who come to Minnesota under supervision;
  3) Released from a federal prison and intending to reside in Minnesota;
  4) Released from confinement who were committed as sexually dangerous persons, sexually psychopathic personalities or mentally ill and dangerous; or
  5) Upon request from local law enforcement if released from a federal prison or another state's prison (and not under supervision).

Facts About Minnesota's Community Notification Act

- Minnesota's Community Notification Act was effective January 1, 1997.
- Assignment of risk levels is the statutory responsibility of the Minnesota Department of Corrections.
- Community notification is the statutory responsibility of law enforcement.
- Level 3 offenders are identified on a public website.
- Offenders are subject to the provisions of the Community Notification Act for as long as they are required to register as predatory offenders.
- Of all offenders who have been assigned risk levels, approximately 57% are level 1; 31% are level 2; and 12% are level 3.
- Approximately 360 level 3 offenders are living in Minnesota communities (as of 1/1/16).

- As of January 1, 2016, approximately 9,400 of Minnesota's 17,500 registered (active) predatory offenders fall under the above categories and are assigned a risk level.

Who assigns risk levels?

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

Who serves on the ECRC?

- The prison warden or treatment facility head where the offender is confined, or that person's designee; a law enforcement officer; a treatment professional trained in assessing sex offenders; a caseworker experienced in supervising sex offenders; and a victim services professional.

What does the ECRC consider when assigning risk level?

- The seriousness of the offense; the offender's prior offense history; the offender's characteristics, such as response to prior treatment efforts and history of substance abuse; the availability of community support to the offender, such as therapeutic treatment, a stable and supervised living arrangement, familial and social relationships, and the offender's education or employment stability; whether the offender has indicated, or credible evidence in the record indicates, that the offender will reoffend; and whether the offender demonstrates a physical condition that minimizes risk of reoffense, including but not limited to advanced age or a debilitating illness or physical condition.

Can a risk level be changed?

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

Who provides notification to the community?

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

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

- Level 1 – Victims of and witnesses to the crime, other law enforcement agencies, and anyone identified by the prosecuting attorney to receive the information.
- Level 2 – In addition to the above, notification may be given to schools, daycare centers, and other organizations where individuals who may become victims of the offender are regularly found. Law enforcement may also choose to notify certain individuals that they determine to be at possible risk. The information is not to be redistributed by organizations.
- Level 3 – Requires broad public notification, usually done through a public meeting. Law enforcement may also notify individuals and agencies included in Level 1 and Level 2 notifications, and may use the media and other distribution methods to get information to the public.

What is included in the notification?

- General area of residence, description of the offender and photo, and a description of past criminal behavior by the offender.

Are risk levels public?

- Levels 1 and 2 are not public, except as released by law enforcement as specified in the Community Notification Act. Information about level 3 offenders is posted on the DOC's website once a community notification meeting has been held at the request of law enforcement (www.doc.state.mn.us/level3/level3.asp).

How long are offenders subject to community notification provisions?

- For as long as they are required to register as predatory offenders. Registration is generally required from ten years to lifetime.

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Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, Minnesota 55108-5219
651/361-7200
TTY 800/627-3529
www.doc.state.mn.us