

Policy #: <b>906</b>
Title: <b>COMMUNITY NOTIFICATION OF PREDATORY OFFENDERS</b>
Date of Initial Approval:06-02-2021
Revision/Re-authorization Dates:
Reviewers: MSA Instructional Leadership Team

## I. PURPOSE

The purpose of this policy is to assist Minnesota State Academies (MSA) administrators and employees in responding to a notification by a law enforcement agency that a convicted predatory offender is moving into the community so that they may better protect individuals in the school's care while they are on or near MSA premises or under the control of MSA.

## II. GENERAL STATEMENT OF POLICY

- A. The policy of MSA is to provide information to staff regarding known predatory offenders that are moving into the community so that they may monitor school premises for the safety of the school, its students, and employees. Employees will be notified as appropriate and have access to Offender Fact Sheets.
- B. MSA will provide safety information and resources for distribution to students regarding protecting themselves from abuse, abduction, or exploitation. MSA administrators may ask local law enforcement officials for assistance in providing instruction to employees and students.

## III. DEFINITIONS

- A. The "**Sex Offender Community Notification Act**," (*Minn. Stat. § 244.052*) as amended, allows law enforcement agencies to disclose information about certain predatory offenders when they are released into the community. The information disclosed and to whom it is disclosed will depend upon their assessment of the level of risk posed by the predatory offender.
- B. "**Risk Level Assessment**" is the level of danger to the community as established by the Minnesota Department of Corrections following a review by a committee of experts. The level of risk assigned to a soon-to-be-released offender determines the scope of notification. (*Minn. Stat. § 244.052, Subds. 2, 3*)
- C. "**Risk Levels**" (*Minn. Stat. § 244.052, Subd. 3(e)*)
1. **Risk Level I** is assigned to a predatory offender whose risk assessment score indicates a low risk of re-offense.
  2. **Risk Level II** is assigned to a predatory offender whose risk assessment score indicates a moderate risk of re-offense.
  3. **Risk Level III** is assigned to a predatory offender whose risk assessment score indicates a high risk of re-offense.

- D. **“Notification or Disclosure by Law Enforcement Agency”** (*Minn. Stat. § 244.052, Subd. 4*)
1. **Risk Level I** – The local law enforcement agency may disclose certain information to other law enforcement agencies and to any victims of or witnesses to the offense committed by the offender. There will be no disclosure to school districts.
  2. **Risk Level II** – In addition to those notified in Level I, a law enforcement agency may notify agencies and groups the offender is likely to encounter that the offender is about to move into the community and provide to those agencies and groups an Offender Fact Sheet on the offender. School districts, private schools, day care centers, and other institutions serving those likely to be victimized by the predatory offender are included in a Level II notification.
  3. **Risk Level III** – In most cases, the local law enforcement agencies will hold a community meeting and distribute an Offender Fact Sheet with information concerning and a photograph of the soon-to-be-released Level III offender.
- E. **“Offender Fact Sheet”** is a data sheet compiled by the Department of Corrections or local law enforcement agency. The Offender Fact Sheet contains both public and private data including a photograph and physical description of the predatory offender, as well as the general location of the offender’s residence.
1. A local law enforcement agency will generally provide Offender Fact Sheets for Level II predatory offenders directly to MSA.
  2. Level III Offender Fact Sheets will be distributed at a community meeting conducted by the local law enforcement agency.
- F. **“Law enforcement agency”** means the law enforcement agency having primary jurisdiction over the location where the offender expects to reside upon release. (*Minn. Stat. § 244.052, Subd. 1(3)*)
- G. **“Criminal history conviction data”** is public data on a convicted criminal which is compiled by the State Bureau of Criminal Apprehension (BCA). (*Minn. Stat. § 13.87*)

#### IV. GUIDELINES

- A. The superintendent’s office shall request that all appropriate Level II and Level III notifications are to be provided from law enforcement agencies within Rice County to MSA as promptly as possible.
- B. Upon notification, the superintendent’s office shall forward the Offender Fact Sheet to all department supervisors to be posted in an area accessible to employees, but not to the public, unless a determination has been made that public posting would help secure the school or protect students. Supervisors must communicate with staff when a new fact sheet is posted.

- C. MSA may request criminal history conviction data on the Level II predatory offender from its local law enforcement agency. On a case-by-case basis, the superintendent may determine whether to send a letter to parents with general information regarding release of the Level II offender and a copy of the criminal history conviction data that MSA obtained from its local law enforcement agency. The offender fact sheet contains data classified as private or not public under Minnesota law and may only be distributed to parents, students, or others outside MSA if it determines the release is for the purpose of securing the schools and protecting individuals under MSA's care while they are on or near school premises.
- D. When a Level III predatory offender is released into a community, generally the local law enforcement agencies will notify school districts of the time and location of the community meeting at which the Level III Offender Fact Sheet will be distributed to the community. When MSA receives this information, the superintendent or a designee will attend the community notification meeting. The superintendent will also determine on a case-by-case basis whether MSA will notify parents and students of the time, date, and location of the community meeting.
- E. When MSA receives information that a Level III predatory offender is moving into the community, in addition to following the procedures specified above, MSA shall follow the procedures outlined for a Level II notification.
- F. If the predatory offender is participating in programs offered by MSA that require or might allow the person to interact with children other than the person's children, the superintendent shall notify parents of children enrolled at MSA of the contents of the Offender Fact Sheet.

***[Note: The Department of Administration issued an opinion confirming that the Predatory Offender Fact Sheet contains private data or not public data. However, it is the department's opinion that a school district may release any information contained in the notification to anyone, including staff, students, parents, and guardians, if it determines that the release of data will help secure the school or protect students.]***

**Legal References:**

*Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)*

*Minn. Stat. § 244.052 (Community Notification)*

*20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)*

*42 U.S.C. § 16901 et seq. (Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program)*

*Dept. of Admin. Advisory Op. No. 98-004*

**Cross References:**

*MSA Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)*

*MSA Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)*

*MSA Policy 515 (Protection and Privacy of Pupil Records)*

*MSA Policy 903 (Visitors to MSA Buildings and Sites)*