Registered Offender Information

326.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Fargo Police Department will address issues associated with certain offenders who are residing in the jurisdiction, and how the Department will disseminate information and respond to public inquiries for information about registered offenders (N.D.C.C. § 12.1-32-15).

326.2 POLICY

It is the policy of the Fargo Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

326.3 REGISTRATION

326.3.1 ORIGINATING AGENCY

The registration forms and instructions will direct the offender to register with the local law enforcement agency where the offender resides, works or attends school (N.D.C.C. § 12.1-32-15(5)).

Once the forms are signed, copies and all required attachments shall be electronically delivered by the Records Division to the Bureau of Criminal Investigation with the exception of DNA samples, which are sent via mail.

326.3.2 RESIDING/REGISTERING AGENCY

When the Department receives copies of the offender registration forms from BCI, the appropriate assigned employee or investigator will ensure the offender registers within the appropriate time frame. If the offender fails to register, the assigned employee will take appropriate action to locate the offender as quickly as possible and ensure compliance (N.D.C.C. § 12.1-32-15(2)).

The Investigation Division supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community.

Upon conclusion of the registration process, the investigator shall forward the completed registration, biometric data, photographs and DNA sample, if applicable, to the Records Division, which will then send the completed registration to BCI within three days and the DNA samples to the state crime laboratory. If BCI does not receive the offender's completed registration forms within the time expected, it will contact this department so that efforts can be made to locate the offender as quickly as possible (N.D.C.C. § 12.1-32-15(7)).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register (N.D.C.C. § 12.1-32-15(9)).

Copyright Lexipol, LLC 2021/07/12, All Rights Reserved.
Published with permission by Fargo Police Department

Employees assigned to register offenders should receive appropriate training regarding the registration process.

326.3.3 CONTENTS OF REGISTRATION

The offender is required to provide all of the following applicable information, and to notify the Department if there are any changes to the following:

(a) Residence address

(b) Employer address

(c) School information

(d) Motor vehicle

(e) Driver’s license and professional licenses

(f) Email address and social networking information

326.3.4 MODIFICATION OR CHANGES

The offender is responsible for notifying law enforcement regarding any changes including address, employment, school, and other required information, in writing, at least 10 days before the change.

If the offender moves outside this jurisdiction, the offender must complete a change of registration at this department before moving and must register with the new law enforcement agency in the new jurisdiction no later than three days after moving.

An offender must inform the Department if the offender plans to travel outside of the United States, at least 21 days before the intended travel (N.D.C.C. § 12.1-32-15).

All changes shall be forwarded to BCI within three days (N.D.C.C. § 12.1-32-15(7)).

326.3.5 DEPARTMENT RESPONSIBILITIES

When an offender appears at the department for the purpose of registering, the officer registering the offender will:

(a) Request photo identification to validate the offender's identity.

(b) Obtain NCIC, CWIS, and Triple I information on the offender.

(c) Ensure the offender completes and signs all registration forms.

(d) Obtain fingerprints electronically.

(e) Obtain one (1) digital image of the offender.

(f) Provide the offender with one copy of the completed registration forms.

(g) Provide the offender with literature detailing available resources from local Human Service agencies.

(h) Conduct an interview with the offender relative to the completion of the Sex Offender/ Offender Against Children worksheet.

Copyright Lexipol, LLC 2021/07/12, All Rights Reserved.
Published with permission by Fargo Police Department

(i) Ensure the offender's digital image is linked to the offenders department computer file.

(j) Ensure all of the offender's registration information is forwarded to the Records Unit.

The Fargo Police Department's Records Unit will be responsible for:

(a) Receiving and securely filing all offender registration documentation.

(b) Providing the North Dakota Attorney General's Office with the appropriate copies of registration documentation.

(c) Entering the offender's registration information into the department's computer database.

(d) Preparing an electronic file in the department's RMS, which will contain the offender's registration documentation and the department's case investigation file.

(e) Obtaining a copy of investigative reports and other documentation from other law enforcement agencies, if the offense(s) for which the offender is required to register were committed outside the City of Fargo (this may be discovered through the Triple I information).

(f) Electronically send the offender's file to the designated Registration Program Administrator, along with the information regarding the offender as it is received.

326.4 MONITORING OF REGISTERED OFFENDERS

The Investigation Division supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration (N.D.C.C. § 12.1-32-15(7)).

This verification should include:

(a) Efforts to confirm the residence using an unobtrusive method such as an internet search or drive-by of the declared residence. Addresses should be verified every 90 days for lifetime offenders and every 180 days for other offenders.

(b) Review of information on the state website.

(c) Contact with a registrant’s parole or probation officer.

Any discrepancies should be reported to the appropriate agencies or departments.

The Investigation Division supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Fargo Police Department personnel, including timely updates regarding new or relocated registrants.

326.5 DISSEMINATION OF PUBLIC INFORMATION

Department members will not unilaterally make a public notification advising the community of a particular registrant’s presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisors. The supervisor should evaluate the request and forward the information to the Chief of Police,

Copyright Lexipol, LLC 2021/07/12, All Rights Reserved.
Published with permission by Fargo Police Department

if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made (N.D.C.C. § 12.1-32-15(14)).

Upon request, the Department may release conviction and registration information regarding low-risk, moderate-risk or high-risk offenders.

Members of the public requesting information on registrants should be provided the Office of Attorney General Sex Offender website or the Fargo Police Department's website.

A law enforcement agency is not subject to civil or criminal liability for making risk determinations, allowing a sexual offender to attend a school function under N.D.C.C. 12.1-20-25, or for disclosing or for failing to disclose information (N.D.C.C. 12.1-32-15(15)).

326.5.1 RELEASE NOTIFICATIONS

(a) Low-risk offender information may be released to the following:

1. Victims and witnesses to the offense
2. Other law enforcement agencies
3. The public, upon request
4. Social Media

(b) Moderate-risk offender information may be released by personal contacts, flyers, telephone contact or review of lists or information to the following:

1. Victims and witnesses to the offense
2. Other law enforcement agencies
3. The public, upon request
4. Offender's employer, where appropriate
5. Schools
6. Park and recreation districts
7. Senior centers
8. Churches
9. Daycare
10. Civic organizations
11. Shopping malls
12. Social media release
13. Any other relevant business, which the public could be at risk

Copyright Lexipol, LLC 2021/07/12, All Rights Reserved.
Published with permission by Fargo Police Department

(c) High-risk offender information may be released in addition to those above by the following:

1. Internet
2. Widespread flyers
3. Posters
4. CD-ROM
5. Community meetings
6. News release
7. Newspaper public service announcement
8. Television public service announcement
9. Social media release

(d) Registrant information that is released should include notification that:

1. The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
2. The information is provided as a public service and may not be current or accurate.
3. Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
4. The crime for which a person is convicted may not accurately reflect the level of risk.
5. Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

326.5.2 DISSEMINATION

Relevant and necessary conviction and registration information must be disclosed to the public by the Department, following Attorney General guidelines, if the individual is a moderate or high risk and it is determined that disclosure of the conviction and registration information is necessary for public protection (N.D.C.C. § 12.1-32-15(14)).

Public disclosure may include internet access if the offender:

(a) Is required to register for a lifetime.

(b) Has been determined to be a high risk to the public.

(c) Has been determined to be a high risk to the public by an agency of another state or the federal government.

Copyright Lexipol, LLC 2021/07/12, All Rights Reserved.
Published with permission by Fargo Police Department

If the offender has been determined to be a moderate risk, public disclosure must include, at a minimum, notification of the offense to the registered victim and to any agency, civic organization or group of persons who have characteristics similar to those of a victim of the offender.

The Department shall release information regarding a juvenile who is adjudicated delinquent and required to register as a sexual offender or an offender against a child to the superintendent or principal of the school the juvenile attends (N.D.C.C. § 12.1-32-15).

326.6 MANAGEMENT OF THE REGISTRATION PROGRAM

A command officer will be designated by the chief of Police to manage the registration of offenders to ensure compliance with the law and procedures established by the North Dakota's Attorney General's Office. The designated command officer will be responsible for, but not limited to:

(a) The review of offender files to ensure completeness and the proper registration of offenders.

(b) Acting as the department's liaison with the North Dakota Attorney General's Office regarding offender registration.

(c) Presenting or assisting with the presentation of community notifications regarding offenders whose risk assessment determination requires a level of community notification.

Copyright Lexipol, LLC 2021/07/12, All Rights Reserved.
Published with permission by Fargo Police Department