

## House Bill 1415

A Bill for an Act to provide an appropriation to the attorney general for a law enforcement staffing grant program.

### **Issue:**

The City of Jamestown has a very high number of High-Risk Sex Offenders (38), comparatively; Wahpeton has none, West Fargo has one and Mandan and Dickinson have 4-to 6 (see chart attached), creating a public safety concern. High Risk Offenders are rated, as the highest risk of re-offending. High Risk Offenders have typically committed more than one offense, have refused to engage in sex offender treatment, or have engaged in behaviors that contribute to an elevated level of risk.

The Jamestown Police Department detective and patrol divisions are overwhelmed with sex offender registrations, Sex Offender Compliance Checks and Sexual Assault and Luring investigations.

### **Discussion:**

The North Dakota State Hospital Sexual Offender Program in Jamestown houses numerous sexually dangerous offenders, and in many cases are released back to the community. The offenders being released are not necessarily released back to the community where they were previously living or the county they were sentenced from. The sex offenders in many cases go from prison to a maximum-security sex offender unit in Jamestown, to a transitional house on the State Hospital Property and then to the community of their choosing. Currently, the City of Jamestown has within the community 85 registered offenders (38\* of which are High Risk) and an additional 5 who are housed in transitional living on the State Hospital. All 90 are required to register with JPD. Several registered sex offenders are staying at budget motels paying by the month, an apartment, couch surfing or own a home. Most of these offenders are not from Jamestown. They have no connection to Jamestown other than they found housing in Jamestown because a roommate from the Sex Offender Unit or prison invited them to live with or near them in Jamestown. Almost every offender that was housed in the State Hospital Sex Offender Unit is a High-Risk offender.

Each sex offender must at a minimum come to the police department, 1, 2 or 4 times per year depending on their risk level. They must register their residence, employment, vehicle, phone number, email address, change in personal appearance (tattoos etc.), and social media accounts. Upon registering, the Jamestown Police Department has 6 police officers and detectives that are trained to register the offenders. Besides registering at the PD, the sex offenders have three days to register their change of address, their newest vehicle purchase, a new internet account they created, the second job they just obtained, etc. So, if you can imagine how many visits, they make in person to the police department to register that info; almost daily. Having 90 offenders and an arrangement of risk levels that equates to a minimum of 235 walk-ins at the PD and each registration takes anywhere between 10 min. to 45 min per offender depending on the change or if it is a new offender (fingerprinting, photos etc.). The Jamestown Police Department is also required by law to notify the public each time a high-risk offender moves to another address, which includes moving from hotel room #12 to hotel room #16 (for example) which happens on a regular basis.

Some offenders register being homeless; that offender must personally come to the police department every 3 days and register all his or her information including that he or she is still homeless. Some are living somewhere in the community, but the place they are staying doesn't want a notification on their

property or can't house a sex offender. As a public safety concern, the police are required to do compliance checks on the individual to make sure the offender is in fact homeless or living someplace else in the community. Offenders periodically fail to report they have a second job, they fail to report they own a vehicle, they fail to report they have created a new internet account (Facebook, Tik Tok, Snap chat, Grinder, Plenty of Fish), they fail to report they live within 500 ft of a school or daycare or other requirements that are required by law to report. Some don't register at all, so it is the PD who must track and find him or her. On (01-11-23) three of JPD detectives and the school resource officer were each investigating a sex crime in which a registered sex offender was their prime suspect.

The City of Jamestown has a population around 16,000 (38 High Risk Offenders). The City of Fargo has a population of 126,000 (33 High Risk offenders). The City of Bismarck has a population of 74,000 (46 High Risk Offenders). The North Dakota State Hospital Sex Offender Unit has 27 High Risk offenders.

**The Problem:**

The Jamestown Police Department should have a detective assigned totally to sex offender compliance, but do not have the funding, manpower, or resources. JPD would like to manage a sex offender compliance program to a group of well-versed detectives, that each can pick up a stranger's (offender's) Android phone, an iPhone or Straight Talk phone and be able to scroll through it, and to be certified to download the cell phone in which none have that training. The training and certification to download a cell phone costs \$3,850 per detective for just attending the training and does not include the equipment needed to download the cell phones which was quoted at \$27,250 for the startup costs for the first year for subscriptions and hardware. These detectives would have been able to work outside their normal duties hours to include evenings and weekends to find the offenders at home which would be overtime hours. JPD sought assistance with US Marshals service who would like to help, possibly this spring if they have the funding and manpower (which would be an isolated case). Compliance checks need to be continuous, not when outside help is available.

For most sex crime cases, harassment cases, drug cases, sex offender registration cases a cell phone, computer, and/or electronic storage device is obtained or seized, and numerous search warrants are sought to obtain the evidence with-in. When an investigation is conducted, it results in enormous amounts of data that needs to be analyzed, documented, and presented as evidence. A luring by computer or other electronic means case or a case involving the sharing of prohibited pictures of juveniles results in documents containing over 6000 pages of pictures and conversation from a single social media account. Violators take months to groom victims over the internet with months of conversations that need to be analyzed, documented, and presented by an investigator. Technology has increased capacity of cell phones and computer storage. The latest Apple iPhone 14 Pro Max has 1 TB of internal storage. To compare that is the data that would take approximate 40 Blu Ray DVDs to hold that data. Cloud based servers need search warrants to gather the evidence needed if a violator uses those platforms. Mega, a secure cloud storage provider accessible on any computer or smartphone, will provide a user with 3 TB of cloud storage for \$16/ month. 3 TB will hold 120 full-length high-definition movies or 83,000 high-definition still photos. An officer will expect to write a 10-page search warrant to start the process just to get the data. What this ultimately means is that these cases take an extreme number of hours for these heinous crimes to be investigated.

In 2022, Jamestown PD investigated 15 registered sex offenders that resulted in 38 new charges and 2 offenders with a total 4 charges still under investigation.

**Solution:**

Funds are needed for training, equipment, and overtime hours. The Jamestown Police Department is currently trying to create a Sex Offender Compliance Unit (SOCU). This would be a group of law enforcement officers that would be trained to track, locate, and interview the sex offender to see if they are compliant with their registration. Currently the Jamestown Police Department has 4 detectives that are well versed in all types of crimes, that include child abuse, sexual assaults, property crimes, embezzlements, scams, luring minors and these detectives are very busy with those investigations. The SOCU would require them to work outside their daily duty hours. Options considered.

- (1) Fund the police agency individually (Training, equipment, and overtime) to develop a Sex Offender Compliance Unit. Overtime rates vary. \$100,000+
- (2) Fund an investigator to be permanently assigned to sex offender compliance and sex crimes \$100,000 plus \$50,000 for a vehicle plus training \$20,000. \$170,000 total.
- (3) Fund two part-time officers to be permanently assigned to sex offender compliance and sex crimes \$100,000 plus \$50,000 for a vehicle plus training \$20,000. \$170,000 total.
- (4) Fund a multi-jurisdictional Sex Offender Compliance Unit from multiple police agencies such as Police, Sheriff, BCI and Parole and Probation. Substantial funding and regional coordination are needed with the other law enforcement agencies. Overtime rates vary.

**Recommendation and Request:**

The Jamestown Police Department needs financial assistance to keep pace with number of high-Risk sex offenders living within the city (see chart). We are asking for financial assistance by means of moving forward to propose a bill to the North Dakota Legislature.

Jamestown Police Department **Sex Offender Registration and Compliance Check** Calls for Service. These numbers do not include general investigations involving sex offenders.

JPD CFS (Call for service) of sex offender registrations (walk-ins) and compliance checks completed.  
**2019 - 1009      2020 - 954      2021 - 1022      2022 - 952**

Agency	High Risk	Moderate Risk	Low Risk	No Risk Level	Lifetime Sex Offenders	Total Sex Offenders	OAC
Jamestown PD	31	33	17	4	49	85	1
ND State Hospital	27	1	0	0	28	28	0
Stutsman County SO	5	7	3	0	8	15	3
Fargo PD	33	148	123	31	70	335	21
Bismarck PD	46	119	75	11	84	251	24
Dickinson PD	5	22	21	2	12	50	4
Williston PD	7	20	19	9	10	55	7
Minot PD	8	39	37	6	14	90	8
Devils Lake PD	4	17	7	1	8	29	3
Grand Forks PD	7	34	47	10	18	98	7
Valley City PD	5	10	8	1	10	24	2
Mandan PD	6	27	24	8	17	65	3
Wahpeton PD	0	5	4	1	1	10	2
West Fargo PD	1	17	24	1	13	43	3

\* Numbers of registered sex offender in every district of the state High, Medium or Low change weekly and sometimes daily.

\*ND Sex Offender Unit, transitional house has 5 currently that are registered with Jamestown PD, all high risk which at the time of this report Jamestown PD High risk Offenders is 38. Jamestown PD has more high risk offenders than the ND sex offender unit.

\*Not all high-risk sex offenders registered in the City of Jamestown came from the sex offender unit. Some came from Jamestown, the prison, for work and from other communities.

Thank you,

*LeRoy Gross 241 1-29-23*

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