



Minnesota Sex Offender Program

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Presentation overview

- Program history and background.
- Civil commitment and reduction in custody.
- Possibilities for improvement.

Sex offenders statewide

- About 17,500 registered sex offenders in Minnesota.
- About 13,275 sex offenders live in the community.
- About 3,000 sex offenders incarcerated at any given time.
- About 1,200 sex offenders released from confinement each year.
- About 15-20 of those released are then committed to MSOP.

Unique clinical population

Common characteristics of MSOP clients include:

- High risk for re-offense.
- Patterned sexual deviance.
- Psychopathy.
- Antisocial personality disorders.

Statutory requirements

To civilly commit someone as a sexual psychopathic personality or a sexually dangerous person, the individual must be found to meet the statutory definitions found in Minn. Stat. 253D.02, subdivisions 15 and 16, respectively, as interpreted by relevant case law.

Sexual psychopathic personality

Defined in law by any combination of these key characteristics:

- Emotional instability, impulsiveness, or lack of good judgment.
- Failure to appreciate the consequences of behavior.
- Habitual misconduct in sexual matters.
- An utter lack of power to control sexual impulses.
- As a result of these factors is dangerous to other people.

Sexually dangerous person

Defined in law as a person who has:

- Engaged in a course of harmful sexual conduct;
- Manifested a sexual, personality, or other mental disorder or dysfunction; and
- As a result, is likely to engage in acts of harmful sexual conduct

Sex offender specific treatment

- MSOP is a sophisticated, evidenced-based treatment program that uses current best practices in line with the Association for the Treatment of Sexual Abusers. Focus is on reducing risk of re-offense.
- Treatment consists of psycho-educational modules, group and individual therapy and rehab programming.
- The single most important factor in treatment is the client's willingness to change their thinking and behavior – and then demonstrate that change over time.

How clients are committed to MSOP

- Only the court has the authority to commit someone to MSOP.
- The Department of Corrections refers to the county attorney cases where a prison inmate may qualify for civil commitment.
- County attorney decides whether to petition the court for commitment.
- If petitioned, the inmate is placed in secure facility on “hold status” during court process.
- Bench trial results in civil commitment as Sexually Dangerous Person and/or Sexual Psychopathic Personality or a release from hold.

How clients leave MSOP

Only the court has authority to grant a reduction in custody.

Three types of petitions:

- Transfer out of a secure treatment facility
- Provisional discharge
- Full discharge

Special Review Board, Recommendation → Commitment Appeals Panel (CAP)

- Petition is submitted by client
- Assessments conducted, hearings held, CAP (three-judge panel) rules to grant or deny petition
- DHS Commissioner can appeal ruling to MN Court of Appeals, to the Minnesota Supreme Court

MSOP client population

- 745 in facilities
- 28 in community
- 10 in Forensic Nursing Home
- 15 in Department of Corrections facilities

Most clients have served prison sentences for their sex crimes.

General information

- MSOP is a treatment program, not a prison.
- MSOP is one program on two campuses.
- Appropriated for up to 865 FTEs.
- Twenty states have civil commitment programs for sex offenders.
- MSOP is the largest civil commitment program in the country.

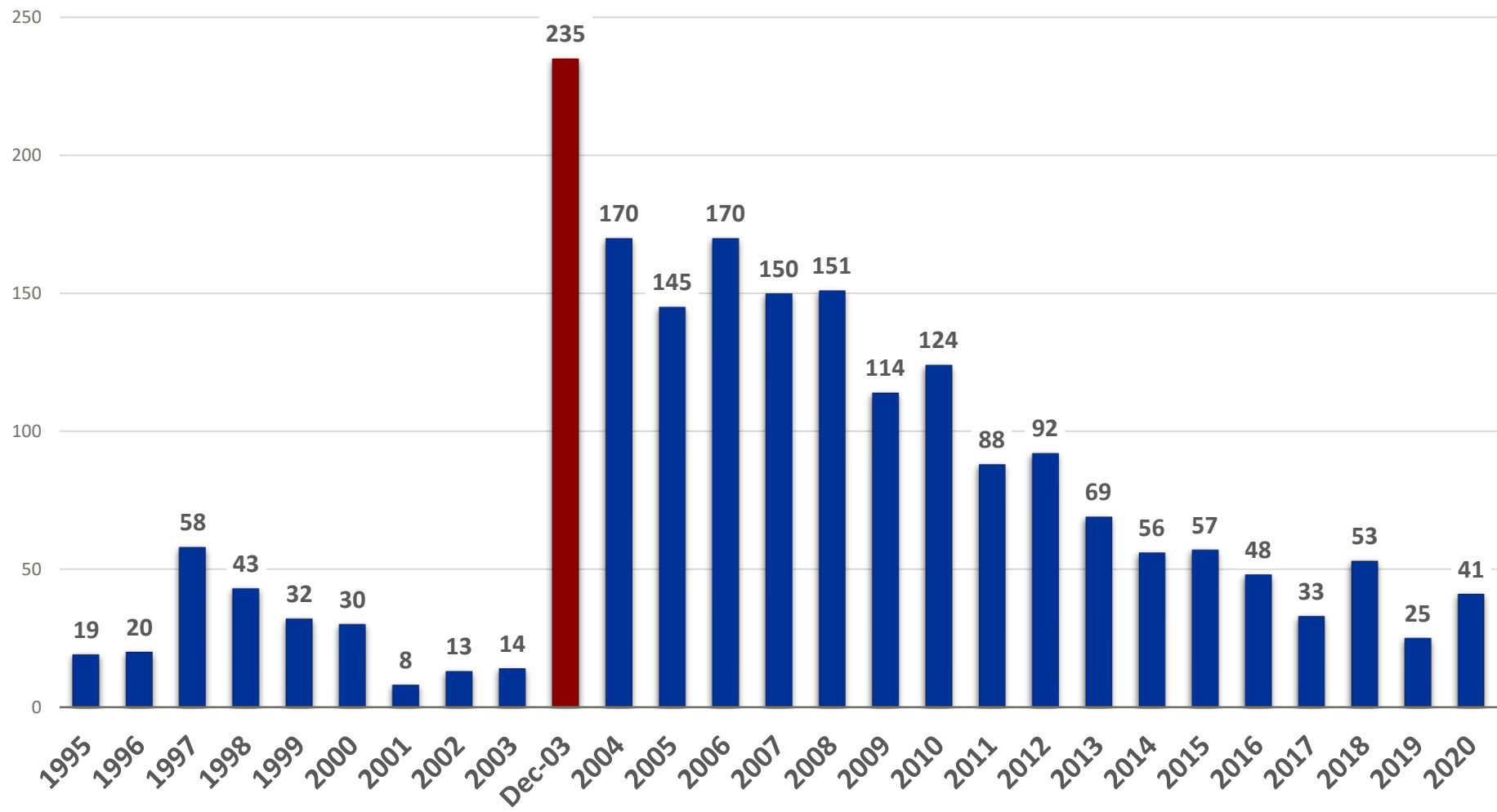
In 1994, a rarely-used 1939 Psychopathic Personality civil commitment law was updated to a Sexually Dangerous Person (SDP) and Sexual Psychopathic Personality (SPP) civil commitment law.

The change resulted in increased use of the statute, with about 26 referred and 12 admitted each year after 1994.

By 2003, MSOP had about 200 clients.

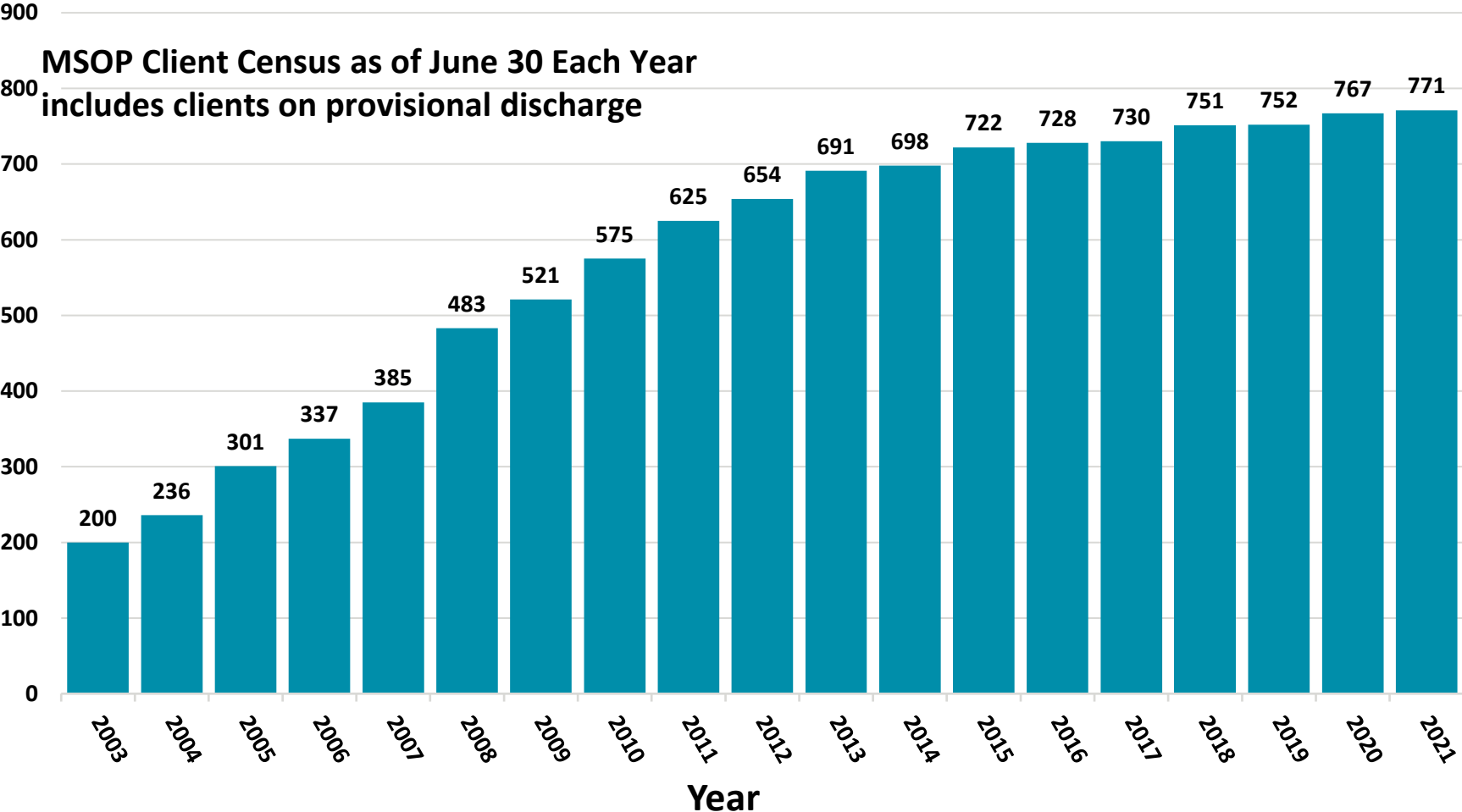
A high-profile case caused significant increase in MSOP population in 2004.

SPP/SDP referrals from DOC to counties



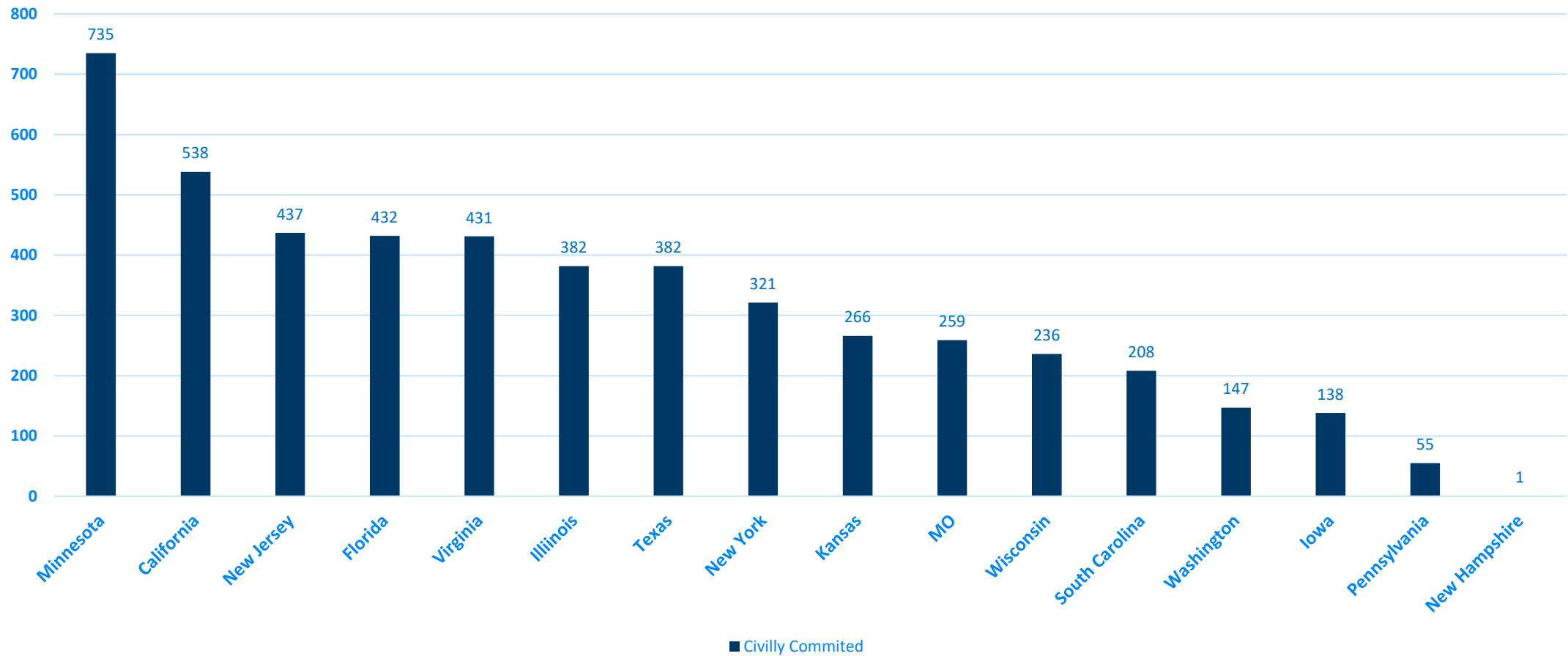
Data Source: Minnesota Department of Corrections

MSOP annual census



Civil commitment programs by state

Current Census: Inpatient



2008 MSOP redesign

- New leadership
- Bed space, building, renovating, hiring
- Improved safety and security
- State-of-the-art sex offender specific treatment design created
- Solid policy reform developed and implemented

Moose Lake Campus (449 clients)

- **Main Site** – Mental health unit, assisted living unit, behavioral unit
- **Complex One** – Conventional programming – early treatment, admissions, non-participants

St. Peter Campus (293 clients)

- **Pexton building** – Alternative program
- **Shantz building** – Conventional programming – later treatment
- **Green Acres and Sunrise buildings** – Community Preparation Services (CPS)

Transfer out of a secure facility

A person committed as a sexually dangerous person or a person with a sexual psychopathic personality shall not be transferred out of a secure treatment facility unless the transfer is appropriate.

Transfer may be to other treatment programs under the commissioner's control.

These factors must be considered in determining whether a transfer is appropriate:

- The person's clinical progress and present treatment needs;
- The need for security to accomplish continuing treatment;
- The need for continued institutionalization;
- Which facility can best meet the person's needs; and
- Whether transfer can be accomplished with a reasonable degree of safety for the public

Community Preparation Services (CPS)

- A total of 199 court orders have been granted to clients for transfer to CPS from secure perimeter since 2008.
- An unlocked, less restrictive setting on the lower campus in St. Peter.
- Important “step-down” part of program for deinstitutionalization.
- Established in 2008 with 8 beds, now at 89 beds.
- Requested bonding for 50 additional beds and infrastructure over six legislative sessions. Received funding for 20 beds in 2020. Request for 30 beds in 2021 didn’t pass.
- Currently operating at capacity, with waiting list of 53 clients.

Provisional discharge

A person who is committed as a sexually dangerous person or a person with a sexual psychopathic personality shall not be provisionally discharged unless the committed person is capable of making an acceptable adjustment to open society.

Provisional discharge factors

The following factors are considered in determining whether a provisional discharge shall be granted:

- Whether the committed person's course of treatment and present mental status indicate there is no longer a need for treatment and supervision in the committed person's current treatment setting; and
- Whether the conditions of the provisional discharge plan will provide a reasonable degree of protection to the public and will enable the committed person to adjust successfully to the community.

Reintegration and public safety

- Clients are closely supervised in the community by MSOP agents.
- Clients must follow court-ordered discharge conditions, including GPS monitoring, alcohol and drug screening, cooperating with searches, and actively participating in outpatient treatment and support groups.
- For clients to be successful, it is important they continue treatment, build a prosocial support network, maintain employment if able, and cooperate with supervision.

Reintegration data

- Provisionally discharged clients living in communities: 28
- Provisionally discharged clients live in supervised apartment settings, group homes, halfway houses, “South House,” assisted living, and independent housing
- Number of provisional discharges in history of MSOP: 51
- Revocations back to MSOP: fewer than 10
- Full discharges: 15

Reintegration success

- Since 2012, the courts have granted a total of 51 provisional discharges.
- In nine-year period since clients have been in the community and supervised by MSOP, no sexual re-offenses have occurred.

Continuous improvement

MSOP is always considering possibilities for improvement such as:

- Reducing inefficiencies and time delay for Special Review Board hearings
- Requesting bonding funds for the seventh consecutive year to expand Community Preparation Services by an additional 30 beds
- Re-opening the 50-bed MSOP DOC program at Moose Lake prison, which will help some offenders avoid civil commitment. The program closed in 2020 due to budget constraints

Hunger strike and response

- In January 2021, 10 clients at Moose Lake (calling themselves OCEANS) staged a hunger strike, calling for a “clear path home” and demanding reforms to make it quicker and easier for clients to be discharged.
- Commissioner Harpstead agreed to a series of “conversations” with clients, an advocacy group (End MSOP Coalition), and MSOP leadership to discuss potential reforms based on a list of “Barriers and Potential Solutions” submitted by the clients.

Hunger strike resumed

- The MSOP team held virtual meetings as promised with clients and advocates.
- The clients then held a second hunger strike from July 4-18 to draw attention to an upcoming rally planned later that month.
- The End MSOP Coalition held a public rally in front of the state Capitol on July 18 to call for the closure of MSOP.

Clients propose changes

- Clients from OCEANS originally submitted 17 barriers and solutions to release.
- Those issues were discussed at all coalition and OCEANS meetings with MSOP leadership.
- MSOP agreed to consider or develop for implementation five of the 17 proposed changes.

Five proposed changes

- 1) Change the name of the Minnesota Sex Offender Program. Collected suggestions from staff and clients. *Requires statutory change.*
- 2) Increase participation from outside advocates and increased attendance by MSOP administration at Resident Advisory Family Council. *Plan completed.*
- 3) Enhance recognition and celebrations of client accomplishments and treatment progression. *Plan completed.*
- 4) Expand restorative justice opportunities, with client input. *In progress.*
- 5) Work to reduce inefficiencies and time delay for Special Review Board Hearings. *In progress.*

Key takeaways

- Minnesota runs the largest sex offender treatment program in the nation for more than 700 people with the most serious clinical conditions related to sexually abusing behavior.
- Those civilly committed by the courts to our intensive MSOP program receive proven, evidence-based treatment.
- Since 2008, when program improvements were made, 199 have been court-ordered to CPS; 51 have been provisionally discharged into the community; and 15 have been fully discharged by the courts.
- To date, no clients have re-offended sexually.

Key takeaways

- Key to release is to be actively engaged in treatment. That carries the most weight when clients petition the court for discharge. Treatment has proven to be “the clear path home” for many clients at MSOP.
- We continue to examine ways to support clients to move through the program and remove artificial and unnecessary barriers.
- DHS respectfully listened to the recent group of hunger strikers and their coalition partners and is developing about one-third of their ideas.

Thank you.