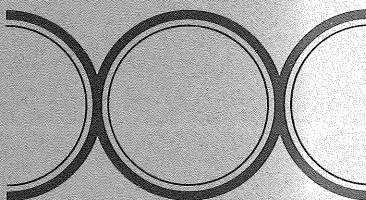


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The logo for the Minnesota Department of Corrections, consisting of three overlapping circles of varying sizes, with the largest circle in the center and two smaller ones on either side, all rendered in a dark grey or black color.

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Further examination of this treatment information is useful, in the sense that it tells us something about what happened to the offenders beyond sentencing. However, it is important to keep in mind that treatment completion information is available on only 36% of the offenders in the study. Thus, generalizing the results here to the entire group of offenders in the sample or to all sex offenders in the community is problematic, in the sense that there may be a bias in the missing data. Future data collection efforts will be aimed at obtaining this vital missing information.

The analyses suggest that offenders who successfully complete treatment are less likely to commit a new offense. Specifically, 32% of those not completing treatment committed a new offense, as opposed to 14% of those who had completed treatment (see Figure 7). Even more dramatic is an examination of the criminal behavior of offenders who were terminated from treatment: 47% of the offenders terminated from treatment committed a new offense, while 17% of those not terminated committed a new offense. Eighteen percent of those terminated committed a new sex offense, while 6% of those not terminated

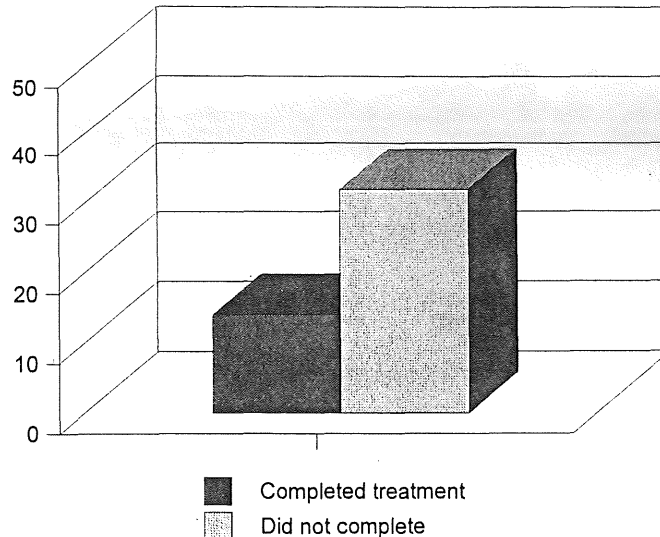


Figure 7: Percentage of Offenders with a New Offense, Contrasted by Treatment Completion

Note: Correction to Figure 7 made December 16, 1997: Columns in chart transposed in original release.

**COMMUNITY-BASED
SEX OFFENDER
PROGRAM EVALUATION PROJECT**

1997 Report to the Legislature

Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
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October 1997

This information will be made available
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Introduction

In 1993, the Minnesota Legislature directed the Department of Corrections (DOC) to develop a long-term project to provide the data necessary to recommend a coordinated and efficient sex offender treatment system for offenders on probation (Minn. Stat. 241.67, Subd. 8). This report is pursuant to the legislation which mandates an annual report of the data collected and the status of the project. Findings from analyses of the Community-Based Sex Offender Program Evaluation Project's (CBSOPEP) retrospective probation study data are presented. A final, comprehensive analysis of the data will be presented in a supplemental report to the legislature in the fourth quarter of FY 1997. In the interim, the research team will collect additional information that is necessary for a complete program evaluation, but was unavailable in the original data collection effort in probation offices.

There are other significant activities in which the Sex Offender/Chemical Dependency Services (SO/CD) Unit has been engaged for the past eighteen months, most notably the validation of the Minnesota Sex Offender Screening Tool (MnSOST) and the organization and implementation of the Department's responsibilities as required in the Community Notification Law (Minn. Stat. 244.052 and 244.053). A report of the Unit's activities regarding the screening and release of offenders convicted of a sex offense or a sex-related offense will be forthcoming after January 1, 1998, allowing examination of the first calendar year of notification activity. The use of the entire research staff to conduct this crucial set of activities has delayed the completion of all the intended research regarding the probation population of offenders. Nevertheless, the information which will result from the ongoing efforts in all these areas will provide significant direction to those who must develop policy and allocate resources for sex offenders.

The CBSOPEP Retrospective Probation Study

Three separate sentencing years were selected for the CBSOPEP retrospective probation study. From those years, the sex offenders sentenced to probation were identified for examination. The researchers compiled more than 2500 items of information on each of these offenders sentenced to probation in the years 1987¹, 1989, and 1992. Staff researchers inspected 1415 files in probation offices across the state, in virtually every county. This phase of the data collection process is now complete, and provides the bulk of the information upon which this annual report is based.

¹The 1987 population includes offenders whose sentencing dates fell on or between November 1, 1986 and October 31, 1987. This is because the Minnesota Sentencing Guidelines Commission database from which these cases were drawn covered these dates, rather than the true beginning and end of that calendar year.

The data gathered include offense characteristics, arrest and charging information, criminal justice interventions subsequent to conviction, and behaviors of the offender following these interventions. The information collected also included information on conditions of probation, offender treatment involvement ordered at sentencing, additional sanctions imposed at sentencing, and consequences for those offenders who failed to meet the conditions of probation imposed upon them by the courts.

Criminal history and additional criminal behavior after sentencing were investigated using information from the Minnesota Bureau of Criminal Apprehension (BCA), Federal Bureau of Investigation (FBI), and DOC prison records. Criminal behavior was measured using arrests, convictions, incarcerations, and probation violations which were recorded in these official information systems.

New Arrests for Sex Offenses

On average, the offenders in the study have now had between seven and eight years during which they were at risk to reoffend (time elapsed between sentencing and the criminal history check). The percentage of offenders who have committed new offenses of any type has increased since the 1995 Report to the Legislature (hereafter referred to as the 1995 Report), due at least in part to the greater amount of time in which they have been in the community.

Criminal history checks were successfully obtained from the BCA on 1232 of the 1415 offenders in the study. The remaining 183 records were either missing or not automated. Every attempt will be made to include these missing records in the final probation study report. For the purposes of this report, reoffense information will be reported only for the 1232 complete records².

Of the 1232 offenders with valid criminal history checks, 106 or 9% have been arrested for or convicted of a new sex offense. Of these offenders, 74 (or 6% of the offenders with valid criminal records) were incarcerated for a new sex offense after their initial probation sentence. In reverse, what this means is that 91% (1126 offenders) had no further criminal sexual conduct that is captured in official documents or records. Since these offenders are monitored with a variety of sophisticated techniques (including

²In addition, 26 of the 1232 successful checks indicated a new arrest or conviction without indicating the charge for which the offender was arrested or convicted. In reporting the breakdowns by offense type, these 26 cases are excluded, and the percentages are computed on the 1188 valid cases.

None of the 183 offenders with missing records was incarcerated in a Minnesota correctional facility following their sentence, which suggests that they did not commit serious criminal offenses while on probation. Only a criminal history check from the BCA will confirm this, but it is unlikely that the reoffense information presented here will change significantly, given that these offenders have remained in the community.

probation supervision, registration with law enforcement, and having their DNA on file with the BCA), it is less likely they would escape detection than offenders who have never been apprehended. A finding such as this increases confidence in the approach to sex offender probation management in Minnesota, especially compared with historical reviews and estimates of sex offender reoffense rates, which are usually reported as much higher³.

Overall, 260 (21%) of these offenders committed a new offense or probation violation that resulted in their being sent to prison, and an additional 223 offenders (18%) showed further arrests and/or convictions that did not result in incarceration⁴. These included mostly non-person offenses (generally chemical, traffic, and property offenses) and probation violations. Significantly, of the 1232 offenders in the probation study, 881 (72%) showed no new arrests or convictions following sentencing, and 749 (61%) showed no further arrests, convictions, or probation violations. (See Figure 1.)

It appears, then, that the majority of sex offenders sentenced to probation do not pose a threat of reoffense while in the community, reconfirming the 1995 Report's conclusion that *probation is an effective and resource-efficient alternative to incarceration for many sex offenders*⁵.

³Interestingly, the Office of the Legislative Auditor's (OLA) report on 1992 probationers revealed an 18% rearrest for sex offenders. The reason for the difference between our results and theirs is not clear, but will be investigated further. One could speculate that the inclusion of additional years in our study gives more positive findings than examining the 1992 offenders alone, as the OLA's report does. However, further analysis of the CBSOPEP data by year indicates that a lower proportion of 1992 offenders reoffended with a new sex offense than the cases in 1987 and 1989 (6% in 1992, versus 11% in both 1987 and 1989). These findings will be explored further and included in the final research report.

⁴Thirty-eight of these offenders showed a probation violation that did not result in a revocation of their probation.

⁵One hundred eighty-three offenders did not have a criminal record in the BCA/NCIC database. Many of these offenders' records were not automated, suggesting they are part of a backlog of cases whose records have yet to be entered since the BCA went online in 1991. These offenders were counted as not reoffending in the present study, since the BCA automates records prior to 1991 when a new arrest occurs. A check of the DOC's records further indicated that none of these offenders was incarcerated following sentencing for their previous sex offense, suggesting they did not engage in any unlawful behavior following sentencing. This finding also supports their inclusion among those offenders who did not reoffend. The missing BCA/NCIC records will be obtained and included in the final report, but will not change significantly the numbers reported here.

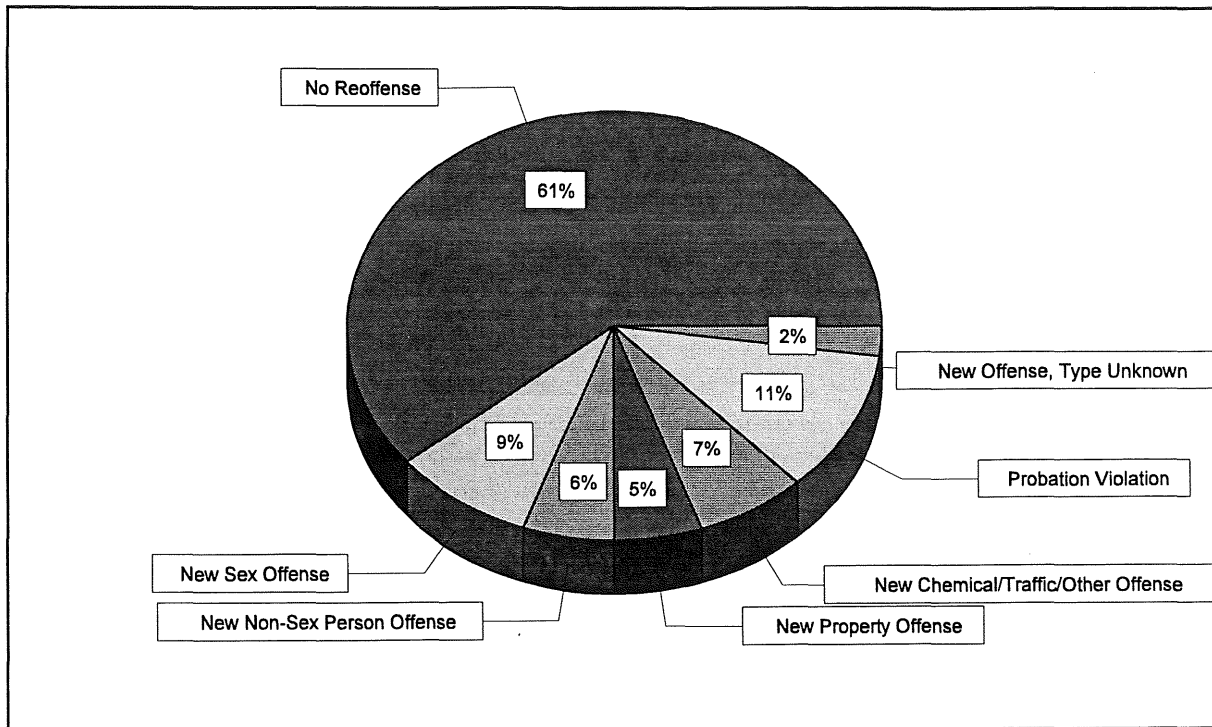


Figure 1: Most Serious Reoffense Category (based on arrest or conviction following sentencing)

Information on Methodology and the Sample Population

For the purpose of this project, the researchers have defined sexual offending as the actions of those adults who have been convicted of criminal sexual conduct in the first through the fourth degree as established by Minnesota statutes. This presents a legally well-defined population; however, although this is a good starting point, it is ultimately the actual behavior of the offender that needs to be examined. For example, defining the population by conviction for a felony sex offense excludes individuals convicted of fifth-degree criminal sexual conduct (a misdemeanor); however, there is evidence that some of these offenders attained this conviction status as a result of a plea bargain, even though their initial charges suggest behavior that warrants their inclusion in the sample.

The researchers measured the behavior of the offender through the use of the pre-sentence investigation report, the original criminal complaint, available psychological assessments, and other documents related to the behavior of the offender, rather than simply those items that indicated the criminal offense behavior in statutory definition only. This endeavor produced information about the age of the victim, the

relationship of the offender to the victim, the manner in which the victim's compliance was obtained, and the effects of the offending behavior on the victim (if such information was recorded). In addition, the researchers collected data that examined the sex offense history of the offender and any previous sex offender treatment.

The present research examines three years of offender activity. The Minnesota Sentencing Guidelines Commission (MSGC) conducted studies of felony offenders in 1987 and 1989. The MSGC researchers identified the entire population of felony offenders, and then selected a sample of those offenders that appears to be representative of the felony-offender population statewide. The SO/CD Unit research staff selected for the study the entire population of offenders convicted of first through fourth degree criminal sexual conduct and placed on probation in both 1987 and 1989.

In addition to those two years, the researchers selected 1992 as the year that would reflect most of the recent changes in the management of sex offenders, as well as provide the project with a full year of sex offenses and a total statewide population of sex offenders to follow for the mandated three-year period. This population could then be examined in January of 1997, and on subsequent dates to determine the outcomes of the management techniques used during 1992 and since.

Offender Background Information

The offenders in this study were overwhelmingly male (97%), white (83%), under the age of 30 at the time they were sentenced (45%), and had at least a high school education (69%). Furthermore, many were married at the time of their offense (37%). Half of these offenders were unskilled workers (51%), and had a history of unstable or no employment (46%).⁶

⁶A greater number of offenders in the study are from metro-area counties and the most recent year of the study. Information in metro-area probation offices and in 1992 was more complete, reflecting the fact that many of these offenders were still on probation when the data were collected. Also, metro-area probation offices tend to have larger sex-offender caseloads than non-metro offices, and may therefore have a more elaborate system in place for maintaining detailed information regarding the supervision of these offenders. In addition, the metro area counties appeared to have had a resource commitment necessary for some computerized information storage, which also enhanced the data collection in those counties. (See Figures 2 and 3.)

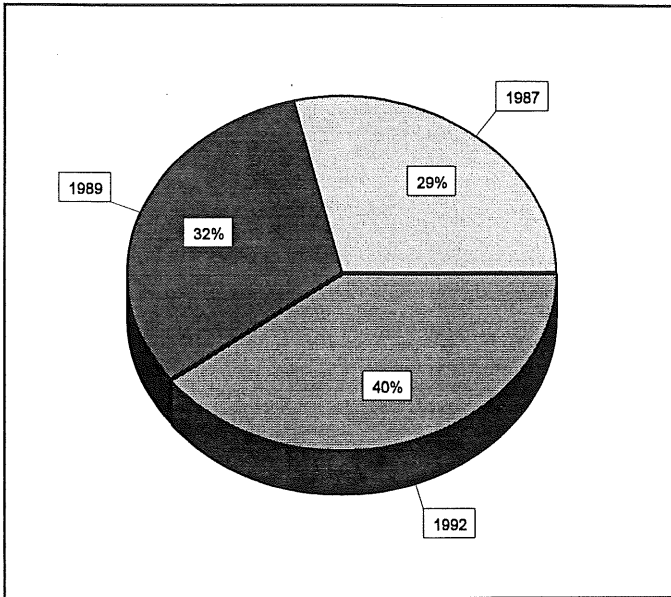


Figure 2: Distribution of Sample Cases by Year

Notably, chemical dependency figures prominently in the criminal behavior of the offenders in the study: 40% were under the influence of a chemical substance at the time of their offense; 40% had a history of heavy or addictive consumption of alcohol⁷; and 13% had a history of heavy or addictive use of other drugs. Further exploration of the data reveals that 56% of the offenders committing a new offense following sentencing had a history of heavy or addictive use of alcohol, compared with 35% of offenders who did not commit a new offense. (See Figure 4.)

In addition, the analyses of these data suggest that the use of chemicals during the offense may be a significant predictor of re-offense: 38% of offenders who used chemicals at the time of their offense committed a new offense following sentencing (10% committed a new sex offense), while 18% of offenders who did not use chemicals as part of their offense committed a new offense (6% committed a new sex offense). (See Figure 5.)

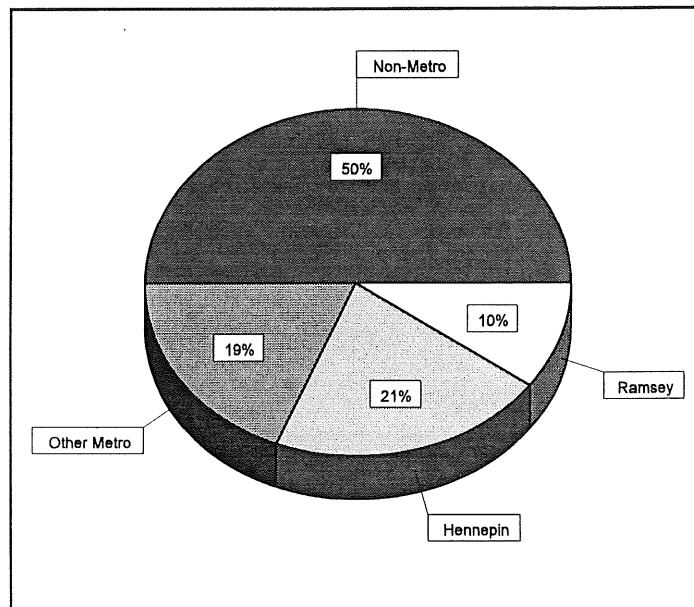


Figure 3: Distribution of Sample Cases by County

⁷This does not include recovering alcoholics.

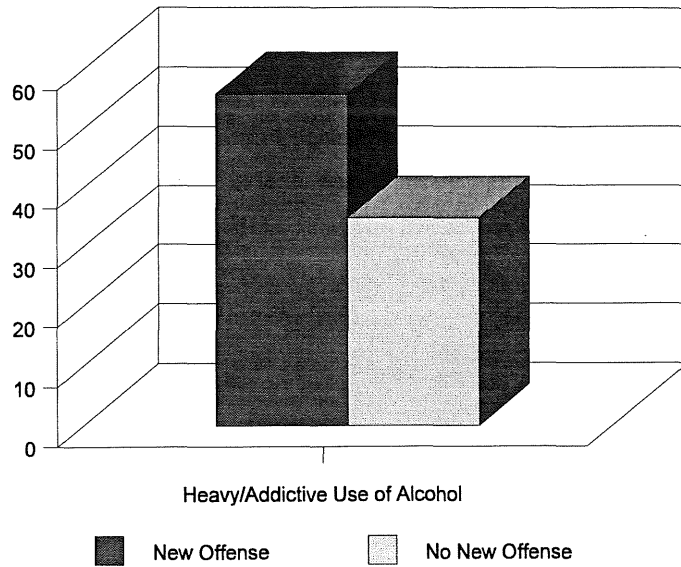


Figure 4: Relationship between History of Alcohol Use and New Offense



Figure 5: Relationship between Chemical Use During Original Offense and New Offense

These statistically significant results suggest a strong link between the problematic use of chemical substances and future offending behavior. It is evident from these analyses that substance abuse plays an important part in the maladjustment of sex offenders supervised in the community, and merits consideration in policies pertaining to the sentencing and supervision of sex offenders.

Victim Information

Analysis of the data further reveals that the victims of these offenders are overwhelmingly younger than 18 (89%), female (84%), and related to or acquainted with the offender (92%). Furthermore, sixty-two percent of the victimizations involved penetration (vaginal, oral, or anal); 27% involved the use of force; and 3% involved the use of a weapon. In addition, 15% of victimizations resulted in substantial or severe physical harm to the victim.

Report on Offenders Who Failed to Comply with Probation Conditions

Of the 1415 offenders in the study, 260 (18%) had additional arrests, convictions, or probation revocations which resulted in their incarceration in a state correctional facility; over half (141, or 54%) of these were because the offender committed a new offense while on probation. This group of offenders has been, and will continue to be, a major focus of the research efforts on this project. To understand why some sex offenders are not amenable to probation supervision is to better understand which offenders pose the greatest risk to public safety when placed in the community.

To investigate this group of offenders further, the research staff designed an additional data collection instrument to gather information from the offenders' prison files. Analysis of this information indicates that most of these offenders had a probation failure, meaning they were under community supervision when sent to prison. In addition, information on community sex offender treatment involvement was obtained from these offenders' prison files. One hundred thirty-one offenders of the 260 (50%) entered community-based sex offender treatment. Of those who entered treatment, only 12 (9%) successfully completed the program. (See Figure 6.)

In some ways, these findings are not surprising. As reported in the 1995 Report, one of the most common reasons for a probation revocation with subsequent incarceration of the offender was a failure to enter or complete sex offender treatment. Thus, it appears that this part of the community supervision process is working as the criminal statutes intended; those offenders who fail at treatment are not continued on probation, and instead are sent to prison.

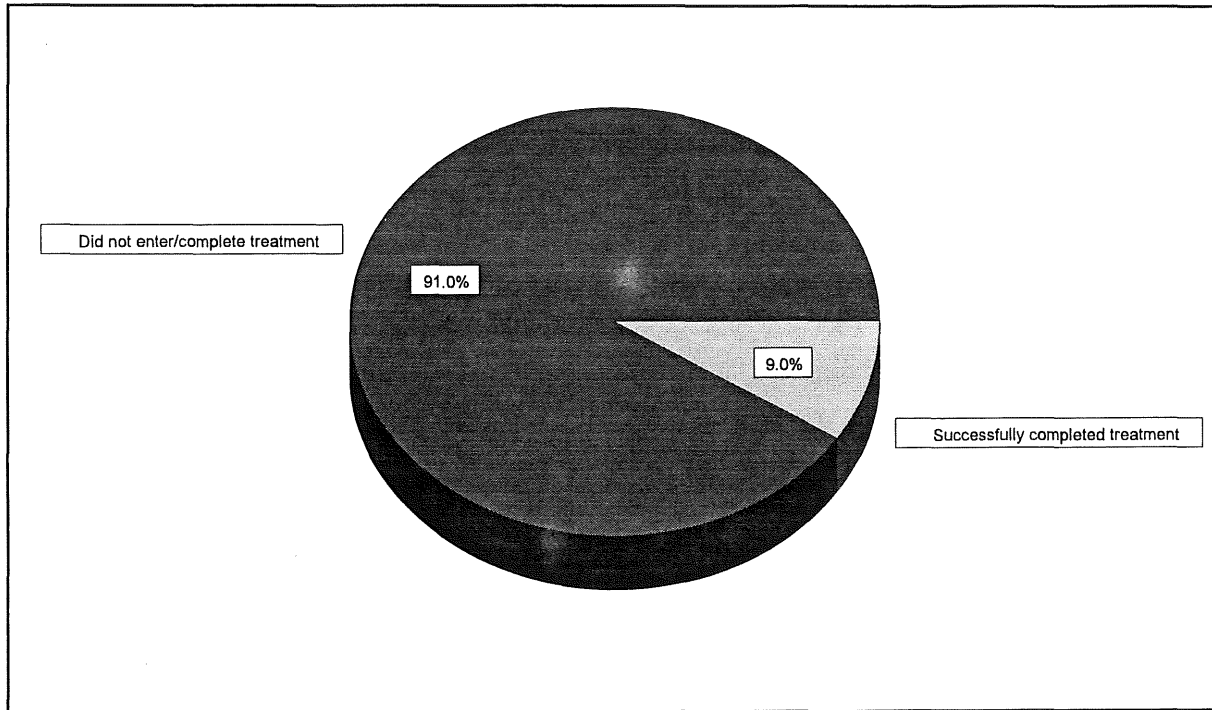


Figure 6: Treatment Involvement of Offenders who Failed on Probation

Analysis of data on this group of incarcerated probation offenders also reveals that 50% were under the influence of a chemical substance at the time of their offense (contrasted with 39% of those not incarcerated); 52% had a history of heavy or addictive use of alcohol (compared with 38% of those not incarcerated); and 21% had a history of heavy or addictive use of other drugs (compared with 12% of those not incarcerated). This finding further supports the need for a more thorough examination of the relationship between chemical abuse and offending behavior, as well as indicating the importance of sobriety as a requirement of sex offender supervision.

Report on Treatment Involvement of Probationers

Items pertaining to the treatment involvement of offenders were included in the probation data collection instrument; however, this information proved to be among the most difficult to obtain. Research staff report that information pertaining to the admission to, progress in, and discharge from community sex offender treatment programs was frequently missing or incomplete in offenders' probation files.⁸

⁸Like most of the information obtained from probation files, researchers found the 1992 cases and the metro-area files to have more complete information on treatment involvement than cases in other years and counties.

Because treatment participation was not consistently reported in probation files, the research team attempted to gather this information from the sex offender treatment providers themselves. A simple data collection instrument was designed to gather information on the offender's date of admission into the program, date of discharge from the program, and reason for discharge. It is worth noting that this information is only a *fraction* of the information necessary to conduct a valid evaluation project. Yet, even at this basic level, data collection from sex offender treatment facilities proved difficult.

Using data gathered from probation files, the research staff contacted the 34 treatment providers who had admitted sex offenders from this study into their programs. Of these 34 providers, only 15 returned the requested information. Eleven providers did not respond; three providers refused to provide the information⁹; three providers were no longer open for business; and two providers reported that they had never provided treatment for adult sex offenders.

It is possible to report on the information supplied by the treatment providers who cooperated with the information request, keeping in mind that the response rate was 74%. Probation files indicated that 904 offenders were ordered to complete sex offender treatment as a condition of their probation; 856 (76%) of these offenders apparently entered a sex offender treatment program. Of these 856, information on the exact placement of these offenders in a specific, community-based sex offender treatment program was available on 684. For these 684 offenders, requests were mailed out to 34 treatment providers requesting further information; 15 providers responded, thus giving additional information on community sex offender treatment involvement for 503 (36%) of the 1415 offenders in the study.¹⁰

Of the 503 probationers for whom the treatment providers furnished requested information, only 442 actually entered the program.¹¹ Of the 442 who actually entered the program, only 219 (50%) completed treatment at the program they originally entered. The most commonly cited reason for non-completion of

⁹These three providers refused to comply with the information request because they felt providing the information would violate the Data Privacy Act. They maintained this position even when directed to M.S. 241.67, subd. 8, which indicates that the Commissioner (DOC) may request any information that is needed by the CBSOPEP project to perform an evaluation of sex offender treatment state-wide. Subd. 7 of the same statute also indicates that the providers who receive funds from the DOC should comply with the request for information.

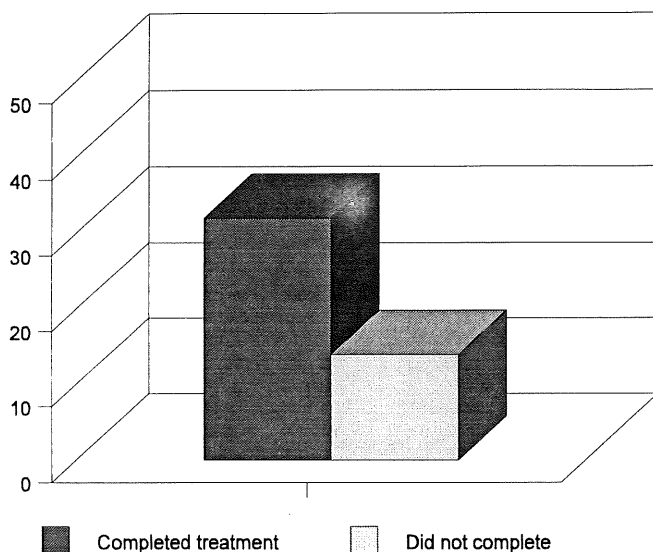
¹⁰It should be noted that the four largest providers (including three metro-area facilities) furnished information on 342 offenders (exactly half of the treatment information requested directly from the providers).

¹¹This disparity may exist because some offenders were admitted for evaluation only, others may have been evaluated and denied admission into the program, and some may have had their treatment provider misidentified in their probation files. The reasons for the discrepancies will be investigated in future research efforts.

treatment was a termination due to lack of progress (in other words, these individuals were terminated from treatment because they did not satisfy the requirements of the program).

Further examination of this treatment information is useful, in the sense that it tells us something about what happened to the offenders beyond sentencing. However, it is important to keep in mind that treatment completion information is available on only 36% of the offenders in the study. Thus, generalizing the results here to the entire group of offenders in the sample or to all sex offenders in the community is problematic, in the sense that there may be a bias in the missing data. Future data collection efforts will be aimed at obtaining this vital missing information.

The analyses suggest that offenders who successfully complete treatment are less likely to commit a new offense. Specifically, 32% of those not completing treatment committed a new offense, as opposed to 14% of those who had completed treatment (see Figure 7). Even more dramatic is an examination of the criminal behavior of offenders who were terminated from treatment: 47% of the offenders terminated from treatment committed a new offense, while 17% of those not terminated committed a new offense. Eighteen percent of those terminated committed a new sex offense, while 6% of those not terminated



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Figure 7: Percentage of Offenders with a New Offense, Contrasted by Treatment Completion

ommitted a new sex offense.¹² (See Figure 8.)

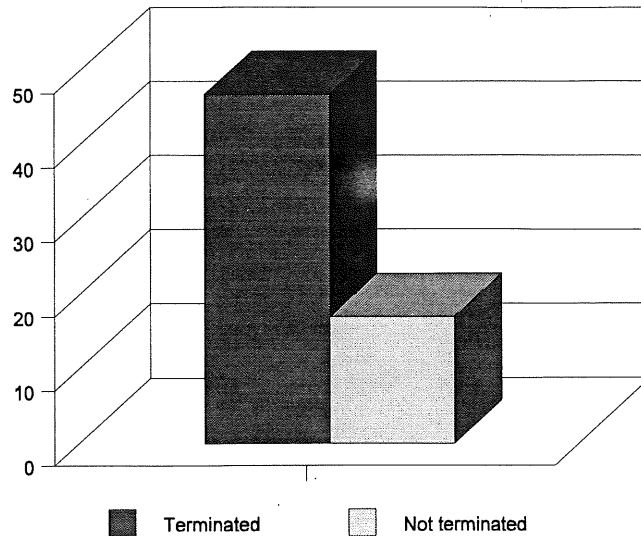


Figure 8: Percentage of Offenders who Committed a New Offense, Contrasted by Treatment Termination

These findings are consistent with the conclusions stated in the Legislative Auditor's Report on Recidivism released earlier this year. A lower proportion of offenders who complete treatment reoffend than of those who are terminated from treatment or who never complete treatment.

The information provided by this initial data collection effort reveals potential areas of improvement for the management of sex offenders in the community.

- ▶ Information on offenders' participation in sex offender treatment should be consistently reported to probation officers by treatment providers.
- ▶ Information on offenders' participation in sex offender treatment should be consistently maintained in probation files.
- ▶ Many sex offenders sentenced to probation (40% of this sample) do not participate in sex offender treatment, even though such treatment is, by statute, a key component of their supervision in the community. More must be done to explore the reasons for this and to close any gaps in the system.

¹²It is important to note that 6 of the 12 offenders who were terminated were terminated because they committed a new sex offense.

Problem Areas in Retrospective Probation Study Data

Several additional gaps in information were revealed in the process of collecting the probation study data:

- ◆ Criminal History Checks. The research team had difficulty gathering reoffense information on 183 of the 1415 offenders in the study. The BCA records for these offenders were either missing, incomplete or not automated. The research team will track down the criminal history information of these offenders, which requires searching through the paper files of these offenders maintained at the BCA. These results will be included in the final report of the probation study.
- ◆ Jail Data. One of the more difficult pieces of information for the research team to collect was the amount of jail time offenders served as a condition of their probation. The amount of offenders' jail time served and jail credit received was inconsistently and infrequently reported in probation files. It was also unclear which offenders served their jail time under the Huber law, which allows offenders to leave a correctional facility for the purposes of work or treatment. The research staff will contact the jail administrators in each county in Minnesota to obtain this missing data, which will be included in the forthcoming final report.
- ◆ Misdemeanor Sex Offenses. There is no clear empirical evidence that misdemeanor sex offenders commit more severe offenses over time, but no evidence exists to the contrary. A true picture of the extent and nature of sexual offending statewide would not be complete without some examination of these offenders. Such a research project would reveal a number of important answers, including: the impact of misdemeanants on supervision resources; the true extent of victimization and therefore impact on the public by this group of sex offenders; whether a connection exists between misdemeanor sex offending and later felony sex offending; and the appropriate distribution of often-scarce resources for community supervision of both misdemeanor and felony sex offenders. The research team will make an effort to examine this under-studied population of sex offenders.
- ◆ Juvenile Sex Offending Data. One of the most crucial pieces of information with regard to the adult sex offender population is the number, nature, and severity of their sex offenses as juveniles. Yet, we know very little about juvenile sex offenders in this state. This is because interventions that occur with juvenile offenders are kept confidential, and have not been examined in a manner which provides a sound basis for public policy. Information regarding the degree of intervention that adult sex offenders received as juveniles, especially offenders' participation in juvenile sex offender treatment,

is also crucial to the success of the current evaluation project. Of particular importance is the offenders' participation in sex offender treatment as juveniles. The next phase of the research will address juvenile sexual offending and juvenile sex offender treatment participation for this group of adult sex offenders.

Completion of the Program Evaluation Phase of the Research:

Summary

Many other factors need be considered for the type of program evaluation intended by the legislature for this project. The process of identifying persons who have received treatment services, determining who has completed the specific program, and then determining if there are differences in post-treatment behavior between treatment completers and non-completers leaves many important questions unresolved. Treatment availability, funding availability, assessment of the individual to determine treatment needs, and other service needs that may have been identified by the presentence investigator, the courts, or assessment persons, will ultimately affect the treatment placement and progress of sex offenders. The degree of corrections intervention in terms of both jail time and level of probation supervision can affect the amenability of the offender to the treatment process. The delivery of other services can also impact an offender's adjustment in the community.

Based on all these factors, it may not be possible to conclusively evaluate the state and impact of sex offender treatment on convicted sex offenders sentenced to probation and placed in the community for supervision. The research will, however, be able to identify the location and type of programming available statewide, and will attempt to evaluate the impact of all the previously mentioned factors on the successful supervision of offenders in the community. Rather than direct the research at the eternal question, "Does treatment work?" the effort will encompass a more global question: "Does the criminal justice system deal with sex offenders in a manner that enhances public safety?"

The CBSOPEP research staff will pursue the following objectives for the remainder of this evaluation project:

- To acquire criminal reoffense and criminal history data to complete the information on 183 missing cases, and gather additional information regarding the amount of jail time ordered, served, and credited as a condition of a stayed sentence, so that the criminological data on which this program evaluation is based is the most accurate and complete set of data available from existing sources.

- ❑ To acquire information about these offenders' sex offenses as juveniles and any interventions or sanctions delivered as a result of adjudication, and to assess the impact of those interventions or sanctions on their later offending behavior. Collecting and analyzing these data will provide a more complete picture of the offenders' behavior across their entire life span, so that appropriate recommendations can be made regarding delivery of sanctions and services.¹³

- ❑ To examine a sample of misdemeanor sex offenders for comparison with the felony probation offenders in this study. Given the significant impact of misdemeanants on probation agencies' and sex offender treatment programs' resources, acquiring this information is necessary for the development of a fiscally sound plan for providing effective sex offender programming statewide.

- ❑ To closely examine the methods and systems various community-based sex offender treatment programs use to deliver program services, so that recommendations can be developed for service delivery to underserved areas or populations.

- ❑ To determine the outcomes of offenders' community-based sex offender treatment participation with respect to their adjustment to supervision in the community and further offending behavior. This will allow for the development and application of a fiscally sound plan for providing sex offender treatment programming statewide, thereby directing probation and treatment resource allocation in a manner that maximizes public safety.¹⁴

Each of the objectives described above is necessary for the CBSOPEP research staff to accomplish the program evaluation mandated by the Legislature in M.S. 241.67, subd. 8, and will be the focus of the research team's ongoing efforts toward that end.

^{13, 14}Accomplishing these objectives will require technical statutory changes to M.S. 241.67, subd. 8. DOC staff have developed and will recommend these changes to the 1998 Legislature.

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