

Sex Offender Civil Commitment Advisory Task Force
Thursday, November 1, 2012
9:00 AM – 12:00 PM
Room 200, State Office Building

Agenda:

1. Introduction (overview and housekeeping items)
2. New Members
3. [Summary of Points and Authorities underlying the claims made in Karsjens](#)
Eric Janus, Dean, William Mitchell College of Law and Task Force member
4. Review of Written Resources
[Minnesota Laws and Rules Relating to Less Restrictive Alternatives to Commitment in a Secure Treatment Facility](#)
Summary of Prior Minnesota Recommendations
[Summary of Legislative Auditor's 2011 Evaluation report](#)
[Summary of DHS 2011 Recommendations](#)
[Information from Gov. Pawlenty's 2004-05 Commission on Sex Offender Policy](#)
[Key Recommendations from Minnesota Department of Corrections 2007 Report](#)
Other states' statutes and practices
[Summary of Other States' Laws on Less Restrictive Alternatives](#)
[1994 Order from US District Court in State of Washington](#)
[2007 Order from US District Court in State of Washington](#)
5. Task Force discussion of issues
6. Stays of SDP/SPP Commitment and Similar Arrangements in Minnesota
[Bill Donnay, Director, Risk Assessment and Community Notification, Department of Corrections](#)
[John Kirwin, Assistant Hennepin County Attorney](#)
[Mark Ostrem, Olmsted County Attorney and Task Force member](#)
Doug McGuire, Esq., Hennepin County Civil Commitment Defense Panel
7. Minnesota Sex Offender Program (MSOP) Reintegration
[Nancy Johnston, Executive Director, MSOP](#)
8. Discussion of next steps
[December 2011 draft of non-introduced bill](#)
9. Public comments

Task Force Attendance:

Hon. Eric J. Magnuson (Chair)
Hon. James M. Rosenbaum (Vice Chair)
Rep. Jim Abeler
Hon. Kathleen R. Gearin
Dean Eric S. Janus
Gerald T. Kaplan
Rep. Tina Liebling
Sen. Tony Lourey
Ryan B. Magnus

Kelly Mitchell (ex officio)
Mark A. Ostrem
Comm. Tom Roy (ex officio)
Comm. Nancy Schouweiler
Hon. Joanne M. Smith (ex officio)
Dr. Michael D. Thompson (ex officio)
Hon. Paul A. Nelson
Roberta Opheim
Chief John Harrington (ex officio)

Meeting Minutes:

(This document is a general summary of the Task Force meeting and is not intended to be a detailed transcription; the meeting audio was recorded.)

Meeting Begins: 9:00 AM

Introduction (Overview and Housekeeping Items)

Chair Magnuson made introductory remarks, welcomed committee members, and briefly went over the agenda. He also addressed an email he sent out to Task Force members regarding the December 3rd deadline. Meeting Minutes will now be very brief and the meeting audio will be recorded. There will be a brief opportunity for public comment at the end of every meeting. The public can also submit written materials to the Task Force through members or Don Jorovsky.

New Members

Two new Task Force members have been appointed: John Harrington, Chief of Metro Transit Police, and Fred Freidman, Chief Public Defender in the Sixth Judicial District.

Summary of the Karsjens Case

Dean Janus highlighted the key points from the Karsjens case. His full summary was prepared prior to the meeting (link to document in agenda item 3 above).

Review of Written Resources

Chair Magnuson noted that DHS staff put together a document that highlights resources related to the topic of civil commitment. Please send any additional resources to Robin Vue-Benson.

Task Force Discussion of Issues

Chair Magnuson opened the floor for Task Force member discussion of the issues.

Members speaking included: Rep. Abeler, Judge Gearin, Chair Magnuson, Commissioner Schouweiler, Ryan Magnus, Roberta Opheim, Dean Janus, Vice Chair Rosenbaum, Rep. Liebling, Rep. Abeler, and Donna Dunn.

Presentations

- Bill Donnay (Director of Risk Assessment and Community Notification, Department of Corrections) gave a presentation on Management of Sex Offender Risk and the Department of Corrections' role in civil commitment of sex offenders in Minnesota.
- John Kirwin (Assistant Hennepin County Attorney) gave a presentation on the procedures for less restrictive alternatives.
- Mark Ostrem (Olmsted County Attorney and Task Force Member) gave a presentation on a specific case (E.J.M.) in which a less restrictive alternative was pursued in Olmsted County.
- Doug McGuire (Attorney Coordinator for the Civil Commitment Defense Panel) gave a presentation on the defense panel's perspective regarding less restrictive alternatives.

Question & Answer Opportunity

Chair Magnuson opened the meeting for questions from Task Force members related to the presentations.

The discussion included Judge Gearin, Ryan Magnus, Sen. Lourey, County Attorney Ostrem, Mr. Donnay, Mr. Kirwin, Dean Janus, Judge Nelson, Rep. Abeler, Ms. Opheim, Dr. Thompson, Judge Smith and Mr. Kaplan.

Minnesota Sex Offender Program (MSOP) – Reintegration

Nancy Johnston (MSOP Executive Director) gave a presentation regarding reintegration at the Minnesota Sex Offender Program. MSOP welcomes this process and is looking forward to the products of this Task Force.

Questions for MSOP

This discussion included Chair Magnuson, Judge Gearin, DHS Deputy General Counsel Robin Vue-Benson, Rep. Liebling, Vice Chair Rosenbaum, Mr. Magnus, Judge Smith, Dean Janus, Ms. Opheim, Commissioner Roy, Judge Nelson, Ms. Johnston, Rep. Abeler, Ms. Dunn, Commissioner Schouweiler and Mr. Kaplan.

Public Comment

Thomas Koepke – He said he is currently mentoring a civilly committed sex offender. He has submitted a letter to the Task Force

Sharon Holland – She said she is married to a man who is incarcerated in Faribault at this time.

Discussion of Next Steps

Chair Magnuson discussed next steps:

- Task Force members should make some effort to draft language and develop ideas about less restrictive alternatives. Submit those ideas / proposals to Don Jorovsky by November 8th.
- Next meeting the group will try to get to some kind of consensus about the general direction the group wants to go.
- The next meeting will take place on Thursday, November 15, 2012 (9:00 – Noon) in the State Office Building – Room 5.

Meeting Ended: 12:42 PM