

Civil Commitment of Sex Offenders

Update to 2011 Evaluation Report

Problems Identified

- **Lack of Alternatives.** Without changes to the civil commitment process, the number of sex offenders at Minnesota Sex Offender Program (MSOP) facilities is expected to nearly double in ten years. The annual cost per civilly committed resident in MSOP is \$120,000. Lower-cost alternatives may be appropriate for some MSOP residents or some sex offenders being considered for commitment.
- **No Discharges.** At the time our report was issued in 2011, no sex offender had been successfully discharged from MSOP since its creation in 1994. Without releases, Minnesota is susceptible to lawsuits challenging the adequacy of the treatment program.
- **Programmatic Concerns.** In recent years, the MSOP treatment program had experienced leadership changes, staff turnover, and problems with its therapeutic environment and number of treatment hours provided.

Changes Implemented

- **One Resident Provisionally Discharged.** In March 2012, a special court panel provisionally discharged a civilly committed offender to a halfway house—the first such discharge in many years. In 2011, MSOP entered into contracts with two providers for halfway house beds in the community; it does not yet have contracts with group homes.
- **Various Administrative Changes.** MSOP has implemented a number of changes in the past year related to OLA recommendations, including an increase in its number of clinicians, completion of a treatment manual, completion of a policy for granting residents incremental privileges as they progress through MSOP, and implementation of a system to track residents' hours of programming more accurately.

Action Needed

- **Consider Alternatives to High-Cost Settings for Certain Offenders.** MSOP should provide the Legislature with a plan for alternative facilities for certain MSOP residents (particularly for low-functioning sex offenders), detailing the funding and statutory changes that would be needed to ensure adequate supervision, monitoring, and treatment. This plan should address the possible use of group homes for certain offenders. The Legislature, with input from MSOP and others, should also consider how a “stay of commitment” to a secure facility could be implemented to ensure appropriate supervision.
- **Consider Authorizing Indeterminate Sentencing.** The Legislature should consider amending state law to allow indeterminate sentencing for certain sex offenders. As a condition of release from prison, such offenders could be required to successfully complete treatment in prison.