

Office of the Legislative Auditor Evaluation Report “Civil Commitment of Sex Offenders,” 2011

List of Recommendations:

- The Legislature should require MSOP to develop a plan for alternative facilities for use by certain sex offenders currently at MSOP, as well as for certain newly committed individuals. The plan should provide details about funding and needed statutory changes to ensure adequate supervision, monitoring, and treatment of these sex offenders. The plan should also address the funding and statutory changes needed to address a stay of commitment option. The cost impact of these options should be compared with the costs of expected growth at MSOP without any change in policy. The plan should be presented to the 2012 Legislature. (p. 45)
- MSOP should reassess its existing residents to determine which residents would be suitable for placement in an alternative setting. The plan presented to the 2012 Legislature should provide information on this reassessment, including the rationale for determining why certain types of residents would be suitable for an alternative commitment setting and a detailed description of the alternative settings being proposed for various groups. (p. 46)
- The Legislature should consider providing for indeterminate sentencing for some sex offenders. As a condition of their release, offenders could be required to successfully complete treatment in prison. (p. 46)
- The Legislature should direct the Department of Human Services to convene a task force to consider the need for changes in the sex offender commitment standard and process, including the advisability of establishing a centralized prosecution structure and a single commitment court for sex offenders. The Legislature could also direct the department to have the task force examine the referral process. The task force should be required to report its findings and recommendations to the 2012 Legislature. (p. 48)
- The Legislature should direct the Department of Human Services to work with stakeholders and the Office of the Revisor of Statutes to develop a proposal for separating the civil commitment statutes for sex offenders from those governing the civil commitment of other populations. (p. 49)
- The Legislature should direct the Department of Corrections to study the recidivism rates of sex offenders who have been referred or petitioned for civil commitment and not civilly committed and report back to the 2012 Legislature. The department should also analyze whether there are geographical differences in the recidivism rates for these populations. These recidivism rates could also be compared to the rates experienced by other sex offenders who have been released from prison but not referred for civil commitment. (p. 49)
- The Department of Human Services should require MSOP to provide more treatment hours per week. (p. 65)
- In evaluating designs for the construction of new living units for MSOP, the Legislature and DHS should consider the tradeoffs between the efficiency of 94 staffing large units and the effect of larger units on the therapeutic environment. (p. 67)
- As clinician positions become fully staffed and clinician offices are located in living units, MSOP should closely monitor whether staffing in living units is sufficient to improve the therapeutic environment. (p. 70)
- MSOP should consider creating an incremental privilege system for clients in the early phases of treatment in order to increase client motivation. (p. 72)

- MSOP should train and supervise clinical staff to assure that quarterly and annual reviews contain enough specific detail to provide meaningful feedback to clients and others regarding treatment progress. (p. 74)
- MSOP should complete the treatment manual. This manual should include clear clinical guidance on the interpretation of the matrix. (p. 77)
- MSOP should develop and implement a plan for identifying when certain low functioning alternative program clients who are not cognitively able to complete treatment can be managed in a less restrictive setting. MSOP should petition the Special Review Board (SRB) for transfer or provisional discharge of these clients to an alternative setting. (p. 83)
- MSOP should develop and implement a plan for managing transferred or provisionally discharged low functioning alternative program clients in an alternative setting. (p. 83)
- MSOP should assure that clients have access to psychiatric care. (p. 85)
- The Legislature should amend Minnesota law to eliminate the 60-day review of initial commitments of sex offenders as required in Minnesota Statutes 253B.18, subd. 2. (p. 91)