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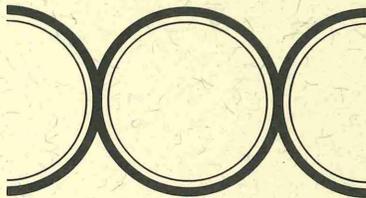
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- Community-based sex offender progr



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Minnesota Department of Corrections



Community-Based Sex Offender Program Evaluation Project

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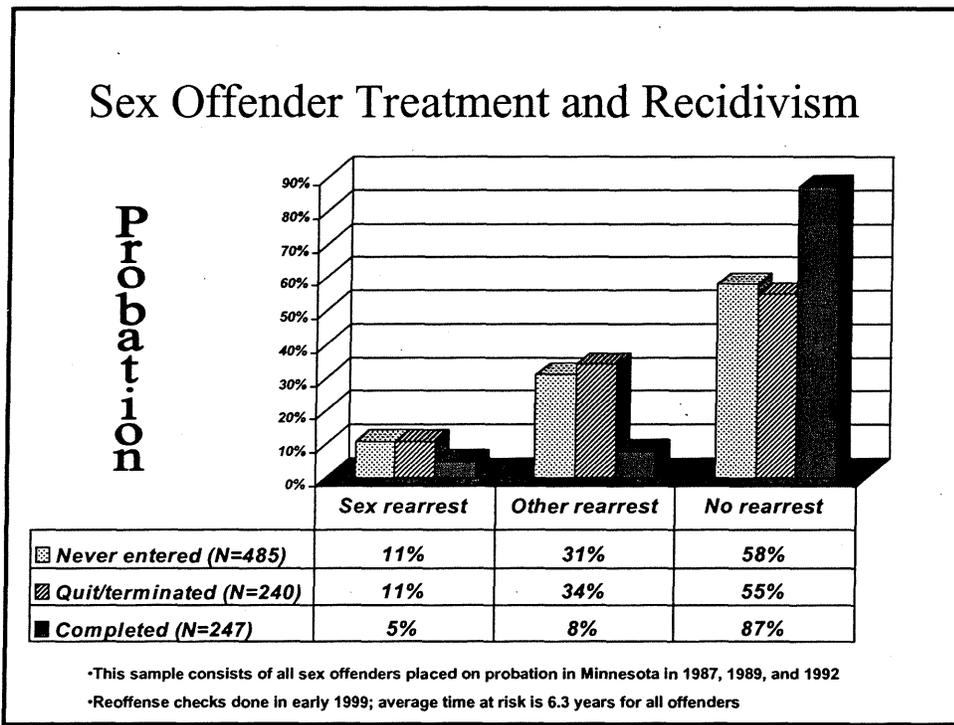
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Introduction

In 1999, the Minnesota Department of Corrections (DOC) issued a report as part of the Community-Based Sex Offender Program Evaluation Project on the recidivism associated with treatment participation for sex offenders on probation supervision in the community. The results were very encouraging as it was discovered that sex offenders who completed treatment had a rate of rearrest for a new sex offense that was less than half that shown by offenders who either never entered treatment, or those who entered and failed to complete treatment (see Figure 1 below).

Figure 1



For the 2000 Community-Based Sex Offender Program Evaluation Project report, the Department of Corrections will provide an update on the following activities mandated by Minnesota Statutes 241.67 and 244.052:

1. Community Notification
2. Sex Offender Treatment Program Standards
3. Sex offender research activities (i.e., the Minnesota Sex Offender Screening Tool-Revised, or MnSOST-R)

Community Notification

The Community Notification Act (Minnesota Statutes 244.052) directed the DOC to develop a risk scale to apply to offenders due to be released and structured a committee to review each case and assign a risk level to the offender. The statute also directed law enforcement to develop a standard policy for notification processes statewide, and directed the law enforcement agency responsible for the jurisdiction where the offender resides to conduct the notification.

Offenders are assigned one of three risk levels that determine the scope and content of notification to the community. Law enforcement agencies follow these guidelines when notifying communities of offenders who are due to be released from prison or who are moving to a different address after their initial release. Offenders are required to register address changes with law enforcement for ten years or for the entire term of probation or supervised release, whichever is longer (M.S. 243.166). These risk levels are:

- **Risk Level 1:** Law enforcement can open a file on the offender and share the information with other law enforcement agencies. Also, information can be given to victims, witnesses, and others designated by the prosecuting attorney.
- **Risk Level 2:** In addition to the procedures indicated for Level 1, law enforcement may notify schools, day care centers, or other organizations where potential victims of the offender might be found, based on his/her pattern of offending behavior. This information is intended for use by these organizations to protect individuals on or near their premises, but not for redistribution. Law enforcement may also notify individuals whom they believe may be potential victims of the offender, again based on the pattern of behavior.
- **Risk Level 3:** In addition to the activities allowed for Risk Levels 1 and 2, law enforcement may share any information about the offender that has been used to assign his/her risk level. Law enforcement is required by policy to conduct a "Community Notification and Education Meeting" to release information about Level 3 offenders.

The law included due process for the offender in two ways. First it allowed for challenges to the risk level assignment by the offender before any information is released to the public. Second, after three years in the community the offender can apply for the risk level to be reduced.

Community notification applies to sex offenders subject to registration. The law specifies three groups of sex offenders who need to be reviewed:

- Offenders incarcerated in Minnesota correctional facilities to whom registration applies
- Offenders on supervision in Minnesota under the Interstate Compact conditions who were released from prison in other states; and,
- Individuals who have been committed as sexually dangerous persons or psychopathic personalities who are being released from confinement.

Minnesota Department of Corrections' Responsibilities:

The Community Notification Law required the DOC to manage several activities to initiate the process of community notification. Those responsibilities are:

- 1) Establish a scale for assigning offenders to risk levels.
- 2) Establish and maintain standing committees at each adult institution to review information about the offender and assign risk levels. These End Of Confinement Review Committees (ECRC) are responsible for creating the risk assignment document released to law enforcement and are appointed by the commissioner of corrections for two years.
- 3) Send information to law enforcement at several stages of the process and continue to release information about the offender for the entire time notification applies, regardless of whether the offender continues to be supervised on probation or release conditions.

The ECRC is also responsible for considering reassessment requests made by law enforcement or the corrections agent and for dealing with requests from offenders for a reduction in risk level three years after it was initially assigned.

An ECRC has been formed at each adult institution from which sex offenders are released. Each committee consists of five persons:

- The warden of the facility or designee (committee chair).
- A case manager experienced in supervising sex offenders.
- A representative from the Minnesota Center for Crime Victim Services.
- A law enforcement official.
- A sex offender treatment professional (all of the assessments are conducted by licensed psychologists employed by the DOC).

Five months prior to release, the offender is scheduled for an ECRC meeting. The case manager for the ECRC coordinates this process and supervises the accumulation of information on each offender. A file packet containing information relevant to the offender's risk level determination is sent to all committee members. The sex offender treatment professional reviews this information and produces a preliminary risk recommendation which is also distributed to the other ECRC members and the offender.

The ECRC must meet and determine the risk level of the offender at least 90 days prior to his/her scheduled release date. The offender has a right to be present at the ECRC meeting; offenders likely to be assessed as Risk Level 2 or 3 are represented by the state public defender.

The community notification statute required that the DOC develop a Risk Assessment Scale in consultation with probation officers, county attorneys, sex offender treatment professionals, and law enforcement officials. The DOC had already developed an empirically validated inventory (the Minnesota Sex Offender Screening Tool-Revised, or MnSOST-R) to assist in making civil commitment referrals.

The community notification Risk Assessment Scale incorporates the MnSOST-R into the process of assigning risk levels:

- Risk Level 1: A sex offender whose score on the MnSOST-R indicates a lower risk of reoffense and for whom there are no special concerns;
- Risk Level 2: A sex offender whose score on the MnSOST-R indicates a moderate risk of reoffense and for whom there are no special concerns, or whose MnSOST-R score indicates lower risk but for whom the ECRC finds there to be special concerns;
- Risk Level 3: A sex offender whose score on the MnSOST-R indicates a higher risk of reoffense or whose MnSOST-R score indicates moderate risk, but for whom the ECRC finds there to be special concerns. This category includes all offenders referred by the DOC for consideration of civil commitment.

Special concerns that lead to raising an offender's risk level must be spelled out in detail.

Examples of special concerns include:

- Multiple treatment failures, with a history of reoffense after treatment.
- History of prison disciplinary reports of significant frequency to cause concern, or reports that indicate physical assaults or sexual behavior.
- Pattern of predatory offense behavior including breaking into a house, stalking a victim, abducting or attempting to abduct a victim, etc.
- History of prior supervision failures or pronounced unwillingness to cooperate with release planning and/or prison authorities.

The role of the public defender is to make sure that the offender understands the process and to correct factual errors (e.g., miscalculations of the screening tool, corrections to the offender's record). The public defender also advises the offender as to whether he/she should seek administrative review of the decision and represents the offender in the administrative review process.

At least 60 days prior to release, the DOC sends information about the offender to the law enforcement agency that investigated the crime that led to incarceration of the offender. This agency is most likely to have additional information that might not have been available to the ECRC. The statute allows law enforcement a 30-day time period to appeal an offender's risk level, but specifies that in a request for reassessment "the law enforcement agency or (corrections) agent shall list the facts and circumstances arising after the initial assignment (of risk)."

The DOC is responsible for providing education to inmates who are subject to community notification. This education includes information about the process of risk assignment as well as information about notification in the community. Information is provided to case managers throughout the DOC so that they can educate individual inmates. Presentations are made at each sex offender program at least twice a year by sex offender treatment personnel and the public defender. Additionally, inmates receive further information at the ECRC meeting and can ask questions of the panel related to the risk assignment or other notification processes.

The DOC is responsible for sending information to local law enforcement. This includes all public information upon which the ECRC made its decision. A fact sheet is sent to the law enforcement agency containing the offender's picture, general address, and other public information about the offender. This allows a law enforcement agency to simply reproduce this document for distribution to the public. Finally, the DOC serves as a repository of records so that law enforcement can receive a packet of information upon the relocation of the offender into their jurisdiction.

Duties of Other Agencies:

The local law enforcement agency where the offender resides is responsible for conducting the actual notification. The Minnesota Peace Officer Standards and Training Board (POST Board) developed a model policy for law enforcement agencies to follow in regard to community notification. Law enforcement must make a good faith effort to develop a community notification plan for each offender within 14 days of the receipt of the ECRC risk level determination. The model policy specifies information release procedures for each separate risk level. As previously mentioned, law enforcement must conduct a community education meeting for each offender released to, or relocating to, their specific community.

Data:

Risk levels were assigned and information provided on 1,310 offenders the first three years of operation of community notification procedures (January 1, 1997, through December 31, 1999). The risk levels were assigned as follows:

	Number	Percent of Total
Level 1	831	63.4
Level 2	297	22.7
Level 3	182	13.9
Totals	1310	100

In addition to the notification events regarding the initial release of an offender from confinement, there have been more than 3,000 notification events related to offender relocations following release. It is expected that the number of relocations will continue to increase, as offenders are subject to community notification for a minimum period of ten years.

Among the 479 offenders assigned Risk Level 2 or 3, there were more than 100 requests for administrative review by offenders seeking a reduction in risk level. The risk level assigned by the ECRC was reduced in only nine of these cases (approximately two percent of all Level 2 and 3 assignments).

Of the 182 offenders assigned Risk Level 3, 95 (59%) were referred to the county of last conviction for consideration of civil commitment as a sexually dangerous person or sexual psychopathic personality. Historically, approximately 50 percent of offenders referred for civil commitment by the DOC are ultimately committed to the Department of Human Services for sex offender treatment over a long term. In 40 percent of the cases, the county decides not to pursue commitment. In 10 percent of the cases, the offender is found not to meet commitment criteria in a commitment hearing.

In the first three years of community notification, approximately 150 community education/notification meetings have been held regarding the release or relocation of Level 3 offenders. It is estimated that over 30,000 citizens attended these meetings, which have been facilitated by law enforcement agencies throughout the state. These meetings have provided law enforcement with the opportunity to inform the public not only about the specific Level 3 offender, but also about the response of the entire criminal justice system to the problem of sexual assault. Often, these community education/notification meetings include a panel of professionals including law enforcement, a representative from the DOC, the offender's probation officer (if the offender is under supervision), a victim services provider from the community, and a representative of the local school district. A representative from the DOC has participated in all but six of the community education/notification meetings and has assisted law enforcement in establishing a consistent process for delivering information about level three offenders across Minnesota.

Effects of Community Notification:

Community notification has been a controversial issue throughout the country. Supporters of community notification legislation have promoted it as a way to protect potential victims and to reduce recidivism among offenders by creating an informed community. Opponents have raised arguments suggesting that it will lead to vigilante action and perhaps even increase recidivism among offenders who are unable to reintegrate into the community. Minnesota's experience so far has been that community notification has been handled responsibly by law enforcement and other agencies of the criminal justice system. Comprehensive efforts have been made to minimize the potential negative effects of community notification. For example:

- Law enforcement has made a concerted effort to stress in community education/notification meetings that harassment of the offender will not be tolerated. So far no offender in Minnesota has been subject to an overt act of harassment because of information released during community education/notification meetings.

- Opponents have suggested that providing information about one offender will lead the public to believe that the offender in focus is the only one about whom they need to worry. To address this, community education/notification meetings include basic information about sex offenders. This includes informing the public about the number of registered sex offenders in the state and in their community, letting them know that most sexual assaults are perpetrated by offenders who are acquainted or related to the victim, and that perhaps the most dangerous offender is the one who has never been caught.
- Minnesota's statute prohibits release of information that would identify a victim. Under all levels of community notification, victims have the right to be informed about the release of the offender and to be kept informed about subsequent relocations, should they request this information.
- One of the major adverse effects of community notification upon released sex offenders has been an increasing inability of these offenders to find suitable housing. One offender reported being turned down by more than 80 property managers in his attempt to find housing. Offender's difficulty obtaining housing remains the most prominent problem associated with community notification in Minnesota.
- Community notification has resulted in increased costs to law enforcement throughout the state. This has been especially acute in metropolitan areas. The legislature recently funded additional positions for both the DOC and the Bureau of Criminal Apprehension (BCA) to conduct notification and registration activities, but funding for local law enforcement is still limited.
- Community notification has increased collaboration among probation, law enforcement, victim services, and corrections. It has provided law enforcement with an opportunity to educate the community about sex offenders and to encourage community-oriented police activities such as block clubs and citizen involvement.
- At this point, it is too early to tell if community notification has had either a positive or negative effect on recidivism of released sex offenders. A full study is being considered to compare recidivism of offenders released after community notification with a group released prior to the effective date of the statute.

At this time, it appears that community notification in Minnesota has been managed successfully by the agencies involved and the communities informed. It is a process that changes each legislative session, and substantial changes in the scope and number of offenders subject to notification will result from the changes instituted by the legislature in 2000.

Recent Changes:

Each year since the registration requirements were enacted, the legislature in Minnesota has added offenses requiring registration or otherwise modified the law. Each year since the notification law was passed changes have also been made to this statute. The most significant changes to date in both the Predatory Offender Registration Act and the Community Notification Law occurred during the 2000 legislative session.

The murder of Cally Jo Larson in Waseca in April and the abduction of Katie Poirier in May of 1999 focused attention on predatory offenders and the number of offenders that appeared to be out of compliance with existing Minnesota registration laws. The Katie Poirier Abduction Task Force was established in July 1999 to develop remedies and enhancements to existing laws and recommend new statutes, if necessary, to ensure better compliance by offenders. In addition, the Poirier Task Force considered statutory language that would expand the scope of registration to additional offenses, as well as extending the time certain offenders would be required to register.

The "Katie Poirier Act" was passed by the 2000 legislature and signed into law by Governor Ventura. This law increases the time certain offenders are required to register to their entire life, and for other offenders it extends the registration period, if they are convicted for any new offenses, until they have ten full years of incarceration-free behavior.

Beginning August 1, 2000, the new laws require offenders who are required to register to supply law enforcement with all of their addresses, including vacation addresses and cabins; all vehicles they regularly drive; and other pertinent information. The new law also applies community notification to all offenders required to register who are released from a Minnesota prison. Previously, offenders required to register because they were charged with a sex offense but convicted of a non-sex offense were not subject to community notification.

This law provided funding for the entire state to move forward with an integrated criminal justice information system, provided funding for probation officers who will only supervise sex offenders (and with a smaller caseload), and provided funding to expand the Intensive Supervised Release Program that is responsible for supervision of specific offenders when they are first released from prison. Some money was provided to continue community notification efforts.

As part of the new law, the commissioner of corrections was required to start and maintain an Internet site for information about Level 3 offenders. This project began August 1, 2000, and will continue to be updated and maintained by Minnesota Department of Corrections staff based on the information law enforcement officials have released to their communities.

The statutes continue to change as the state puts resources and energy into managing this difficult population of offenders. The goal is to provide enhanced public safety and security for Minnesota's citizens through information, education, and effective management of offenders.

The Minnesota Sex Offender Screening Tool

The DOC began development of the Minnesota Sex Offender Screening Tool (MnSOST) in 1991. It was originally designed to aid in identifying sex offenders who were most likely to reoffend in order to assist the DOC in making referrals for civil commitment. The DOC approached this endeavor with caution, given historical difficulties in the prediction of dangerousness. Previous attempts to predict dangerousness had usually produced results that were little better than chance. However, referral decisions had to be made by some decision-making criteria, and an actuarial tool would help the DOC make more accurate decisions.

The DOC released the original MnSOST in 1994. The 1998 Report to the Legislature of the Community-Based Sex Offender Program Evaluation Project (CBSOPEP) contains a full explanation of the history and performance of this inventory.

In 1999, the latest version of the MnSOST called the Minnesota Sex Offender Screening Tool-Revised (MnSOST-R) was released. The MnSOST-R is an inventory that includes 16 items related to well-established risk factors (e.g., number of sex/sex-related convictions, history of victimization of strangers, evidence of antisocial adolescent behavior, pattern of substantial drug or alcohol abuse, sex offender and chemical dependency treatment involvement, etc.).

The MnSOST-R was developed using a sample of 389 offenders released from Minnesota correctional facilities, primarily between 1988 and 1990. The files of these offenders were recreated to resemble their state prior to each offender's release. All references to offender's names and other identifying information were removed to prevent inadvertent contamination of scoring. Forty case managers from seven correctional facilities and six research analysts then coded the MnSOST-R research form on approximately 20 files each. In addition to this, research analysts collected more detailed data from the files of these offenders.

A scale was constructed using the best combination of items that are most predictive of an offender's likelihood of rearrest for a new sex offense. These items are:

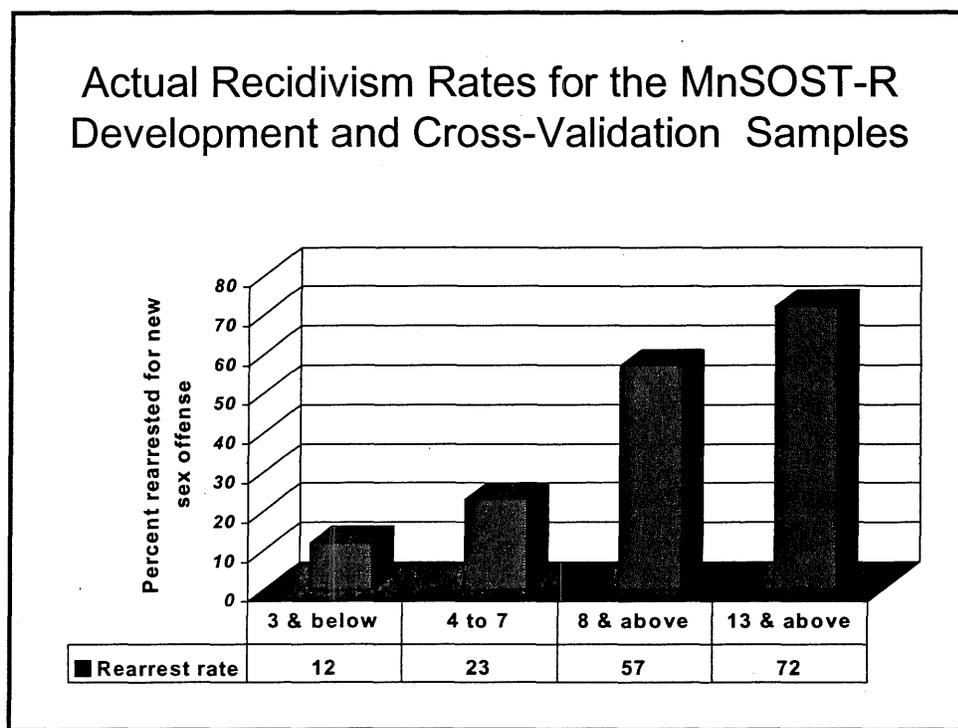
- 1) Number of sex/sex related convictions
- 2) Length of sexual offending history
- 3) Sex offense committed while under supervision
- 4) Sex offense committed in a public place
- 5) Force or threat used to obtain victim compliance
- 6) Sex offense involving multiple acts
- 7) Number of different age groups victimized by offender
- 8) Offender victimized 13 to 15 year old victim
- 9) Sex offense committed against a stranger
- 10) Evidence of adolescent antisocial behavior
- 11) Pattern of substantial drug or alcohol abuse
- 12) Employment history

- 13) Prison discipline history
- 14) Chemical dependency treatment while incarcerated
- 15) Sex offender treatment while incarcerated
- 16) Age at release

Scoring of each item is weighted to reflect its contribution to the prediction of recidivism. The resulting inventory has proven to be strongly predictive of a released sex offender's likelihood of reoffense. It has been successfully cross-validated on a sample of all sex offenders who were released from the DOC in 1992. The MnSOST-R is used in screening offenders for civil commitment and is an integral part of the community notification risk assessment scale. It is also beginning to be used at the start of an offender's incarceration to identify high-risk offenders so they can be assigned to the longest, most intensive sex offender treatment program.

The MnSOST-R is used by evaluators and/or by the departments of corrections in 14 of the 15 states that have civil commitment statutes. Additionally, the MnSOST-R is part of the community notification risk assessment scale in Washington, Idaho, North Dakota, and New Jersey.

Figure 2



Future uses of the MnSOST-R include the development of a risk assessment scale specifically for offenders placed on probation, and monitoring the continued cross-validation of the MnSOST-R in the other states that utilize it.

Sex Offender Treatment Program Standards

The Sex Offender/Chemical Dependency (SO/CD) Services Unit developed and administers Minnesota Rules Chapters 2955 and 2965 which define standards for the residential treatment of juvenile and adult sex offenders in Minnesota. Currently there are eight juvenile sex offender treatment programs regulated under Chapter 2955 and two adult sex offender treatment programs regulated under Chapter 2965. In addition, there are seven juvenile sex offender treatment programs in other states regulated under Chapter 2955 and four more with applications in process. (As a number of juvenile sex offenders are sent to treatment programs outside of Minnesota, these programs must also comply with Chapter 2955.)

The treatment standards have been formulated around explicit outcome-based requirements and involve specific quality assurance measures and an ongoing evaluation process. As few, if any, programs currently have such measures and processes in place, the programs must perform considerable work in order to comply with the standards. The SO/CD Unit is developing a framework for programs to use in meeting rule requirements and providing support to them as they apply the framework to their specific situation. The unit applied for and received a grant from the Center for Sex Offender Management (through the National Institute of Corrections) for technical assistance in providing this framework and support. The Minnesota Rules and the process described are seen as a model for other states in the continuing effort to improve and evaluate sex offender treatment.