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## ABSTRACT

- ❖ Despite low recidivism rates in the research, Minnesota has the highest number of sex offenders who have been civilly committed after serving their prison sentence and the lowest number of sex offenders released back into the community.
- ❖ Ongoing civil commitment of sex offenders is a draining financial problem for the state and also raises ethical questions about whether these individuals are indeed a threat to society.

## INTRODUCTION

- ❖ Research has indicated that less than 3% of sex offenders have been reconvicted of a sex offense within four years from release of prison (Duwe, 2014; Duwe & Freske, 2012; Wilson et al., 2012).
- ❖ According to the Minnesota Office of the Legislative Auditor (OLA, 2011), it costs \$120,000 per year per resident to hold a civilly committed sex offender. Since the 1990s, over 600 individuals have been committed into the Minnesota Sex Offender Program, and only 2 have been released into the community.
- ❖ The OLA report (2011) provides reasons why Minnesota has the highest number per capita of civilly committed individuals (see next column)

## REASONS FOR MN CIVIL COMMITMENT PREVALENCE

- Individuals can be committed based on emotional offenses, not just physical.
- It is not permissible for sexual offenders to request a jury trial.
- Hearsay is permitted as evidence.
- There are no requirements to report to the courts to justify continued commitment
- Strict release standards
- Outcomes are dichotomous – either committed or not committed with no alternative/intermediate possibilities (Minnesota Office of the Legislative Auditor, 2011).

## ASSESSMENT

*How does Minnesota assess if a sexual offender is a danger to society and therefore needs to be incapacitated as a sexually violent predator (SVP)?*

Three criteria an offender must meet:

- (1) has been convicted of a sexual offense
- (2) has a mental disorder that makes the individual more likely to reoffend
- (3) the mental disorder increases the risk of reoffending (Duwe, 2014; Jumper, Babula, & Casbon, 2011).

The Minnesota Department of Corrections (MnDOC) uses the Minnesota Sex Offender Screening Tool (MnSOST-3; Duwe & Freske, 2012) as an actuarial risk-assessment tool to determine the likelihood of an individual reoffending.

## DISCUSSION

- ❖ The U.S. Supreme Court has upheld the Constitutionality of civil commitment laws based on the stipulations that offenders are being re-evaluated, are taking part in ongoing treatment, and are released back into the community as soon as possible (Janus, 2004).
- ❖ According to the Minnesota processes, these requirements are not being met. If Minnesota is not required to periodically report the status of the individuals and their access to treatment, they are not abiding by the rulings of the Supreme Court.
- ❖ There is a discrepancy between U.S. Supreme Court and Minnesota law as it relates to civil commitment of sex offenders (Duwe, 2014; Janus, 2004; OLA, 2011).
- ❖ Research indicates a 12% reduction in recidivism for those civilly committed vs. those who were released from prison (Duwe, 2014). However, it is possible these outcomes would be obtained through community-based interventions.



## PROPOSED SOLUTIONS

- ❖ States should uphold the requirements outlined by the U.S. Supreme Court.
- ❖ Forensic psychologists should be conducting proper assessment for civil commitment.
- ❖ Assessment tools need to be chosen carefully and administered on a case-by-case basis (e.g., there is a big difference between an individual who committed rape vs. an individual who committed a cyber-crime) (Plaud, 2019).
- ❖ Consequences should be based on the premise of what the individual has actually done vs. what they are “likely” to do (Auerhahn, 1999; Chen, 2008; Kovandzic et al., 2004; VonHirsch, 1984)
- ❖ Community programs should be the focus for the future.