

SEX OFFENDERS AND THEIR TREATMENT IN MINNESOTA

A Position Paper of the
MINNESOTA CITIZENS COUNCIL ON DELINQUENCY AND CRIME

Sponsored by

CORRECTIONAL SERVICE OF MINNESOTA
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SEX OFFENDER POSITION PAPER

ACQUISITION

This position paper contains ten recommendations that will facilitate a systematic and consistent approach to the treatment of sex offenders in Minnesota. The recommendations are based upon the findings of our staff research report for the Department of Corrections (Project to Design and Develop an Organizational and Rehabilitational Model for the Treatment of Sex Offenders in Minnesota) and several meetings of a committee of our Board of Directors which was convened to react to the staff report. The Board of Directors of Correctional Service of Minnesota has approved all of the recommendations of this committee. The work of the committee included discussions with representatives of the Departments of Corrections and Public Welfare and a review of data contained in the report.

Committee members are as follows:

- Mrs. Elmer M. (Helen) Rusten, Chairman, Wayzata
- Alberta L. McNeal (Mrs. Lloyd K.), Co-Chairman, Minneapolis
- Mrs. Wright W. (Gladys) Brooks, Member, Metropolitan Council
- Mrs. Juanita Berryman, St. Paul
- Mrs. F. Peavey Heffelfinger, Wayzata
- James L. Hetland, Jr., Sr. Vice President, First National Bank of Minneapolis
- Oscar C. Howard, President, Howard's Catering Service, Inc.
- Kenneth M. Knopf, Chairman, Pako Corporation
- Joseph W. Mechem, Sr. Vice President, Great Northern Insurance Co.
- Leonard H. Murray, President, Soo Line Railroad Company
- Mrs. Naomi Huffman Pikul, Past Vice President, National Congress of Parents and Teachers
- Mrs. Sidney A. (Lois) Rand, Public Relations Consultant

Staff members are as follows:

- Richard C. Ericson, Executive Director, Correctional Service of Minnesota
- Lance R. Wilson, Ph.D., Director, Community Planning & Research, CSM
- Carole S. Schneider, Director, Human Services Division, CSM

During the past few years increasing public attention has been focused upon criminal sexual conduct. Further, the Minnesota Bureau of Criminal Apprehension reports an increase in reported rapes from 570 in 1972 to 829 in 1976, and an increase in reported "other sex offenses" from 1,996 in 1972 to 2,216 in 1976. One result of the increased public attention (and reported sex-related crimes) in Minnesota has been a proportionate increase in legislative activity and consideration of the state's approach to the treatment of convicted sex offenders. There has been a sustained strong interest in the development of policies, programs, and plans concerning the treatment of

sex offenders. In order that public policy regarding sex offender treatment be based upon accurate and timely information, research was needed to illuminate the characteristics of persons convicted for sex offenses and to surface the most effective elements of the wide range of sex offender treatment programs. It is within this climate that Correctional Service of Minnesota was awarded a contract by the Minnesota State Department of Corrections to study sex offenders and their treatment in Minnesota.

There were four major objectives for the effort:

1. To collect and analyze data regarding persons convicted for sex offenses;
2. To collect and analyze data relevant to sex offender treatment programs in the United States and specifically Minnesota;
3. To develop a treatment model to serve convicted sex offenders in Minnesota which incorporates the most effective aspects of treatment programs throughout the United States, and
4. To recommend specific courses of action that may lead to the effective utilization of available resources for the treatment of sex offenders and the understanding of their behavior.

The final report has been completed and delivered to the Department of Corrections.

The first six recommendations of this position paper reflect the Board's agreement with those presented in the staff report. The final four emerged from committee hearings.

Although many of the recommendations are based upon the assumption that sex offenders may be amenable to rehabilitation through various treatment programs, the Board recognizes that some sex offenders are apparently not amenable to rehabilitation and supports the concept of maximum legal incarceration for those persons. Further, rehabilitation programs should be so planned as to assure the maximum feasible protection of the public.

1. Responsibility for Sex Offenders

The Minnesota State Department of Corrections provide the mechanism for increased communication and coordination between the agencies which currently, and will in the future, have responsibility for sex offender assessment, treatment, outreach, and evaluation.

At an early stage in the research, it seemed desirable to our staff to establish a Statewide Directorate for the design, implementation, and evaluation of all services related to sex offenders in Minnesota. The statewide level of organization was viewed as a means to coordinate and

organize the many fragmented efforts that are currently underway throughout the state to deal with sex offenders and to deal with the long-standing division of authority between the State Departments of Corrections and Public Welfare.

Staff indicate there were two primary objections to embarking upon the directorate at this time. The first is economic. Such an office would require a number of highly professional staff. The second is a sense of uncertainty about the efficacy of wholesale specialized programs without sufficient evidence that they will work, or are absolutely necessary. Further, it is understandable that state agencies appear to be unenthusiastic about embracing total responsibility for this complex offender group, especially when the public will demand action and will be critical of failure. In spite of these issues, the Board agrees that the directorate concept is still deemed desirable; however, it is now viewed as a long-range goal following the evaluation of smaller scale programs.

A more conservative beginning is indicated by the conclusions of the staff report concerning the lack of adequate knowledge regarding the causes and correlates of sex offender behaviors and the lack of adequate evaluative information concerning the effectiveness of various treatment programs and modalities.

The current fragmentation of treatment services and coordination of information between the state departments, counties, and others dealing with sex offenders may be lessened over the next few years by a clear definition of responsibility.

The staff rationale for the choice of the Department of Corrections is sound. It is true that the corrections field generally impacts and is impacted by sex offenders in greater numbers than any other field of service. Certainly this is true for convicted sex offenders who are carried on probation caseloads and who are institutionalized in correctional facilities. The objectives are to solve, on an interim basis, some of the issues that the directorate was intended to address and to provide the foundation for a subsequent decision as to the feasibility of a comprehensive, statewide directorate.

Further, all persons convicted of a sex offense and committed to a state facility (prison, reformatory or security hospital) should be under the jurisdiction of the Commissioner of Corrections.

The committee discussed the correlation of the responsibilities of the Department of Public Welfare and the Department of Corrections in this regard.

It was determined that the Department of Public Welfare views their agency as being responsible for the treatment of diagnosed sex offenders who, while under the jurisdiction of the Department of Corrections, are transferred to their facilities. This transfer for treatment should be voluntary.

One of the issues that needs to be carefully confronted is the possible danger that unwieldy administrative necessities such as undue reporting and other related activities will inhibit the acceptance of sex offenders by those agencies now dealing with sex offenders as a relatively small percentage of their total clientele.

The committee believes that the Department of Corrections should embark upon setting up this coordinating mechanism as soon as possible. Similar recommendations have been cited in previous studies and action is now appropriate.

2. A Demonstration Program for Sex Offender Treatment

Develop and implement a demonstration program for the treatment of sex offenders incarcerated in the prison/reformatory at an appropriate Department of Corrections secure institution.

Table 1 depicts the approximate distribution of sex offenders in Minnesota and the availability of treatment facilities as determined by staff research.

TABLE 1
DISTRIBUTION OF SEX OFFENDERS

<u>Distribution of Sex Offenders</u>			
	Prison & Reformatory	Hospitals	Probation & Parole
Availability of Treatment	No specific program	One major program	Variety of programs, mostly community.
Approximate number of sex offenders	169	55	396
Responsibility	DOC	DPW	Counties, DOC, DPW
Funding	State appropriation	State appropriation	a) State & county purchase of service b) Grants (federal & other) c) Insurance d) Philanthropy

Currently there is no program in the prison or reformatory specifically designed for the treatment of sex offenders.

The committee supports the recommendation for a demonstration program and commends the Department of Corrections for its present efforts to fund such a program. While the research did not surface any hard evidence that sex offenders should be segregated for treatment, such separation from the general offender population is seen by most experts as advantageous.

There are three main purposes for the demonstration program. First, to provide specific sex offender treatment services where none existed previously. Second, to test the utility and effectiveness of various assessment procedures and instruments. Finally, to test the feasibility and effectiveness of a specific treatment regimen.

Ultimately, a statewide system for sex offender assessment is envisioned (all convicted sex offenders that are to be sentenced to prison, reformatory, probation, or the State Hospital will be given assessment). However, specific assessment procedures and instruments must be tested for their utility, validity, and reliability before adoption and utilization. The demonstration program will, using the assessment guidelines developed in the staff report, determine and test specific assessment procedures and instruments.

The demonstration program will include a specific treatment regimen consistent with guidelines presented in the staff report. The intent is to apply a specific treatment regimen to a group of sex offenders and test its feasibility and effectiveness.

A contract for services is suggested as one mechanism for creating specific program context, implementation, and operation. It was suggested in the staff report that the Department of Corrections send Request for Proposals (RFP's) to all agencies and programs in Minnesota dealing with sex offenders. The RFP will request specific proposals to operate a treatment program using the guidelines developed in the report for assessment and treatment.

Potential candidates for the program should be within one year of their release from prison, should be volunteers, and should want treatment. The program should contain a maximum of 30 offenders.

It is suggested that the Department of Corrections research division design and execute an evaluation of the treatment program. The evaluation should analyze both the treatment program itself and a comparison with a similar group of sex offenders not in the program. The committee is firmly committed to the need for such an evaluation to dissolve the frustration of

never knowing what is surely effective.

3. Treatment Program Information Coordination and Dissemination

Develop and implement a forum for information exchange among sex offender treatment professionals and other interested persons.

During the course of the staff research it became clear that there is little communication and information exchange between treatment professionals in the various community, institutional, and private sex offender treatment settings in Minnesota.

The recommended forum may include, but not be limited to, a combination of the following mechanisms: newsletter, symposia, and a central clearinghouse for program information, for both Minnesota and the United States.

The committee recommends that the State Department of Corrections implement this recommendation.

The implementation of this recommendation will facilitate a mechanism for treatment professionals, both public and private, to exchange information on ideas, treatment modalities, problems, prospects, and to increase the awareness of treatment professionals and others of possible placement facilities throughout the state.

4. Improved Data Collection and Coordination

Improve data collection and coordination concerning sex offenders in state hospitals, in the prison/reformatory, and on probation and parole.

The staff research was hampered, at times, by the lack and form of available data concerning sex offenders throughout the state. Many times data concerning sex offenders and their history of involvement in the corrections and welfare systems were inconsistent or simply not available.

There are many opinions and impressionistic observations concerning the nature and types of sex offenders and the causes and correlates of their behavior. These impressions and feelings need to be substantiated by systematic and scientific data collection and analysis procedures to facilitate the creation of sound and informed public policy. There also needs to be more accurate information concerning the extent and incidence of convicted sex offenses through time.

The Board of Directors at Correctional Service of Minnesota finds it unreasonable to be continually confronted by inadequate data and is firm in its judgement that the system can no longer offer excuses for this long-standing problem. It is recommended that those persons convicted for a sex offense be identified as a distinct target group for the purposes of improving source data entry, data comprehensiveness, and follow-up. This recommendation suggests a coordination between the Courts, the Department of Corrections, the Department of Welfare, plus the Minnesota County probation departments not under Department of Corrections control. It is further suggested that an annual report be created each year detailing, at least but not limited to, the following information: the arrest, conviction, and sentencing patterns for sex offenders (both new offenders and recidivists); treatment received by sex offenders in the state; current dispositions of convicted sex offenders; and demographic and life history information. The report should present results in aggregate form plus by various breakdowns (e.g. offense characteristics, previous treatment, juvenile/adult, county, etc.). The report should also attempt to compare, as feasible, sex offender characteristics with those of other offenders. This will not be carried out unless one agency is designated responsible for its implementation. It is logical that the Department of Corrections add this to its responsibilities for it is consistent with its other coordinating functions herein recommended.

5. Treatment Program Evaluation

Conduct a systematic evaluation of the effectiveness of Minnesota community-based treatment programs which treat sex offenders.

In addition to a lack of data on sex offenders, generally the staff report indicates a dearth of systematic and scientific evaluative information concerning treatment programs and modalities. This inadequate information, thus, does not provide guidance in the selection of specific treatment modalities, nor does it indicate which conditions and for which offenders a specific treatment program is most effective.

There are 43 identified community-based programs in Minnesota that provide treatment for sex offenders. It is recommended that an evaluation for sex offender treatment programs be made, lasting at least three years, in as many of the community-based facilities offering such treatment as is possible. It is further recommended that treatment facilities receiving state funding must cooperate in the evaluation. The three year minimum is necessary to measure operation and allow time for possible recidivism after program release.

A main criteria for program effectiveness should include instruments to measure recidivism for sex and non-sex related crimes.

Control groups of probationed offenders receiving treatment or not should also be used.

The Board recognizes the many data collection problems that exist with this type of evaluative research and especially the offender's right to privacy following his release from a treatment program. Thus, follow-up data collection should be voluntary for the ex-offender (unless he is returned to the criminal justice system) and care should be taken not to violate his privacy.

The variety of treatment modalities existing in Minnesota for sex offenders provides a unique opportunity for testing and evaluation. Results of the evaluation studies will be useful for future programming of sex offender treatment programs in institutional and non-institutional settings by providing information leading to possible conclusions of what may work for whom and under what conditions.

The Board recommends that the legislature provide sufficient funds for state administered or funded programs in order that program evaluations be fiscally feasible.

6. Future Research

Encourage research efforts to study the nature of sex offenders and the causes and correlates of sex offensive behavior.

Throughout the staff research several unanswered questions arose concerning the nature of sex offenders and the causes and correlates of their behavior. The search of relevant literature provided little guidance. The better understanding of reasons for sex offender behavior may lead to better treatment modalities.

The "nature" of sex offenders indicates an analysis of differences (if any) between sex offenders (broken down by type of offense) and other offenders and the general populace to determine any uniqueness in demographic, life history, or criminal history information. The Board believes that care should be taken to clarify the difference between offense of record and actual behavior to ensure that correlates are not misleading.

The "causes and correlates" of behavior implies an in-depth analysis of possible similarities of offenders for each type of offense and behavior.

A promising area of research is the study of the incidence of assaultive behavior in the offender's family while a child. A recent study* of patients at St. Peter Hospital indicates a much higher incidence of assaultive behavior in the families of procreation (mother, father, and sibling of the offender) of sex offenders than in those of the general Minnesota public.

Data in the report indicate that many convicted sex offenders have had contact with the criminal justice system as a juvenile. Research should be conducted to enable the early identification of behavior, problems and situations that may indicate probable future sex offender behavior and appropriate ways to respond to such insights.

The Board of Directors of Correctional Service of Minnesota has for some time, and in a number of situations, urged that the criminal justice system pay greater attention to young offenders. This problem should not be an exception.

These research efforts should be aided by improved data collection activities through the implementation of the fourth recommendation. Their results should be useful to treatment professionals and to the design of new treatment programs.

7. Mandatory Pre-Sentence Examination

The mandatory pre-sentence examination for convicted sex offenders as required by Minnesota Statute 246.43 be enforced in all courts in the state of Minnesota.

Although Minnesota Statute 246.43 requires that all persons convicted of sex offenses enumerated in subdivision 1 of the statute be given pre-sentence social, physical, and mental examinations, the staff report indicates many persons have been sentenced to the prison or reformatory without such an examination.

As recommended by the Task Force on Anti-Social Sexual Behavior (1/14/74), this pre-sentence assessment: a) should be thorough; b) should be conducted by a multidisciplinary team which is knowledgeable of the various behavior change programs and independent of program staff; and c) should be the basis for the sentencing court's disposition.

*Burt, Martha R. Attitudes Supportive of Rape in American Culture. Minnesota Center for Social Research, University of Minnesota, 1978.

Although we encourage the application of current assessment techniques, we are painfully aware of their inadequacies as discussed in the staff report. We feel some immediate means need to be used to determine an offender's amenability to treatment. The current procedures at the Minnesota Security Hospital for a 60-day evaluation appears to be as good as, or even better than, any available. However, we strongly urge research and evaluation (as recommended above, 2) be conducted to enable the creation of more efficient, effective, and reliable assessment procedures and techniques. We further urge that this assessment be the responsibility of one state agency and find it consistent to recommend that the State Department of Corrections be that agency.

8. Realistic Expectation Concerning Sex Offender Treatment Programs

The community maintain realistic expectations concerning sex offender treatment programs.

The Board is aware of the current strong public pressure for an effective solution to the problem of sex crimes. That is, to incarcerate the sex offender or through some other action ensure that he will not continue to be dangerous. The public is further incensed when a sex offender, after completing a treatment or rehabilitation program or serving a sentence in the prison/reformatory, commits another sex offense.

It is often seen as a program failure if an offender does in fact reoffend after completing a specific program. Realistically and reluctantly we must accept some failures. Further, we must attempt to recognize the ineffectiveness of various program regimens through systematic evaluation, and thus discontinue them.

The community is urged not to expect immediate and total success in the treatment of sex offenders (that is, eliminate the recommission of sex offenses). This, of course, does not indicate that we should abandon all efforts to treat sex offenders, but does indicate that new and continued efforts must be dedicated to the design, development, implementation, operation, and evaluation of sex offender treatment programs by public and private agencies. These efforts should be based, in part, upon the results of the program evaluation recommended in 5 above. Further, these efforts should be sincere and contain the support of all concerned with the realization that this is a very complex issue, and it will take time to evaluate our progress. That progress will contain both successes and failures.

Finally, we must also be ready to admit that some persons are not amenable to available forms of treatment and that these persons should be

incarcerated to eliminate their danger to the public.

For those persons incarcerated for sex crimes (whether involved in treatment or not) sentencing guidelines should be instituted which are cognizant of the need for public safety, and which ensure the public that the persistent sex offender will be separated from the community in accord with the law. The guidelines should be based upon the severity of the offense and the offender's previous criminal history.

9. Active Participation of State Agencies

Encourage active coordination and participation of all agencies, (public and private) involved with sex offenders.

The committee recognizes that the response to the problem of sex offender behavior will necessitate the coordination of several services (for example physical, mental health programs and/or incarceration) and agencies (for example the Department of Corrections, the Department of Welfare and/or private agencies). Further, the sex offender issue has its origins and potential solution involving many individual, social, and political concerns. Thus no one organization can effectively attempt to solve or address itself to the sex offender issue in a vacuum.

Counties, courts, and Department of Public Welfare, private agencies, and other interested and/or involved parties are urged to support and help the Department of Corrections in its coordinating role as outlined in recommendation number one.

The Board strongly feels that the problems of competition among state agencies, overlapping authority, and fragmented efforts both public and private must finally be put aside on behalf of an improved, efficient, effective, and fair system of responses to this difficult and complex problem.

10. Continued Study

The Board of Directors of Correctional Service of Minnesota commits itself to monitor the implementation of the above recommendation.

The Board of Directors of Correctional Service of Minnesota feels the issues involved with sex offenders and their treatment throughout Minnesota to be of sufficient importance to warrant its continued involvement and study.

The Board will monitor, to the extent feasible, present and future programs for sex offenders, including efforts to enhance coordination between the

several agencies involved. In addition, the Board will attempt to study whether current laws should be amended to accomodate insights resulting from the analysis of the operation and effectiveness of new treatment programs.

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