

COMMUNITY-BASED SEX OFFENDER PROGRAM EVALUATION PROJECT

1998 Report to the Legislature

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Introduction

The Community-Based Sex Offender Program Evaluation Project (CBSOPEP) was established in 1993 under M.S. 241.67, Subd. 8. This statute mandates the Commissioner of Corrections to collect data to enable the Legislature to develop a fiscally sound plan for a coordinated, statewide system of effective and efficient sex offender treatment. The statute also requires the Department of Corrections (DOC) to develop a system for tracking information about sex offenders residing in the community. Finally, the statute requires the DOC to develop a mechanism for funding sex offender treatment programs in unserved and under served areas. The Sex Offender/Chemical Dependency Services Unit (SO/CD Unit), in which CBSOPEP staff are based, has been given the responsibility for fulfilling these requirements.

This report will update the activities of CBSOPEP staff in pursuing these legislative requirements. In particular, it will provide details on:

- ‘ the CBSOPEP Retrospective Probation Study;
- ‘ the implementation of community notification in Minnesota;
- ‘ current community notification research;
- ‘ the Minnesota Sex Offender Screening Tool (MnSOST);
- ‘ the DOC’s Polygraph Pilot Project; and
- ‘ the SO/CD Unit’s sex offender tracking system.

CBSOPEP staff have reported on the retrospective probation study data in previous legislative reports and will make a final report by spring of 1999.

Guide to Acronyms Used in this Report

BCA	Bureau of Criminal Apprehension
CBSOPEP	Community-Based Sex Offender Program Evaluation Project
DOC	Department of Corrections
ECRC	End-of-Confinement Review Committee
ALJ	Administrative Law Judge
MnSOST	Minnesota Sex Offender Screening Tool
MnSOST-R	Minnesota Sex Offender Screening Tool-Revised
POST	Peace Officer Standards & Training
SO/CD Unit	Sex Offender/Chemical Dependency Services Unit

Figure 1

CBSOPEP Retrospective Probation Study

HIGHLIGHTS:

- ' A final report on existing data has been delayed because of involvement of CBSOPEP staff in community notification.
- ' CBSOPEP staff have contracted with Ronald E. Anderson of the University of Minnesota to assist in completing final analyses of existing CBSOPEP probation data.
- ' A 1998 revision to M.S. 241.67, Subd. 8 enables research staff to gather remaining data required by Legislature and necessary for completion of the evaluation project.
- ' Research staff have developed a plan to gather remaining data for sex offenders placed on probation in 1997.

As was reported in our 1997 Report to the Legislature, data collection was completed on the CBSOPEP probation study using data gathered on 1,415 felony sex offenders sentenced to probation in 1987, 1989, and 1992. Involvement of CBSOPEP research staff in ongoing community notification processes has delayed the completion of the final report on these data. For this reason, the SO/CD Unit has contracted with Ronald E. Anderson of the University of Minnesota to analyze these data and assist in developing a final report to the Legislature, which is expected in the spring of 1999.

There are significant gaps in the information gathered in the probation study that need to be addressed. As indicated in the 1997 Report, data regarding the offenders' jail time ordered and served were frequently unavailable in probation files. Attempts to gather this information directly from county sheriffs and jail administrators have met with limited success, due in part to the age of the records for some of these offenders.

Retrospective Probation Study

Purpose:

To provide the Legislature with the information necessary to develop a fiscally sound, coordinated plan for effective and efficient sex offender supervision and treatment in the community.

Sample/Methods:

This study examines the entire population of felony sex offenders sentenced to probation in 1987, 1989, and 1992 (1,415 offenders in all).

Extensive data have been gathered about the offenders' characteristics, their offenses, their victims, the details of their supervision, and their law-abiding behavior following their being sentenced to probation.

Summary of Progress:

Report delayed because of involvement of CBSOPEP staff in community notification. Contract will allow for completion of final analyses, with a report expected in spring of 1999.

Research staff will gather data on an additional year of probation offenders in an attempt to provide the Legislature with the information required by statute. This data was unavailable to research staff in the initial probation study.

Community Notification Research

Purpose:

To examine the offenders subject to community notification in the first year the law was in effect. This detailed examination will provide important data regarding characteristics of the offenders, their offenses, their victims, their ability to remain law-abiding following release under community notification, and the extent to which notification affected their ability to find employment and housing.

Sample/Methods:

This research examines all sex offenders released from Minnesota correctional facilities or covered by Interstate Compact who were subject to community notification in 1997.

Summary of Progress:

Data collection is 50% complete. It is expected this project will be completed and a report issued within the next year.

Criminal history checks will continue for at least three years following the offenders' release.

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MnSOST Validity Study

Purpose:

To refine the MnSOST by determining which items appear to correctly determine offenders' risk to reoffend.

Sample/Methods:

The 1996 validity study examined 383 offenders who had been released from prison 6-8 years before the time of the study.

Research staff classified offenders according to whether they had committed a sex offense following their release. The MnSOST was then coded for each case and staff then determined the extent to which the MnSOST correctly predicted reoffense.

Summary of Progress:

The validity study was completed in 1997. A 16-item refined screening tool, the MnSOST-R, was developed from these results. The MnSOST-R not only improves the accuracy of the screening tool in predicting reoffense, but also uses empirically weighted items (the previous version used a priori weights).

MnSOST-R Reliability Study

Purpose:

To determine how consistently the refined 16-item screening tool can be coded by different individuals.

Sample/Methods:

The reliability study examines how consistently approximately 20 coders score the MnSOST-R on the same 20 cases.

Summary of Progress:

The reliability study is currently underway, and report is expected within the year.

Polygraph Pilot Project

Purpose:

To assess the optimal use of polygraph examinations in the supervision of and programming for sex offenders released from prison.

Sample/Methods:

The project examines 100 sex offenders released from prison as of July 1, 1998. The first 50 releasees will constitute the control group, which will not have a polygraph exam. The next 50 releasees will comprise the control group, and they will be subject to polygraph exams twice in the first six months following their release from prison.

Summary of Progress:

The study is currently underway and a report should be forthcoming within the next year.

As was also reported in the 1997 Report to the Legislature, data indicating the extent to which offenders participated in and successfully completed community-based sex offender treatment were often missing in probation files. Attempts in 1997 to gather this information directly from treatment providers met with limited success, largely because providers felt that providing such data would be a violation of Data Privacy statutes. This problem was remedied with the 1998 revision to M.S. 241.67, Subd. 8, which directs treatment providers to make this information available to the DOC and thereby resolves any data privacy issues.

With the mechanism in place to enable collection of these data, CBSOPEP research staff are now planning to gather data on an additional year of felony probation sex offenders. Examination of a more recent year of offenders makes it more likely that such information is still available and reasonably complete. Such data also would reflect the many significant changes in the treatment and supervision of sex offenders in the community that have occurred since 1992 (the most recent year of data in the current retrospective probation study). Finally, the additional year of probation data would complement the data currently being collected by CBSOPEP staff on sex offenders released under community notification in 1997 (reported below).

GOALS FOR THE UPCOMING YEAR:

- ' To issue a final report on the retrospective probation study by spring of 1999.
- ' To begin gathering legislatively mandated data on 1997 probation sex offenders.
- ' To shift responsibility for community notification from research staff to staff hired specifically for this purpose, as is possible within budget constraints.
- ' To update criminal background checks for offenders currently in the retrospective probation study.

- ' Data collection for community notification research is 50% complete. It is expected this project will be completed and a report issued within the next year.
- ' The MnSOST-R reliability study is currently underway, and report is expected within the year.
- ' The Polygraph Pilot Project is currently underway and a report should be forthcoming within the next year.

Community Notification Update

HIGHLIGHTS:

- ' The community notification law has been successfully implemented by the DOC, as directed by statute.
- ' A high degree of coordination has been achieved among DOC staff, state and county corrections agencies, and law enforcement agencies at all levels across the state.
- ' The community notification efforts of the DOC have been well received by multiple agencies.
- ' The DOC has administered a controversial, highly visible policy in a manner that delivers the outcomes as required by the Legislature.

BACKGROUND

In 1996, the legislature passed the Community Notification Act (M.S. 244.052). The DOC was charged with several responsibilities in the statute and assumed additional duties as the information source for inmates about to be released from prison.

The Community Notification Act requires the DOC to establish a scale for use in determining the risk that sex offenders pose to the community after their release from prison. In addition, it requires the DOC to establish End of Confinement Review Committees (ECRC) in each correctional facility to assign a risk level to each sex offender due to be released from that facility using the aforementioned scale.

SUMMARY OF THE NOTIFICATION PROCESS

Offenders who have been, or are about to be, released from prison for a sexual offense or an offense with sexual components are assigned one of three risk levels. If the offense meets the criteria that would require sex offender registration as established in M.S. 243.166, the offender is reviewed by an ECRC and assigned a risk level. The lowest risk level assignment is Risk Level 1 and the highest risk assignment is Risk Level 3. See Figure 3 for a summary of what type of notification each level requires.

Once the ECRC has assigned a risk level to offenders subject to notification, the DOC is then responsible for giving the information to various law enforcement agencies. The information is first sent to the jurisdiction responsible for the offender's incarceration. The information next goes to the police jurisdiction where the offender will live, if different from the charging agency. The information often is sent to the supervised release agent as well.

The following agencies receive information about released offenders when the notification is initially prepared:

- ' the law enforcement agency in the jurisdiction responsible for the charge that resulted in the offender's incarceration;
- ' the sheriff in the county of commitment if different from the conviction agency;

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- ' the police jurisdiction where the offender will reside;
- ' the sheriff in the county of residence; and,
- ' the BCA.

The information package must contain the Risk Assessment Report and any information the DOC used to determine the risk level assignment. Minnesota Statute 244.052 is specific about which agencies should receive these reports and related information and at what time prior to the offender's release the DOC should distribute the information. The DOC also provides this information to law enforcement agencies as the offenders change residence subsequent to release.

Notification applies to sex offenders for the entire period they are required to register their address changes under M.S. 243.166. This time frame is ten years or until supervised release or probation expires, whichever is longer. By the end of 1999, it is expected that over 65% of the information packets distributed by the DOC will pertain to offenders relocating to a different address after their initial release.

NOTIFICATIONS BEYOND RELEASE: WHAT HAPPENS WHEN AN OFFENDER MOVES

Earlier this year members of the SO/CD Unit Research Team conducted a review of the information releases to law enforcement that occurred during the first calendar year of notification. A distinction was made between the dissemination of information to law enforcement for

an offender being released from prison (termed a "Release Notification Event") and the dissemination of information to law enforcement for an offender who changed addresses (termed a "Relocation Notification Event"). For calendar year 1997, the SO/CD Unit administered 464 Release Notification Events and an additional 197 Relocation Notification Events.

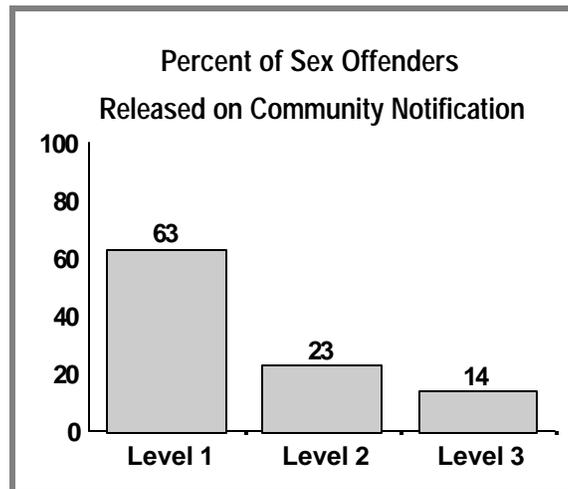


Figure 2

The vast majority of the Relocation Notification Events occurred in the last half of the year, partly due to the timing of releases and also because there was not a pre-existing pool of offenders who could move at the start of the year. As the pool of released offenders grows over time, a greater proportion of notifications will be for Relocation Notification Events. It appears that this growth will be exponential rather than

incremental, as offenders will continue to move after release and are not limited as to the frequency of address changes or the duration of residence at any address. Simply put, the number of offenders that can be released in any year is finite, while the number of times offenders can move after release is infinite.

RISK LEVEL APPEALS, REVIEWS, AND RE-REVIEWS

In addition to the notifications described above, DOC staff also must oversee risk level adjustments based on appeal or review, as outlined in the notification statute. Currently these events continue to unfold and they are difficult to quantify. These adjustments have, until now, been limited to those offenders who have requested a review of their risk level assignment by an Administrative Law Judge

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(ALJ). Once offenders have been granted a reduction of their assigned risk level, this new information must be distributed to law enforcement.

As of July 1, 1998, there were 65 requests by inmates for administrative review, of which 53 had reached conclusion. In 29 of these cases, the inmate withdrew his request for review. Another 17 cases were decided in favor of the DOC, upholding the risk level assigned by the ECRC. In seven of the cases, the ALJ lowered the risk level of the offender. The remainder of the cases were still in process and therefore undecided.

There have been fewer requests for risk level reviews than had been originally estimated. There are three significant reasons for this. First, the risk level assignments have been conducted in a professional and systematic manner. This has produced a process that varies little from one institution to the next and virtually eliminates arbitrary decisions.

Second, the risk level assignment has been based on a scale that draws heavily on the information in the MnSOST (discussed elsewhere in this report). This instrument has been validated on a population of Minnesota offenders and has proven to be a

valuable asset in determining the risk level of sex offenders.

The third reason there have been few requests for reviews is that the Legal Advocacy Project attorneys, while representing their clients

aggressively and vigorously, have not engaged in frivolous filings on behalf of their clients. This has narrowed the scope of the reviews to legitimate questions regarding the risk level assignment.

In addition to the right to appeal, offenders who have been assigned a Risk Level 2 or 3 are allowed by statute to seek a reduction of their risk level two years after it was assigned. This review process will begin October 1998 (two years after risk level assignment for community notification began). The resultant changes in risk level assignments that occur as part of this process will add to the notification activities currently performed by the SO/CD Unit and also will add to the number of offenders presently seen by the ECRC at each institution.

There will probably be no surge of activity in October as a result of this change, but the reviews will add to the tasks of the DOC and therefore will increase the amount of staff

What the Different Risk Levels Require by Statute

Each notification level presents a different set of tasks for law enforcement officials and for the DOC staff. Law enforcement agencies are ultimately responsible for the notification process in the respective communities where offenders live, work, or are regularly found. Each risk level also creates a different set of information to be used and/or disseminated by law enforcement officials.

Risk Level I:

For Level I offenders, law enforcement may maintain data on the offender and may notify other law enforcement agencies. In addition, the victims of and witnesses to the offense must be notified if they request that notification in writing. The prosecuting attorney also may name individuals to be notified.

Risk Level II:

For Level II offenders, law enforcement officials may notify institutions and organizations whom an offender is likely to encounter and individuals likely to be victimized as determined by the offender's pattern of behavior, in addition to the individuals and groups specified for Risk Level I notifications. The "pattern of behavior" is identified during the assessment process and by the ECRC.

Risk Level III:

For Level III offenders, law enforcement may notify all persons and groups specified for Levels I and II, and also may notify anyone else in the community that the offender is likely to encounter. The Peace Officers Standards and Training Board (POST) has formulated a model policy regarding notification. This policy calls for law enforcement agencies to conduct a public meeting when a Level III offender is going to be released.

Figure 3

time involved in producing the information packets for law enforcement.

UPDATE ON COMMUNITY NOTIFICATION BY RISK LEVEL

Risk Level 1:

As of July 2, 1998, the DOC had sent information to law enforcement on 479 Level 1 sex offenders. This group makes up 63% of all notification offenders. Although this is the largest group of offenders in any single risk category, fewer resources are expended in law enforcement support than for the higher risk groups. This is due to the limited scope of the notification.

Risk Level 2:

As of July 2, 1998, the DOC had released information on 179 Level 2 offenders. There has been an increase in the scope of the Level 2 notification activity, particularly in terms of the range of individuals and organizations reached by the notification. This has resulted in an increase in the number and type of questions received by DOC staff regarding these offenders. Law enforcement is given wide discretion in determining who is to be notified for Level 2 offenders. Since there is such a wide variation in the range and scope of the Level 2 notification, law enforcement officials often seek clarification about Level 2 offenders.

Risk Level 3:

As of July 2, 1998, the DOC had released information on 107 Level 3 offenders. The statute says that persons where the offender lives, works, or is regularly found, may receive this information and that law enforcement may use the media to distribute information. For the most part, no law enforcement agency has been, or intends to be, conservative in the distribution of information regarding Level 3 offenders.

The release of information regarding Level 3 offenders is creating phenomena that are entirely new to the corrections and law enforcement. The

release of these offenders from prison and the accompanying media attention has created a highly charged atmosphere in those areas where offenders are due for release. This generally engages all of the constituencies noted in Figure 3 in actively seeking information about the offender.

It has been the position of the DOC since the first Level 3 offender information was released, particularly in light of the media response surrounding this offender, that the DOC not respond to questions about individual offenders. Once the information is in the hands of law enforcement, it is the responsibility of those agencies to release the information as they see fit. However, there are still a significant number of inquiries that are directed to the DOC every time a Level 3 sex offender is released, especially in those areas which have had no prior Level 3 releases. Because of this attention, most of the active support the DOC provides to law enforcement in the notification process is directed towards to Level 3 offenders.

COMMUNITY NOTIFICATION MEETINGS FOR LEVEL 3 OFFENDERS

As a part of the Risk Level 3 information distribution, law enforcement agencies are required by POST policy to provide the community with a public meeting where community members can get additional safety information and information about the specific offender, and can ask questions. As of July 1, 1998, law enforcement agencies across the state had conducted about 50 community meetings regarding Level 3 offenders. The Community Notification Coordinator for the DOC has assisted law enforcement in planning all of the community education meetings and has been involved in all but two of those meetings. Because of this involvement, the DOC has become a repository for community notification information.

The community education meetings have ranged in attendance from 1,400 at the first meeting to 24 at

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a meeting recently held in urban Minnesota. Metro area meetings now have from 50 to 250 participants. About half of all meetings have had media representatives present. A number of legislators also have attended these meetings.

NOTIFICATION TODAY AND TOMORROW

The effects of community notification will have to be examined in a scientific and systematic manner over time to gauge the effect of this initiative on the offenders, law enforcement, corrections professionals, and the community. There has been difficulty in finding residential placement for some offenders upon release, especially those classified as Level 3. The costs associated with the notification process have impacted all the agencies that have been charged with implementing this statute.

Some of the effects of this statute can be estimated now. All persons who manage, assess, treat, or supervise sex offenders realize the public scrutiny that notification brings to all these activities. Because of this, the offenders have been held to a higher degree of accountability for their behavior. This higher level of accountability has resulted in the return of some offenders to prison and likely has caused other offenders to follow the directives from their release agents with more care.

The community education meetings have consistently provided members of the public

with useful information about the notification process and about how to keep themselves and their children safe. The response from the public has been very positive with regard to the information provided at these meetings. Indeed, many individuals have expressed gratitude to law enforcement and DOC officials for the making the information available to them.

In addition, some of the feedback from members of the public who have attended these meetings suggests that the community at large is beginning to appreciate the magnitude of the notification process. Many have learned for the first time that offenders have substantial supervision when they are released from prison. Safety messages have been repeated time and again and many opportunities have been created for community members to interact with law enforcement officials in a positive and constructive manner. The process therefore seems to have enhanced public safety and not just the perception of safety. The notification process is working well and the results await time for an examination.

GOALS FOR THE UPCOMING YEAR:

- ' To seek staffing commensurate with tasks involved in community notification.
- ' To implement a process for reviewing risk levels after two years, beginning in October 1998, as required by statute.
- ' To continue fulfilling legislative requirements and enhancing public safety.

Revision of the Minnesota Sex Offender Screening Tool

HIGHLIGHTS:

- ' The SO/CD Unit has completed a final validity study of the MnSOST.
- ' The most recent validity research indicates that sex offenders who score high on the MnSOST are at least twice as likely to be rearrested for a new sex offense than those who score at lower levels.
- ' The MnSOST is a reliable screening tool (i.e., when using the same information, an offender will receive similar scores, even if scored by different individuals).
- ' The MnSOST is currently used to assist in making civil commitment referral decisions.
- ' The MnSOST is part of the DOC community notification Risk Assessment Scale. The offender's score on the MnSOST provides a guideline for the ECRC to determine what risk level an offender should be assigned.
- ' The MnSOST is being used in several other states, including Washington, North Dakota, and Arizona, to assist in risk assessment for community notification and/or sexual predator evaluation.

BACKGROUND

The DOC began development of the MnSOST in 1991. The MnSOST was designed to aid in identifying the most dangerous offenders and those offenders most likely to reoffend. These offenders would then be referred to the county attorney for civil commitment proceedings. If civil commitment does not occur, these offenders are supervised more closely than other releasees.

A group of corrections professionals (psychologists, case managers, and sex offender treatment staff) was created to formulate a set of "alerting risk factors" that would identify higher risk

offenders requiring greater scrutiny. This group of professionals was charged with developing a risk assessment process that would:

- ' Assess the offender at the earliest possible stage of his incarceration and throughout his involvement in the system;
- ' Match the offender with appropriate treatment programming during his incarceration;
- ' Assess the appropriate level of supervision and the need for other services upon release from prison; and,
- ' Identify certain alerting risk factors to determine if the offender should be referred as a candidate for civil commitment as a psychopathic personality.

This list of alerting risk factors would then be empirically tested. The group operated under the following assumptions:

- ' Assessment of risk should be uniform and use criminological information available on all sex offenders. Because the DOC was faced with the task of conducting risk assessments on all offenders convicted of felony Criminal Sexual Conduct, it was believed that a standard process should be applied to all sex offenders, that the same variables should be used to assess a sex offender whether or not he was involved in sex offender treatment, and whether or not he admitted to having committed his offense.
- ' The work group should develop such a screening tool through empirical methods. It should be constructed based on the best research and clinical judgement available at the time, and then applied to offenders who had been on release status for several years and whose recidivism outcome was known. This sort of study would provide the quickest

validation of the screening tool and allow it to be used within a relatively short period of time. The work group rejected longitudinal studies because of the time delay in establishing effectiveness and the possible contamination of the results of such a research project, since screening tool decisions would affect the offender's supervision or halfway house placement upon release.

- ' Screening tool items should be relatively objective and based primarily upon offender behavior.
- ' The screening tool should be a reliable instrument. If the same offender were being rated by different individuals, he should receive similar total scores across raters.
- ' The screening tool should be a valid predictor of membership in a high-risk group. The DOC would not so much be making predictions about a particular individual's chance of reoffending; rather, the prediction would relate to the likelihood of reoffending for a group of high scorers, i.e., those designated as high risk.
- ' A reliable and valid screening tool will improve the odds that accurate predictions will be made and public safety thereby enhanced. However, no such screening tool would be perfect; there will always be individuals predicted to fall into

the low-risk group who will commit a new sex offense. Conversely, there always will be offenders labeled by the screening tool as high risk who will not reoffend. Any use of the screening tool must take into account these false negatives and false positives when making judgments about risk to reoffend.

- ' Finally, a screening tool was considered to be only one part of a risk assessment process. It identifies a group of high-risk offenders whose cases need more scrutiny (e.g., a more detailed file review, an active search for more information about prior arrests and convictions, a clinical interview).

The work group reviewed existing research on sex offender risk assessment. Up to 1991, there had not been a great deal of research specifically dealing with actuarial

prediction of sex offender risk. The work group was aware of the difficulty of predicting offender dangerousness. Based on a review of the literature (Abel, Mittleman, Becker, Rathner, & Rouleau, 1988; Marshall, Jones, Ward, Johnston, & Barbaree, 1991; Working Group, Sex Offender Treatment Review, 1990), several risk factors with the strongest empirical support were identified. These factors included history of prior sexual offenses and prior non-sexual offenses, number of sex offense victims, presence of multiple

Validity

Definition:

The extent to which an instrument measures what it is designed to measure.

Applied to MnSOST:

How well does the MnSOST actually measure risk to reoffend?

Research Results:

Old MnSOST – Fairly well.
MnSOST-R – Twice as well as the previous version.

Reliability

Definition:

The extent to which similar results are achieved with repeated measurements.

Applied to MnSOST:

Can the MnSOST be scored consistently if it is scored more than once or by more than one person?

Research Results:

Old MnSOST – Yes.
MnSOST-R – Study under way that will determine reliability.

Figure 4

paraphilias, chemical dependency, and certain victim characteristics. The task force also reviewed previous risk prediction inventories, particularly those few designed specifically for sex offenders (Bemus & Smith, 1988; Crooks, 1989) and the Psychopathy Checklist-Revised (Hare, 1991). The work group did not include items from studies focusing on information about sex offenders that could not realistically be obtained and used by correctional staff for all sex offenders, even if the relationship to reoffending was known to be strong (for example, results from a plethysmograph testing). Based on these reviews, an inventory of 14 weighted items was constructed.

A second reliability and validity study was undertaken in 1993 (Epperson, Kaul & Huot, 1995). This study included 256 sex offenders released since 1988. These offenders were divided into three groups:

- ' No known arrest, with five years time at risk in the community (N=92);
- ' Arrest for a non-sex offense (N=59); and,
- ' Arrest for a sex offense (N=105).

It should be noted that this last group contained all sex offenders released since 1988 who were known to have been rearrested for a new sex offense. The other two groups were all offenders who had been released in 1988. Thus, the base rate of sex offense rearrest for this sample (41%) is not considered to represent the true base rate of the population. The same research methods employed in the first study were again utilized. Once again, results were promising.

Interrater reliability was considered adequate ($r = .73$). There were statistically significant differences among the total scores of the three groups. The mean total score of the sex offense rearrestees was 43.43. The mean for the other two groups combined was 35.94. Using relative improvement over chance, a cut point of 47 was identified.

Sixty-six offenders scored at or above 47. At this cut point, 41 of the 66 offenders (62%) were found to have been rearrested for a subsequent sex offense.

This tool has been used to rate offenders' potential risk to reoffend. Risk level assignment and civil commitment has been strongly influenced by this first screening tool.

CURRENT RESEARCH: REVISION OF THE MnSOST

Data were collected for a larger, more complete third validity study. A new MnSOST, consisting of 16 empirically weighted items (the Mn-SOST-Revised), has been developed and is in the process of being tested for reliability. Preliminary data analysis indicates that the new version is roughly twice as effective at identifying high-risk sex offenders than was the previous version.

The reliability study for this improved screening tool is currently underway and is expected to demonstrate that the MnSOST-R is just as or more reliable than the previous version of the MnSOST.

GOALS FOR UPCOMING YEAR:

- ' To complete reliability research and report results
- ' To train correctional staff to score the MnSOST-R
- ' To provide training for staff in other agencies (e.g., Attorney General's Office, State Public Defender's Office, Minnesota State Legislature, etc.) and other states in scoring and interpreting the MnSOST-R
- ' To begin using the MnSOST-R for community notification and civil commitment processes

Polygraph Pilot Project

HIGHLIGHTS:

- ' The Polygraph Pilot Project has been designed and implemented by DOC staff.
- ' The project will determine the ideal use of the polygraph in the supervision and treatment of sex offenders released from prison.

The Polygraph Pilot Project began July 1, 1998. The project is intended to assess the utility of polygraph examinations in the supervision and treatment of sex offenders residing in the community. Many jurisdictions across the country (most significantly Oregon and Colorado) currently use the polygraph in sex offender treatment programs and as a supervision tool. The DOC implemented the current pilot project as a means of determining the optimal use of this tool with sex offenders on supervised release in Minnesota.

The pilot project examines 100 sex offenders released from a Minnesota correctional facility who have at least six months of supervision remaining on their sentences. The first 50 sex offenders released will serve as the control group and will not be subject to polygraph. The second 50 sex offenders released will be subject to two polygraph examinations during the six months following their release. All offenders in this project will be required to attend post-release programming as a condition of their release.

The polygraph examinations are not intended to be a sanction nor are they intended to serve as the sole basis for a revocation. No sex offender will be returned to prison for "failing" a polygraph exam. In cases in which an offender appears to provide deceptive answers to the questions asked by the polygraph examiner, this information will be shared with the treatment provider and supervising agent for appropriate follow-up. These outcomes may include more restrictive supervision/release conditions or a more focused approach to offenders' programming.

CBSOPEP research staff will collect data that will allow for comparison of the control group and the polygraph group. It is hoped that the data will shed light on the most effective and efficient use of polygraph examinations in the supervision of sex offenders in Minnesota.

GOALS:

- ' To complete data collection and report on findings
- ' To develop informed policy regarding the optimal use of polygraph examinations in the supervision and programming of released sex offenders

Sex Offender Tracking System

Minnesota Statute 241.67, Subd. 8 (1) also requires CBSOPEP staff to provide follow-up information on community-based sex offenders for a period of three years following their completion of or termination from treatment. As indicated in previous legislative reports, CBSOPEP staff have created an initial probation form to be completed by probation agents when offenders are first assigned to their caseload. CBSOPEP staff are currently compiling this information, but the process so far does not appear to be working as well as was hoped.

There are several reasons for this. First, and probably most significantly, CBSOPEP staff have not been able to actively oversee the collection of this information, given their tremendous involvement with community notification activities. Many new agents have been hired since the form was instituted approximately three years ago and CBSOPEP staff have been unable to continue training sessions and provide instructions for completing the form accurately and in a timely manner. With the addition of more staff for community notification, CBSOPEP staff should be able to focus on this project more completely.

A second reason for the limited results of the initial probation form is that it is difficult to separate sex offenders from other offenders on agents' caseloads and identify them as a unique population. While it is true that offenders convicted of Criminal Sexual Conduct are sex offenders, there are many sex-related offenses (e.g., burglary, kidnaping) that also identify an individual as a sex offender. Information gathered to date has indicated that agents sometimes have difficulty determining whether an offender on their caseload is a sex offender if that individual has been convicted of something other than a sex offense. Therefore, the

scope of the information is more limited than initially conceptualized.

Finally, linking the initial probation form with existing CBSOPEP data has proven difficult. This highlights an increasingly common problem confronted by the SO/CD Unit in performing its many functions: there is no centralized repository of data on sex offenders in Minnesota. This is no doubt something the Legislature hoped to remedy with its requirement for a sex offender tracking system, but the problem goes beyond probation sex offenders.

The need for a sex offender information tracking system has become critical as community notification and other legal processes (e.g., civil commitment of sex offenders) progress, creating an exponential growth in the quantity of information pertaining to sex offenders in Minnesota and managed by the SO/CD Unit. Due to the growing volume of such information and the heightened interest of the public, media, and government in sex offenders, the SO/CD Unit has hired a Research Analysis Specialist. This position will serve the dual purpose of developing an integrated data management system for sex offender data that can link with databases maintained by other agencies, as well as performing higher-level statistical analyses for CBSOPEP research projects.

The SO/CD Unit currently tracks information on sex offenders in a number of different databases and for a number of different processes. These databases contain information on sex offender assessment reimbursements, sex offender treatment program grants, initial probation reports from probation agents, psychopathic personality and sexually dangerous person commitment referrals, sex offender histories of

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incarcerated offenders, community notification, and MnSOST research. The first task for the newly hired Research Analysis Specialist will be to assist in the development of an integrated database that captures all of these data elements and allows for connectivity with existing statewide sex offender databases, including the

DOC's information system (CMIS/COM.S.) and the BCA's Sex Offender Registration Database. This should allow the SO/CD Unit to manage information on offenders more efficiently and effectively as well as fulfill the legislative requirement under M.S. 241.67, Subd. 8 (1).

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