

To Governor Walz and the Minnesota State Legislature:

We write with grave concerns about Minnesota's enormous and misguided investment in so-called "civil commitment" for people convicted of sex offenses, and to urge a path forward that better prevents sexual violence, protects survivors, holds perpetrators accountable, and respects civil and human rights.

This is not a partisan issue. We are a diverse group of more than 50 legal scholars and practitioners, mental health providers, policy experts, law enforcement members, human rights and civil rights advocates, criminal justice reform groups, and others committed to reducing sexual violence in our communities. In light of a new report from Mitchell Hamline School of Law's *Sex Offense Litigation & Policy Resource Center*, the failures of Minnesota's Sex Offense Civil Commitment (MSOCC) regime cannot be ignored. We share the report's conclusions that MSOCC is exorbitantly expensive, ineffective, and dangerous, as it needlessly tramples the rights of a small minority while leaving real preventive solutions underfunded.

The report's findings are damning. Among them, Minnesota spends over **\$110 million per year** to indefinitely confine many hundreds of people who have already served their criminal sentences. The program's massive scale makes it a national outlier. While most states have no sex offender civil commitment at all, Minnesota commits the most people per capita of those that do. And it does this despite comprehensive evidence showing that such programs have "no discernible impact on the incidence of sex crimes." Minnesota's lopsided investment thus wastes scarce resources while starving far more effective programs, including those that directly serve victims.

Further, civil commitment under the MSOCC to the Minnesota Sex Offender Program (MSOP) — ostensibly designed to compel short-term "treatment" — is effectively a life sentence imposed without any finding of guilt or the due process protections of the criminal justice system. Only 21 of the 946 people committed under MSOCC over its 30-year history have ever been fully discharged, while at least 94 have died during their confinement. One is thus nearly five times more likely to die in the program than to be discharged from it. Without meaningful opportunity for release, nearly 75% of those currently detained have been there for more than 10 years. By contrast, New York, Washington, and Wisconsin, which all have much smaller civil commitment programs to begin with, have been successfully releasing people from their programs. We should learn from their success.

The report's evidence against MSOCC is overwhelming, and it echoes previous findings from academic studies, federal court opinions, a Minnesota government task force, and the Office of the Legislative Auditor. Yet policy change has not followed. The inescapable lesson is that incremental reform is futile. Instead, we must sunset the failed "treatment"

program known as MSOP and reinvest the funds into proven and promising approaches to significantly reducing sexual violence.

Specifically, we call for the state to:

1. End sex offense civil commitments in Minnesota.
2. Develop re-entry plans for all persons currently in MSOP that provide access to basic living needs; medical, mental health and dental care; job training and assistance finding employment; community-based treatment if needed; and identification documents.
3. Release all persons currently confined in MSOP over a maximum five-year period (excepting only those who do not wish to be released or who can be held under existing mentally ill and dangerous statute at the security hospital).
4. Notify victims regarding these changes, including the offer of supportive services, safety planning, restorative practices, and relocation options.
5. Reinvest savings into a new grant-making program at the Minnesota Department of Health to prevent sexual violence and support and empower survivors, families, and communities, while providing a just transition for facility staff and localities.

We urge the Governor and legislative leaders to forge a bipartisan plan to meet these objectives. We understand that toxic politics have derailed even modest reforms in the past. Yet we reflect a broad and growing consensus that MSOCC serves a broken system whose massive investment should be reallocated to a comprehensive campaign to reduce sexual violence. There are robust problem solving resources available for seemingly intractable social problems like this one, and we stand ready to collaborate with you and others on fixing this widely-recognized problem through a process that will not be mired in partisan politics.

MSOCC has failed. This is not to impugn the individual employees of MSOP who are working in good faith, but is instead recognition that the MSOCC enterprise as a whole is unsound and ineffective policy that must be shut down. It is time to sunset the program and reinvest. Doing so will address a longstanding blot on our state's reputation and significantly reduce sexual violence in Minnesota.

We look forward to working with you.

Organizations

**American Civil
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Minnesota**

**Black & Pink
Minneapolis**

**Center for
Constitutional Rights**

**End Mass
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(MN)**

EndMSOP Coalition

**Human Rights
Defense Center**

**Jewish Community
Action**

**Justice Impacted
Individuals Voting
Effectively (J.I.I.V.E.)**

Juvenile Law Center

**Law Enforcement
Action Partnership
(LEAP)**

Mental Health America

Minneapolis NAACP

**National Association
of
Criminal Defense
Lawyers**

**National Lawyers Guild -
Minnesota Chapter**

**Sex Workers
Outreach Project
(SWOP) Minneapolis**

Rainbow Health

**Re-entry Assistance to
the Incarcerated (RAIN)
of North America**

**The Advocates for
Human Rights**

**The Center for HIV
Law and Policy**

**The Center for Victims
of Torture**

**Twin Cities
Incarcerated
Workers Organizing
Committee**

**Wrongfully
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Families Council-MN**

\$100 Million Committee

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