DEPARTMENT OF CORRECTIONS

Policy:	**205.200**
Title:	**Sexually Dangerous Person/Sexual Psychopathic Personality Civil Commitment Screening**
Effective Date:	**3/25/26**

PURPOSE: To identify cases to be forwarded to the office of the county attorney of the presumptive release jurisdiction for consideration as a sexually dangerous person or sexual psychopathic personality.

APPLICABILITY: Minnesota Department of Corrections (DOC); all facilities, the risk assessment/community notification (RA/CN) unit, and incarcerated people with a sex, sex-related, or sexually motivated offense history.

DEFINITIONS:

Actuarial instrument – a statistical tool designed to predict sex-offense recidivism applicable to either males or females.

Course of harmful sexual conduct – two or more incidents of harmful sexual conduct.

Harmful sexual conduct – sexual conduct that creates a substantial likelihood of serious physical or emotional harm to another person (Minn. Stat. § 253D.02, subd. 8(a)).

High risk behavior – actions or patterns of conduct that significantly increase a person's likelihood of re-offending or violating supervision rules.

Independent legal counsel – a retired judge or an attorney with knowledge of the civil commitment process who makes independent recommendations along with the Sexual Psychopathic Personality/Sexually Dangerous Person (SPP/SDP) Screening Committee members.

Sex offense – sex related conviction, charge, arrest, self-report, or allegation resulting in some form of intervention indicating a professional determination that the allegation was substantiated by credible evidence.

A sexual, personality, or other mental disorder or dysfunction - any documented history or current diagnostic and statistical manual (DSM) diagnosis of any sexual, personality, or other mental disorder or dysfunction

Sexually dangerous person (SDP) –a person who has engaged in a course of harmful sexual conduct; has manifested a sexual, personality, or other mental disorder or dysfunction; cannot adequately control his or her sexual impulses; and is highly likely to engage in acts of harmful sexual conduct (as defined by Minn. Stat. § 253D.02, subd. 16). To meet this definition, the person must also have a condition that makes it difficult or impossible to control their dangerous behavior, but this does not need to rise to the level of an utter inability to control sexual impulses as required for a sexual psychopathic personality (*In re Linehan*, 594 N.W.2d 867,876 (Minn. 1999)).

Sexual psychopathic personality (SPP) – a person with a condition that renders the person irresponsible for personal conduct with respect to sexual matters as evidenced by a habitual course of misconduct in sexual matters and an has an utter lack of power to control his or her sexual impulses and, as a result, the condition is dangerous to others (Minn. Stat. § 253D.02, subd. 15).

Sexual psychopathic personality/sexually dangerous person (SPP/SDP) review packet – a packet of relevant documents reviewed by the SPP/SDP screening committee and independent legal counsel.

Sexual psychopathic personality/sexually dangerous person (SPP/SDP) screening committee (screening committee) – a committee of three people appointed by the commissioner of the Minnesota department of corrections (DOC) who have experience in the assessment, correctional management, and supervision of individuals who have committed sexual offenses. The presence of two members constitutes a quorum. All actions taken by the screening committee are determined by majority vote.

PROCEDURES:

A. A risk assessment/community notification (RACN) assessor scores an actuarial tool for any incarcerated person with a sex offense history 16 to 17 months prior to confinement release or as soon as possible if there is less than 16 months to release.

B. Identification for SPP/SDP Reviews:
   1. The RACN corrections program and policy monitor (the coordinator) identifies individuals on their caseload with a sex, sex-related, or sexually-motivated offense history 15 months prior to confinement release and determines if sexual psychopathic personality/sexually dangerous person (SPP/SDP) review is needed. If SPP/SDP review is needed, the coordinator obtains relevant documents for uploading to the document management system and completes a SPP/SDP Review Checklist (205.200C, attached).

   2. The caseworker identifies individuals on their caseload if the caseworker has special concerns but the individual does not have a sex, sex-related, or sexually-motivated offense history 15 months prior to confinement release and determines if sexual psychopathic personality/sexually dangerous person (SPP/SDP) review is needed. If SPP/SDP review is needed, the caseworker obtains relevant documents for uploading to the document management system and completes a SPP/SDP Review Checklist (205.200C, attached).

C. The coordinator schedules individuals identified as needing SPP/SDP review for an SPP/SDP screening committee review approximately 15 months prior to confinement release review.

D. The SPP/SDP screening committee conducts an initial review of individuals scheduled by considering information contained in the SPP/SDP packet. The SPP/SDP screening committee may request an SPP/SDP report prepared by an RACN assessor.

E. The coordinator schedules a second review by the SPP/SDP screening committee when a report has been requested by the SPP/SDP Screening Committee and the report is complete.
   1. The SPP/SDP screening committee makes a written recommendation whether to forward the case to the county attorney's office of the presumptive release jurisdiction. The

recommendation is based upon the information contained in the SPP/SDP review report and any additional information made available during the meeting of the screening committee. If the SPP/SDP screening committee makes a recommendation to forward the case, the case is forwarded.

2. Independent legal counsel makes a separate written recommendation whether to forward the case to the county attorney's office of the presumptive release jurisdiction. The recommendation is based upon the information contained in the SPP/SDP review report and any additional information made available during the meeting of the screening committee. If independent legal counsel makes a recommendation to forward the case, the case is forwarded.

F. The coordinator reviews individuals assigned community notification risk levels by end of confinement review committees (ECRCs).

1. Information concerning the individuals assigned community notification risk levels is conveyed to the county attorney's office of the presumptive release jurisdiction or the individual is scheduled for additional review by the SPP/SDP screening committee and independent legal counsel.

2. Information concerning individuals assigned a community notification risk level 3 who were previously reviewed but not forwarded by the screening committee and independent legal counsel is provided to the commissioner of corrections or designee to determine if the case should be forwarded to the county attorney's office of the presumptive release jurisdiction.

3. For federal and other state predatory convictions where individuals are assigned community notification risk levels by ECRCs, the coordinator schedules individuals for review by the SPP/SDP screening committee following the procedures prescribed by predatory registrants convicted of Minnesota predatory registrant offenses.

G. The RA/CN director reviews all individual with a sex offense, sexually-motivated, or sex-related offense history who are re-incarcerated to determine whether the case needs further review by the screening committee and follows applicable procedures.

H. The RACN coordinator responds to county attorneys' offices or attorney's general office requests for information for civil commitment proceedings.

INTERNAL CONTROLS:

A. All reviews and screening committee decisions are documented in COMS.

B. All civil commitment information requests and responses are documented in COMS and OnBase.

C. All decisions made by the commissioner/designee regarding forwarding cases to the county attorney are documented in the RA/CN SPP/SDP database and COMS and a copy of the signed letter is retained in OnBase.

STATE CORRECTIONAL FACILITY SECURITY AUDIT STANDARDS: None

REFERENCES: Minn. Stat. §§ 244.05, subd.7; 253B.02; 253B.18; 609.342; 609.343; 609.344; 609.345; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.24; 609.245; 609.25; 609.255; 609.365; 609.498; 609.561; 609.582, subd. 1; 609.713; and609.749, subd. 3 or 5
In re Linehan, 594 N.W.2d 867,876 (Minn. 1999)
In re Jackson, 658 N.W.2d 219, 226 (Minn. App. 2003), review denied (Minn. May 20, 2003)
In re Kindschy, 634 N.W.2d 723, 732 (Minn. App. 2001), review denied (Minn. Dec. 19, 2001))
Policy 205.220, "Predatory Registrant: Registration, Public Registrant Website, and Risk Level Assessment"

REPLACES: Policy 205.200, "Sex Offender Civil Commitment Screening," 2/13/12.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Screening Committee Guidelines (205.200A)
Records Request Certification-MCF (205.200B)
SPP/SDP Review Packet Cover Sheet (205.200C)
Records Request Certification-CO Records (205.200D)
Records Request Certification-OSI (205.200E)
SPP/SDP Interview form (205.200F)

APPROVAL:
Commissioner of Corrections