

MSOP Family & Supporters' Guide

A guide to help families & friends navigate
civil commitment at MSOP in Minnesota.

Created Fall 2023
by members of the "EndMSOP Coalition"
Revised Spring 2024

Disclaimer: The information provided herein is for general informational purposes only and should not be construed as legal advice. If you require legal advice or assistance, please consult with a qualified legal professional who can consider the specifics of your situation and provide guidance tailored to your individual needs. This information that is provided is to the best of our knowledge and our intent is to help and inform, not mislead in any way.

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What is MSOP?

Minnesota Sex Offender Program

- 1 program in 2 locations: Moose Lake & St. Peter, MN
- Name is misleading as they are not there FOR a crime – they've already served prison time if they were even convicted of a crime

Sex Offense Civil Commitment (SOCC) is also referred to as

- "Treatment"
- Pre-crime or preventive detention
- Shadow prisons

Civil commitment is different from criminal law, so there is not protection of Double Jeopardy, Due Process, Release Dates, etc...

This type of civil commitment exists in 20 states and the Federal Government

Mitchell Hamline, Sex Offense Litigation and Policy Resource Center – Report Released April 2024

- [Minnesota's Failed Investment](#) and the \$100 Million Opportunity to Stop Sexual Violence
- [Letter of Support](#) that was sent to the Governor and Legislature
- [Sign-on Letter](#) for individuals, experts, and organizations

3-part News Series on MSOP – Northern News Now

Part 1: <https://www.northernnewsnow.com/2023/11/01/msop-moose-lake-behind-barbed-wire/> (7:14)

Part 2: <https://www.northernnewsnow.com/2023/11/02/msop-moose-lake-behind-barbed-wire-pt-2/> (7:49)

Part 3: <https://www.northernnewsnow.com/2023/11/03/msop-moose-lake-behind-barbed-wire-part-3/> (7:59)

Other news articles:

<https://www.minnesotamonthly.com/lifestyle/the-fight-against-minnesota-sex-offender-program-msop/>

<https://theappeal.org/the-endless-punishment-of-civil-commitment/>

<https://perilouschronicle.com/2021/09/22/detainee-resistance-at-msop-shadow-prison-intensifies/>

<https://www.prisonpolicy.org/blog/2023/05/18/civil-commitment/>

MSOP Judicial Hold

A judicial hold means they are being held before a court hearing where their civil commitment will be determined in front of a judge, not a jury. A Mental Health Assessment must be done within 3 days of being placed in MSOP.

Lawyers do not always understand the civil law of “civil” commitment. Families may be told to check into treatment to “look good” to the judge. Later, that will be held against them showing their “need” for treatment. Plea deals may also be detrimental later on, as it will show a “pattern of emotional harm.”

Do NOT check yourself into ANY SOCC program in the United States. Even if promised you will “only be in the program a few months.” Some may be promised to be done in 18 months. *There is no set time-frame to be released from SOCC.* In 30 years, there have been 24 total releases in Minnesota. There were no releases until 2015 due to external pressure.

Any meetings with staff, tell them “talk to my attorney!”

Questions?

Next up: Abbreviations and definitions

- Treatment & progression
- Phone calls and visiting
- Policies and helping your loved one
- Advocating and how to help

MSOP Definitions – common abbreviations (external, legal)

DOJ: Department of Justice – civil rights division

CRIPA: Civil Rights of Institutionalized Persons Act

*DHS: Department of Human Services (responsible for MSOP)

*DCT: Direct Care and Treatment (responsible for the state mental hospital, part of DHS) *this is changing, DCT/DHS splitting

SOC: Sex Offense Civil Commitment

MCT Act: MN Commitment & Treatment Act establishes SOC... MN § 253.D

SDP/SPP/SVP: Sexually Dangerous Person or Sexually Psychopathic Person or Sexually Violent Person

ROI: Release of Information

POA: Power of Attorney

HCD: Health Care Directive (a.k.a. Living Will)

SOS: State Operated Services

SRB: Special Review Board (provides a recommendation based on treatment reports to the CAP)

CAP: Commitment Appeal Panel (judicial panel that makes a final decision on whether to make a reduction in custody) **a move to CPS, PD, FD

CPS: Community Preparation Services (where clients have a chance to “reintegrate”, located outside of the barbed wire on the St. Peter campus)

PD: Provisional Discharge (ability to live in the community with MANY restrictions)

FD: Full Discharge (no longer under the care of the MSOP)

MSH: Minnesota Security Hospital (forensic nursing home)

MAARC: Minnesota Adult Abuse Reporting Center

MSOP Definitions – common abbreviations (internal)

RAFC: Resident Advisory and Family Council
(statutorily provided for those inside MSOP to review policies)

SAM: Self Administered Medication

ITP: Individual Treatment Plan

MHA: Mental Health Assessment

SOA: Sex Offender Assessment
(now “Pshychosexual Assessment”)

BER: Behavior Expectation Report

ICS: Incident Command System

AR: Administrative Restrictions

VTN: Vocational Treatment Notice (warning or termination)

HSA: High Security Area (like solitary confinement)

Ombudsman: an official appointed to investigate individuals' complaints against maladministration, especially that of public authorities.

AIW: Allowable Items Workgroup

CRC: Client Resource Coordinator

CAR: Client Accountability Report

UD: Unit Director

OD: Officer of the Day

OSI: Office of Special Investigation

Questions?

Next up: Treatment & progression

- Phone calls and visiting
- Policies and helping your loved one
- Advocating and how to help

How long is treatment?

- Indefinite
 - NO TIME LIMIT – Initial design was 3-4 years
 - Open since 1994, NO releases until 2015 Karsjen's case
- Detainees can petition for a reduction in custody “every 6 months”
 - Not automatically evaluated & released
 - SRB makes a recommendation to CAP, based on “expert” opinions of risk factors & treatment team input
 - SRB is very slow – delays are *well over 1 year*
 - A ‘Focused Review’ is done to determine for additional risk assessments or continue to CAP
- Executive Director (Nancy Johnston) can petition on behalf of detainees – *but doesn't*
- Even after release, treatment is required
 - MSOP is NOT an accredited treatment program & lacks reintegration and deinstitutionalization
 - Other treatment programs like Alpha Emergence, Lighthouse, etc, either refuse or struggle to work w/ MSOP because of over-treating, unethical pressure to write negative reports, and unrealistic provisional discharge “rules”

Progression through MSOP

Phases

Based on progression through “treatment.”

Typically: Phase I → Phase II → Phase III → CPS → PD → FD

- NOT evidence-based; was developed by MSOP themselves
- “Satisfactory” scores in all 9 areas for 2 consecutive quarters to increase to Phase II, then “Enhanced” scores to get to Phase III
 - Very subjective & confusion among staff how to score
 - Clinician Matrix Scoring guide is not followed and will not be released to the public
 - Staff are directed to lower detainees’ scores
 - Not designed to be completed

Tiers ([see a policy here](#))

Based on behaviors. Tiers 1-5 give various levels of liberties & must apply for tier level increases. Affected by BER’s.

Tier 1 - White: get escorted everywhere by staff (*or Tier 5 clients *New*)

Tier 2 - Orange: can only leave unit on their own for specific things (i.e. group, education, etc)

Tier 3 - Yellow: can leave unit anytime, 1 quarterly meal from outside vendor

Tier 4 - Purple: can leave unit anytime, 2 quarterly meals from outside vendor

Tier 5 - Silver/gray: can leave unit anytime, 3 quarterly meals from outside vendor, can eat meal in visiting

An example: Why detainees do not “progress”

MSOP Moose Lake: Behind Barbed Wire Pt. 2

STATEMENT FROM MSOP
Dept. of Human Services

"Any claim that MSOP supervisors would direct therapists to lower assessment scores so that clients could not progress through treatment is false. Such professionally unethical behavior would not be - and is not - tolerated at MSOP."

→ Nancy Johnston, Executive Director

2327). Dr. Nicole Elsen conceded that scoring of the Matrix factors is somewhat subjective. (*Trial Tr. v. 7*, pp. 1347). Dr. Elsen also admitted that she had, at various times, directed the clinicians under her supervision in MSOP to lower a given treatment participant's Matrix scores,

and that such scores were in fact lowered at her direction. (*Id.*, pp. 1347-48.) Yet Dr. Elsen has never approved phase advancement of any MSOP detainee who has not met the Matrix goal requirements for such advancement (*Id.* n 1348)

The above text is found
<https://www.lrl.mn.gov/docs/2016/other/160557.pdf> from
Karsjens v. Jesson (2015)
<https://casetext.com/case/karsjens-v-jesson-14>

Mr. Schiffer explained that it is MSOP's practice for the clinical supervisor to review the matrix scores assigned by the primary therapist and lower them if the supervisor feels it appropriate. Mr. Schiffer testified that there is nothing sneaky in the scores being lowered. (excerpted from AP18-9078 dated July 12, 2019)

Questions?

Next up: Phone calls and visiting

- Policies and helping your loved one
- Advocating and how to help

Phone Calls

- Voice messages left *for* detainees are limited to 15 *seconds*
- Phone calls *from* detainees are limited to 15 minutes
- Cost is 5¢ per minute; 75¢ per 15-minute phone call
 - <https://web.connectnetwork.com/> to add money to an account using their Access Code (or client ID #)
 - MAY 2024 - Legislation pending for FREE phone calls

ALL calls are recorded, and calls may be transcribed into a communication log/incident report. Your phone calls can/will be used against you in your reports.

Moose Lake Voicemail
Dial 218-351-1900
Enter Access Code (or client ID #)
or search by name

St. Peter Voicemail
Dial 507-484-9930
Enter Access Code (or client ID #)
or search by name

Visiting Guide* – All Locations

*Rules may change based on employee working!

Minors are allowed with prior visiting approval & approval from primary unless restricted from contact with minors via their conditions of release (parole/probation officer)

Visiting in person

- Must fill out [Visiting Application Form](#) ([Minor Escort Authorization Form](#))
 - If denied visiting, they require a wait of 6 months to apply again
- Similar to prison environment – razor wire, sally port (secure entrance), guards, etc
- Must wear appropriate clothing & have approved visiting application
- Must pass metal detection – can remove metal and have it back after or pass a metal detection wand
- Bring ID with – must be valid & have *current* address & name
 - Also need ID # for registering on the visitation form
- Valuables & cell phones can be put into a free locker
- Up to 10 photos allowed to bring in – photos must leave with the visitor when visit is over
 - Cannot bring in notes/paper – but can bring in a photo of them

Video visits on zoom

- Zoom link will be sent to the email address the detainee provides to visiting staff – *do NOT open it until then!*
 - 30 minutes duration
 - All present must remain on camera & show ID at beginning
- Set up video visit at Moose Lake by calling 218-565-6249 (visitor can schedule it)
- St Peter visiting information: 507-985-2507 or 985-3001 (visitor cannot schedule it, only in advance by detainee)

Visiting Guide – Moose Lake specific

Moose Lake

Visiting Hours: Wednesday - Sunday 12:30pm - 8:00pm

Visits do not need to be scheduled in advance

Scrip up to \$10 per visitor – used by clients to make purchases in the vending machines

- only beverages available in the visiting area, no snacks

Video visits are scheduled by you OR by the detainee

- Set up video visit at Moose Lake by calling 218-565-6249

Can wear smartwatches (FitBit, Apple Watch, etc)

Visiting Guide – St. Peter specific

St Peter

Visiting Hours: Friday - Tuesday 12:30pm - 8:00pm

(Phase III, Tier 4-5 clients only:

Monday - Friday 8:30am - 9:00pm

Saturday/Sunday: 12:30pm - 8:00pm)

Visits **must be scheduled** 2 weeks in advance

Video visits requested by the detainee within 2 weeks*

*Not verified

Cannot wear smartwatches

CPS

Visiting Hours: Friday - Tuesday 12:30pm - 8:00pm

(Phase III, Tier 4-5 clients only:

Monday - Friday 8:30am - 9:00pm

Saturday/Sunday: 12:30pm - 8:00pm)

Visits **must be scheduled** 2 weeks in advance

Video visits requested by the detainee within 2 weeks

Can wear smartwatches (FitBit, Apple Watch, etc)

Ordering for Detainees

Walkenhorst's Vendor

- Limit = \$100/month
- OTC medication & hygiene products can be ordered from Thrifty White or Walkenhorst's

Electronics **MUST** come **directly from** the approved vendor list (such as Target, Overstock, Best Buy, etc)

Media, books, clothing, etc. must come directly from the seller

CANNOT come from 3rd-party sellers or used items, like Ebay or Amazon

- CPS can use Amazon for anything but electronics

Questions?

Next up: Policies and helping your loved one

- Advocating and how to help

Policies*

*Policies interpreted differently based on the employee working!

Over 400 policies to document client interactions/ behaviors

- Meant to record signs & symptoms of mental illness
- Policies are modeled after prison policies
- Staff not trained how to identify signs & symptoms
- Deliberate omission of prosocial behavior
- Punishments for rule violations
 - Inflation of rule violations → dangerous!
- Rules are constantly changing and enforced differently by each staff person

See some frequently requested policies on the [DHS Website](#) or [more policies HERE](#)

Helping your loved one & Handling retaliation Documentation

Encourage your loved one to document things in writing

- Encourage them to ASK questions – *especially* if it involves their civil rights
- Keep all requests and grievances, including responses to them – Exhaust the full communication chain!
- If not provided in writing, send a request or letter
 - Declaration Under Penalty of Perjury
 - Other Example: “staff person said ‘xyz’ to me on this date and time. Correct me if I am understanding this wrong”

Helping your loved one & Handling retaliation cont'd

Medical Care

- If inadequate medical care, request assistance in writing.
 - MAARC: Adult abuse reporting hotline 1-844-880-1574
 - Document in writing if the request was made and denied
 - Must show *deliberate indifference* (not just negligence): serious condition & deliberately chose not to act
 - Wrongful death tort can be filed by family if someone dies
- To get MSOP to act on medical needs: [follow this step-by-step](#)
- Have an ROI with the medical provider too (ex: Essentia clinic)

Helping your loved one & Handling retaliation cont'd

Keeping Records

Family/friends can use a phone's recording app to record all interactions involving MSOP staff

- Some apps require you to have speakerphone on to hear both parties
- MN is a 1 person permission state for recording and that person CAN be you

Keep a list of your loved one's:

- Clinical Team (not all Clinical Supervisors or Primary Therapists are licensed or trained in SO-treatment)
- Unit Director
- Health Services Contact
- Property Contact; other team members
 - Search for their emails at: <https://mn.gov/portal/whitepages/>

Helping your loved one & Handling retaliation cont'd

Release of Information to Request Records

Release of Information Form is required because of HIPAA

- One filled out for each person detainee is granting access to
- Ability to attend quarterly & annual treatment review meetings
- Ability to ask about progression, speak to primary therapist, or request a care conference
 - To discuss inadequate medical care, malpractice, or other issues
- Access to your loved one's records – **important for judicial holds & SRB process**
 - Incident reports, communication logs (must be listed specifically!)
 - BER's, ITP's, progress notes
 - Any email communications about them
 - *Identify any false reports & alert attorney*

MSOP will NOT contact you in an emergency unless “imminent death”

- Have another detainee-contact who can call you in an emergency!
- HCD and POA on file is helpful for those w/ increased medical risk
 - **Client request can be sent to CRC for a HCD form** or get free online help @ www.lawhelpmn.org
 - **POA info** – <https://www.lawhelpmn.org/self-help-library/fact-sheet/powers-attorney>

Requesting records: Email to MSOP-InfoRequest@state.mn.us

- Include: detainee name, date & type of records requesting, date you want them (ex: week), include “valid ROI is on file”, method of receipt–email or paper (potential cost for paper copies)

Accessing Case Records & Documents Online

- Dates & Times of CAP (Commitment Appeal Panel) Hearings
 - <https://www.mncourts.gov/Clerk-of-Appellate-Courts/Commitment-Appeal-Panel.aspx>
- Access status of appeals filed with MN Supreme Court & MN Court of Appeals
 - <https://macsnc.courts.state.mn.us/ctrack/publicLogin.jsp>
- Public Access to Court Electronic Records
 - <https://pacer.uscourts.gov/>
- Minnesota Court Records Online (MCRO): Free Public Access to MN State District Court Records & Documents
 - <https://publicaccess.courts.state.mn.us/>
- Free Access to Federal & State Court Decisions, Codes, & Regulations
 - <https://law.justia.com/>
- Access to Unpublished & Non Precedential Opinions of the Courts, including the Supreme Court
 - <https://mn.gov/law-library/search/?v:sources=mn-law-library-opinions>

Questions?

Next up: Advocating and how to help

Advocating 101: Use People-first Language

To help change the detrimental “monster” or “disgraced other” narrative, use people-first language.

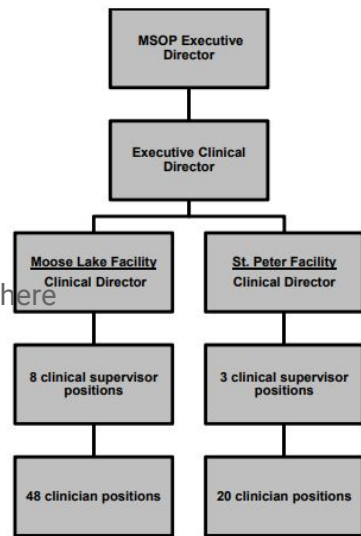
Some of the following are examples from [apa.org](https://www.apa.org):

- Prisoner/convict → person who is/has been incarcerated or justice-involved person
- Sex offender → person forced to register or person with a crime of a sexual nature or person convicted of a sex offense
- Victim/survivor → person who has experienced... or person impacted by...
- Mentally ill → person living with a mental illness/disorder
- Addict → person with a substance use disorder
- Homeless person → person without housing
- Hermaphrodite/tranny/transvestite → LGBTQ+, transgender people, trans and gender nonbinary folks
- Colored → person of color
- Minorities → people of color, or non-white
- MN Sex Offender Program → Moose Lake/St Peter Facility or MN Secure Treatment Facility

Who to Contact – MSOP Specific

- *DCT Direct Care & Treatment*: Marshall Smith: Marshall.E.Smith@state.mn.us 651-431-2687
- MSOP Executive Director: Nancy Johnston nancy.a.johnston@state.mn.us 651-431-4390
 - Legislatively, has power to petition for reduction of custody of detainees
- MSOP Executive Clinical Director: Jannine Hebert jannine.hebert@state.mn.us 651-431-4377
 - Moose Lake Clinical Director: Nancy Stacken: Nancy.M.Stacken@state.mn.us
 - CPS Clinical Director: Collette Grim Collette.E.Grimm@state.mn.us
- Moose Lake Facility Director: Terry Kneisel terry.kneisel@state.mn.us
 - CPS Facility Director: Paul Rodriguez paul.j.rodriguez@state.mn.us
 - St Peter Facility Director: Bonnie Wold bonnie.wold@state.mn.us
- Primary Therapist – Every detainee is assigned a primary therapist–can get phone/email information [here](https://mn.gov/portal/whitepages/)
<https://mn.gov/portal/whitepages/>
 - Treatment updates, disciplinary concerns/behaviors
- Moose Lake Ombudsman: Michael Woods Michael.Woods@state.mn.us 218-279-2526
- St Peter Ombudsman: Ashley Robinson ashley.robinson@state.mn.us 507-985-2052
- MSOP Records Department (HIMS Department) : MSOP-InfoRequest@state.mn.us 218-565-6546
 - Request policies, incident reports, health info, etc w/ active ROI on file
 - Ask to “inspect” documents, digitally, for no charge–can also have them emailed to you
- Medical Doctor: John Barry
- Health Services Director: Nikki Boder
- Registered Nurse Administrative Supervisor: Krista Gilpin

Figure 3.2: Clinical Organizational Structure of Minnesota Sex Offender Program, 2010



NOTES: Figure represents MSOP organizational structure related to clinical staffing only, and excludes rehabilitation department staff providing education, vocation, and recreation services. “Clinicians” include clinicians running groups and treatment psychologists. Figure shows the number of positions, including all vacant positions.

SOURCE: Minnesota Sex Offender Program.

Who to Contact – Federal & State

- US Department of Justice, Civil Rights Division: Christopher Cheng Christopher.cheng@usdoj.gov 202-514-8892
 - Investigates civil rights violations, maltreatment (See: Civil Rights Complaint Files)
- MN Legislators - find yours at www.gis.lcc.mn.gov/iMaps/districts/
 - Responsible for creating and voting on bills to make laws
- MN Governor: Tim Walz tim.walz@state.mn.us
 - Signs bills into law for the state
- DHS Commissioner: Jodi Harpstead jodi.harpstead@state.mn.us 651-201-3400
 - Answers to the governor - oversees *all* DHS departments
- MN Attorney General: Keith Ellison Keith.Ellison@ag.state.mn.us
 - Responsible for bringing petitions of civil commitment against people
- MN Department of Health Management: Matthew Heffron matthew.heffron@state.mn.us

How to Help, in general

- Learn more [about the EndMSOP Coalition](#); visit [our website](#)
- Share the new [Report by Mitchell Hamline SOLPRC](#)
- Contact your legislators to talk to them about MSOP & the new report www.gis.lcc.mn.gov/iMaps/districts/
- Sign & Share our petition: www.tinyurl.com/endmsop
- Attend an OCEAN event or EndMSOP meeting
- Share a Facebook post about MSOP
- Donate to OCEAN+EndMSOP at www.thevoicesofocean.net
- Donate to a sexual violence prevention or survivors' organizations
- Talk & listen one-on-one with someone about Civil Commitment & see their point of view
- Join an RAFC at an MSOP location

Books/Information

- [Failure to Protect](#): America's Sexual Predator Laws and the Rise of the Preventive State by Eric S. Janus
- [Civil Commitment of Sex Offenders](#) Office of the Legislative Auditor, State of Minnesota, Program Evaluation
- [Shaming the Constitution](#) by Michael Perlin & Heather Cucolo
- [Let This Radicalize You](#) book about organizing, also has a workbook (detainees are not allowed the book)
- [Jailhouse Lawyers Handbook](#): How to Bring a Federal Lawsuit to Challenge Violations of Your Rights in Prison
- [Panicked Legislation](#) by Catherine L. Carpenter
- [Rushville Report on Civil Commitment](#) in Illinois
- [Resistance Manifesto \(1st Edition\)](#) written by OCEAN in Minnesota
- [Evaluating Sex Offenders Manual](#) by Dennis M. Doren
- [Free bibles for prisoners](#) - some sites will send books to people incarcerated for little to no cost.

Other Resources

[Facebook Page - educational](#)

[Facebook Group - family/friend support](#)

[The Voices of OCEAN Website](#)

[CURE-SORT](#)

[A Just Future](#)

[Women Against Registry \(WAR\)](#)

[Once Fallen](#)

[Inside Illinois Civil Commitment](#)

[Stop It Now!](#)

Local ACLU may help with Civil Rights

Joshua Berglan's Podcasts: Search for MSOP

[TC-IWOC](#)

The Dobbs Wire: Twitter @thedobbswire

[Texans Against Civil Commitment](#)

[ATSA](#)

[NARSOL](#)

[The Marshall Project](#)

[UCLA](#)

Florida Action Committee (FAC)

YouTube - [UNLAWFUL by Jeremiah Johnson](#)