

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Kevin Scott Karsjens, David
Leroy Gamble, Jr., Kevin John
DeVillion, Peter Gerard
Loneragan, James Matthew Noyer,
Sr., James John Rud, James Allen
Barber, Craig Allen Bolte, Dennis
Richard Steiner, Kaine Joseph
Braun, Brian Christopher John
Thuringer, Kenny S. Daywitt, and
Bradley Wayne Foster,

Civ. No. 11-3659 (DWF/JJK)

Plaintiffs,

v.

ORDER

Lucinda Jesson, Dennis Benson,
Kevin Moser, Tom Lundquist, Greg
Carlson, and Ann Zimmerman, in
their individual and official
capacities,

Defendants.

BACKGROUND

The above-captioned matter was originally filed as *Karsjens, et al. v. Minnesota Department of Human Services, et al., pro se*, on December 21, 2011, as a proposed class action. On January 12, 2012, attorneys from the law firm of Gustafson Gluek PLLC filed Notices of Appearance in this matter. On or about January 25, 2012, Chief Judge Davis issued an Order [Doc. No. 142] staying all pending *pro se* Minnesota Sex Offender Program (“MSOP”) cases with the exception of this matter and *Thompson v. Ludeman, et*

al., 11-CV-1704 (DWF/JJK), and on February 6, 2012, Chief Judge Davis issued an amended Order [Doc. No. 83] staying additional MSOP cases. On February 8, 2012, Judge Frank issued an Order [*Thompson*, Doc. No. 146] staying the *Thompson* litigation. On March 15, 2012, an Amended Complaint [Doc. No. 151] was filed in the *Karsjens* matter and on July 24, 2012, Judge Frank issued an Order [Doc. No. 203] certifying the *Karsjens* matter as a class action. The parties have been and continue to discuss settlement of the issues raised in the *Karsjens* Amended Complaint.

The Court recognizes that issues relating to the processes for sex offender civil commitment, reductions in custody, and less restrictive alternatives to sex offender civil commitment in secure treatment facilities are processes that may be addressed through further study and consensus by use of a task force.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Minnesota Commissioner of Human Services (Commissioner) shall create an advisory task force hereinafter referred to as the “Sex Offender Civil Commitment Advisory Task Force” (Task Force) that shall consist of up to 15 members and will expire two years from the date of appointment of the first member;

2. The Task Force shall examine and provide recommended legislative proposals to the Commissioner on the following topics:

- A. The civil commitment and referral process for sex offenders;
- B. Sex offender civil commitment options that are less restrictive than placement in a secure treatment facility; and
- C. The standards and processes for the reduction in custody for civilly committed sex offenders.

3. The Commissioner shall strive to appoint individuals to the Task Force that have knowledge of the sex offender civil commitment process and the Minnesota Sex Offender Program; including, to the extent possible:

- A. Current and former state legislators
- B. Active or retired Minnesota County Attorneys
- C. Active or retired Minnesota State Court judges
- D. Active or retired Minnesota law enforcement personnel
- E. Attorneys licensed in the State of Minnesota that represent or have represented patients or sex offenders
- F. The Minnesota Ombudsman for mental health
- G. Victim advocates
- H. Sex offender treatment professionals
- I. Minnesota Department of Corrections
- J. Minnesota County Commissioners
- K. Minnesota County Adult Social Services
- L. Academic Professionals

4. The Task Force shall provide the Commissioner with recommendations on less restrictive alternatives to placement in secure treatment facilities and the Task Force shall provide to the Commissioner a schedule setting forth its work on each of the remaining topics and any other topics it deems necessary to adequately address the area of sex offender civil commitment by December 3, 2012. The schedule shall specify the date(s) by which the task force will deliver further recommended legislative reforms to the Commissioner.

5. The formation of this Task Force shall not affect or impair the rights of the parties with respect to further settlement discussions or litigation in this matter.

Date: August 15, 2012

s/ Arthur J. Boylan

Arthur J. Boylan
Chief Magistrate Judge
United States District Court