



Governor Terry E. Branstad  
Lt. Governor Kim Reynolds  
San Wong, Director

## **SEX OFFENDER RESEARCH COUNCIL MINUTES OF REGULAR MEETING**

**Department of Public Safety  
Public Meeting Room  
215 E. 7<sup>th</sup> Street  
Des Moines, IA**

**July 25, 2013**

**Present:** Beth Barnhill; Jerry Bartruff; Terry Cowman; Thom Ferguson; Binnie LeHew; Jason Smith; Tony Tatman

**Ex Officio:** Rep. Dave Dawson; Rep. Sandy Salmon

**Staff:** Paul Stageberg; Cheryl Davidson; Sarah Rabey; Julie Rinker; Lanette Watson

**Others:** Jennifer Acton; Tom Ashworth; Cathy Engel; Anna Hyatt-Crozier; Beth Lenstra; Michelle Tilotta

### **I. Welcome and Introductions**

Paul Stageberg called the meeting to order at 10:01 a.m. A quorum was present. Introductions were made at this time. Stageberg welcomed those in attendance.

### **II. Approval of Minutes**

The minutes were accepted as presented.

**[10:03 a.m. Kurt Swaim joined the meeting.]**

### **III. Review of the Council's Charge – Iowa Code 216A.139**

Stageberg discussed 2009 legislation that changed the 'task force' to a 'research council'. He reviewed the charge of the council as listed in statute 216A.139. An annual report to the governor and general assembly is due January 15.

### **IV. Review of Sex Offender Data**

Stageberg noted the loss of an analytic staff position two years ago. The position has been re-established by the General Assembly through the addition of 1.0 FTE and supporting funds in the FY14 CJJP budget.

Stageberg reviewed that data were originally collected on approximately 8,000 sex offenders. Complete criminal history verifications have been completed on 6,872 sex offenders and this information is considered a representative sample/cohort.

Lanette Watson, CJJJ Justice Systems Analyst, presented preliminary findings from her review of the data. The report is based upon 6,872 offenders convicted of some type of sex offense in Iowa. She reviewed demographics, offense class, criminal history, and recidivism.

Findings show that sex offenders are primarily white males (males 98%, white 90%). Nearly half committed their first sex offense before age 30. Just over 60% were convicted of a felony-level sex offense and 56% did not have a prior conviction. Of those who did have a prior conviction before the sex offense, 24% had a property offense, surprisingly more than drugs (8.2%) or alcohol (16.4%).

Recidivism—a little over half (3,670/53.4%) of the offenders did not have a new conviction. The most serious new offenses were almost equally split between felonies and misdemeanors—Felonies: 23.2%; Misdemeanors: 23.4%.

Recidivism Offense type:

- New Sex Crimes: 1,115 (16.2%)
- Violent: 1,051 (15.3%)
- Order/Other: 1,016 (14.8%)
- Property: 966 (14.1%)
- Alcohol 909 (13.2%)
- Registry violations: 753 (11.0%)

There were 11,576 total new convictions—mostly misdemeanors (misdemeanors 71.9%, felonies 28.1%) and ranged from 0-34 offenses for an individual offender.

The 6,872 offenders were tracked up to 40 years. Cumulative recidivism shows a gradual increase and then leveling off after 5 years.

Discussion included that there is some contention that it takes sex offenders longer to recidivate, although that could be related to incarceration.

**The Council requested further study regarding the original offense charge versus conviction as well as the number of offenders over age 40 that recidivate with a new sex crime.**

## V. Discussion of Kidnapping Developments and Research

Stageberg addressed the recent kidnapping/murder of a 15-year old girl in Dayton by Michael Klunder. The case has been heavily reported by the media. As a result, the state's Legislative Council has requested that the Public Safety Advisory Board (also staffed by CJJJ) examine Iowa Code §710 (kidnapping) and suggest possible sentencing alternatives. Stageberg thought the PSAB would want input from this group, although this Council's focus is more narrowly defined.

Watson reviewed preliminary data collected between CY2002-2012 from the State's courts and corrections databases and included: Sex, Race, and Age of Offender; original charge class, and convicted class by victim gender and victim age.

Findings show that kidnapping offenders are primarily male (98%), white (70%), and under the age of 40 (75%). Over half were under age 30.

Watson underscored the wide range of levels of violence committed by kidnapping offenders. While the information is preliminary, more data need to be collected including criminal histories and arrests.

Stageberg asked if the Council had suggestions and whether there was interest to support a recommendation to the PSAB. The following highlights the discussion:

- Lengthening the sentence for the kidnapping of a minor/child (Class B offense, 25 years) would have prevented Klunder from access to the community. The Council could address what legislative changes would have affected/prevented the Klunder kidnapping case.
- Changes to sex offense penalties in 2005 were the result of a high-profile case (Jetsetta Gage).
- A fact sheet should be provided to publicly clarify data versus media presentations—a list of common misconceptions and contrast with the data; enticement is usually conducted by a stranger.
- Provide prevention information.

## **VI. Report to the Legislature, January 2014**

- a. Discussion items**
- b. Recommendations**

Stageberg asked for suggestions/recommendations for inclusion in the report. There was consensus to include the following:

- The importance of prevention and long-term costs related to sexual violence.
- The Department of Public Health is analyzing data related to childhood sexual experiences. LeHew will send information.
- Changes in victims' services. Beth Barnhill will send information.
- The sex offender findings that were presented during the meeting.
- With the increase of offenders serving under the special sentence, there are significant concerns regarding supervision caseloads. As a result, the Department of Corrections has made a separate budget request to track, monitor, and supervise offenders. Concentrating supervision efforts on offenders who are a higher risk to reoffend may be a better use of resources.
- There are concerns/obstacles with aging offenders and placement in certain facilities (e.g. nursing homes). A facility is needed to house these offenders. Bartruff offered to provide more information for inclusion in the report.

## **VII. Other Issues/Concerns**

During the legislative session, SF385 was proposed regarding modifications to the sex offender registry requirements and special sentence related to “Romeo/Juliet” cases. Stageberg reviewed a request from the House Judiciary Committee to the Public Safety Advisory Board. The request was, in part, regarding the number of petitions and successful early discharges from the special sentence.

Lanette Watson discussed eight offenders who petitioned the court for removal, only two were successful.

Discussion included:

- Instead of demonstrating why someone should be removed from the special sentence, perhaps the burden should be shifted and evidence required to show that the special sentence should continue.
- Due to the high volume of caseloads, consideration could be given for a lower tier of the special sentence, perhaps even a deferred sentence. This approach would give corrections staff opportunities to observe offenders and recommend more supervision if deemed necessary.
- These decisions should be made at the local level and involve the Department of Correctional Services.
- It was requested that information be provided regarding the number of cases on the registry that were “Romeo/Juliet”.

## **VIII. Next Meeting Date**

No meeting date was set at this time.

## **IX. Adjourn**

The meeting adjourned at 11:25 a.m.

Respectfully submitted,

Julie Rinker  
Administrative Secretary  
Div. of Criminal & Juvenile Justice Planning  
Iowa Department of Human Rights