



# Iowa Sex Offender Research Council 2017\* Annual Report

## An Analysis of Domestic Abuse and Sex Offense in Iowa

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Sarah Fineran, M.A., Primary Author  
Taylor Barry, Co-Author, M.A. Candidate

Preparation assistance provided by:  
Lanette Watson

Iowa Department of Human Rights  
Division of Criminal and Juvenile Justice Planning  
Statistical Analysis Center  
Steve Michael, Division Administrator



Iowa Department of Human Rights  
Division of  
Criminal & Juvenile Justice Planning  
& Statistical Analysis Center  
321 E. 12<sup>th</sup> Street  
Des Moines, Iowa 50319  
(515) 242-5823  
<https://humanrights.iowa.gov/cjip>

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Completion of this report fulfills the Iowa Sex Offender Research Council's (SORC) legislative obligations outlined in Iowa Code section 216A.139(4)(e) providing that this council study "the efforts of Iowa and other states to prevent sex abuse-related crimes, including sex abuse."

On November 16<sup>th</sup>, 2016, Iowa's Sex Offender Research Council endorsed the following report.

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## Executive Summary

The purpose of this analysis is to examine the overall profile of offenders convicted of domestic violence and/or sex abuse in Iowa. Examination of characteristics specific to these offenders helps inform best practices related to treatment by observing the extent to which domestic violence and sex crimes intersect. This research is further informed based upon other national studies with common characteristics for this group of offenders. Specifically, the characterization of these offenders will help to ensure they are receiving the appropriate treatment, further enhancing public safety.

This analysis originally sought to examine the proportion of intersection between domestic violence and sex crimes. Following an analysis of a sample of offender's complete criminal histories, including historical and current convictions resulting in SFY2015 prison admission, 5.6% of offenders had sex and domestic violence criminal histories, or 6 of the 107 offenders examined. While prison entries more often involved prior domestic violence convictions, the reliability of findings is questioned due to low counts. Additional analysis sought to explore the distinctions between the two groups exploring variations in offender, victim, offense, and offender needs data.

Offenders newly admitted to prison during SFY2015 on a most serious conviction of domestic abuse (Iowa Code 708.2A), or a sex offense (Iowa Code 709) were also examined. Offender data was collected from two administrative data sources, including the Justice Data Warehouse (JDW), a central repository of key criminal and juvenile justice information, including the Iowa Court Information System (ICIS) and the Iowa Department of Correction's Iowa Corrections Offender Network (ICON). Additional analysis of lifetime criminal history included a review of the Federal Bureau of Investigations (FBI) Computerized Criminal History (CCH) data. A cohort of 184 sex offenders and 191 domestic violence offenders were selected for analysis (N=375).

### Offender Data:

Examination of 375 offenders newly admitted to prison during SFY2015 on a most serious domestic abuse or sex offense conviction revealed that a majority of offenders were male (95.7%), Caucasian (77.3%), and between the ages of 18 and 39 (71.7%). Females accounted for 4.3% of offenders examined within the study cohort.

Compared to domestic violence offenders, sex offenders had higher rates of known mental illness (41.3% vs. 28.3%). Sex offenders were statistically more likely to have a Mood Disorder (25.0% vs. 16.2%) and/or Attention Deficit Hyper Active Disorder (ADHD)/Disruptive Disorder (15.8% vs. 5.8%) compared to domestic violence offenders.

*Criminal History:*

Examination of prior conviction data revealed a low proportion of sex and domestic violence intersection with three domestic violence prison admissions convicted on a prior sex crime, and three sex offender prison admissions convicted of previous domestic violence crimes. Individuals who entered prison on domestic violence crimes had more extensive criminal histories, regardless of offense level, compared to sex offenders.

*Victim Data:*

Male victims accounted for 5.9% of total cases with 50% being victims of domestic violence and 50% as victims of sex abuse. Of the victims, 35% were Caucasian females; however victim race data was largely unavailable (41.1%). Overall, higher proportions of victims were Caucasian, female, and aged 13 to 29. Approximately, 56.2% of the total cases examined involved adult victims older than 18 years of age, while 33.6% involved victims under the age of 18. Approximately 10.1% of total cases involved multiple victims, electronic victims<sup>1</sup>, or unknown victim age. Victims of domestic violence were more likely to be older than age 18 (96.3%), while higher proportions of sex cases involved victims under the age of 18 (67.8%).

*Offense Data:*

A majority (67.2%) of the reviewed cases involved a moderate level of violence which could include strangulation, punching, rape, oral sex, and/or physical assault. Of those classified as moderate violence, 121 were domestic abuse offenses and 131 were sex offenses. It is important to note that only 2.4% of the reviewed domestic violence and sex cases involved both domestic and sex components.

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<sup>1</sup> Electronic victims include cases where police pose as a victim undercover and online, however no actual victim exists. Electronic victims could also include cases where offenders purchased or possessed child pornography on their mediums, although it is unclear that an actual individual was physically victimized.

Approximately, 5.6% of the total cases were categorized as extremely violent with domestic violence offenders having higher percentages of extremely violent crimes compared to sex offenders, a statistically significant finding (9.4% vs. 1.6%). Sex offenders were statistically more likely to have crimes not involving a weapon, compared to domestic violence offenders (92.9% vs. 4.2%).

Of the 375 cases, 69.6% of the domestic violence offenders examined were dating their victims, compared to only 1.1% of sex offenders. One commonality between the offenders examined were, nearly 59% were living in the same residence as their victim at the time of the assault. Of offenders who had children with their victim, approximately 63.5% of the cases reviewed involved crimes where a child was present at the time of the assault.

*Offender Needs Identified in Prison Following Incarceration:*

Examination of the Iowa Department of Correction's (DOC) needs data derived from risk assessments, revealed that some offenders are more likely to have certain types of needs requiring intervention, compared to others. Of total offenders with identified needs data, 65.9% of the needs were associated with domestic violence offenders within the cohort, while 34.1% were linked to sex offenders. Sex offenders were found to have significantly higher percentages of identified needs including emotional/personal, attitudes/orientation, and education than domestic violence offenders. Domestic violence offenders were significantly more likely than sex offenders to have identified needs including anger/hostility, impulse control, peer association, cost/benefit, interpersonal relationship, attachment with others, opportunity/access to victims, and parenting stress.

## I. Introduction

The original purpose of this analysis sought to examine the proportion of intersection between domestic violence and sex crimes. Following an analysis of a sample of offender's complete criminal histories, including historical and current convictions resulting in SFY2015 prison admission, 5.6% of offenders had sex and domestic violence criminal histories, or 6 of the 107 offenders examined. The results from this finding suggest that domestic violence and sex offenders tend to have current and prior crimes which do not overlap. Additional analysis explores the distinctions between the two groups reviewing variations in offender, victim, offense, criminal history, and offender needs data.

The research questions informing this analysis are:

- What are the demographic differences between domestic violence and sex offenders?
- What are the demographic differences between the victims of domestic violence and sex offenders?
- What are the variations in offense characteristics between domestic violence and sex offenders?
- What is the variation in criminal histories for domestic violence and sex offenders?
- Do the programming needs of an offender vary by those who are admitted to prison on domestic violence or sex crimes?

Examination of characteristics specific to these offenders helps inform best practices related to treatment by observing the specific characteristics of domestic violence and sex crimes, acknowledging their distinct offender, victim, and offense differences. Examination of these variables also seeks to inform programmatic decisions for sex and domestic violence offenders, further enhancing public safety.

## II. Literature Review

### Sex Offending

In October 2014, the U. S. Department of Justice, Office of Justice Programs (OJP) released findings from the Sex Offender Management Assessment and Planning Initiative (SOMAPI). The goal of the initiative was to assess the state of research and practice in the field in order to inform OJP's research and grant-making efforts. As part of the effort, the National Criminal Justice Association (NCJA) and subject-matter experts were convened to review, assess, and summarize the literature on sex offending and sex offender management.<sup>2</sup> The findings provide a comprehensive overview of what is currently known however; information is limited.

Some of the limitations include an incomplete accounting of the incidence and prevalence of sexual offending due to underreporting, variation in definitions and reference periods, and gaps and weaknesses in the research.<sup>3</sup> In addition, much of the research to-date is based on offenders who are in treatment, prison, or both, thus limiting what we know and can infer about sexual offending to those identified by authorities.<sup>4</sup> Finally, no single theory or set of factors fully explains the causes and pathways to offending and most explanations fail to consider external factors such as culture and social structures.<sup>5</sup> There is no "sex offender profile" based on demographic or personality characteristics. Sex offenders are heterogeneous. They vary by age, intellectual functioning, education levels, socioeconomic and marital status, and criminal history. The possible exception is gender.<sup>6</sup>

Attempts to create subtypes of adult sexual offenders have traditionally relied on notions that offenders specialize in certain types of victims and/or offenses. The most frequently used and empirically tested

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<sup>2</sup> U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. (October 2014). *Sex Offender Management Assessment and Planning Initiative*. NCJ 247059. vii. <http://www.smart.gov/SOMAPI/index.html>

<sup>3</sup> *Ibid.*, 3-4.

<sup>4</sup> *Ibid.*, ix.

<sup>5</sup> *Ibid.*, ix-x.

<sup>6</sup> For more information see the Center for Sex Offended Management (2008). *Fact Sheet: What You Need to Know About Sex Offenders*. [http://www.csom.org/pubs/needtoknow\\_fs.pdf](http://www.csom.org/pubs/needtoknow_fs.pdf) and Common Characteristics of Sex Offenders at [http://www.csom.org/train/etiology/3/3\\_1.htm](http://www.csom.org/train/etiology/3/3_1.htm)

traditional typologies are for child sexual abusers, rapists, female offenders, and internet sexual offenders.<sup>7</sup>

Child sex abusers:

Child sex abusers are characterized as having poor social skills, feelings of inadequacy or loneliness, or being passive in relationships. They often describe their offending as uncontrollable and tend to deny the impact of their offenses. They are motivated by the need to alleviate anxiety, loneliness, and depression.<sup>8</sup> Traditional classifications have been based on the pedophilic distinction of the offender and the victim's gender and relationship to the offender. The pedophilic distinction yields two subtypes described below:

1. *Fixated regressed*: Prefer interaction and identify with children socially and sexually. Develop and maintain relationships with children to satisfy their sexual needs. Most sexually assault male children who are not related.
2. *Regressed*: Prefer social and sexual interaction with adults. Sexual involvement with children is situational and occurs as a result of life stresses. Most assault family members or female adolescents.<sup>9</sup>

Victim gender has also been used as a distinction because of its purported utility as a predictor of sexual reoffending although, findings have been contradictory. Recent studies have shown offenders with *both* male and female victims had the greatest number of victims and rates of risk.<sup>10</sup> Categorization based on relationship to the victim is dichotomized by familial status. Characterizations of offenders by these subtypes are as follows:

1. *Intra-familial*: Less psychopathic, less likely to be pedophilia, cause less injury or report male victims. Often maintain their adult sexual relationships.
2. *Extra-familial*: More likely to be pedophilia and less likely to maintain adult relationships.<sup>11</sup>

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<sup>7</sup> U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. (October 2014). *Sex Offender Management Assessment and Planning Initiative*. NCJ 247059. pp. 55-56. <http://www.smart.gov/SOMAPI/index.html>

<sup>8</sup> *Ibid.*, 56.

<sup>9</sup> *Ibid.*, 57.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

### Rapists:

Compared to child sex abusers, rapists<sup>12</sup> tend to be younger, more socially competent, have engaged in an intimate relationship, have a greater number of previous violent convictions, are more likely to reoffend violently rather than sexually, abuse substances, exhibit a personality disorder, and are of lower socioeconomic status. The majority of traditional rapist typologies have focused on the relationship to the victim, degree of aggression, motivation, sexual versus nonsexual nature of the assault, and degree of control.<sup>13</sup> Classification based on relationship to the victim (stranger vs. acquaintance) characterize acquaintance rapists as more coercive and opportunistic and less violent than stranger rapists and stranger rapists as more hostile and more likely to use more expressive violence.<sup>14</sup>

Classifications based upon motivational characteristics, degree of aggression, and anti-social behaviors have yielded four subtypes described below:

1. *Power-reassurance or sexual-aim*: Feelings of inadequacy and poor social skills. May perceive that the victim has or will show a sexual interest. Does not inflict injury upon victims.
2. *Power-assertive or antisocial*: Impulsive, uses aggressive methods of control, abuses substances. Act is often unplanned and unlikely to use a weapon.
3. *Anger-retaliation or aggressive-aim*: Motivated by power and aggression. Sexually assaults for retaliatory reasons and often degrades or humiliates the victim.
4. *Sadistic*: Reenacts sexual fantasies involving torture or pain and a desire to control the victim. Characterized by extensive planning and may often result in sexual murder.<sup>15</sup>

### Female offenders:

Females are more likely to sexually assault males and strangers, commit the offense with another person, and are less likely to reoffend. They report extensive childhood abuse and are often motivated by power and sexual arousal.<sup>16</sup> Typologies of female offenders are based on the presence of a co-

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<sup>12</sup> It is important to note that rape is referred to as sexual assault in the Iowa Code, Chapter 709.

<sup>13</sup> Ibid., 57-58.

<sup>14</sup> Ibid., 58.

<sup>15</sup> Ibid., 58-59.

<sup>16</sup> Ibid.

offender, their role (active or passive), victim's age, and motivation.<sup>17</sup> Categorization and characterizations of offenders are presented below.

1. *Co-offending*: Emotionally dependent, socially isolated, with low self-esteem.
  - a. *Coerced by the accomplice*: Motivated by fear and dependence of the co-offender.
  - b. *Not Coerced*: Motivated by jealousy and anger and often offend in retaliation.

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<sup>17</sup> Ibid., 59.

2. *Self-initiated* (This category is further differentiated by age of victim and motivation):
  - a. *Adolescent boys (within the context of an acquaintance or position-of-trust)*: Dependency needs, attachment deficits, dysfunctional adult relationship, abuse substances, less likely to report severe childhood maltreatment
  - b. *Prepubescent children (predisposed offenders)*: Symptoms of posttraumatic stress disorder and depression, experienced extensive physical and sexual abuse by caregivers.<sup>18</sup>

*Internet sexual offenders:*

This area is an emerging category. Compared to child sexual abusers, offenders report more psychological difficulties in adulthood, fewer sexual convictions, and are less likely to engage in sexually risky behaviors. Solicitation offenders primarily target young adolescent females and may have more in common with statutory sex offenders than child pornography offenders. Additionally, a distinction may exist between fantasy-driven and contact-driven solicitation offenders, because they are not interested in or likely to commit contact offenses.<sup>19</sup>

Several typologies have been created to categorize internet offenders and tend to fall into four groups.

1. *Impulsivity and/or curiosity*: Those who never exhibited sexual problems until they discovered the internet.
2. *Fuel their sexual interest in children*: Those who use the internet as an extension of an already existing pattern of sexual deviance.
3. *Part of a pattern of offline contact offending*: Use it to acquire victims and/or disseminate images that they produce.
4. *Financial gain*: Download pornographic images for nonsexual reasons.<sup>20</sup>

One of the challenges to the traditional sex offender typologies is there is evidence to suggest that most sex offenders do not “specialize” in types of offending. For example, some studies have shown that rapists often sexually assault children and incest offenders often offend sexually outside of their

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<sup>18</sup> Ibid., 59-60.

<sup>19</sup> Ibid., 60-61.

<sup>20</sup> Ibid.

family.<sup>21</sup> Despite all of the limitations, current research indicates certain factors correlate with some aspects of adult sexual offending and a combination of factors may contribute to the tendency to offend. The findings indicate:

- Sexual abuse is a learned behavior. Further, the learning of sexually abusive behavior is influenced by reinforcement and punishment.
- Early childhood exposure to negative or adverse conditions (e.g. sexual and/or physical abuse, emotional neglect or absence) may contribute to sexual offending.
- Self-regulation and impulse control problems appear to be related to sexual offending however; a causal relationship has not been clearly established.
- Many offenders have cognitive distortions, and these distortions appear to be involved in maintaining deviant sexual behavior.
- Repeated exposure to sexually violent pornography may contribute to hostility toward women, acceptance of rape myths, decreased empathy and compassion, and an increased acceptance of physical violence.
- Alcohol and drug use, domestic violence, and mental illness appear to be linked to sexual offending however; there is no evidence that these are causal factors.<sup>22</sup>

### **Domestic Violence**

The United States Department of Justice (USDOJ) defines domestic violence as “a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.”<sup>23</sup>

Iowa’s Domestic Abuse Act defines domestic violence by relationship and type of assaultive actions. Relationships covered under this Act include:

- family or household members who reside together (excluding abuse of minors by parents) ; or

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<sup>21</sup> Ibid., 61-63.

<sup>22</sup> Ibid., 45-46.

<sup>23</sup> The United States Department of Justice, Office on Violence Against Women, Area of Focus, Domestic Violence <https://www.justice.gov/ovw/domestic-violence>

- separated spouses or persons divorced from each other and not residing together; or
- persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time; or
- persons who have been family or household members residing together within the past year and are not residing together ; or
- persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year.

An assault under the Domestic Abuse Act includes:

- Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act; or
- Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act; or
- Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.<sup>24</sup>

Physical abuse without injury as well as a threat of physical harm can be an assault. Sexual assault can also be domestic abuse under the Domestic Abuse Act.<sup>25</sup>

As with sexual offending, similar limitations apply to what we know about the epidemiology of domestic abuse. This includes an incomplete accounting of the incidence and prevalence of offending due to underreporting, changes in the terminology (e.g. domestic violence, domestic abuse, spousal abuse, battery, violence against women, intimate partner violence) and conceptualization of the issue over time (e.g. inclusion of Lesbian, Gay, Bisexual, Transgender and Queer couples, males as victims), and gaps and weaknesses in the research. The USDOJ states, “Domestic violence can happen to anyone regardless of race, age, sexual orientation, religion, or gender. Domestic violence affects people of all socioeconomic backgrounds and education levels. Domestic violence occurs in both opposite-sex and

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<sup>24</sup> Iowa Code 2016, Chapter 236.

<sup>25</sup> For more information see: Iowa Legal Aid. (2011). *Domestic Abuse and the Law. Questions and Answers about Iowa Law on Domestic Violence*. <http://www.iowalegalaid.org/files/A3ED30CF-AFFE-7431-9310-0D521E4312AF/attachments/4F5F4234-5C80-4B43-8E9F-576F6B6C58F6/domestic-abuse-and-the-law-oct-2011.pdf>

same-sex relationships and can happen to intimate partners who are married, living together, or dating.”<sup>26</sup>

Historically, domestic violence was conceptualized as male violence perpetrated against women rooted in patriarchal structures and attitudes.<sup>27</sup> However, various studies have shown that both men and women engage in partner violence<sup>28</sup> and enacted domestic abuse laws are gender- neutral making any act of violence by one partner against another a domestic violence offense.<sup>29</sup> For example, the 2010 National Intimate Partner and Sexual Violence Survey shows one in three women and one in four men have been physically abused by an intimate partner, and one in four women and one in seven men have experienced severe physical violence by an intimate partner.<sup>30</sup>

Some research argues differentiation among *types* of domestic violence should be made to inform policy and treatment decisions.<sup>31</sup> They suggest four types of intimate partner violence:

1. *Coercive Controlling Violence*: a pattern of emotionally abusive intimidation, coercion, and control coupled with physical violence against partners (similar to the Power and Control Wheel). This type of violence is primarily perpetrated by men. The violence is more frequent and severe than other types of intimate partner violence.<sup>32</sup>
2. *Violent Resistance*: generally referred to as “self-defense.” It is used to get the violence to stop or to stand up to a partner who has a pattern of Coercive Controlling Violence.<sup>33</sup>

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<sup>26</sup> The United States Department of Justice, Office on Violence Against Women, Area of Focus, Domestic Violence <https://www.justice.gov/ovw/domestic-violence>

<sup>27</sup> Kelly, J. B., & Johnson, M. P. (2008). Differentiation among types of intimate partner violence: Research update and implications for interventions. *Family Court Review*, 46, 476-499. <http://ocadvsa.org/wp-content/uploads/2014/04/Differentiation-Among-Types-of-Intimate-Partner-Violence.pdf>

<sup>28</sup> *Ibid.*, 480.

<sup>29</sup> *Ibid.*, 478.

<sup>30</sup> Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R. (2011). The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. 44-45. [http://www.cdc.gov/violenceprevention/pdf/nisvs\\_report2010-a.pdf](http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf)

<sup>31</sup> Kelly, J. B., & Johnson, M. P. (2008). Differentiation among types of intimate partner violence: Research update and implications for interventions. *Family Court Review*, 46, 476-499. <http://ocadvsa.org/wp-content/uploads/2014/04/Differentiation-Among-Types-of-Intimate-Partner-Violence.pdf>

<sup>32</sup> *Ibid.*, 480.

<sup>33</sup> *Ibid.*, 481-484.

<sup>33</sup> *Ibid.*, 484-485.

3. *Situational Couple Violence*: is the most common type of physical aggression. Rates are similar for men and women and generally result from situations or arguments often involving minor forms of violence not accompanied by a chronic pattern of fear or controlling behavior.<sup>34</sup>
4. *Separation-Instigated Violence*: unexpected and uncharacteristic acts of violence perpetrated by a partner without prior history of violence in the relationship or in other settings. More likely to be perpetrated by the partner who is being left and is shocked by the action. The rates are similar for men and women.<sup>35</sup>

The National Institute of Justice posts individual, relationship, community, and societal factors contributing to intimate partner violence.<sup>36</sup> Risk factors identified by the Center for Disease Control and Prevention include: young age, low academic achievement, heavy alcohol and drug use, belief in strict gender roles (e.g., male dominance and aggression in relationships), desire for power and control in relationships, being a victim of physical or psychological abuse, poor mental health levels related to low self-esteem, anger, depression, emotional insecurity or dependence, antisocial or borderline personality traits, social isolation, history of physical discipline as a child, marital instability, separation or divorce, perpetrating psychological abuse, poverty-related issues such as overcrowding or economic stress, and low levels of community intervention or sanctions against domestic violence.<sup>37</sup> They note some risk factors for victimization and perpetration are the same. For example, childhood physical or sexual victimization is a risk factor for future intimate partner violence (IPV) perpetration and victimization.<sup>38</sup> In addition, unique cultural and societal influences that impact disparities in various populations (e.g., immigrants, African-American, Asian, Native American, Latino/a, LGBTQ, individuals with disabilities, military-related, and law enforcement families)<sup>39</sup> add to the complexity of determining clear factors affecting domestic violence.

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<sup>34</sup> Ibid., 485-487.

<sup>35</sup> Ibid., 487-488.

<sup>36</sup> National Institute of Justice, Intimate Partner Violence. <http://www.nij.gov/topics/crime/intimate-partner-violence/Pages/welcome.aspx>

<sup>37</sup> Centers for Disease Control and Prevention. 2008. "Intimate Partner Violence: Risk and Protective." National Center for Injury Prevention and Control, Atlanta. <http://www.cdc.gov/ViolencePrevention/intimatepartnerviolence/riskprotectivefactors.html>

<sup>38</sup> Ibid.

<sup>39</sup> See: National online Resource Center on Violence Against Women. Domestic Violence: Population-Specific Approaches. <http://www.vawnet.org/domestic-violence/population.php?filterby=Prisoners> and The National Center for Women & Policing. Police Family Violence Fact Sheet. <http://womenandpolicing.com/violencefs.asp#notes>

### III. Methodology

As previously stated, the original purpose of this analysis sought to examine the proportion of intersection between domestic violence and sex crimes. The domestic violence charges and convictions examined in this report analyzed criminal rather than civil domestic violence crimes.

This analysis examines offenders newly admitted to prison during SFY2015 on a most serious conviction of domestic abuse (Iowa Code 708.2A) or a sex offense (Iowa Code 709). Offender data was collected from two administrative data sources, including the Justice Data Warehouse (JDW), a central repository of key criminal and juvenile justice information and the Iowa Department of Correction's Iowa Corrections Offender Network (ICON).

Domestic violence and sex offenders were compared on a variety of different variables described below. Statistical significance was determined using z-tests. Z-tests are used to "test the difference between two proportions"<sup>40</sup> and to determine if the found difference is statistically significant. If a finding presents as significant that means that the finding suggests, with 95% confidence, that the differences observed between the two groups is large enough to not be due to chance. For this analysis, if a finding is significant, the differences observed between domestic violence and sex offenders are distinguishable with 95% confidence.

A cohort of 184 sex offenders and 191 domestic violence offenders was drawn using the Justice Data Warehouse (N=375). Offender and offense information was accessed using ICON's administrative database through the manual coding of arrest records. Data obtained through the coding of offense information included:

Offense Data:

- 1) Number of victims involved
- 2) Victim age
- 3) Victim sex
- 4) Level of violence (see chart below)
- 5) Weapon involvement
- 6) Under the influence at the time of the offense

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<sup>40</sup> <http://www.surveystar.com/ztest.htm>

| <b>Level of Violence Coding Scale</b> |  |
|---------------------------------------|--|
| <i>Extreme</i>                        | Cases short of death including strangulation to the point of losing consciousness, Stabbing, Cutting   |
| <i>Moderate</i>                       | Physical assault, Strangulation, Punching, Rape, Oral sex  |
| <i>Mild</i>                           | Grabbing, Slapping<br>Digital penetration<br>Fondling (includes over or under clothing)  |
| <i>Threat of Injury</i>               | No physical injury received, although a threat of injury proposed  |
| <i>No Physical Injury</i>             | No physical injury sustained includes cases where the victim was not touched by the offender but sustained other forms of psychological injury |
| <i>Unknown</i>                        | Cases without victim data  |
| <i>Electronic</i>                     | Cases involving child pornography and police trolling  |

*Victim and Offender Relationship Data:*

- 1) Victim and offender relationship
- 2) Victim and offender possess children together
- 3) Children present at the time of the assault
- 4) Victim and offender living situation

Additional offender information within ICON was gathered from presentence investigation reports.

These variables included:

*Offender Data:*

- 1) Offender is/was a victim of sexual abuse
- 2) Offender mental illness diagnosis<sup>41</sup>
- 3) Offender substance abuse diagnosis<sup>42</sup>
- 4) Prior juvenile criminal record

Lastly, Iowa's Computerized Criminal History (CCH) and the FBI's the Interstate Identification Index (III) was used to gather data on criminal history for this cohort. CJJP examined CCH/III data for a smaller randomized sample (N=107) of the total cohort due to the time intensive nature of CCH/III data extractions.

Z-tests were used to examine the representativeness of the sample to the total population and found there to be no significant difference between the groups in regards to convicting offense, race, age, and sex. Information obtained regarding criminal history for the sample included:

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<sup>41</sup> Includes verified diagnoses as well as diagnoses self-reported by the offender.

<sup>42</sup> Includes verified diagnoses as well as diagnoses self-reported by the offender.

Criminal History Data:

- 1) Number of prior violent and non-violent felony convictions
- 2) Number of prior violent and non-violent misdemeanors
- 3) Number of prior sex and domestic violent felony and misdemeanors

A large proportion of offenders who had prior histories, had convictions in Iowa however, for those who had convictions in other states, the class of that offense was coded utilizing that state's classification. For instance, a crime class represented as a felony in another state may not meet the sentence length requirements as a felony in Iowa. For this analysis, a prior conviction included a conviction disposed prior to the sex or domestic violence conviction disposition date resulting in prison entry. It is important to note, that the prior convictions examined included indictable offenses and higher (serious misdemeanor and above). While there are some domestic violence crimes which are simple misdemeanors, these were not included in the analysis relating to criminal history because these are low-level offenses largely punishable by a fine or a short jail sentence up to 30 days.<sup>43</sup>

It is also important to note that it is possible for sex crimes to have a longer processing period meaning, that in some cases, there can be years between when the offense occurred and the criminal disposition. In Iowa, the statute of limitations for sex crimes involving a victim under 18 is "10 years after the victim turns 18 or within 3 years of DNA evidence is available which identifies [the] perpetrator, whichever is later."<sup>44</sup> The statute of limitations for sex abuse for victims older than 18 is "within 10 years after its commission or within 3 years after DNA evidence is available which identifies [the] perpetrator, whichever is later."<sup>45</sup>

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<sup>43</sup> Iowa Code 903.1

<sup>44</sup> <http://www.criminaldefenselawyer.com/criminal-case-statute-of-limitations/IO-felonies-misdemeanors.htm> referencing Iowa Code 802.2 <http://coolice.legis.iowa.gov/cool-ice/default.asp?category=billinfo&service=iowacode&input=802>

<sup>45</sup> Ibid.

## IV. Findings

The initial purpose of this analysis was to examine offenders who had criminal histories of both sex and domestic violence crimes. This data is not mutually exclusive meaning that one offense may fall within more than one category. For example, a prior felony sex offense would also be counted within the prior violent felony category. In this data, offenders are counted once within each category.

Examination of prior conviction data revealed a low proportion of sex and domestic violence intersection with three domestic violence prison admissions convicted of a prior sex crime, and three sex offender prison admissions convicted of domestic violence crimes. Individuals who entered prison on domestic violence crimes had more extensive criminal histories, regardless of offense level, compared to sex offenders. Domestic violence prison admissions were significantly more likely to have a prior domestic violent felony and misdemeanor than sex offenders examined.

**Table 1. Prior Conviction Data**

|                                   | Domestic Violence |           | Sex Offense |           | Total      |           | Significant <sup>46</sup> |
|-----------------------------------|-------------------|-----------|-------------|-----------|------------|-----------|---------------------------|
|                                   | N                 | %         | N           | %         | N          | %         |                           |
| <b>Any Prior Conviction</b>       |                   |           |             |           |            |           |                           |
| Prior Violent Felony              | 14                | 25.0%     | 4           | 7.8%      | 18         | 16.8%     | Yes                       |
| Prior Non-Violent Felony          | 27                | 48.2%     | 11          | 21.6%     | 38         | 35.5%     | Yes                       |
| Prior Violent Misd. <sup>47</sup> | 41                | 73.0%     | 13          | 25.5%     | 54         | 50.5%     | Yes                       |
| Prior Non-Violent Misd.           | 43                | 76.8%     | 18          | 35.3%     | 61         | 57.0%     | Yes                       |
| Prior Sex Felony                  | 1                 | 1.8%      | 2           | 3.9%      | 3          | 2.8%      | No                        |
| Prior Sex Misd.                   | 2                 | 3.6%      | 1           | 2.0%      | 3          | 2.8%      | No                        |
| Prior Domestic Violence Felony    | 4                 | 7.1%      | 0           | 0.0%      | 4          | 3.7%      | Yes                       |
| Prior Domestic Violence Misd.     | 38                | 67.9%     | 3           | 5.9%      | 41         | 38.3%     | Yes                       |
| <b>Total Offenders Samples</b>    | <b>56</b>         | <b>--</b> | <b>51</b>   | <b>--</b> | <b>107</b> | <b>--</b> | <b>--</b>                 |

Source: ICON

Additional analysis sought to explore the distinctions between the two groups exploring variations in offender, victim, offense, and offender needs data.

### Offender Demographic Data

Examination of 375 offenders newly admitted to prison during FY2015 on a most serious domestic abuse or sex offense conviction revealed that a majority of offenders were male (95.7%), Caucasian (77.3%), and between the ages of 18 and 39 (71.7%). Females accounted for 4.3% of offenders examined within

<sup>46</sup> Statistical significance was calculated at a 95% confidence interval for this and all remaining findings.

<sup>47</sup> Misd. is an abbreviation for misdemeanor.

the study cohort. Of the 16 female offenders who entered prison on a domestic violence or sex offense, 69% were Caucasian. Of the 179 male offenders who entered prison on a sex offense, 82% were Caucasian while 14% were African-American. Of the 180 male offenders who entered prison on a domestic violence offense, 27.8% were African-American while 71.1% were Caucasian.

**Table 2. Offender Demographics**

|                     | Domestic Violence |           | Sex Offense |           | Total      |           | Significant |
|---------------------|-------------------|-----------|-------------|-----------|------------|-----------|-------------|
|                     | N                 | %         | N           | %         | N          | %         |             |
| <b>Sex</b>          |                   |           |             |           |            |           |             |
| Male                | 180               | 94.2%     | 179         | 97.3%     | 359        | 95.7%     | No          |
| Female              | 11                | 5.8%      | 5           | 2.7%      | 16         | 4.3%      | No          |
| <b>Race</b>         |                   |           |             |           |            |           |             |
| Caucasian           | 134               | 70.2%     | 156         | 84.8%     | 290        | 77.3%     | Yes         |
| African-American    | 54                | 28.3%     | 26          | 14.1%     | 80         | 21.3%     | Yes         |
| AI/AN <sup>48</sup> | 3                 | 1.6%      | 2           | 1.1%      | 5          | 1.3%      | No          |
| <b>Age Range</b>    |                   |           |             |           |            |           |             |
| 18-29               | 77                | 40.3%     | 87          | 47.3%     | 164        | 43.7%     | No          |
| 30-39               | 67                | 35.1%     | 38          | 20.6%     | 105        | 28.0%     | Yes         |
| 40-49               | 37                | 19.4%     | 29          | 15.8%     | 66         | 17.6%     | No          |
| 50+                 | 10                | 5.2%      | 30          | 16.3%     | 40         | 10.7%     | Yes         |
| <b>Total</b>        | <b>191</b>        | <b>--</b> | <b>184</b>  | <b>--</b> | <b>375</b> | <b>--</b> | <b>--</b>   |

Source: ICON

Of the offenders examined, 39.7% had unknown mental health status, meaning that this information was either unfounded or unavailable within presentence investigation reports. Compared to domestic violence offenders, sex offenders had higher rates of known mental illness (41.3% vs. 28.3%). Sex offenders were statistically more likely to have a Mood Disorder (24.7% vs. 16.2%) and/or Attention Deficit Hyper Active Disorder (ADHD)/Disruptive Disorder (15.6% vs. 5.8%) compared to domestic violence offenders. While sex offenders were more likely to have multiple mental illnesses, compared to domestic violence offenders, this difference was not statistically significant (22.3% vs. 14.7%).

Additional analysis regarding substance abuse and former victimization was largely obtained through ICON through Presentence Investigation (PSI) and Reception Reports, and includes offender self-report. Data reported as missing or unavailable includes data where a current PSI was absent. A proportion of offender's substance abuse histories were unavailable (34.1%). For those offenders with available data, approximately 26.9% did not indicate substance abuse issues.

<sup>48</sup> American Indian or Alaska Native

Similar proportions of domestic violence and sex offenders indicated issues with alcohol, drugs, or alcohol and drugs (39.8% vs. 38.0%), indicating there is no evidence to suggest that one group uses alcohol or drugs at a higher rate than the other (See Table 3).

Further examination revealed that 46.9% of sex and domestic violence offenders did not report previous sexual assault victimization, while 9.6% had been a victim. Sex offenders were more likely to indicate having been a victim of former sexual assault than domestic violence offenders (14.7% vs. 4.7%), a statistically significant finding.

**Table 3. Offender Mental Illness and Abuse History**

|                                      | Domestic Violence |             | Sex Offense |             | Total      |             | Significant |
|--------------------------------------|-------------------|-------------|-------------|-------------|------------|-------------|-------------|
|                                      | N                 | %           | N           | %           | N          | %           |             |
| <b>Current Mental Illness</b>        |                   |             |             |             |            |             |             |
| Yes                                  | 54                | 28.3%       | 76          | 41.3%       | 130        | 34.7%       | Yes         |
| No                                   | 24                | 12.6%       | 72          | 39.1%       | 96         | 25.6%       | Yes         |
| Unknown                              | 113               | 59.2%       | 36          | 19.6%       | 149        | 39.7%       | Yes         |
| <b>Mental Health Diagnosis*</b>      |                   |             |             |             |            |             |             |
| Anxiety Disorder                     | 20                | 10.5%       | 32          | 17.4%       | 52         | 13.9%       | No          |
| Psychotic Disorder                   | 6                 | 3.1%        | 2           | 1.1%        | 8          | 2.1%        | No          |
| Mood Disorder                        | 31                | 16.2%       | 46          | 25.0%       | 77         | 20.5%       | Yes         |
| ADHD & Disruptive Disorder           | 11                | 5.8%        | 29          | 15.8%       | 40         | 10.7%       | Yes         |
| Personality Disorder                 | 3                 | 1.6%        | 1           | 0.5%        | 4          | 1.1%        | No          |
| <b>Multiple Mental Illnesses</b>     |                   |             |             |             |            |             |             |
| Yes                                  | 28                | 14.7%       | 41          | 22.3%       | 69         | 18.4%       | No          |
| No                                   | 44                | 23.0%       | 102         | 55.4%       | 146        | 38.9%       | Yes         |
| Unknown                              | 119               | 62.3%       | 41          | 22.3%       | 160        | 42.7%       | Yes         |
| <b>Substance Abuse Issues</b>        |                   |             |             |             |            |             |             |
| Alcohol                              | 14                | 7.3%        | 23          | 12.5%       | 37         | 9.9%        | No          |
| Drug                                 | 25                | 13.1%       | 21          | 11.4%       | 46         | 12.3%       | No          |
| Drug and Alcohol                     | 37                | 19.4%       | 23          | 12.5%       | 60         | 16.0%       | No          |
| Yes-Not Specific                     | 0                 | 0.0%        | 3           | 1.6%        | 3          | 0.8%        | No          |
| No                                   | 12                | 6.3%        | 89          | 48.4%       | 101        | 26.9%       | Yes         |
| Unknown                              | 103               | 53.9%       | 25          | 13.6%       | 128        | 34.1%       | Yes         |
| <b>Former Victim of Sexual Abuse</b> |                   |             |             |             |            |             |             |
| Yes                                  | 9                 | 4.7%        | 27          | 14.7%       | 36         | 9.6%        | Yes         |
| No                                   | 92                | 48.2%       | 84          | 45.6%       | 176        | 46.9%       | No          |
| Unknown                              | 90                | 47.1%       | 73          | 39.7%       | 163        | 43.5%       | No          |
| <b>Total</b>                         | <b>191</b>        | <b>100%</b> | <b>184</b>  | <b>100%</b> | <b>375</b> | <b>100%</b> | <b>--</b>   |

Source: ICON

\*Data regarding Mental Health Diagnosis are not mutually exclusive. In other words, an offender who has more than one identified diagnoses will fall in more than one of the categories examined. These numbers will not match previous totals.

Examining prior criminal and juvenile records revealed that nearly half (50.7%) of these offenders did not have juvenile criminal histories indicated in presentence investigation reports, 66.8% of which were sex offenders. Of the 110 known offenders with a juvenile record, 60 had only non-violent offenses and 22 had histories including both non-violent and violent offenses.

**Table 4. Offender Juvenile Criminal History**

|  | Domestic Violence |           | Sex Offense |           | Total      |           | Significant |
|--|-------------------|-----------|-------------|-----------|------------|-----------|-------------|
|  | N                 | %         | N           | %         | N          | %         |             |
| <b>Juvenile Record</b>                         |                   |           |             |           |            |           |             |
| Yes  | 65                | 34.0%     | 45          | 24.5%     | 110        | 29.3%     | Yes         |
| No   | 67                | 35.1%     | 123         | 66.8%     | 190        | 50.7%     | Yes         |
| Unknown  | 59                | 30.9%     | 16          | 8.7%      | 75         | 20.0%     | Yes         |
| <b>Juvenile Record Crime Type<sup>49</sup></b> |                   |           |             |           |            |           |             |
| Non-Violent                                    | 38                | 19.9%     | 22          | 11.9%     | 60         | 16.0%     | Yes         |
| Violent  | 13                | 6.8%      | 10          | 5.4%      | 23         | 6.1%      | No          |
| Non-Violent & Violent                          | 10                | 5.2%      | 12          | 6.5%      | 22         | 5.9%      | No          |
| None   | 67                | 35.1%     | 123         | 66.8%     | 190        | 50.7%     | Yes         |
| Unknown <sup>50</sup>                          | 63                | 33.0%     | 17          | 9.2%      | 80         | 21.3%     | Yes         |
| <b>Total</b>                                   | <b>191</b>        | <b>--</b> | <b>184</b>  | <b>--</b> | <b>375</b> | <b>--</b> | <b>--</b>   |

Source: ICON

Victim Data:

Male victims accounted for 5.8% of total cases with 50% being victims of domestic violence and 50% victims of sex abuse. Of the victims, 35% were Caucasian females; however, victim race data was largely unavailable (41.1%). Overall, higher proportions of victims were Caucasian, female, and ages 13 to 29. Approximately, 56.2% of the total cases examined involved adult victims older than 18 years of age, while 33.6% involved victims under the age of 18. Approximately 10.1% of total cases involved multiple victims, electronic victims, or unknown victim age. Victims of domestic violence were more likely to be older than 18 (96.3%), while higher proportions of sex cases involved victims under the age of 18 (67.9%).<sup>51</sup>

<sup>49</sup> Juvenile Record Crime Type is a variable which is mutually exclusive. Meaning if an offender had a juvenile record consisting solely of violent crimes, they would be coded as having a violent juvenile record. However, if an offender had a juvenile record consisting of both non-violent and violent crimes, they would be represented within the non-violent and violent juvenile record crime type category.

<sup>50</sup> Includes cases where an offender indicated they had a juvenile record, however it is unclear type of prior offenses. This category included unknown cases provided in the juvenile record category, in addition to cases where the crime types were not specified.

<sup>51</sup> Includes 'minor' unknown age category. This category refers to cases where it is known a minor was involved however the exact age was unavailable in the data.

**Table 5. Victim Demographics**

|                  | Domestic Violence |           | Sex Offense |           | Total      |           | Significant |
|------------------|-------------------|-----------|-------------|-----------|------------|-----------|-------------|
|                  | N                 | %         | N           | %         | N          | %         |             |
| <b>Sex</b>       |                   |           |             |           |            |           |             |
| Male             | 11                | 5.8%      | 11          | 6.0%      | 22         | 5.9%      | No          |
| Female           | 175               | 91.6%     | 140         | 76.1%     | 315        | 84%       | Yes         |
| Electronic       | 0                 | 0.0%      | 5           | 2.7%      | 5          | 1.3%      | Yes         |
| Unknown          | 4                 | 2.1%      | 0           | 0.0%      | 4          | 1.1%      | Yes         |
| Multiple*        | 1                 | 0.5%      | 28          | 15.2%     | 29         | 7.7%      | Yes         |
| <b>Race</b>      |                   |           |             |           |            |           |             |
| Caucasian        | 89                | 46.6%     | 38          | 20.6%     | 127        | 33.9%     | Yes         |
| African-American | 14                | 7.3%      | 3           | 1.6%      | 17         | 4.5%      | Yes         |
| Multiple*        | 0                 | 0.0%      | 5           | 2.7%      | 5          | 1.3%      | Yes         |
| Electronic       | 0                 | 0.0%      | 5           | 2.7%      | 5          | 1.3%      | Yes         |
| Unknown          | 88                | 46.1%     | 133         | 72.3%     | 221        | 58.9%     | Yes         |
| <b>Age Range</b> |                   |           |             |           |            |           |             |
| Minor-Unknown    | 0                 | 0.0%      | 3           | 1.6%      | 3          | 0.8%      | No          |
| 1-5              | 0                 | 0.0%      | 11          | 6.0%      | 11         | 2.9%      | Yes         |
| 6-9              | 0                 | 0.0%      | 22          | 11.9%     | 22         | 5.9%      | Yes         |
| 10-12            | 0                 | 0.0%      | 26          | 14.1%     | 26         | 6.9%      | Yes         |
| 13-17            | 1                 | 0.5%      | 63          | 34.2%     | 64         | 17.1%     | Yes         |
| 18-29            | 56                | 29.3%     | 5           | 2.7%      | 61         | 16.3%     | Yes         |
| 30-39            | 38                | 19.9%     | 3           | 1.6%      | 41         | 10.9%     | Yes         |
| 40-49            | 19                | 9.9%      | 4           | 2.2%      | 23         | 6.1%      | Yes         |
| 50+              | 8                 | 4.2%      | 0           | 0.0%      | 8          | 2.1%      | Yes         |
| Adult-Unknown    | 63                | 33.0%     | 15          | 8.2%      | 78         | 20.8%     | Yes         |
| Electronic       | 0                 | 0.0%      | 5           | 2.7%      | 5          | 1.3%      | Yes         |
| Unknown          | 5                 | 2.6%      | 0           | 0.0%      | 5          | 1.3%      | Yes         |
| Multiple*        | 1                 | 0.5%      | 27          | 14.7%     | 28         | 7.5%      | Yes         |
| <b>Total</b>     | <b>191</b>        | <b>--</b> | <b>184</b>  | <b>--</b> | <b>375</b> | <b>--</b> | <b>--</b>   |

Source: ICON

\*Some cases had more than one victim, this is coded as Multiple.

Offense Data

A majority (67.2%) of the reviewed cases involved a moderate level of violence which could include strangulation, punching, rape, oral sex, and/or physical assault. Of those classified as moderate violence, 121 were domestic abuse offenses and 131 were sex offenses. While not included in the table below, it is important to note that only 2.4% of the reviewed domestic violence and sex cases involved both domestic and sex components. Approximately, 5.6% of the total cases were categorized as extremely violent with domestic violence offenders having higher percentages of extremely violent crimes compared to sex offenders, a statistically significant finding (9.4% vs. 1.6%)<sup>52</sup>. Approximately 47.7% of cases did not involve a weapon, although this statistic was largely influenced by the proportion of sex

<sup>52</sup> Cases of extreme violence included cases where the victim sustained substantial physical injury, short of death.

crimes not involving a weapon. Domestic violence crimes were statistically more likely than sex offense crimes to involve assaults with hands or feet (67.5% vs. 1.6%), knives (7.8% vs. 1.6%), and other types of weapons (17.8% vs. 2.2%). Conversely, sex offenders were statistically more likely to have crimes not involving a weapon, compared to domestic violence offenders (92.9% vs. 4.2%).

**Table 6. Current Offense Information**

|   | Domestic Violence |           | Sex Offense |           | Total      |           | Significant |
|---|-------------------|-----------|-------------|-----------|------------|-----------|-------------|
|   | N                 | %         | N           | %         | N          | %         |             |
| <b>Level of Violence<sup>53</sup></b>     |                   |           |             |           |            |           |             |
| Extreme                                   | 18                | 9.4%      | 3           | 1.6%      | 21         | 5.6%      | Yes         |
| Moderate                                  | 121               | 63.4%     | 131         | 71.2%     | 252        | 67.2%     | No          |
| Mild                                      | 41                | 21.5%     | 42          | 22.8%     | 83         | 22.1%     | No          |
| Threat of Injury                          | 7                 | 3.7%      | 1           | 0.5%      | 8          | 2.1%      | Yes         |
| No Physical Injury                        | 0                 | 0.0%      | 2           | 1.1%      | 2          | 0.5%      | No          |
| Unknown                                   | 4                 | 2.1%      | 0           | 0.0%      | 4          | 1.1%      | Yes         |
| Electronic                                | 0                 | 0.0%      | 5           | 2.7%      | 5          | 1.3%      | Yes         |
| <b>Type of Weapon</b>                     |                   |           |             |           |            |           |             |
| Firearm                                   | 0                 | 0.0%      | 3           | 1.6%      | 3          | 0.8%      | No          |
| Hands/Feet                                | 129               | 67.5%     | 3           | 1.6%      | 132        | 35.2%     | Yes         |
| Knife                                     | 15                | 7.8%      | 3           | 1.6%      | 18         | 4.8%      | Yes         |
| Weapon-Other                              | 34                | 17.8%     | 4           | 2.2%      | 38         | 10.1%     | Yes         |
| No Weapon                                 | 8                 | 4.2%      | 171         | 92.9%     | 179        | 47.7%     | Yes         |
| Unknown                                   | 5                 | 2.6%      | 0           | 0.0%      | 5          | 1.3%      | Yes         |
| <b>Under Influence at Time of Assault</b> |                   |           |             |           |            |           |             |
| Alcohol                                   | 61                | 31.9%     | 22          | 11.9%     | 83         | 22.1%     | Yes         |
| Drugs                                     | 3                 | 1.6%      | 7           | 3.8%      | 10         | 2.7%      | No          |
| Drugs/Alcohol                             | 8                 | 4.2%      | 3           | 1.6%      | 11         | 2.9%      | No          |
| No  | 29                | 15.2%     | 121         | 65.8%     | 150        | 40.0%     | Yes         |
| Unknown <sup>54</sup>                     | 90                | 47.1%     | 31          | 16.8%     | 121        | 32.3%     | Yes         |
| <b>Total</b>                              | <b>191</b>        | <b>--</b> | <b>184</b>  | <b>--</b> | <b>375</b> | <b>--</b> | <b>--</b>   |

Source: ICON

Of the 375 cases, 69.6% of the domestic violence offenders examined were dating their victims, compared to only 1.1% of sex offenders. It is important to note that only 5.4% of the sex offense cases involved a victim and offender who were strangers. Approximately 23.9% of sex offenders examined had victims who were family, compared to only 4.2% of domestic violence offenders. One commonality between the offenders examined indicated 58.7% were living in the same residence as their victim at the time of the assault. The majority of cases examined did not include victims and offenders who had children together (66.1%). Of those offenders who had children with their victim, approximately 63.5%

<sup>53</sup> Additional detail regarding level of violence can be found on page 16

<sup>54</sup> Included cases where an offender may have been under the influence, however information specifying whether the offender was under the influence of drugs or alcohol was not available.

of the cases reviewed involved crimes where a child was present at the time of the assault.<sup>55</sup> It is important to note that these instances involved the presence of children, however information examining whether children viewed or heard the assault were largely unavailable. In some cases, children were sleeping during the assault (4.8%).

**Table 7. Victim Offender Relationship Information**

|   | Domestic Violence |             | Sex Offense |             | Total      |             | Significant |
|---|-------------------|-------------|-------------|-------------|------------|-------------|-------------|
|   | N                 | %           | N           | %           | N          | %           |             |
| <b>Offender's Relationship to Victim<sup>56</sup></b> |                   |             |             |             |            |             |             |
| Acquaintance  | 0                 | 0.0%        | 56          | 30.4%       | 56         | 14.9%       | Yes         |
| Consent   | 0                 | 0.0%        | 36          | 19.6%       | 36         | 9.6%        | Yes         |
| Dating  | 133               | 69.6%       | 2           | 1.1%        | 135        | 36.0%       | Yes         |
| Divorced  | 3                 | 1.6%        | 0           | 0.0%        | 3          | 0.8%        | No          |
| Electronic  | 0                 | 0.0%        | 5           | 2.7%        | 5          | 1.3%        | Yes         |
| Family  | 8                 | 4.2%        | 44          | 23.9%       | 52         | 13.9%       | Yes         |
| Married   | 37                | 19.4%       | 0           | 0.0%        | 37         | 9.9%        | Yes         |
| Multiple  | 1                 | 0.5%        | 4           | 2.2%        | 5          | 1.3%        | No          |
| Separated   | 5                 | 2.6%        | 2           | 1.1%        | 7          | 1.9%        | No          |
| Step-Family   | 0                 | 0.0%        | 17          | 9.2%        | 17         | 4.5%        | Yes         |
| Stranger  | 0                 | 0.0%        | 10          | 5.4%        | 10         | 2.7%        | Yes         |
| Supervisory   | 0                 | 0.0%        | 7           | 3.8%        | 7          | 1.9%        | Yes         |
| Unknown   | 4                 | 2.1%        | 1           | 0.5%        | 5          | 1.3%        | No          |
| <b>Living with Victim at Time of Assault</b>          |                   |             |             |             |            |             |             |
| Yes   | 155               | 81.1%       | 65          | 35.3%       | 220        | 58.7%       | Yes         |
| No  | 22                | 11.5%       | 112         | 60.9%       | 134        | 35.7%       | Yes         |
| Multiple  | 0                 | 0.0%        | 3           | 1.6%        | 3          | 0.8%        | No          |
| Unknown   | 14                | 7.3%        | 4           | 2.2%        | 18         | 4.8%        | Yes         |
| <b>Victim/Offender Children Together</b>              |                   |             |             |             |            |             |             |
| Yes   | 63                | 33.0%       | 4           | 2.2%        | 67         | 17.9%       | Yes         |
| No  | 68                | 35.6%       | 180         | 97.8%       | 248        | 66.1%       | Yes         |
| Pregnant  | 9                 | 4.7%        | 0           | 0.0%        | 9          | 2.4%        | Yes         |
| Unknown   | 51                | 26.7%       | 0           | 0.0%        | 51         | 13.6%       | Yes         |
| <b>Children Present at Time of Assault</b>            |                   |             |             |             |            |             |             |
| Yes   | 52                | 27.2%       | 33          | 17.9%       | 85         | 22.7%       | Yes         |
| No  | 91                | 47.6%       | 134         | 72.8%       | 225        | 60.0%       | Yes         |
| Sleeping  | 12                | 6.3%        | 6           | 3.3%        | 18         | 4.8%        | No          |
| Unknown   | 36                | 18.8%       | 11          | 6.0%        | 47         | 12.5%       | Yes         |
| <b>Total</b>  | <b>191</b>        | <b>100%</b> | <b>184</b>  | <b>100%</b> | <b>375</b> | <b>100%</b> | <b>--</b>   |

Source: ICON

<sup>55</sup> This specific finding includes offenders who identified having children with the victim, whose children were present. This information is not included in Table 7, which speaks more broadly to any child present during the assault.

<sup>56</sup> The Offender Relationship to Victim variable is mutually exclusive. An offender whose victim involved their wife would be captured within the married category, as opposed to also being included within the family category. The family category largely refers to familiar individuals who are not married to the offender and may include siblings, aunts, uncles, and cousins.

Offender Needs Identified in Prison Following Incarceration

An additional area of analysis included the programming needs of the cohort studied. When an offender enters prison they are assessed by a correctional officer for various needs. These identified needs are then used to refer inmates for various treatment programs. Identified needs help guide treatment decisions and are a good indicator for which types of programming the offenders examined will likely be enrolled.

To examine identified needs, data from ICON were extracted and included any need identified for an offender from prison entry until October 31, 2016 (the day the data were extracted). The data below refer to a collection of needs identified, regardless of time incarcerated for the cohort, examined by offense type. Of offenders examined, 251 were found to have identified needs with 1,169 total unique needs identified. Sex offenders were significantly more likely to have identified needs (77.2% vs. 57.1%) compared to domestic violence offenders.

Sex offenders were found to have significantly higher percentages of identified needs that included emotional/personal, attitudes/orientation/, and education than domestic violence offenders. Domestic violence offenders were significantly more likely than sex offenders to have identified needs that included anger/hostility, impulse control, peer association, cost/benefit, interpersonal relationship, attachment with offers, opportunity/access to victims, and parenting stress.

**Table 8. Offender Needs**

|                             | Domestic Violence |      | Sex Offense |       | Total |       | Significant |
|-----------------------------|-------------------|------|-------------|-------|-------|-------|-------------|
|                             | N                 | %    | N           | %     | N     | %     |             |
| <b>Offender Needs</b>       |                   |      |             |       |       |       |             |
| Emotional/Personal          | 29                | 3.8% | 89          | 22.3% | 118   | 10.1% | Yes         |
| Attitudes/Orientation       | 40                | 5.2% | 61          | 15.3% | 101   | 8.6%  | Yes         |
| Education                   | 33                | 4.3% | 54          | 13.5% | 87    | 7.4%  | Yes         |
| Substance Abuse             | 47                | 6.1% | 22          | 5.5%  | 69    | 5.9%  | No          |
| Prosocial Identity          | 36                | 4.7% | 12          | 3.0%  | 48    | 4.1%  | No          |
| Anger/Hostility             | 36                | 4.7% | 6           | 1.5%  | 42    | 3.6%  | Yes         |
| Impulse Control             | 35                | 4.5% | 7           | 1.8%  | 42    | 3.6%  | Yes         |
| Peer Association            | 34                | 4.4% | 8           | 2.0%  | 42    | 3.6%  | Yes         |
| Social Control              | 32                | 4.2% | 9           | 2.3%  | 41    | 3.5%  | No          |
| Costs/Benefits              | 32                | 4.2% | 8           | 2.0%  | 40    | 3.4%  | Yes         |
| Interpersonal Relationships | 32                | 4.2% | 8           | 2.0%  | 40    | 3.4%  | Yes         |
| Living Situation            | 29                | 3.8% | 11          | 2.8%  | 40    | 3.4%  | No          |

**Table 8. Offender Needs (Continued)**

|                                   | Domestic Violence |             | Sex Offense |             | Total        |             | Significant |
|-----------------------------------|-------------------|-------------|-------------|-------------|--------------|-------------|-------------|
|                                   | N                 | %           | N           | %           | N            | %           |             |
| <b>Offender Needs (Continued)</b> |                   |             |             |             |              |             |             |
| Problem Solving                   | 28                | 3.6%        | 9           | 2.3%        | 37           | 3.2%        | No          |
| Attachment with Others            | 29                | 3.8%        | 7           | 1.8%        | 36           | 3.1%        | Yes         |
| Employment                        | 24                | 3.1%        | 12          | 3.0%        | 36           | 3.1%        | No          |
| High Expectations                 | 28                | 3.6%        | 8           | 2.0%        | 36           | 3.1%        | No          |
| Mental Health                     | 25                | 3.2%        | 10          | 2.5%        | 35           | 3.0%        | No          |
| Social Support                    | 26                | 3.4%        | 9           | 2.3%        | 35           | 3.0%        | No          |
| Opportunity/Access to Victims     | 30                | 3.9%        | 4           | 1.0%        | 34           | 2.9%        | Yes         |
| Responsive to Advice              | 26                | 3.4%        | 7           | 1.8%        | 33           | 2.8%        | No          |
| Self-Efficacy                     | 23                | 3.0%        | 8           | 2.0%        | 31           | 2.7%        | No          |
| Negative Mood                     | 22                | 2.9%        | 7           | 1.8%        | 29           | 2.5%        | No          |
| Attitudes Towards Authority       | 22                | 2.9%        | 5           | 1.3%        | 27           | 2.3%        | No          |
| Parenting Stress                  | 22                | 2.9%        | 3           | 0.8%        | 25           | 2.1%        | Yes         |
| Sense of Entitlement              | 18                | 2.3%        | 5           | 1.3%        | 23           | 2.0%        | No          |
| Family/Marital                    | 16                | 2.1%        | 5           | 1.3%        | 21           | 1.8%        | No          |
| Trauma                            | 16                | 2.1%        | 5           | 1.3%        | 21           | 1.8%        | No          |
| <b>Total Unique Needs</b>         | <b>770</b>        | <b>100%</b> | <b>399</b>  | <b>100%</b> | <b>1,169</b> | <b>100%</b> | <b>--</b>   |
| Total Offenders with Needs        | 109               | 57.1%       | 142         | 77.2%       | 251          | 66.9%       | Yes         |
| Total Offenders without Needs     | 82                | 42.9%       | 42          | 22.8%       | 124          | 33.1%       | Yes         |
| <b>Total</b>                      | <b>191</b>        | <b>100%</b> | <b>184</b>  | <b>100%</b> | <b>375</b>   | <b>100%</b> | <b>--</b>   |

Source: ICON

It is important to note the variations that exist between data collected on mental health and substance abuse issues presented in the PSI and reception reports compared to identified needs derived from risk assessment. Information in the PSI and reception reports suggested mental health diagnoses and substance abuse issues to be much higher for both groups compared to information collected through risk assessment. However, the information derived from PSIs and reception reports may indicate mental and substance abuse issues observed historically, whereas needs assessed via risk assessment may be inclusive of presenting needs at incarceration.

## V. Conclusion

While this analysis initially began as an attempt to examine the intersection between domestic violence and sex crimes, a review of criminal history utilizing conviction data provided figures too low to draw conclusions. This finding probed for a deeper investigation into the variations between offenders who enter prison on a most serious sex crime compared to those who enter on domestic violence crime. These findings consistent with the reviewed literature, suggested that the two groups prove to be quite dissimilar in a review of multiple variables specific to the offenders, victims, and the offense.

While this analysis failed to find a high proportion of intersection between domestic violence and sex crimes, there is reason to believe that actual prevalence of intersection might be greater than what conviction data demonstrates.<sup>57</sup> For instance, NIJ reports “most domestic violence prosecutions are disposed as a result of plea and sentencing negotiations”.<sup>58</sup> Future research should attempt to explore intersection through the additional examination of charge data, as this analysis revealed; conviction data may not prove to be the best measure of prior criminal history specifically for these offenses.

Following review of the findings of this report, the SORC recommends that CJPJ perform additional analysis regarding domestic violence. The SORC is interested in research to help explore the correctional impact of HF2399 introduced during the 2016 Legislative session. This bill sought to establish mandatory minimum terms for individuals who were found to have prior criminal domestic violence convictions.<sup>59</sup> Additional research would explore sentencing disposition data to determine the proportion of individuals who are charged with a criminal domestic violence crime, yet are convicted of a crime not specified as a domestic violence assault, and under HF2399 would subsequently not be subjected to the mandatory term. Exploration of this additional information will help provide insight into whether a policy creating mandatory terms for those previously convicted of domestic violence, are indeed going to capture individuals who are otherwise considered repeat domestic violence offenders, who have charges reduced or amended through the plea negotiation process.

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<sup>57</sup> Gorman, Kathleen (2012). The Intersection of Domestic Violence and Sexual Violence. A Review of the Literature. Prepared for the Association of Alberta Sexual Assault Services. <http://www.calgarycasa.com/wp-content/uploads/2014/03/Interection-of-Domestic-and-Sexual-Violence-AASAS-Review.pdf>

<sup>58</sup> U.S. Department of Justice. Office of Justice Programs. National Institute of Justice. (2009). Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges. P. 37

<sup>59</sup> It is important to note that the domestic violence charges and convictions analyzed involve criminal rather than civil domestic violence cases.