

**Iowa Sex Offender Treatment and Supervision Task Force**  
**Study Issues Overview**

**September 7, 2005**



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**EXCERPT FROM H.F. 619**

29 4 DIVISION V  
29 5 TASK FORCE  
29 6 Sec. 52. SEX OFFENDER TREATMENT AND SUPERVISION TASK  
29 7 FORCE.  
29 8 1. The division of criminal and juvenile justice planning  
29 9 shall establish a task force to study and make periodic  
29 10 recommendations for treating and supervising sex offenders in  
29 11 correctional institutions and in the community. The task  
29 12 force shall file a report with recommendations with the  
29 13 general assembly by January 15, 2006. The task force shall  
29 14 study the effectiveness of electronic monitoring and the  
29 15 potential effects and costs associated with the special  
29 16 sentence created in this Act. The task force shall study risk  
29 17 assessment models created for sex offenders. The task force  
29 18 shall also review this state's efforts and the efforts of  
29 19 other states to implement treatment programs and make  
29 20 recommendations as to the best treatment options available for  
29 21 sex offenders. The task force shall also develop a plan to  
29 22 integrate state government databases for the purpose of  
29 23 updating addresses of persons on the sex offender registry.  
29 24 2. Members of the task force shall include members of the  
29 25 general assembly selected by the legislative council and  
29 26 representatives of the following:  
29 27 a. One representative from the state department of  
29 28 transportation.  
29 29 b. One representative of the Iowa civil liberties union.  
29 30 c. One representative of the department of human services.  
29 31 d. One representative of the department of public safety.  
29 32 e. One representative of the Iowa state sheriffs and  
29 33 deputies association.  
29 34 f. One representative of the Iowa county attorneys  
29 35 association.  
30 1 g. One representative of the department of corrections.  
30 2 h. One representative of the board of parole.  
30 3 i. One representative of a judicial district department of  
30 4 correctional services.  
30 5 j. One representative of the department of justice.  
30 6 k. One representative of the state public defender.  
30 7 l. One representative of the Iowa coalition against sexual  
30 8 assault.

## DATABASE INTEGRATION

**Charge:** *“The task force shall also develop a plan to integrate state government databases for the purpose of updating addresses of persons on the sex offender registry.”*

**Updating Sex Offender Registry Addresses:** Currently, the addresses of offenders on Iowa’s sex offender registry are updated as information is made available to the Department of Public Safety (DPS). Such address-change information typically is made available to DPS directly by offenders or through the efforts of state and local law enforcement agencies. Mechanisms for automatically updating registry addresses using information from other state agencies’ data systems have not been developed to date.

Presently, numerous state agencies maintain data systems that contain the addresses of persons who might also be on the sex offender registry. Each of these data systems was designed to meet specific operational needs, and each have their own unique structure, person identifiers, data definitions, privacy issues and methods for accommodating data updates and extracts. These systems also vary regarding the timeliness and validity of the data they contain at any given time. Data systems with perhaps the most overlap with the sex offender registry would include those maintained by the Judicial Branch and the Departments of Public Safety, Corrections, Transportation, Workforce Development, Human Services, Revenue and Natural Resources.

**Justice System Data Integration:** The integration of databases within the criminal justice community has become a national imperative in recent years as the benefits of integration become more and more apparent. Integrated systems improve the quality of information and thereby: improves public safety; eliminates data entry errors and redundant data entry; provides complete, current and timely data; improves the ability to evaluate policy decisions and changes; maximizes available resources; improves data retrieval response time; provides for better, more informed decision making; and improves the operational effectiveness of existing systems. Justice agencies across the country are increasingly realizing these benefits as they move from independent systems to systems that are integrated and specifically designed to maximize the use of technology to share information.

**Iowa’s CJIS Initiative:** For the last several years the State of Iowa has had an active justice integration initiative underway. Under the leadership of Governor Vilsack and Chief Justice Lavarato, Iowa’s Criminal Justice Information Systems (CJIS) Advisory Committee has been exploring the environment for implementing CJIS in Iowa. As part of this effort, the Committee recently completed a statewide Criminal Justice Information System Integration Plan. This five year Plan provides a framework to follow to allow Iowa to successfully integrate its criminal justice community.

**Planning Issues:** Differences among the data systems, as noted above, will need to be identified and addressed. Privacy issues will require careful study as will the issues of data timeliness and accuracy. Costs associated with data exchanges and integration will need to be identified. Plans to improve the accuracy and timeliness of sex offender registry’s addresses through data integration will also need to clarify their fit with the recent plan to comprehensively integrate Iowa’s criminal justice information systems.

## RISK ASSESSMENTS

**Charge:** *“The task force shall study risk assessment models created for sex offenders.”*

**Sex Offender Risk Assessment Types by Use Categories:** According to a U.S. Department of Justice’s 2003 Annual Survey, 40 agencies throughout the U.S. reported that they conduct an assessment of sex offenders. Twenty-eight of these identified at least one specialized instrument used for assessing sex offenders. The largest number of responding agencies used the Static-99. Other sex offender risk assessments used include the MnSost, the RRASOR, SORA, VASOR, and SAI.

There are a few risk assessments that are specific to juvenile sex offenders: the ERASOR, the JSORRAT-II, and the JSOAP-II. Both Adult and Juvenile sex offender risk assessment instruments are being used mainly for one or more of the following purposes: sex offender registry, public notification, sex offender treatment programs or civil commitment

**Iowa Sex Offender Risk Assessment Instruments:** In compliance with House File 619 the Department of Corrections, the Department of Human Services and the Department of Public Safety, in consultation with the Attorney General, developed methods and procedures for the assessment of risk. Their joint decision on risk assessment instruments resulted in the selection of three separate tools:

- **Static-99** Sex Offender Risk Assessment for adult male sex offenders age 18 and over and juvenile sex offenders waived to adult court.
- **ISORA-8** Sex Offender Risk Assessment for adult sex offenders for whom the Static '99 was not designed to assess (females, no contact offenders or offenders with no specific identified victim)
- **JSORRAT-II** Assessment for all juvenile sex offenders under the jurisdiction of Juvenile Court Services

These tools are being used to assess the risk to re-offend for sex offenders convicted for sex crimes involving a minor. The category of risk (high, moderate, low) will be included on the sex offender registry website.

**Study Issues:** A study of risk assessment models could be limited to a review of existing tools to determine their credibility and their fit with the purpose for which they are to be used. This is, in essence, what the above-named agencies have done. A more long-term study, or set of studies, could attempt to assess the extent to which the recently chosen tools are being used consistently over time and within and across jurisdictions (reliability); and the extent to which they are accurately measuring what they are intended to measure (validity).

The assessment tools now being used in Iowa vary in terms of the extent to which they have been validated in jurisdictions other than Iowa, and none of them have been validated specifically for their planned use for populations of Iowa offenders. Studies to assess the reliability of risk assessments would involve periodic examinations of the information used and decisions made by assessment personnel. Studies of validation would involve the tracking of assessed offenders over time and the examination of recidivism data as it accumulates to document and provide periodic reports about the use and predictive value of the chosen assessment instruments.

## SEX OFFENDER TREATMENT

**Charge:** *“The task force shall also review this state’s efforts and the efforts of other states to implement treatment programs and make recommendations as to the best treatment options available for sex offenders.”*

**Adult Sex Offender Treatment:** Sex offender treatment is provided in Iowa to both institutional and community corrections populations. A committee formed by the Department of Corrections, in cooperation with the Iowa Board for the Treatment of Sexual Abusers (IBTSA), recently conducted a brief survey of these treatment programs. Its results indicate:

- There is no common program in use by all institutions and community-based districts, although the most common elements are pieces of Safer Society or NAVCOM Brig.
- There is no common model used at the community level, although all seem to use group therapy, individual therapy, and optional aftercare in different combinations.
- There are several different assessment tools used, depending upon resources.
- Length of treatment varies among program, length of institutional stay and length of probation/parole.
- Limited programming for female offenders.

With Iowa’s new extended and lifetime supervision sentences and the past tendency for sex offenders to expire their sentences, studies of adult treatment should track the impact of increases in the amount of time available for supervised treatment. A study focus on the coordination of case planning and treatment among institution and community programs also seems warranted. The desired purpose and actual use of assessment tools to identify treatment needs, to assess readiness and to assign offenders to particular treatment approaches also should be examined.

**Juvenile Sex Offender Treatment:** A review of juvenile sex offense treatment programs in Iowa and other states will need to consider a number of factors. Included among these factors are the availability, certification, training and experience of sex offense treatment providers; the treatment environment (i.e. residential-based, outpatient-based); the various types of programming provided (e.g. clinical, group); the types of sexual offenders receiving treatment (e.g. voyeurs, forcible rapist, pedophiles, family member); the effectiveness of programming (e.g. reduction of recidivism); and how these various factors interact. These factors are similar to those of programs providing treatment to adult sex offenders; however, there are differences between juvenile and adult cases including the involvement and responsibilities of parents, legal guardians, schools and the child welfare system. Such differences result in a framework of case coordination and shared responsibilities among system officials that will need to be considered in an examination of response and treatment effectiveness.

**Study Issues:** DOC and the IBTSA are starting a process to assess and recommend adult offender treatment approaches. Similarly, IBTSA and CJJP have applied for federal funds to develop and pilot the use of guidelines for the assessment, supervision and treatment of juvenile sex offenders. “Cataloging” types of programs and treatment elements (e.g. nature, timing, duration, target population), and establishing common result measures for different types of programs and offenders might be appropriate steps to take at this time for both offender populations. Using such measures, periodic monitoring reports of treatment programs and their impact could be issued over time. Examining program types, program elements and assessment and case planning approaches using common terms and common result measures also will help Iowa compare its offender treatment programs with researched programs in other jurisdictions.

## SPECIAL SENTENCE FOR SEX OFFENDERS

**Charge:** *“The task force shall study... the potential effects and costs associated with the special sentence created in this Act.”*

### **The special sentence:**

- Section 39: A person convicted of a class “C” felony or greater offense under chapter 709, or a class “C” felony under section 728.12, shall also be sentenced, in addition to any other punishment provided by law, to a special sentence committing the person into the custody of the director of the Iowa department of corrections for the rest of the person’s life, with eligibility for parole as provided in chapter 906. The special sentence... shall commence upon completion of the sentence imposed under any applicable criminal sentencing provisions for the underlying criminal offense and the person shall begin the sentence under supervision as if on parole... The revocation of release shall not be for a period greater than two years upon any first revocation, and five years upon any second or subsequent revocation...
- Section 40: A person convicted of a misdemeanor or a class “D” felony offense under chapter 709, section 725.2, or section 728.12 shall also be sentenced, in addition to any other punishment provided by law, to a special sentence committing the person into the custody of the director of the Iowa department of corrections for a period of ten years, with eligibility for parole as provided in chapter 906. The special sentence... shall commence upon completion of the sentence imposed under any applicable criminal sentencing provisions for the underlying criminal offense and the person shall begin the sentence under supervision as if on parole... The revocation of release shall not be for a period greater than two years upon any first revocation, and five years upon any second or subsequent revocation...

**Potential impacts:** The special sentence will affect both the number of persons serving sentences for sex offenses and the number under community supervision. Assuming that some offenders serving special sentences will require revocation, the special sentence will also increase the need for hearings by Administrative Law Judges. There will also be an impact on local jails when those serving special sentences are detained awaiting revocation hearings.

**Assessment of impact:** For use in the upcoming General Assembly session, estimated impacts of the special sentence can be developed through the use of historical sentencing, commitment, and recidivism data on sex offenders. Although development of estimates will require the use of assumptions pertaining to the extent of revocations of the special sentences, it will be possible to present estimates under several different scenarios. Also, a process can be developed to track and periodically report the new policies’ actual use and impact in the years ahead.

**Study issues:** CJJP is planning to study “the potential effects and costs associated with the special sentence” as a part of a more inclusive study that also examines short- and long-term impacts resulting from other recent sex offender sentence enhancements -- a new Class A felony for offenders convicted of a second or subsequent sex offense and an increase in penalty (from Class D to Class C) for convictions under Chapter 709.8 (Lascivious Acts with a Child). While the special sentence provisions will affect the number of sex offenders in prison and under community supervision, the new sentencing enhancements are likely to also affect both correctional agencies and the Court. For example, new life imprisonment cases may go to trial rather than be decided by a guilty plea. The change in penalty for Lascivious Acts will likely have a similar impact on the courts, as historically many convictions for this offense result from reduction of charges for Sex Abuse-3<sup>rd</sup> (a Class C felony). The enhanced sentences and the special sentence likely will affect the justice system interdependently, making it difficult to assess the impact of either without examining both.

## ELECTRONIC MONITORING

**Charge:** *“The task force shall study the effectiveness of electronic monitoring ...”*

**New Electronic Monitoring Policies:** Sex offenders under some form of conditional release (probation, parole, etc.) whose victims were minors now must be placed on electronic monitoring (EM). Any other offender required to register as a sex offender may be monitored. The Department of Corrections (DOC) estimates that close to 600 sex offenders will be on EM when the new policies are fully implemented. The EM of sex offenders with child victims is to last up to five years while they are under DOC/CBC supervision. According to recent DOC plans, sex offenders in residential facilities and in-patient treatment will be monitored with existing non-EM equipment and procedures.

**Types of Electronic Monitoring:** Iowa utilizes six different types of EM devices, each with its own advantages and limitations. DOC/CBC staff will decide which type of device will be used for given offenders based on risk assessments and other protocol. It can be noted that with one possible exception, none of the EM units operate on a real time basis. All EM is performed from a monitoring center in Illinois. When a violation is detected, it is electronically reported to a computer system, which in turn electronically reports the violation to the appropriate probation/parole officer (PPO), normally via email. Given how the system operates, it could be as long as three days before a PPO will become aware of a violation.

**Other Studies of Electronic Monitoring:** There are few, if any, conclusive studies on the effectiveness of EM in the U.S. One study<sup>1</sup> indicates *“The findings suggest that EM has different effects on various types of offenders; whereas, sex offenders overall were more likely to return to prison than were other violent offenders, placement on EM reduced the likelihood of and postponed their return to prison.”* The authors advise that the results of this study should be interpreted as preliminary because of shortcomings of the data. A literature review<sup>2</sup> indicates *“Because of the limited research pertinent to the effectiveness of electronic monitoring, it cannot be determined whether electronic monitoring is an effective alternative to incarceration.”* It should also be noted that different study populations appear to have been subject to varying requirements and that the definition of “success” varies among studies. (NOTES: <sup>1</sup>Finn and Muirhead-Steves, Justice Quarterly, June, 2002; <sup>2</sup>Vollum and Hale, Corrections Compendium, July, 2002.)

**Study Issues:** DOC’s Iowa Corrections Offender Network (ICON) will provide a source of data with which to examine EM in Iowa. It is expected to provide starting and ending dates of each instance of EM, the type of EM technology employed for each monitored offender and a variety of offender-specific data. Using ICON data, CJJP plans to establish and regularly update a research data base that tracks all sex offenders, including those placed on EM. This will allow for periodic reporting on the use and effectiveness of EM. Issues to be resolved include the selection of effectiveness measures (no new sex offense, no new arrest for any offense, no returns or revocations to prison, no EM compliance violations, etc.) Also to be determined are research methods that take into account different types of offenders, different methods of EM and the assessment tools and protocols used by DOC/CBC to determine which offenders get what type of EM and for how long. Data sources and questions and issues similar to those discussed above regarding the effectiveness of EM with juvenile offenders under the juvenile court’s jurisdiction will need to be addressed.