

Iowa Sex Offender Research Council
Report to the Iowa General Assembly
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The Division of Criminal and Juvenile Justice Planning
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Introduction

Through the 2005 enactment of H.F. 619, the Division of Criminal and Juvenile Justice Planning (CJJP) was required to establish a task force to study and make periodic recommendations for treating and supervising sex offenders in correctional institutions and in the community. In 2008, the Legislature formalized the need for on-going research and policy analysis for sex offenses, offenders, and prevention through the establishment of the Sex Offender Research Council (SORC) as a part of the Department of Human Rights, Division of Criminal and Juvenile Justice Planning through Iowa Code 216A.139 (see Attachment A).

Council members support development of societal responses to sex crimes from a comprehensive platform. They suggest that more attention should be focused on preventive versus reactive efforts in dealing with sex offenses. Most legislative responses to sex offenses have relied largely on incapacitation, intensive supervision practices, and public registration policies to prevent subsequent victimization. For some offenders, these policies assist in preventing future sex crimes, and the Council supports efforts to examine the effects of better supervision and treatment for these offenders.

Unfortunately, most existing policies relating to sex crimes are reactive, focusing on reductions of sex crime re-offense. Evidence suggests that most offenders coming to the attention of the justice system for sex crimes have not previously been adjudicated for such crimes, so a focus that relies entirely on treatment or incapacitation of known sex offenders leaves a large percentage of the sex offender population untouched. Thus, the Council continues to discuss the need for preventive approaches to sex crimes, particularly those against children.

Efforts to prevent child-victim sex crimes need to initially address informational inaccuracies. As shown by data presented later in this report, sex offender and victim relationships are disproportionately familial, contrary to the largely-held belief that most sex crimes occur between strangers. Additionally, information should be provided to the public and parents about approaches used by potential offenders to gain the trust of children, as well as behaviors exhibited by children who are being victimized. Efforts to reduce sex crimes must be a community effort, using community organizations to promote positive youth development, boundary maintenance, and healthy relationship building.

This year's report provides a brief review of relevant literature in the areas of adult and juvenile sex offender recidivism, the effects of registration policies, and sex offender risk assessment. Historic trends in sex offense convictions, registration, supervision, and recidivism are presented and examined as well as findings from an examination of the Iowa's sex offender treatment and the impact of sex offenders on prison and community based corrections. This report concludes with discussion and recommendations of the SORC.

Literature Review

A significant amount of research has been devoted to sex offenders. The overview below summarizes findings on sex offender recidivism and registration, as these are key topics of interest identified in Iowa Code §216A.139. Because research tends to distinguish juvenile and adult sex offenders, the literature therefore is separated by the two groups.

Adult Recidivism

Sex offender recidivism has been a widely studied area, often with conflicting findings. Some of the contradictions can be attributed to methodological variability such as variations of study parameters, populations, and recidivism measurement. Several studies, however, agree that sex re-offense is low for adults and juveniles.

The Division of Criminal and Juvenile Justice Planning (CJJP) found sex offense recidivism rates of 3% for new sex convictions in 2000. In 2005, CJJP found a subsequent arrest rate for new sex offenses was about 5% within a 3-year follow up period. A meta-analysis examining 61 studies on sexual recidivism found that sexual re-offense was low (13%) (Hanson and Bussiere, 1998). A similar meta-analysis involving 73 recidivism studies found a sex offense re-conviction rate of 14% (Hanson and Morton-Bourgon, 2005). Additional research finds that recidivism rates for sex re-offense tend to decrease over time as offenders age (Barnoski, 2005).

The extent to which sex offender treatment alters recidivism rates continues to be investigated. Early studies suggested that treatment was ineffective (similar to early studies of correctional programming in general). Many of these studies, however, had methodological shortcomings, including variations in the treatment modalities studied, lack of control groups, and small sample sizes. Current studies focus on examining the efficacy of sex offender treatment in reducing recidivism for both juveniles and adults.

Adult Registration

Several studies have examined the impact of sex offender registries. A few of these studies are summarized below:

Registration and Recidivism:

A study examining how registry restrictions influence subsequent sex offenses for registered sex offenders in New York (Socia, 2012) found that registry restrictions were not associated with a significant decrease in sex re-offenses by already registered sex offenders. Similarly, Letourneau (2009) found little evidence to suggest that registration status influences sex crime re-offenses. Letourneau argues that policies such as the Sex Offender Registration and Notification (SORN) may not be appropriate for reducing recidivism for previous sexual offenders. However, Socia found evidence to suggest that sex offender registration policies may be influential in deterring first-time sex offenses.¹

¹ An unpublished 2000 study by CJJP also found insignificant differences in recidivism in Iowa between prisoners released pre- and post-registry in a 4.3-year follow-up.

Registration: Public versus Private Notification:

Prescott and Rockoff's (2011) findings suggested that registration without public notification (such as Internet posting) is associated with a decrease in subsequent offending. However registration with public notification was associated with an *increase* in subsequent offenses. Prescott and Rockoff argue that public notification may increase stress on offenders, leading to destabilization in their community lives. The social consequences of public registration may reinforce the notion that changing behaviors would not improve offenders' life circumstances.

Impact of Registration on Offenders:

Studies addressing the physical, social, and emotional effects of registration on offenders found that registered offenders rarely report being the victims of targeted attacks by vigilantes, but they do report residency and employment obstacles along with negative psychological and emotional consequences (Lasher and McGrath 2010). Lasher and McGrath (2010) also found that the social destabilization of sexual offenders was closely associated with more intrusive monitoring practices, supporting Prescott and Rockoff's argument that the social consequences of public monitoring may influence offender behavior.

Registration and Public Behavior:

Agan (2011) found little evidence to suggest that registries, or knowing where sex offenders lived or worked, improved public safety "either in practice or in potential". Bandy (2011) has researched the influence of sex offender notification on public behavior, specifically whether or not people engaged in more protective behaviors as the result of notification. She found that, in general, the public did not change behaviors significantly as the result of public access to sex offender information through registries, although the majority of people interviewed approved of registries. Sample, Evans, and Anderson (2011) further Agan's and Brandy's argument by contending that registries largely serve a symbolic versus an instrumental purpose.

Adult Risk Assessment

In 2010 the Iowa Department of Corrections published the results of a study to validate two different tools used to predict recidivism of sex offenders in Iowa, the ISORA8 and the Static-99. Both tools were determined to adequately predict low, moderate, and high risk offenders and their recidivism rates for sex offenses (Iowa DOC 2010). Risk assessments can be helpful in influencing resource allocation so that offenders receive assistance and/or supervision consistent with their risk.

"Risk assessment is one of the most important and most frequent tasks required of those working with sexual offenders. Formal risk assessments are needed for many important decisions, including sentencing, family reunification, conditional release, and civil commitment. Risk assessment can also assist in the case management and treatment of sexual offenders..." (Association for the Treatment of Sexual Abusers 2000).

There is a significant body of literature on this subject that will not be summarized here. Previous reports from the Sex Offender Research Council contain summaries of some of that research.

Juvenile Recidivism

Much research has been conducted on the differences between juvenile and adult sex offenders, some of which suggests that juveniles exhibit lower recidivism rates and respond better to sex offender treatment than adults. The dynamics of juveniles' offending patterns and treatment response are unique; a system that treats juvenile and adult offenders similarly has not proven to be efficient at either promoting public safety or rehabilitating juveniles. Sex offender treatment for juveniles must be tailored to youths' unique offending patterns, brain development, and abuse history.

Numerous studies have assessed general and sex-based juvenile recidivism. Some studies have found extremely low rates of sexual reoffending for juveniles (Piquero et al., 2012) and that sexual reoffending rates are much lower than non-sexual re-offenses even among high-risk juveniles committed to correctional facilities (Rajlic, 2010 and Kemper, 2007). The National Center on Sex Based Youth (NCSBY) in 2001 found that juvenile offenders have lower recidivism rates than adult offenders and are much less likely to reoffend sexually. Juvenile recidivism for general delinquent behavior ranged from 8% to 58%, while recidivism for sex offenders fell at 5% to 14%. Similarly, Researchers with the Texas Youth Commission (Leidecke and Marbibbi, 2000) found a rearrests rate of 4% for juvenile sex offenders compared to higher rates for adult offenders.

Juvenile Registration

Many studies analyzing sex offender registration policies have failed to examine individual and political effects of juvenile registration. Findings from studies that have examined these effects have shown no significant difference in sexual re-offense rates between registered and non-registered juvenile sex offenders (e.g., Letourneau & Armstrong, 2008; Batastini, Hunt, Present-Koller, & DeMatteo, 2011).

Further research has found that registration laws influence adjudication and charging practices. Fewer juveniles are adjudicated for mandatory registration offenses after laws requiring registration have gone into effect. As new policies apply harsher consequences for juvenile offenses, prosecutors become less likely to move forward on sexual and assault charges (Letourneau, 2009). Additionally, after registry policy changes, the proportion of sex offense charges that were reduced to less severe charges increased significantly (Letourneau, 2012).

Methodology

This report uses state level data, over the last five fiscal years, to track changes in juvenile and adult sex offender adjudications, convictions, prison admissions, and community-based supervision (including registration and special sentences).

The findings presented are from all sex offenses convictions covered under Iowa Code Chapter 709, §709C.1, §726.2, §728.12, §728.2, and Chapter 901A. The data include offenders who have committed one or more of these sex offenses.

Adjudication and conviction data come from the Justice Data Warehouse (JDW). The JDW is a central repository of key Iowa criminal and juvenile justice information managed by the Iowa Division of Criminal and Juvenile Justice Planning that includes data from the Iowa Computerized Criminal History (CCH) and the Iowa Court Information System (ICIS), as well as information from the Iowa Corrections Offender Network (ICON).

Supervision data and information regarding offender and victim relationship come from the Iowa Corrections Offender Network (ICON), maintained by the Iowa Department of Corrections.

Registry information was provided by the Iowa Department of Public Safety.

This year's report updates previous findings and provides a breakdown of offense trends by number of offenders, cases, and convictions for a more detailed examination.

Findings

Sex offenses included in the data tables below are Iowa Code Chapter 709, §709C.1, §726.2, §728.12, §728.2, and Chapter 901A. These offenses are hereafter referred to as sex offenses.

Adult Offenders

Sex Offense Trends

As shown in Table 1, the number of individuals convicted of sex crimes as well as the number of convictions accrued has remained remarkably stable. Similarly, the number of sex offenders committed to prison has also tended to remain stable, with the exception of FY2009. These figures are consistent with those going back at least to 1995 (that is, unlike many other offense types, sex offense admissions have remained stable for many years).

Table 1. Number of Offenders, Cases, Convictions, and Prison Admissions FY09-FY13

	FY09	FY10	FY11	FY12	FY13
Offenders	343	376	387	386	392
Cases	395	405	431	428	435
Convictions	538	541	615	600	622
Prison Admissions*	170	209	200	213	203

**Does not include registry, residency, or special sentence commitments*

The median length of stay before release from prison has also remained remarkably stable; varying by just over one month.

Table 2. Median Length of Stay of First Releases (in months), FY09-FY13

FY09	FY10	FY11	FY12	FY13
49.2	48.7	48.6	49.9	49.0

The data show most offenders expire their prison sentences rather than being released to early parole or work release. This tendency increased after the creation of the Special Sentence in 2005, although over the last five years it has remained stable. In FY2013 there was nearly a ten percentage point drop in sentence expirations by sex offenders due to a changes in general paroling practice by the Board of Parole.

Table 3. Percentage of Sex Offenders Whose First Release was an Expired Sentence, FY09-FY13

FY09	FY10	FY11	FY12	FY13
69.4%	62.2%	65.3%	68.0%	57.5%

Does not include offenders sentenced for registry, residency, or Special Sentence violations

While the number of sex offender prison admissions has remained steady, it is projected that the number of sex offenders in the prison population will rise, a phenomenon largely due to anticipated revocations of the special sentence.

As shown below, the vast majority of sex offenders admitted to prison in Iowa were known by their victims. Only 3.1% of offenders were strangers and even fewer (1.6%) were strangers when the victim was a minor. Nearly 40 percent of offenders were family members (family and step-family) or in a cohabiting relationship with the victim. Hence, the stereotype of the stranger-predator is not supported by Iowa data. It should be noted that the vast majority of victims were minors (86%). Between 2009 and 2013 there were 1,000 prison admissions (see Table 4), and of those 860 involved offenses committed against minors (see Table 5).

Table 4. New Prison Admissions, by Victim and Offender Relationship, FY09-FY13

Relationship	FY09		FY10		FY11		FY12		FY13		Total	
	n	%	N	%	n	%	n	%	n	%	n	%
Family	29	16.8%	47	22.6%	55	27.6%	62	28.8%	42	20.5%	235	23.5%
Step-family	9	5.2%	27	13.0%	21	10.6%	19	8.8%	18	8.8%	94	9.4%
Cohabit	6	3.5%	7	3.4%	13	6.5%	20	9.3%	22	10.7%	68	6.8%
Friend/Acquaintance	78	45.1%	60	28.8%	64	32.2%	64	29.8%	56	27.3%	322	32.2%
Consensual	36	20.8%	46	22.1%	33	16.6%	37	17.2%	46	22.4%	198	19.8%
Supervisory	7	4.0%	10	4.8%	4	2.0%	9	4.2%	9	4.4%	39	3.9%
Stranger	6	3.5%	7	3.4%	4	2.0%	2	0.9%	12	5.9%	31	3.1%
Not Applicable*	1	0.6%	3	1.4%	1	0.5%	0	0.0%	0	0.0%	5	0.5%
Unknown	1	0.6%	1	0.5%	4	2.0%	2	0.9%	0	0.0%	8	0.8%
Total Admitted	173	100%	208	100%	199	100%	215	100%	205	100%	1,000	100%

*Not applicable cases include those without a direct victim (e.g., child pornography).

Three FY12 and two FY13 cases had multiple victims in different categories. Each was counted accordingly.

Table 5. New Prison Admissions, by Minor Victim and Offender Relationship, FY09-FY13

Relationship	FY09		FY10		FY11		FY12		FY13		Total	
	n	%	N	%	n	%	n	%	n	%	n	%
Family	28	20.0%	40	23.4%	52	29.4%	58	29.9%	37	20.8%	215	25.0%
Step-family	9	6.4%	26	15.2%	21	11.9%	19	9.8%	18	10.1%	93	10.8%
Cohabit	6	4.3%	6	3.5%	10	5.6%	18	9.3%	19	10.7%	59	6.9%
Friend/Acquaintance	52	37.1%	46	26.9%	52	29.4%	50	25.8%	43	24.2%	243	28.3%
Consensual	36	25.7%	45	26.3%	33	18.6%	37	19.1%	45	25.3%	196	22.8%
Supervisory	6	4.3%	8	4.7%	4	2.8%	8	4.1%	8	4.5%	34	4.1%
Stranger	3	2.1%	0	0.0%	1	0.6%	2	1.0%	8	4.5%	14	1.6%
Unknown	0	0.0%	0	0.0%	3	1.7%	2	1.0%	0	0.0%	5	0.6%
Total Admitted	140	100%	171	100%	177	100%	194	100%	178	100%	860	100%

Community Supervision

Registry

“On or after July 1, 1995, an individual who has been convicted or adjudicated of a criminal offense against a minor, sexual exploitation, or a sexually violent crime or who was on probation, parole, or work release status, or who was incarcerated on or after July 1, 1995 is required to register.”² Information on sex offenders who are registered is publically accessible online.

Offenders placed on the registry are assigned a particular Tier. Tier levels designate how often sex offenders are to visit and verify existing information with their sheriff’s office. Tier I sex offenders are to report to their sheriff’s office annually, Tier II, biannually, and Tier III, quarterly. Tier level changes can occur following a new sex offense conviction.³ The number of offenders placed on Tier I and Tier II have slightly increased within the last three years, but the most notable numerical increase is seen among Tier III offenders.

Table 6. Number of Active Persons on the Sex Offender, by Last Quarter of Calendar Year

Tier	2011	2012	2013
I	1,062	1,121	1,214
II	1,481	1,518	1,572
III	2,899	3,051	3,206
Not Established*	83	99	18
Total	5,525	5,789	6,010

Source: Iowa Department of Public Safety

*Offenders awaiting Tier assignment or having unconfirmed addresses.

Special Sentence

In 2005, the Iowa General Assembly passed legislation establishing a special sentence for sex offenders. Iowa Code Chapter 903B created a 10-year special sentence for offenders convicted of D felony or misdemeanor sex offenses and a life-time special sentence for offenders convicted of C and B felony sex offenses. These special sentences are to run following completion of an offender’s original sentence.

The total number of adult sex offenders who become eligible for the special sentence has remained largely stable for the last five years. See Table 7.

Table 7. Number of Offenders Eligible for Special Sentence, Based on Conviction Class, FY09-FY13

	FY09	FY10	FY11	FY12	FY13
10-year	182	187	193	186	196
Life	163	189	194	200	196
Total	345	376	387	386	392

² <http://www.iowasexoffender.com/>

³ <http://www.iowasexoffender.com/SORregistration.pdf>

While the number of adult sex offenders who become eligible for the special sentence has remained largely stable over the past five years, the number of offenders on special sentence supervision had grown by over six times since FY2009. Note that these figures do not include offenders whose special sentences had been revoked and who were imprisoned at the time.

Table 8. Number of Offenders on Special Sentence Supervision (CBC), FY09-FY13

6/30/09	6/30/10	6/30/11	6/30/12	6/30/13
95	191	320	507	594

Table 9 presents the number of offenders on special sentence at the end of fiscal year 2013 by district.

Table 9. Number of Offenders on Special Sentence Supervision, by District June 30, 2013

Supervision Type	1JD	2JD	3JD	4JD	5JD	6JD	7JD	8JD	Total
Field	78	74	56	39	98	78	54	63	540
Residential	5	6	5	5	11	8	5	9	54
Total	83	80	61	44	109	86	59	72	594

Residential population includes two Virtual Tracking clients supervised by residential staff.

The number of offenders placed on special sentence supervision in community-based corrections is expected continue rising for the foreseeable future. CJP estimates that the number of offenders covered by the 10-year special sentence will level off at about 850, while the number on lifetime supervision will continue to rise until the number entering supervision is matched by the number dying or being discharged by other means. It is estimated by the Department of Corrections that the daily cost of sex offender supervision in FY2013 was \$14.86.

The number of prison admissions for special sentence revocations has nearly quadrupled over the last five fiscal years. In fiscal year 2009 there were 26 prison admissions for special sentence revocations and in fiscal year 2013 there were 100 such admissions.

Table 10. Prison Admissions for Special Sentence Revocation, FY09-FY13

	FY09	FY10	FY11	FY12	FY13
1 st Offense, 2 yrs.	26	47	53	74	73
2 nd Offense, 5 yrs.	0	5	13	16	27
Total Revocations	26	52	66	80	100

The total number of sex offenders receiving registry violations has decreased within the last five years. The least common types of registry violations include violations which restrict an offender by an area/activity or residency restriction.

Table 11. Registry Violations, by Type, FY09-FY13

Type of Violation	FY09	FY10	FY11	FY12	FY13
Residency	42	12	35	43	24
Registry	307	252	250	224	248
Area/Activity	NA	10	24	13	5
Total Violations	349	274	309	280	277
Cases	313	256	279	252	239
Offenders	301	245	273	246	233

As seen in Table 12, the number of offenders admitted to prison on registry violations has also decreased over the last five years.

Table 12. Number of New Prison Admissions for Registry Violations, by Type, FY09-FY13

Type of Violation	FY09	FY10	FY11	FY12	FY13
Residency	2	0	0	1	3
Registry	68	60	64	63	54
Area/Activity	NA	2	0	2	1
Total	70	62	64	66	58

The number of offenders on GPS monitoring for a sex offense conviction gradually increased from FY2009-FY2012, with a slight decline seen in FY2013. In FY2013, active GPS monitoring costs \$8.25 daily and passive GPS costs \$3.84 daily for each monitored offender.

Table 13: Sex Offenders on GPS for a Sex Conviction, by Fiscal Year

	FY09	FY10	FY11	FY12	FY13
Offenders on GPS during a particular year	357	452	460	575	554

Juvenile Sex Offenders

While the information above examined all sex offenders, this portion of the report specifically applies to juvenile sex crimes and supervision.

As shown below, the most common offense for juvenile sex charge adjudication was Sex Abuse 2nd. There are three separate conditions that define the offense: the perpetrator uses or threatens force, has another person aid or abet in the use of force, or the victim is under 12 years of age. Only one of these three conditions is sufficient for the charge. The coding structure in the Justice Data Warehouse does not include information on the specific section of §709.3 to permit a more in-depth analysis of the underlying reason for the adjudication, although it is likely that juveniles are charged with Sex Abuse-2nd most often based upon the age of the victim. During FY13, the average age of juveniles adjudicated on §709.3 offenses was 14.8 and the youngest juvenile adjudicated was 12.4.

Table 14. Juvenile Adjudications for Sex Offenses, by Class, Code, Description, and Fiscal Year

Offense Class	Code	Description	FY09	FY10	FY11	FY12	FY13
B Felony	709.3	SEXUAL ABUSE 2ND DEGREE	108	121	105	100	86
C Felony	709.11(A)	ASSAULT W/INTENT SEX ABUSE/SER. INJ.	1	0	6	1	2
	709.4	SEXUAL ABUSE 3RD DEGREE	15	25	30	21	12
	709.4(2)(a)	SEXUAL ABUSE 3RD DEGREE-VICT MENTAL DEFECT	0	0	0	1	1
	709.4(2)(b)	SEXUAL ABUSE 3RD DEGREE-VICT 12-13	14	20	27	16	4
	709.8(1)	LASCIVIOUS ACTS W/CHILD - FONDLE OR TOUCH	1	2	2	5	6
	709.8(2)	LASCIVIOUS ACTS W/CHILD-PERMIT/CAUSE CHILD TO FONDLE	0	0	0	1	0
	710.10(1)	ENTICING AWAY A MINOR < 13 - SEX ABUSE/EXPLOIT	0	0	0	0	3
	728.12(1)	SEXUAL EXPLOIT. OF CHILDREN	0	0	1	1	2
D Felony	709.11(B)	ASSAULT W/INTENT SEX ABUSE/INJURY	5	6	1	6	0
	709.8(3)	LASCIVIOUS ACTS W/CHILD - SOLICITATION	0	0	5	2	1
	726.2	INCEST	1	6	7	4	3
	728.12(2)	SEXUAL EXPLOIT. OF CHILDREN	0	0	0	1	0
Aggravated Misdemeanor	709.11(C)	ASSAULT W/INTENT SEX ABUSE/NO INJ.	36	19	55	30	16
	709.12	INDECENT CONTACT WITH A CHILD	0	0	0	1	0
	728.12(3)-A	PUR/POSS MEDIUM DEPICTING EXPLOIT OF MINOR - 1ST OFF	6	3	2	1	1
Serious Misdemeanor	709.14	LASCIVIOUS CONDUCT/MINOR	0	0	1	0	0
	709.21	INVASION OF PRIVACY	0	3	0	0	0
	709.9	INDECENT EXPOSURE	20	12	17	5	16
Total Adjudications			207	217	259	196	153
Total Cases			89	87	93	82	76
Total Youth			88	85	89	80	73

Community Supervision

Registry

With the exception of juveniles age 14 and over adjudicated for certain violent sex offenses, juvenile placement on the Registry is handled by Juvenile Court. Length of registration is determined by a number of factors including Iowa Code requirements, juvenile court modifications at final case disposition, and modifications that can be granted by petition. Therefore, the number of juveniles on the Registry is a fluid number. Only four juveniles were placed on the registry in FY2013.

Table 15. Juvenile Sex Offender Registry Numbers, by Fiscal Year

	FY09	FY10	FY11	FY12	FY13
Juveniles placed on registry	14	15	7	13	4
Juveniles at time of offense*	78	77	77	81	69

Source: Iowa Department of Public Safety

* Includes new juveniles added to the registry plus adults who were added due to an offense committed before age 18.

Of the four juveniles placed on the registry, only one was Tier I registrant. The other three were registered as Tier III offenders.

Table 16. Active Juvenile Registrants, by Tier December 16, 2013

Tier	n
I	1
II	0
III	3
Total	4

Source: Iowa Department of Public Safety

Generally there are few offenders on GPS monitoring for a sex conviction who are under the age of 18 when beginning GPS monitoring. As noted above, in FY2013, active GPS monitoring cost \$8.25 daily and passive GPS cost \$3.84 dollars daily for each monitored offender.

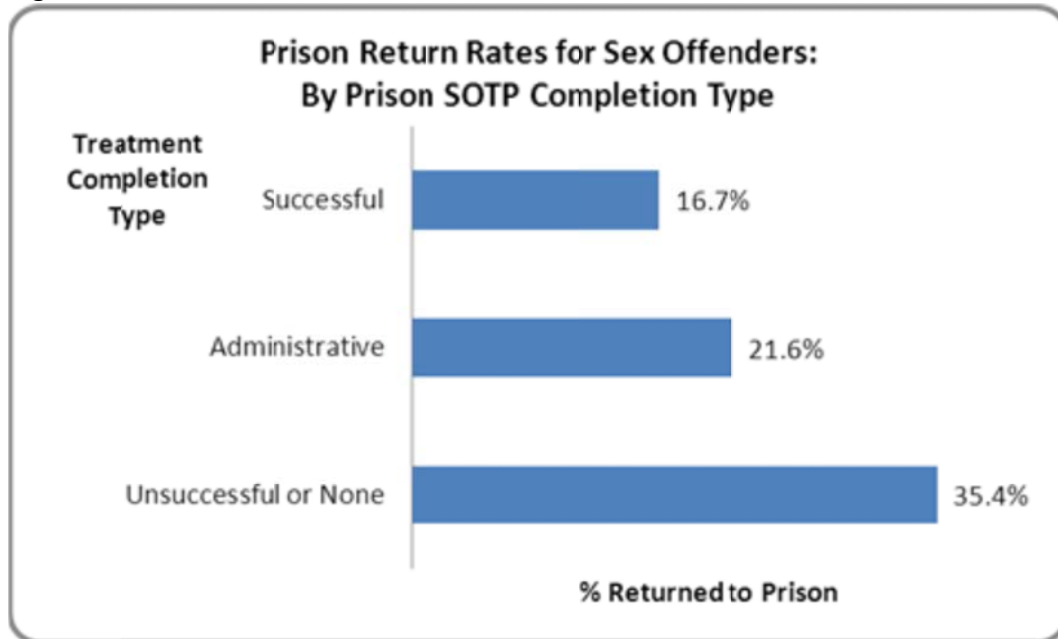
Table 17: Offenders under 18 on GPS for a Sex Conviction, by Fiscal Year

	FY09	FY10	FY11	FY12	FY13
Offenders under 18 on GPS	9	7	5	4	7

Iowa Sex Offender Treatment and Recidivism

A recent study published by the Iowa Department of Corrections in 2013 indicated that sex offenders who successfully completed sex offender treatment were less likely to return to prison compared to those who did not complete treatment.⁴

Figure 2: Prison Return Rates for Sex Offenders



Another area of interest includes the investment returns of sex offender programming. According to a 2012 DOC report, “the Washington State Institute for Public Policy is currently reviewing the effectiveness of sex offender treatment.” The DOC anticipates a cost/benefit analysis of sex offender programming within the year.⁵

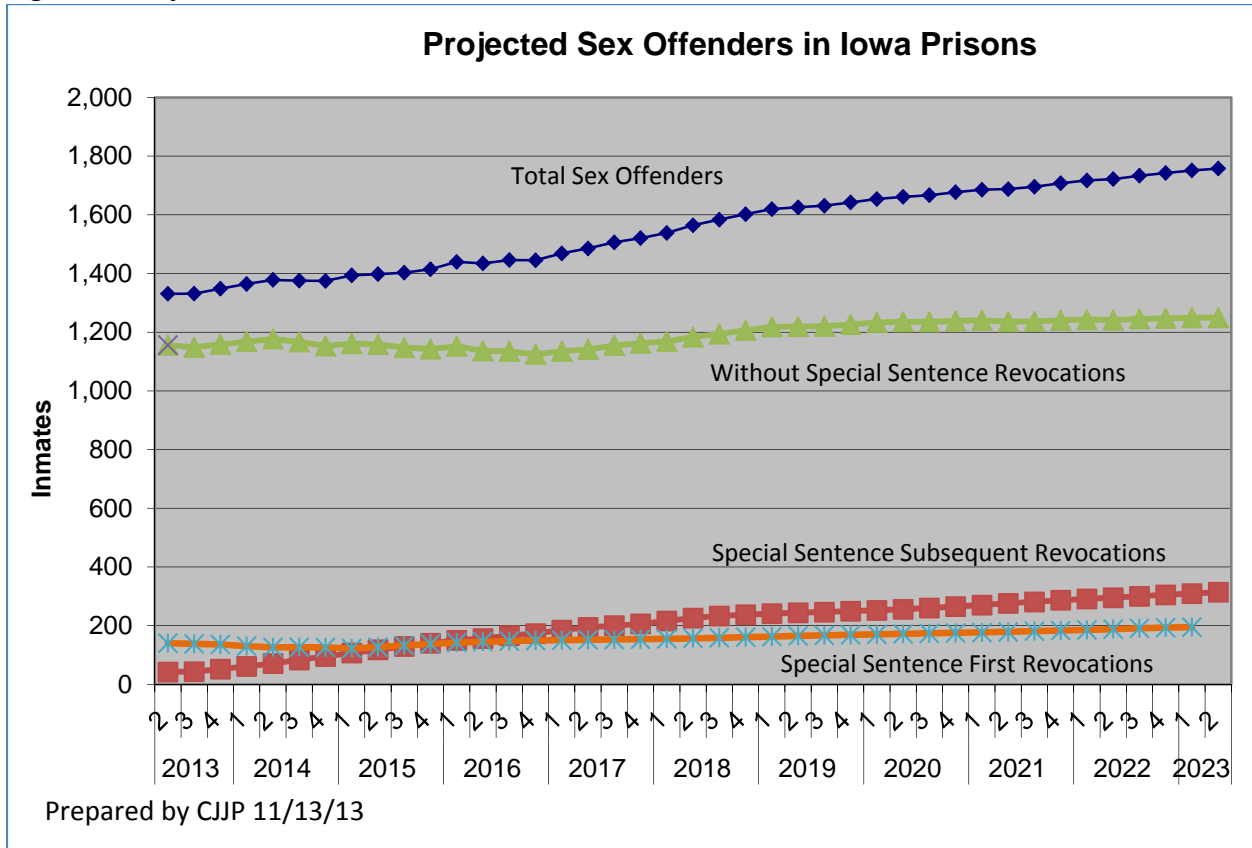
⁴ Prell, L. 2013. Sex Offender Treatment Completers More Successful. Iowa Department of Corrections. http://www.doc.state.ia.us/Research/ORI_2013JulySexOffenderRecidivism.pdf

⁵ Iowa Department of Corrections. 2012. Return on Investment: Evidence-Based Options to Improve Outcomes. http://www.doc.state.ia.us/Research/DOC_HandoutROI_OffenderPrograms.pdf

Sex Offender Prison Population Projections

While the number of sex offenders admitted to prison for new offenses has remained relatively stable, the projected number of sex offenders in the prison population is expected to increase. The increase stems from two factors: accumulation of offenders serving lengthy mandatory minimum terms stemming from convictions for Sex Abuse-2nd Degree and revocations of the Special Sentence. Projections of Iowa's sex offender population are shown below.

Figure 3: Projected Sex Offenders in Iowa Prisons



Discussion

In FY2013 funding was restored to Division of Criminal and Juvenile Justice Planning, Department of Human Rights, for support of the Sex Offender Research Council; due to delays in filling the position designated to support SORC activity, support for the Council has continued to be limited.

The Council met on July 25, 2013 and then on November 20, 2013 members participated in a joint meeting with the Public Safety Advisory Board to discuss the Analysis of Child Kidnapping in Iowa report undertaken by CJJP and a request for information regarding sex offender special sentence and registry requirements emerging from questions generated by Senate File 385 during the 2013 Legislative Session.

This report provides an update of sex offense trends and focuses on two public safety issues: sex offender registration (Iowa Code Chapter 692A) and special sentences for sex offenders (Iowa Code Chapter 903B).

Sex Offender Registration

Despite evidence suggesting that registration policies do little to reduce sex offenses or improve public safety, sex offender registration and public notification are very popular. Also, federal policies such as the Adam Walsh Act will continue to influence state legislation and provide a political barrier to change.

Effect of Special Sentences on the Sex Offender Registry: Length of registration is partially tied to the length of the special sentence. In other words, although an offense may be one that requires 10 years of registration, if there is also a life-time special sentence the offender will be required to register for life. This will significantly increase the number of individuals on the Registry, increasing the number of persons whose information must be verified, and the number of times offenders will need to report to county sheriffs.

Although the Iowa Department of Public Safety does not anticipate that this increase in numbers will have a financial impact upon that agency, it is recognized that some burden will fall on local law enforcement and county sheriffs. A financial impact is likely, although exact numbers are not known at this time.

Targeted efforts to educate the public on sex offender behavior, recidivism, and registration should be supported to establish more cost-effective and efficient policies. Additionally, collaborative efforts between and among local, federal, and public entities are needed to strengthen the utility of Iowa's registration law.

Special Sentences

A major contribution to sex offender policy change in Iowa has been the development of the sex offender special sentence. The special sentence requires supervision of sex offenders following completion of their original sentence, adding either an additional 10-year or life-time parole. The incorporation of this policy has already begun to increase prison populations and strain the resources of agencies having the responsibility to monitor those under supervision.

Effect on the Prison Population The special sentence has influenced the prison population. The number of revocations has quadrupled since FY2009 and is projected to increase as the number of offenders under special sentence supervision continues to rise. The first revocation of a special sentence carries a prison term of two years, while second and subsequent revocations carry prison terms of five years. Estimates show that special sentence revocations will be a major contributor to increases in the prison population over at least the next decade.

Additionally, the median length of stay for sex offenders has increased by about five months since establishment of the special sentence in FY2005 and has remained close to 49 months over the last five years. At a marginal rate of \$17.60 per day, an increase of 5 months in length of stay translates into an additional \$2,678.00 per release. Assuming an average number of 200 releases per year, the increased length of stay costs \$535,700.00 per year.

Effect on Community Based Corrections The number of offenders under current law with 10-year special sentences is expected plateau in the near future, but the number of offenders who will be on life-time supervision is projected to increase at least through 2023.

Using a FY13 end total parole caseload number of 3,480, it is estimated that by the year 2023, the average parole caseload will increase to 5,150, of whom about 50% or 2,600 will be supervised on special sentences. This estimate is based upon assumptions that the non-special sentence parolee numbers will remain stable, and that a certain percentage of special sentence parolees will be revoked to prison. The special sentence, particularly life-time supervision, will increase the parole caseload by about 78% in ten years.

The Department of Corrections estimates the cost of residential supervision at \$73.23 per day and community based supervision at \$3.35 per day. Sex offender supervision average cost is \$14.86 a day. GPS monitoring adds an additional \$6.05 per day. If one assumes that the projected 2,600 persons on special sentence supervision were being supervised at the minimum level at today's cost, the special sentence cost per day would be \$8,710 or \$3,179,150 per year. However, most are likely to be on the higher intensity sex offender supervision. Using that scenario, the special sentence per day cost would be \$38,636 and the annual cost would be \$14,102,140. Some of these

offenders will also be on GPS monitoring, at least for part of the time, further increasing the daily and annual expenditures.

Second and Subsequent Revocations of the Ten-year Special Sentence. A final issue pertaining to the special sentence involves second-and-subsequent revocations of the ten-year special sentence. It has become evident in the past year that a number of those serving this shorter period of special sentence supervision are being revoked a second time, resulting in a new five-year prison term. The resulting problem is that the original special sentence of these individuals may expire prior to the expiration of the new five-year term. These offenders are currently being discharged from prison at the expiration of the original special sentence rather than at the expiration of the new five-year term. It is unclear if this practice is consistent with the original legislative intent of the special sentence. Legislative action should take place to resolve this question.

Recommendations

Due to the limitations outlined above, the Sex Offender Research Council repeats its recommendations to the Iowa General Assembly from last year's report.

1. There is sufficient evidence that sex offenders and the public benefit from a period of supervision and treatment/relapse prevention support in the community, particularly after incarceration. However, the current policy of set terms of post-sentence parole is not supported by research, is not the most effective use of limited resources, and does not contribute to increased public safety.

Therefore, it is recommended that Iowa Code §903B be amended to establish 1) a minimum number of years of post-sentence parole, 2) a required review of each offender's progress and risk every X number of years, and 3) that an extension of parole past the review date would require proof of risk of sexual or violent re-offense. The SORC does not recommend a minimum parole term or review cycle at this time, but recommends that they be based upon a further review of the literature and best practices.

2. The SORC recommends that the General Assembly continue to appropriate sufficient funds to the Department of Human Rights, Division of Criminal and Juvenile Justice Planning, to support a position to continue research on best practices for the management of sex offenders in Iowa.

If adequate and sufficient funding is allocated the Council recommends further examination and monitoring of:

1. Importance of prevention;
2. Long-term costs of victimization;
3. Impact of the special sentence on corrections caseloads and costs;
4. Issues and problems associated with finding placement for aging sex offenders.

Sex Offender Research Council Membership, 2013

Member Name	Member Department
Beth Barnhill	Iowa Coalition Against Sexual Assault
Jerry Bartruff	Iowa Department of Corrections
Jason Carlstrom	Iowa Board of Parole
Terry G. Cowman	Iowa Department of Public Safety
Thomas Ferguson	Iowa County Attorneys Association
H. LeRoy Kunde	Iowa State Sheriffs and Deputies Association
Latrice Lacey	American Civil Liberties Union of Iowa
Binnie LeHew	Iowa Department of Public Health
Thomas H. Miller	Iowa Attorney General's Office
Tim Ross	Juvenile Court Services
Jason Smith	Iowa Department of Human Services
Ben Stone	American Civil Liberties Union of Iowa
Kurt Swaim	State Public Defender's Office
Tony Tatman, Ph.D.	Department of Correctional Services
Rep. Dave Dawson	Iowa House of Representatives
Rep. Sandy Salmon	Iowa House of Representatives
Sen. Robert Dvorsky	Iowa Senate

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Attachment A

216A.139 Sex offender research council.

1. The division shall establish and maintain a council to study and make recommendations for treating and supervising adult and juvenile sex offenders in institutions, community-based programs, and in the community.
2. The voting members of the council shall include one representative of each of the following:
 - a. The department of corrections.
 - b. The department of human services.
 - c. The department of public safety.
 - d. The state public defender.
 - e. The department of public health.
 - f. The juvenile court appointed by the judicial branch.
 - g. A judicial district department of correctional services.
 - h. The board of parole.
 - i. The department of justice.
 - j. The Iowa county attorneys association.
 - k. The American civil liberties union of Iowa.
 - l. The Iowa state sheriffs' and deputies' association.
 - m. The Iowa coalition against sexual assault.
3. In addition to the voting members, the council membership shall include four members of the general assembly with one member designated by each of the following: the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives. A legislative member serves for a term as provided in section 69.16B in an ex officio, nonvoting capacity.
4. The council shall study the following:
 - a. The effectiveness of electronically monitoring sex offenders.
 - b. The cost and effectiveness of special sentences pursuant to chapter 903B.
 - c. Risk assessment models created for sex offenders.
 - d. Determining the best treatment programs available for sex offenders and the efforts of Iowa and other states to implement treatment programs.
 - e. The efforts of Iowa and other states to prevent sex abuse-related crimes including child sex abuse.
 - f. Any other issues the council deems necessary, including but not limited to computer and internet sex-related crimes, sex offender case management, best practices for sex offender supervision, the sex offender registry, and the effectiveness of safety zones.
5. The council shall submit a report, beginning January 15, 2009, and every year thereafter by January 15, to the governor and general assembly regarding actions taken, issues studied, and council recommendations.
6. Members of the council shall receive actual and necessary expenses incurred while attending any meeting of the council and may also be eligible to receive compensation as provided in section 7E.6. All expense moneys paid to the nonlegislative members shall be paid from funds appropriated to the division. Legislative members shall receive compensation as provided in sections 2.10 and 2.12.
7. Vacancies shall be filled by the original appointing authority in the manner of the original appointments.