



A Longitudinal Analysis of Iowa's Sex Offender Special Sentence Supervision

SAC Grant 2019

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May, 2021

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This report was made possible by BJS State Justice Statistics (SJS) Program for Statistical Analysis Centers (SAC Grant). Points of view or opinions expressed in this report are those of the Division of Criminal and Juvenile Justice Planning (CJJP) and do not necessarily reflect official positions of BJS.

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Introduction

In October 2019, the Iowa Department of Human Rights Division of Criminal and Juvenile Justice Planning (CJJP) was awarded Statistical Analysis Center (SAC) funding through the Bureau of Justice Assistance (BJA), to conduct a longitudinal evaluation of sex offenders serving special sentences in Iowa. The purpose was to evaluate the effectiveness of the special sentence policy and the extent to which it reduced recidivism long-term.

The special sentence was enacted in 2005 to mandate extended monitoring of sex offenders in the community for a duration of 10 years or life, depending on the crime. An initial study was conducted by CJJP in 2014 for the former Sex Offender Research Council (SORC). The 2014 study compared recidivism rates of Iowa sex-offenders who were supervised on special sentence to a cohort of sex-offenders who were supervised before the special sentence was enacted. The results showed lower rates of new convictions for sex offenses among those on the special sentence within a three-year tracking period, but higher prison return rates for technical violations presumably a result of the increased monitoring in the community.¹ The current study will use a longer, nine-year recidivism tracking period to track the same cohorts studied in 2014. The purpose is to examine whether the special sentence cohort continues to have lower sex offense recidivism rates and higher prison returns over a nine-year tracking.

The evaluation questions investigated in this report include the following:

- Is the low likelihood of sexual reoffending sustained longer-term?
- Does special sentence monitoring continue to result in more technical violations and time incarcerated for sex offenders on the special sentence compared to the pre-special sentence cohort?
- What are the estimated costs and what resources might be needed in the future to sustain this intensive supervision?
- What is the expected forecasted growth of offenders serving a special sentence in the community and those who are in the prison population?

As outlined in the SAC grant proposal, multiple indicators of recidivism will be examined, including any conviction, felony conviction only, sex conviction, felony sex conviction, and revocation (prison return due to technical violation or new conviction). The study will also examine the demographics of sex offenders, their convicting offense, risk levels, and treatment participation; the number of offenders on the special sentence and forecasted; and costs of the special sentence and alternatives.

¹ https://humanrights.iowa.gov/sites/default/files/media/CJJP_2015%20SORC%20Annual%20Report%20-%20An%20Analysis%20of%20the%20Sex%20Offender%20Special%20Sentence%20in%20Iowa.pdf

Literature Review

In many ways, sex offenders are regarded differently than the general offender population. Iowa sex offenders are subject to any of the following “special” restrictions or sentences for sex crimes: required registration as a sex offender, exclusion from certain employment, residency restrictions, sentence enhancements including mandatory terms for committing multiple sex offenses (sexual predator), chemical castration, civil commitment, and lifetime or 10-year supervision in the community (special sentence). The punitive measures for sex offenders mandated by Iowa Code are based on the sex offense rather than specific circumstances of the crime or characteristics of the offender.

Historically, sex offender sentencing has been based on the fear and distain of sex offenders invoked by the public, as well as the thought that offending patterns make sex offenders different from those who commit other types of crime. An article in *Federal Probation (Journal)*, indicates they are more likely to be deceitful and manipulative towards supervising authorities (and victims), to be motivated by gaining power over their victims, and to be in denial or minimizing of the harms of their offenses.² A widely used correctional model of dealing with sex offenders is the containment strategy, which emphasizes victim retribution and public safety.³ The American Probation and Parole Association (APPA) has set forth a training curriculum for the effective supervision of sex offenders based on the containment strategy.

Laws based on “universal” approaches are understandable considering the scrutiny and public harm in releasing a sex offender who reoffends, but also potentially costly in failing to differentiate sex offenders and their motivations to identify the most appropriate sentences. The containment model of the supervision arguably does not go far enough in acknowledging the diversity among sex offenders, which may warrant different supervision or treatment approaches to prevent recidivism.

The National Parole Resource Center acknowledges the following ways that sex offenders can differ:⁴

- Demographic characteristics
- Social, mental health, and criminal history
- Sex offending characteristics (e.g., onset, frequency, and duration; nature of the offenses, victims targeted, motivations and contributing factors)
- Risk and protective factors for recidivating
- Intervention needs
- Personal motivation and amenability to change

A 2006 study conducted in Illinois compared recidivism (rearrests) among offenders initially arrested in the 1990s for different types of sex crimes. None of the categories of sex offenders had more than a 10% re-arrest rate for any sex crime committed within 5 years. The researchers found that re-arrest rates varied among the categories of sex offenders, ranging from child molesters having the lowest sex offense re-arrest rate (4%) to child pornographers having the highest sex offense re-arrest rate (10%).

² https://www.uscourts.gov/sites/default/files/72_1_5_0.pdf

³ https://www.uscourts.gov/sites/default/files/74_2_6_0.pdf#:~:text=The%20containment%20approach%20is%20a,to%20hold%20sex%20offenders%20accountable.

⁴ <https://nationalparoleresourcecenter.org/resource-package-sex-offenders/diversity-of-sex-offenders.htm>

Incarceration rates for any crime committed within the tracking period also varied, ranging from child molesters having the lowest incarceration rate (18.5%) to pedophiles having the highest incarceration rate (38%).⁵ The findings suggest that sex offenders are a heterogeneous group and broadly applied laws, such as universal registration and notification, should be limited to those who truly are in need of regular surveillance.

In 2019, Bureau of Justice Statistics (BJS) issued a comprehensive report that examined state prisoners in 30 states released for rape or sexual assault offenses and tracked their re-arrest rates for 9 years. Within the 9-year tracking period, male sex offenders had a lower percentage of arrest (67%) for any type of crime compared to all male prisoners (84%). Sex crime recidivism was particularly low among male sex offenders, with only 8% arrested for rape or sexual assault. The study found that younger sex offenders, aged 24 or less, were twice as likely as older sex offenders, aged 40 or more, to be arrested for rape or sexual assault within 9 years (11.8% vs. 5.9%).⁶

Studies such as these finding low rates of sexual reoffending among sex offenders, are not surprising. CJJ's 2014 study for which the current study is based on, showed lower recidivism rates (new convictions) among male sex offenders placed on special sentence monitoring compared to a historical group of Iowa sex offenders. Within a 3-year tracking period, special sentence offenders had lower new conviction rates for any offense (16.8% vs. 33.1%) and lower rates of sex convictions (1.2% vs. 2.1%), but higher rates of prison return (44.1% vs. 6.6%) due to more intensive surveillance on the special sentence. This trend was true regardless of age, although the differences tended to lessen among the older age groups.

The current study seeks to compare the outcomes of the special sentence study group and a historical group of Iowa sex offenders to examine whether recidivism rates remain low over a longer 9-year tracking period. Furthermore, characteristics of sex offenders will be examined to help identify who is most likely to reoffend. Implications of the current special sentence policy, as it is broadly applied, will be explored, including costs and numbers of sex offenders projected to be incarcerated in the future.

⁵https://www.researchgate.net/publication/249720161_Are_Sex_Offenders_Different_An_Examination_of_Rearrest_Patterns

⁶ <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6566>

Iowa's Sex Offender Population

The special sentence is mandated under Iowa Code 903B.1⁷ and 903B.2.⁸ The codes outlining the special sentence are provided in the Appendix. Sex offenders convicted of Class B and Class C offenses are placed under lifetime supervision after serving their original sentence. Class D and lower offenses are subject to a 10-year special sentence. Earned time can be accrued to reduce the amount of the special sentence served under Iowa Code 903A.2. The special sentence applies to persons convicted of an offense under Chapter 709 (sexual abuse), 726.2 (incest) or 728.12 (sexual exploitation of a minor). The Appendix provides a complete list of the offenses.

An offender's special sentence begins after they complete their original sentence for their sex offense. It can begin while on other community supervision after incarceration, such as parole or work release; during incarceration if the person is serving time for other offenses, but has completed the original sex offense sentence; or after being discharged from prison on an expired sentence. The Board of Parole can discharge an offender early from the special sentence (excluding certain sex offenses involving children and second degree sex abuse) like any other parolee per Iowa Code 906.15,⁹ although there are no provisions in code for persons to be able to apply specifically for an early discharge from the special sentence.¹⁰ Like any other person on parole, offenders on the special sentence can also be revoked for violating the rules of supervision, but the likelihood of being revoked from special sentence is thought to be higher considering the person faces continual monitoring for a longer period of time in the community. Per the Code, a first revocation of the special sentence cannot last for more than two years and any subsequent revocation cannot last more than five years.

The Department of Corrections' Iowa Corrections Offender Network (ICON) database was used to determine the number of unique offenders who previously completed, who started but have not yet completed, or who are currently under correctional supervision and will be placed on the special sentence in the future. Convicting offenses of 903B.1 or 903B.2 (Special Sentence) were queried through March 30, 2020. The convictions were then linked to offenders and their supervision status on March 30, 2020. Examining the "End Reason" for the special sentence conviction, if applicable, and offenders' supervision status allowed the researchers to determine if their special sentence had ended, if they had started a special sentence, or if they had not yet started it.

On March 30, 2020, there were 4,594 special sentence offenders since policy enactment in the Department of Corrections database. 1,422 offenders' special sentence supervisions had closed for various reasons, but mostly because they had discharged-expired from a 10-year special sentence (n=990). 1,803 offenders had started a special sentence either while still in prison for other offenses or while in the community, and not yet completed it. 57.0% (n=1,027) of those offenders were serving lifetime special sentences. An additional 1,369 offenders currently under DOC supervision are going to be serving special sentences in the future. 72.7% (n=995) of those offenders will be serving lifetime special sentences. Data are provided in Table 1.

⁷ <https://www.legis.iowa.gov/docs/code/903B.1.pdf>

⁸ <https://www.legis.iowa.gov/docs/code/903B.2.pdf>

⁹ <https://www.legis.iowa.gov/docs/code/906.15.pdf>

¹⁰ [Request for Information Regarding Sex Offender Special Sentence and Registry Requirements.pdf \(iowa.gov\)](#)

Table 1: Population of Special Sentence Offenders ever on Special Sentence (Last 15 Years) and their Special Sentence Status on March 30, 2020

Closed Special Sentence Total	903B.1 (Life SS)	903B.2 (10Yr SS)	SS Total
Acquitted/Overturned/Amended	0	5	5
Death	53	57	110
Discharged/Sentence Expired	4	990	994
Dismissed	6	14	20
Supervision by Corrections			
Terminated by Court	27	26	53
Deported/Paroled to ICE			
Detainer	104	136	240
Closed Special Sentence Total	194	1228	1422
Open Special Sentence	903B.1 (Life SS)	903B.2 (10Yr SS)	SS Total
Parole	5	4	9
Prison	152	118	270
Special Sentence	854	648	1502
Work Release	16	6	22
Open Special Sentence Total	1027	776	1803
Future Special Sentence	903B.1 (Life SS)	903B.2 (10Yr SS)	SS Total
No Correctional Supervision			
Status	0	7	7
Parole	23	12	35
Pretrial Release With			
Supervision	2	0	2
Prison	843	139	982
Probation	122	212	334
Work Release	5	4	9
Future Special Sentence Total	995	374	1369
Grand Total (Population Special Sentence Offenders)	2216	2378	4594

Methods

Study Groups

The current study uses the same two groups of male sex offenders analyzed in the 2014 study, tracking their outcomes over a 9-year period. Offenders in both the special sentence study group and historical comparison group were identified using the Iowa Corrections Offender Network (ICON).

Descriptions of the groups are provided below. Detailed information on group selection for the study can be found in the 2014 report.

- The **special sentence study group** consists of 345 sex offenders who began the special sentence from the time it was enacted in July, 2005 through October, 2010. At the time the offenders were selected for study, they had to have at least 3 years of tracking time on the special sentence to qualify. To ensure an opportunity to offend, only offenders who began serving their special sentence in the community (not those who began the special sentence supervision while incarcerated) were included. Those who died, were paroled to a detainer or deported, or were supervised in another state on interstate compact were excluded.
- The **historical comparison group** consists of a sample of 332 pre-special sentence sex offenders who were convicted prior to enactment of the special sentence in July of 2005, but would have qualified for placement on the special sentence (Chapter 709, §726.2, or §728.12). Offenders who were supervised on prison, parole, work release, or probation and had completed (discharged) their sentences between 7/1/2001 and 6/30/2005 were eligible for the study. The comparison group was reduced based on offense class to more closely match the special sentence cohort and then was further reduced by randomized sampling.

It should be noted that the special sentence study group overrepresents lower level offenders who are serving 10-year special sentences and underrepresents more serious sex offenders on lifetime supervision. In the special sentence study group, only 8.4% (n=29) offenders had a Life special sentence and 91.6% (n=316) had a 10-year special sentence. However, the population of all special sentence offenders examined on March 31, 2020 showed that offenders on Life or 10-year special sentences was about equally divided (48.2% and 51.8%). This is due to when the study cohort sample was drawn. The eligibility criteria in the 2014 study was that offenders had to have begun the special sentence before 10/31/2010 to allow for a 3-year tracking period. At that time, the most serious sex offenders who were eligible for the lifetime special sentence would mostly have still been in prison and therefore not eligible for the study. This excluded B Felony sex offenders who would not yet have had time to begin the special sentence in the 2014 study and many of the C Felony sex offenders. The type of special sentence being served for the population of special sentence offenders and the special sentence study group is provided in Table 2. More details about the original convicting sex offense for the special sentence study group and historical comparison sample are provided in the Appendix.

Table 2: Sample Representativeness, by Type of Special Sentence

Population Special Sentence Offenders as of 3/31/2020		
903B.1 (Life SS)	2216	48.2%
903B.2 (10Yr SS)	2378	51.8%
Total	4594	
Special Sentence Study Group as of 10/31/2010		
903B.1 (Life SS)	31	9.0%
903B.2 (10Yr SS)	314	91.0%
Total	345	

This special sentence study group and historical comparison group only included male offenders. Only about 2% of the population of special sentence offenders is female. Offenders in the special sentence study group and historical comparison group tended to be Caucasian (89.3% and 89.7% respectively), which was similar to racial representation of Caucasians in the special sentence population (86.9%). The special sentence study group had a smaller percentage of Hispanics (3.8%) compared to the special sentence population (10.4%). This may in part be due to the fact that many Hispanic offenders who would have otherwise served special sentence supervision were deported prior to starting the special sentence or were otherwise omitted from the study group to allow for adequate outcomes tracking¹¹. Please note the high percentage of offenders with unknown ethnicities in the historical comparison group (10.2%), which could be due to the fact that the historical comparison group was from an earlier time period when data were not as complete. The special sentence study group also tended to be younger. There were greater percentages of individuals younger than 25 in the special sentence study group (32.2%) than in the special sentence population (25.9%) or the historical comparison group (23.5%). Demographic information for each of the groups is provided in Table 3.

Table 3: Sample Representativeness, by Offender Demographics

	Population Special Sentence Offenders (n=4594)		Special Sentence Study Group (n=345)		Historical Comparison (n=332)	
	N	%	N	%	N	%
Sex						
Male	4504	98.0%	345	100%	332	100%
Female	89	1.9%	0	0.0%	0	0.0%
Unknown	1	0.0%	0	0.0%	0	0.0%
Race						
Caucasian	3990	86.9%	308	89.3%	298	89.7%
African-American	504	11.0%	32	9.3%	28	8.4%
Other	100	2.2%	5	1.4%	6	1.8%
Ethnicity						
Non-Hispanic	4109	89.4%	332	96.2%	284	85.5%
Hispanic	479	10.4%	13	3.8%	14	4.2%
Unknown	6	0.1%	0	0.0%	34	10.2%

¹¹ Data concerning offender deportation was available through the ICON database.

Age*	n=3225		n=345		n=332	
25 or under	836	25.9%	111	32.2%	78	23.5%
26-30	540	16.7%	48	13.9%	51	15.4%
31-40	704	21.8%	70	20.3%	99	29.8%
41-50	496	15.4%	60	17.4%	62	18.7%
51 or over	514	15.9%	56	16.2%	42	12.6%
Unknown	135	4.2%	0	0.0%	0	0.0%

*Age was calculated at the start of the special sentence (for special sentence groups); as such, this only includes a segment of the population – those “closed” or “currently” on the special sentence. Age was calculated at sentence expiration (for the historical comparison group).

Outcomes Tracking

Similar to the 2014 study, the current study also utilizes the following measures of recidivism:

- Any new conviction (misdemeanor or higher)
- New felony conviction
- New sex conviction
- Special sentence revocation
- Prison returns

The conviction categories present the total number of convictions. However, this study further refines new convictions to exclude some of the irrelevant public order offenses like routine traffic offenses, not paying fines, flight/escape, and contempt of court. A decision was made to include sex offender monitoring violations as a separate measure of recidivism in this study. Another new change is in the presentation of prison returns data. The total number of prison returns are provided as well as further subcategories to show if it was due to a new arrest or a technical violation. In light of the 2014 study finding minimal out-of-state sex convictions, this time efforts were not made to collect information through the Interstate Identification Index (III). Only Iowa outcomes are examined here.

New convictions were obtained from court records through the Justice Data Warehouse. Data examining special sentence revocations and Iowa prison returns were acquired through the Iowa Department of Correction’s (DOC) Iowa Corrections Offender Network database.

Recidivism was examined for a tracking length of exactly nine years for each offender. For the special sentence group, the recidivism tracking period began at the beginning of an offender’s special sentence supervision start date (sample only includes those who began the special sentence in the community). For the comparison group, the recidivism tracking period was observed following an offender’s sentence expiration, meaning that they were not under any type of correctional supervision when examined. This was done to ensure the group was comparable to the special sentence cohort, having equal opportunity to recidivate and allowing for recidivism tracking in the community after they expired their sentences.

Convictions with *offense dates* that occurred within the nine-year tracking period were counted. Convictions were offenses that resulted in a disposition of “guilty” or “deferred.” Cohort members were matched to court records by first name, last name, and date of birth. Names and dates of birth were verified to ensure proper matching, as suffixes (i.e. Jr., Sr. III), changes in last names, nicknames, name misspellings, or errors in the reporting of date of birth in the records could result in missing records. To capture the timing of the recidivism, the *first* event meeting the definition of the measure was observed.

Outcomes

9-Year Recidivism Summary

Analysis of outcomes for the 9-year tracking period support the findings of the 2014 study. On nearly every measure indicating a new crime had been committed, the special sentence study group had lower rates of recidivism within 9 years compared to the historical comparison group. The special sentence study group also had fewer new convictions and took longer to commit new crimes. However, these positive findings are likely due to them being revoked from the special sentence and returning to prison on “technical” violations before new crimes could be committed. Rates of sexual recidivism over the 9-year tracking period were very low for both groups, but especially the cohort of special sentence offenders. More detailed information for each measure of recidivism are summarized below and presented in the tables and charts on the following pages.

Recidivism Rates

Table 4 compares the percentages of offenders who recidivated within 9 years in the special sentence study group (SS) and the historical comparison group, on each measure of recidivism.

New Convictions

In all categories, the SS group had lower percentages of offenders convicted of new offenses compared to the historical group within 9 years.

- Any simple misdemeanor or higher: 42.6% (SS) vs. 50.3% (historical)
- Simple misdemeanor or higher, excluding some minor public order offenses: 31.0% (SS) vs. 37.7% (historical)
- Any felony: 12.2% (SS) vs. 15.7% (historical)
- Felony, excluding some minor public order offenses: 6.7% (SS) vs. 8.1% (historical)
- Sex conviction: 4.1% (SS) vs. 5.7% (historical)
- Sex offender monitoring violations: 19.4% (SS) vs. 24.4% (historical)

Prison Returns

Overall, the percentage of offenders who returned to prison for any reason was higher in the SS group than the historical group. However, when examining the reason for the prison return, the majority of prison returns among SS offenders were due to technical violations rather than new arrests. When comparing new arrests, the SS group actually had a lower percentage of prison returns for new arrests compared to the historical comparison group. Please note that no one in the historical comparison group had technical violations, because this cohort consisted of offenders who were not on any supervision having had completely discharged from their original sex offense.

- Any prison return: 51.9% (SS) vs. 16.6% (historical)
- New arrest prison return: 15.7% (SS) vs. 16.6% (historical)
- Technical violation prison return: 36.2% (SS) vs. 0.0% (historical)

Special Sentence Revocation

Slightly over half of the SS group were revoked from special sentence supervision (53.0%) within 9 years. Please note that this measure is not applicable to the historical comparison group, as they were not on the special sentence.

The reasons for revocation on the special sentence were comprehensively examined in the 2014 study. Since the data has not changed much for this measure (only a small number of additional offenders, n=24, were revoked from the special sentence since it was last examined), no efforts were made to update the data. A brief recap of the findings is provided below. Please see the Appendix for the earlier study's analysis of the reasons for revocation.

- Within the 9-year tracking period, 53.0% of the SS group had their special sentences revoked (n=183)
- Within the 3-year tracking period (2014 study), 46.1% of the SS group had their special sentences revoked (n=159)
 - The most common reason for special sentence revocation was failure to participate in treatment (30.2%), followed by special condition violations (26.4%) which could have been sexual in nature.
 - Only about one-third of the SS group were determined to have been revoked for a possible or actual sex-related offense (33.3%). The most common reason was contact with minors (17.6%).

Table 4: Offenders' Nine-Year Recidivism Outcomes, by Group

		Special Sentence Study Group (n=345)		Historical Comparison (n=332)		Total (n=677)	
Recidivism Indicator	Measure	N Recid	%	N Recid	%	N Recid	%
New Conviction	Simple Misd or higher conviction	147	42.6%	167	50.3%	314	46.4%
	¹ Excluding some Public Order Offenses	107	31.0%	125	37.7%	232	34.3%
	Felony conviction	42	12.2%	52	15.7%	94	13.9%
	¹ Excluding some Public Order Offenses	23	6.7%	27	8.1%	50	7.4%
	Sex conviction (Sex Subtype)	14	4.1%	19	5.7%	33	4.9%
	² Sex Offender Monitoring Violations (Public Order)	67	19.4%	81	24.4%	148	21.9%
Prison Return	Total	179	51.9%	55	16.6%	234	34.6%
	³ New Arrest	54	15.7%	55	16.6%	109	16.1%
	Other "Technical"	125	36.2%	0	0.0%	125	18.5%
Special Sentence	Revocation	183	53.0%	N/A	N/A	183	53.0%
¹ Excludes Sex Offender Monitoring Violations (Public Order), Routine Traffic Offenses (public order-barred, license suspension), Not paying fines, Flight/Escape, & Contempt of Court							
² Not included in the sex conviction category; violations of sex offender registry under Iowa Code 692A							
³ New Arrest was identified in ICON- Field Violation Behavior Codes, and did not necessarily result in new charges or new convictions, and was not necessarily the primary reason an offender returned to prison. Also, all Comparison Group offenders had discharged from their original sex offense sentence. As such, any prison return was coded as a new arrest.							

Time to Recidivate

Table 5 compares the mean and median time for offenders in the study cohorts to recidivate within the 9-year tracking period.

New Convictions

In all categories, the SS group took longer on *average* to commit offenses that lead to a new conviction in the 9-year tracking period compared to the historical group.

- Any simple misdemeanor or higher: 48.3 months (SS) vs. 27.8 months (historical)
- Simple misdemeanor or higher, excluding some minor public order offenses: 46.1 months (SS) vs. 24.7 months (historical)
- Any felony: 68.7 months (SS) vs. 44.1 months (historical)
- Felony, excluding some minor public order offenses: 62.5 months (SS) vs. 38.0 months (historical)
- Sex conviction: 54.0 months (SS) vs. 29.5 months (historical)
- Sex offender monitoring violations: 61.8 months (SS) vs. 38.4 months (historical)

Prison Returns

The SS group more quickly returned to prison on average compared to the historical group within the 9-year tracking period.

- Any prison return: 17.9 months (SS) vs. 45.5 months (historical)

Special Sentence Revocation

Within the 9-year tracking period, the SS group was revoked from special sentence supervision in an average of 17.3 months. Please note that this measure is not applicable to the historical comparison group, as they were not on the special sentence.

Table 5: Time to First Recidivist Event (In Months)

		Special Sentence Study Group			Historical Comparison			Total		
Recidivism Indicator	Measure	N Recid	Mean	Median	N Recid	Mean	Median	N Recid	Mean	Median
New Conviction	Simple Misd or higher conviction	147	48.3	48.4	167	27.8	19.0	314	37.4	29.4
	¹ Excluding some Public Order Offenses	107	46.1	43.4	125	24.7	13.9	232	34.6	24.3
	Felony conviction	42	68.7	74.6	52	44.1	42.9	94	55.1	57.3
	¹ Excluding some Public Order Offenses	23	62.5	64.9	27	38.0	37.1	50	49.3	48.0
	Sex conviction (Sex Subtype)	14	54.0	63.8	19	29.5	29.5	33	39.9	36.6
	² Sex Offender Monitoring Violations (Public Order)	67	61.8	65.1	81	38.4	35.8	148	49.0	44.7
Prison Return	Total	179	17.9	10.4	55	45.5	40.7	234	24.4	16.1
Special Sentence	Revocation	183	17.3	11.2	N/A	N/A	N/A	183	17.3	11.2
¹ Excludes Sex Offender Monitoring Violations (Public Order), Routine Traffic Offenses (public order-barred, license suspension), Not paying fines, Flight/Escape, & Contempt of Court										
² Not included in the sex conviction category; violations of sex offender registry under Iowa Code 692A										

Chart 1 compares the timing of the first offense that lead to a new simple misdemeanor or higher conviction for the special sentence study (SS) group and the historical comparison group. The SS group had lower rates of offenses leading to a simple misdemeanor or higher conviction in each of the 9 years compared to the historical group. The difference between the groups was relatively stable over the years.

Chart 1

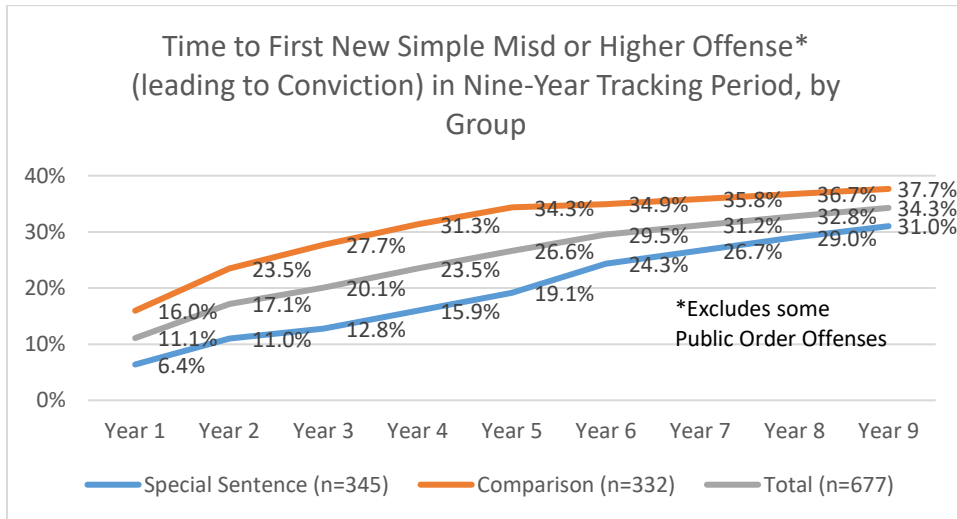


Chart 2 compares the timing of the first offense that lead to a new felony conviction for the special sentence study (SS) group and the historical comparison group. The SS group had lower rates of offenses leading to a felony conviction in each of the 9 years compared to the historical group. The difference between the groups was greatest at Year 5, at which point the SS group had a rate of 2.3% compared to 6.9% in the historical group. After Year 5, the rates for the SS group more drastically increased, while the rates for the historical group leveled off.

Chart 2

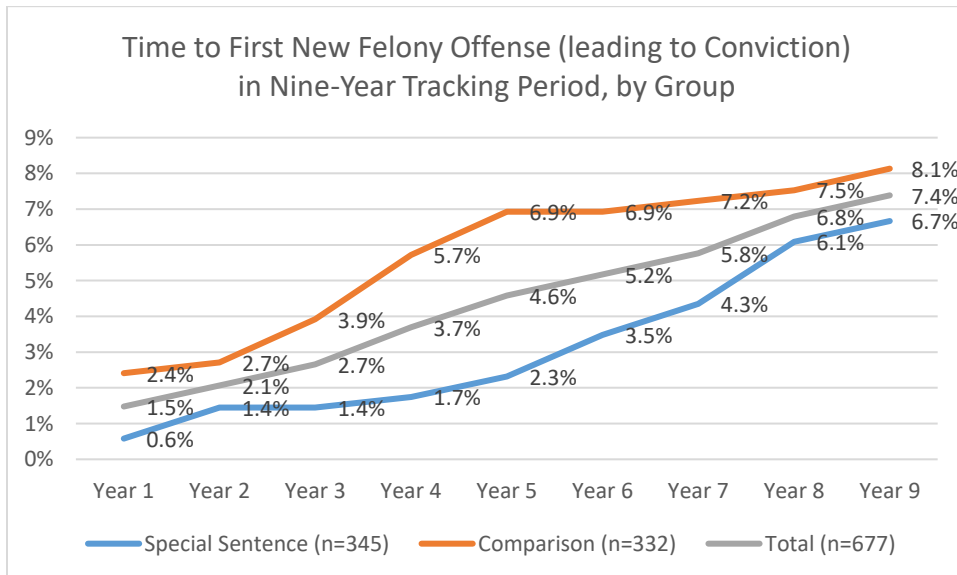


Chart 3 compares the timing of the offense that lead to a new sex conviction for the special sentence study (SS) group and the historical comparison group. The SS group had lower rates of offenses leading to a sex conviction in each of the 9 years compared to the historical group. The difference between the groups was greatest at Year 5, at which point the SS group had a rate of 1.7% compared to 5.4% in the historical group. After Year 5, the rates for the SS group increased at a faster rate, while the rates for the historical group leveled off.

Chart 3

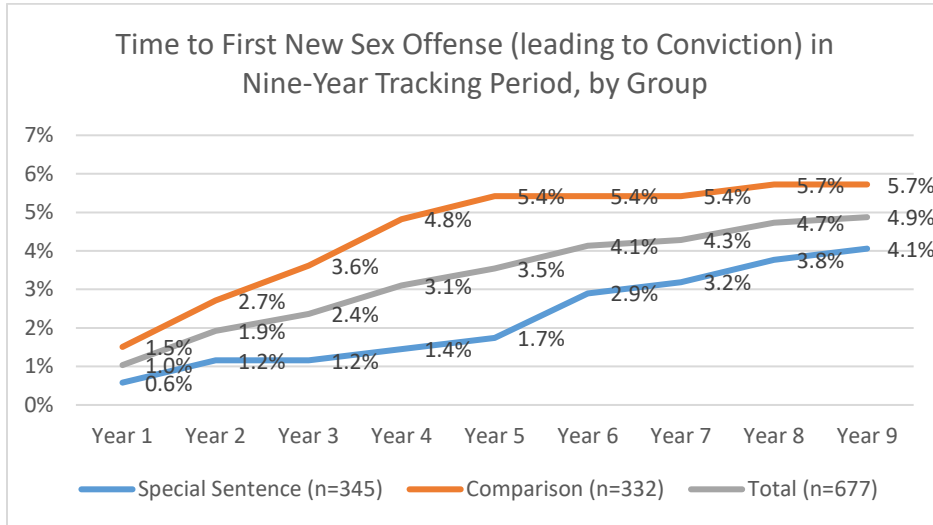


Chart 4 compares the timing of the offense that lead to a new sex offender monitoring violation conviction for the special sentence study (SS) group and the historical comparison group. The SS group had lower rates of offenses leading to a sex offender monitoring violation conviction in each of the 9 years compared to the historical group. The difference between the groups was greatest at Year 4, at which point the SS group had a rate of 5.2% compared to 18.1% in the historical group. After Year 4, the rates for the SS group increased at a faster rate, while the rates for the historical group leveled off.

Chart 4

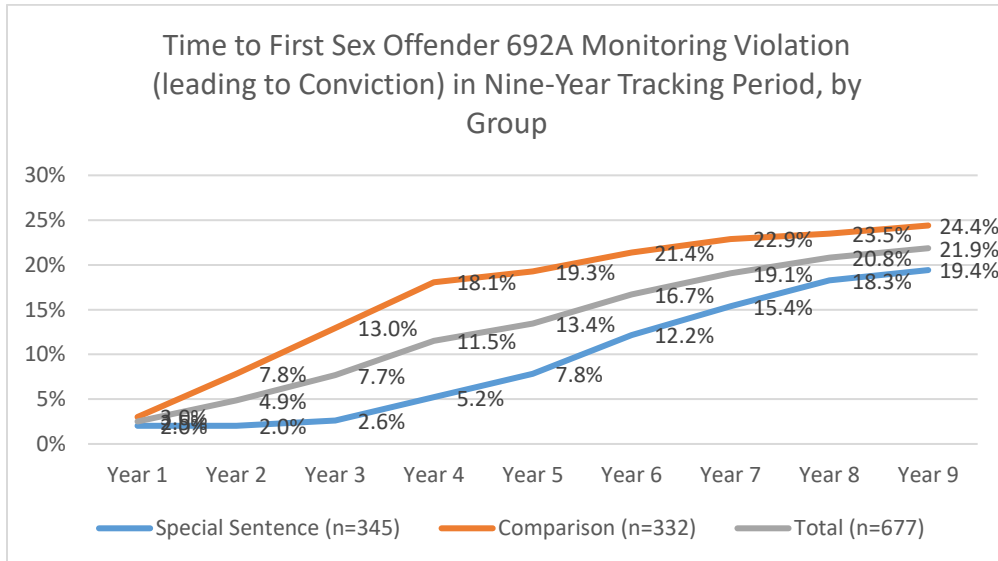
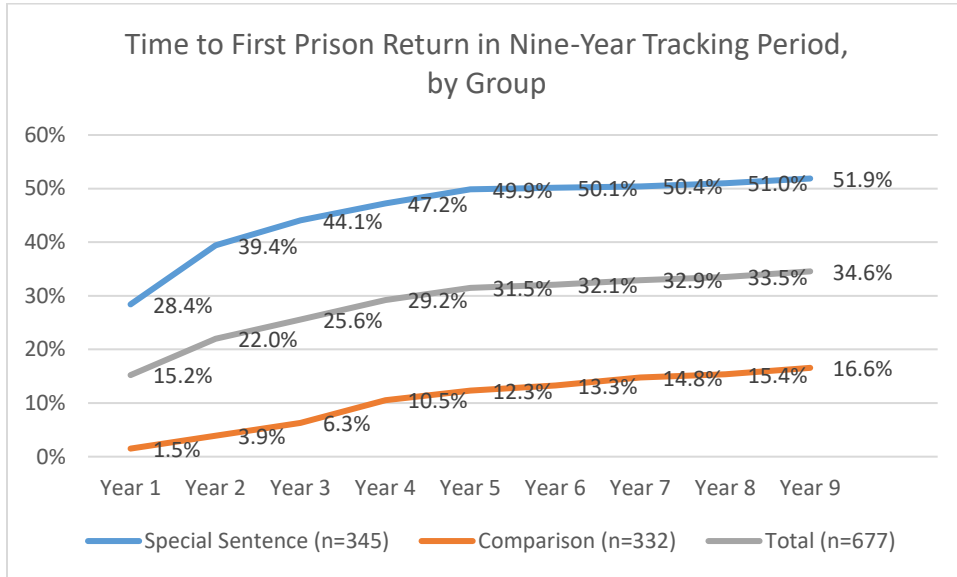


Chart 5 compares the timing of the prison return for the special sentence study (SS) group and the historical comparison group. The SS group had lower rates of prison returns in each of the 9 years compared to the historical group. The difference between the groups was relatively stable over the years.

Chart 5



Number of New Convictions per Offender

Table 6 compares the average and range number of new convictions per offender in the 9-year tracking period.

In all categories, the SS group had fewer new convictions on average compared to the historical group.

- Simple misdemeanor or higher, excluding some minor public order offenses: 2.8 convictions (SS) vs. 3.8 convictions (historical)
- Felony, excluding some minor public order offenses: 1.3 convictions (SS) vs. 1.8 convictions (historical)
- Sex conviction: 1.4 convictions (SS) vs. 1.7 convictions (historical)
- Sex offender monitoring violations: 1.6 convictions (SS) vs. 1.9 convictions (historical)

Table 6: Average and Range Number of New Convictions per Offender in Nine-Year Tracking Period

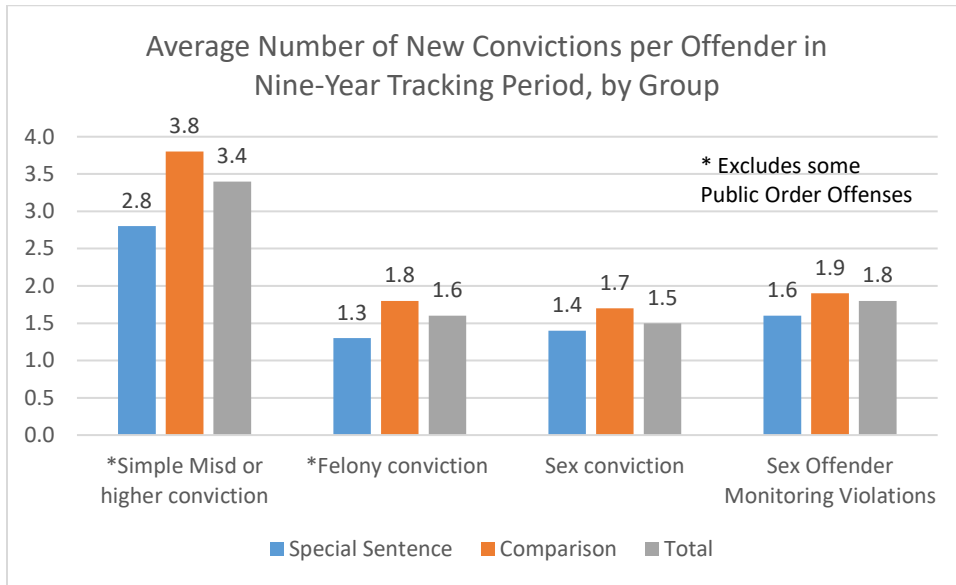
		Special Sentence Study Group			Historical Comparison			Total		
		N Recid	Mean	Range	N Recid	Mean	Range	N Recid	Mean	Range
New Conviction	¹ Simple Misd or higher conviction (excluding some Public Order Offenses)	107	2.8	1 to 17	125	3.8	1 to 41	232	3.4	1 to 41
	¹ Felony conviction (excluding some Public Order Offenses)	23	1.3	1 to 5	27	1.8	1 to 4	50	1.6	1 to 5
	Sex conviction (Sex Subtype)	14	1.4	1 to 5	19	1.7	1 to 4	33	1.5	1 to 5
	² Sex Offender Monitoring Violations (Public Order)	67	1.6	1 to 5	81	1.9	1 to 9	148	1.8	1 to 9

¹ Excludes Sex Offender Monitoring Violations (Public Order), Routine Traffic Offenses (public order-barred, license suspension), Not paying fines, Flight/Escape, & Contempt of Court

²Not included in the sex conviction category; violations of sex offender registry under Iowa Code 692A

Chart 6 shows the differences between the study cohorts for the average number of new convictions per offender in the 9-year tracking period.

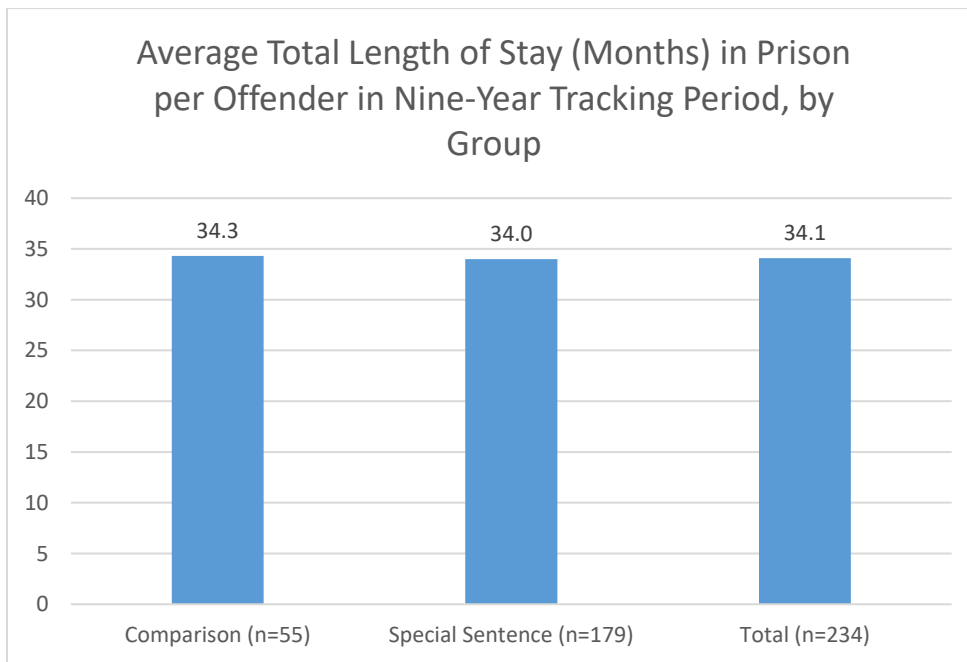
Chart 6



Average Total Time in Prison per Offender

Chart 7 shows the differences between the study cohorts for the total time spent incarcerated during the tracking period. This was calculated by averaging all the time spent in prison in the 9-year period per offender. The SS group spent about the same amount of time incarcerated compared to the historical group (34.0 months vs. 34.3 months).

Chart 7



Characteristics of Special Sentence Offenders who Recidivate

This section specifically examines offenders in the special sentence study group in attempt to identify any characteristics associated with recidivism. Since sex offenders are generally regarded as a heterogeneous group, this investigation can provide insight into which offenders may be more, or less, likely to reoffend. This section examines several of the factors discussed in the literature review to elucidate differences in the sex offender population. Of particular interest are:

- offender risk levels on two sex offender risk assessment instruments (Static 99 and ISORA8)
- individual indicators on the risk assessment instruments, which include demographics, social and criminal history, and sex offending characteristics, and
- type of special sentence

Age is a characteristic that was examined in depth in the 2014 report. The earlier study found that within a 3-year tracking period, age did not explain the differences in recidivism observed between the special sentence study group and the comparison group. However, special sentence offenders in younger age groups did tend to have higher prison returns and special sentence revocation rates within 3 years. Please see the Appendix for the earlier study's analysis of age groups and 3-year recidivism rates for the special sentence study group and comparison group. This study will utilize the age indicators on two sex offender risk assessment instruments. Findings for the age indicators are presented in the following.

Risk Level of Special Sentence Offenders

The Static-99 and Iowa Sex Offender Risk Assessment (ISORA 8) were the risk instruments being used by the Iowa Department of Corrections (DOC) during the timeframe when the special sentence study group was drawn.¹² Please note that risk scores were not widely available for the historical comparison group, since the Static-99 and ISORA 8 were not being used by the DOC during the timeframe when most offenders in the historical group served their sentences.

Newer risk instruments are currently being used to assess sex offenders, including the Iowa Risk Revised (IRR) and the Sex Offender Treatment Intervention and Progress Scale (SOTIPS). Due to the amount of time and skill required to reconstruct risk scores for the 345 special sentence offenders in the study group using the newer risk assessment instruments, this effort was not undertaken. Although this may limit the study's ability to make predictions based on current offender risk tools, it is hoped that this analysis will nevertheless provide insight into factors that could be used to identify sex offenders at the highest risk of recidivism.

The Static-99 is a 10-item risk instrument developed in Canada to estimate the likelihood of sexual and violent reoffending among adult males who have committed a sexual offense against a non-consenting adult or child. It is not to be used for females or juveniles. The instrument only uses static (unchangeable) factors that were based on literature to correlate with sexual reconviction. Information is generated from the offender's official criminal record and can utilize collateral contacts or self-reported information for marital status and victims. The manual indicates that the "estimates of sexual

¹² These risk instruments reportedly were used by the DOC from 2005 to 2010.

and violent recidivism produced by the Static-99 can be thought of as a baseline of risk for violent and sexual reconviction.”

The ISORA 8 is an 8-item static risk instrument for male and female, adult and juvenile offenders whose offenses involved contact or non-contact sexual offenses. It was developed by the Iowa Division of Criminal and Juvenile Justice Planning based on a sample of sex offenders on the Iowa Sex Offender Registry. It is intended to predict new sex offenses and other violent offenses using information generated from official records and documents (with the exception of victim indicators which can be self-reported).

A 2009 validation study conducted by the IDOC indicates:¹³

“Both the ISORA 8 and Static-99 risk assessments are good to excellent predictors of

- 1. New conviction for sex offense or other violent crime;*
- 2. New conviction for sex crime using a strict definition – where the offense subtype designation was a sex offense; and*
- 3. New conviction for sex crime or offense with an identified sexual element.”*

ISORA 8 and Static-99 risk assessment cumulative scores and scores for each indicator were queried in Iowa Corrections Offender Network (ICON). Assessments were included in the analysis if they occurred in between the sex offense date and the special sentence supervision start date. If an offender had duplicate assessments conducted within that time period, the one closest to the offense date was examined. 80.0% (276/345) of offenders in the special sentence study group had Static-99 assessments, and 50.4% (174/345) had ISORA 8 assessments within the time parameters. The Appendix provides more details about risk instrument scoring.

Cumulative Risk Categories

For most measures of recidivism, offenders in the low and low-moderate cumulative risk categories on the Static-99 and ISORA 8 had somewhat lower rates of recidivism within 9 years than in the moderate-high and high risk categories. The exception was felony recidivism, in which the opposite was observed, suggesting that the cumulative risk category doesn’t necessarily predict more serious offenses.

Regardless of the risk category, both felony recidivism and sexual recidivism is relatively low for offenders in the special sentence study cohort in the 9 year tracking period.

Table 7 shows 9-year recidivism rates for each recidivism measure, by cumulative risk score category on the Static-99 and the ISORA 8.

- For simple misdemeanor or higher, 50.5% of the special sentence study group offenders in the moderate-high or high risk category on the Static-99 had a new simple misdemeanor or higher conviction in 9 years (compared to only 34.4% in the low or moderate-low risk category).
- For felony recidivism, only 8.6% of the special sentence study group offenders in the moderate-high or high risk category on the Static-99 had a new felony conviction in 9 years (compared to 10.9% in the low or moderate-low risk category).

¹³ <https://www.legis.iowa.gov/docs/publications/SD/12256.pdf>

- For sexual recidivism, 3.2% of the special sentence study group offenders in the moderate-high or high-risk category on the Static-99 had a new sex conviction in 9 years (compared to only 1.6% in the low or moderate-low risk category).
- For special sentence monitoring violation, 23.7% of the special sentence study group offenders in the moderate-high or high-risk category on the Static-99 had a new sex conviction in 9 years (compared to only 18.0% in the low or moderate-low risk category).
- For prison returns, 57.0% of the special sentence study group offenders in the moderate-high or high-risk category on the Static-99 had a prison return in 9 years (compared to only 44.3% in the low or moderate-low risk category).
- For special sentence revocations, 57.0% of the special sentence study group offenders in the moderate-high or high-risk category on the Static-99 had a special sentence revocation in 9 years (compared to only 46.4% in the low or moderate-low risk category).

Similar results were observed for the cumulative risk categories on the ISORA 8 instrument. Please refer to the Table 7, below.

Table 7: Special Sentence Study Group: Nine-Year Recidivism Rates, by Cumulative Risk Category on the Static-99 and ISORA 8

	Any New Conviction				Serious New Conviction				Sex Offender New Conviction				Other Recidivism			
	Simple Misd or higher conviction		<i>Excluding some Public Order Offenses</i>		Felony conviction		<i>Excluding some Public Order Offenses</i>		Sex conviction (Sex Subtype)		Sex Offender Monitoring Violation (Public Order)		Any Prison Return		Special Sentence Revocation	
	N Recid	%	N Recid	%	N Recid	%	N Recid	%	N Recid	%	N Recid	%	N Recid	%	N Recid	%
Static-99 (n=276)																
Moderate-High or High Risk Category (n=93)	47	50.5%	35	37.6%	8	8.6%	4	4.3%	3	3.2%	22	23.7%	53	57.0%	53	57.0%
Low or Moderate-Low Risk Category (n=183)	63	34.4%	42	23.0%	20	10.9%	10	5.5%	3	1.6%	33	18.0%	81	44.3%	85	46.4%
ISORA 8 (n=174)																
Moderate-High or High Risk Category (n=100)	49	49.0%	34	34.0%	9	9.0%	5	5.0%	3	3.0%	23	23.0%	58	58.0%	63	63.0%
Low or Moderate Risk Category (n=74)	26	35.1%	16	21.6%	9	12.2%	2	2.7%	2	2.7%	18	24.3%	30	40.5%	30	40.5%
Orange highlighted cells show the risk groups with higher percentages of recidivism within the recidivism category																

Risk Indicators

Nine-year recidivism rates for each of the 10 indicators on the Static-99 and each of the 8 indicators on the ISORA were examined. Each indicator on the Static-99 and the ISORA 8 was categorized by whether it was indicative of high risk or low risk. Results are presented for each measure of recidivism in Tables 8 and 9. Please note that some of the risk categories for indicators have small numbers and interpretation of the results should be made with caution.

The results suggest that risk indicators that measured criminal history were better at predicting whether an offender had a new simple misdemeanor or higher conviction within 9 years. Indicators of victims and criminal history were more predictive of new felony convictions. Indicators of victims and prior sex offenses were more predictive of sexual recidivism and monitoring violations. Indicators of criminal history and offender age were more predictive of prison returns and special sentence revocations.

Please refer to Table 8. For each measure of recidivism, the “high risk” indicators on the risk assessment instruments having the **highest** percentage (most predictive) of offenders that recidivated within 9 years were:

- Simple Misdemeanor or higher conviction: 62.5% (45/72) of special sentence offenders in the cohort who had four or more prior sentencing dates had a new simple misdemeanor or higher conviction.
- Felony conviction: 23.1% (3/13) of special sentence offenders in the cohort who had three or more victims had a new felony conviction.
- Sex conviction: 15.4% (2/13) of special sentence offenders in the cohort who had three or more victims had a new sex conviction.
- Sex Offender Monitoring Violation: 31.0% (9/29) of special sentence offenders in the cohort who had a male victim had a new sex offender monitoring violation. This was followed closely by having three or more victims (30.8% or 4/13 offenders that had three or more victims had a monitoring violation).
- Prison return: 69.4% (50/72) of special sentence offenders in the cohort who had four or more prior sentencing dates returned to prison. This was followed closely by younger age of offender (67.0% or 67/100 young offenders returned to prison).
- Special sentence revocation: 69.4% (50/72) of special sentence offenders in the cohort who had four or more prior sentencing dates were revoked from the special sentence. This was followed closely by younger age of offender (68.4% or 52/76 young offenders were revoked).

Table 8: Special Sentence Study Group: Nine-Year Recidivism Rates for "High Risk" Indicators on the Static-99 and ISORA 8

	Any New Conviction				Serious New Conviction				Sex Offender New Conviction				Other Recidivism			
	Simple Misd or higher conviction		Excluding some Public Order Offenses		Felony conviction		Excluding some Public Order Offenses		Sex conviction (Sex Subtype)		Sex Offender Monitoring Violation (Public Order)		Any Prison Return		Special Sentence Revocation	
	N Recid	%	N Recid	%	N Recid	%	N Recid	%	N Recid	%	N Recid	%	N Recid	%	N Recid	%
Static-99 (n=276)																
<i>Younger Age (n=100)</i>	42	42.0%	30	30.0%	10	10.0%	5	5.0%	1	1.0%	24	24.0%	67	67.0%	68	68.0%
<i>Not living with intimate partner (n=130)</i>	55	42.3%	40	30.8%	10	7.7%	5	3.8%	3	2.3%	25	19.2%	71	54.6%	72	55.4%
<i>Other non-sex violent conviction at sentencing (n=18)</i>	8	44.4%	6	33.3%	1	5.6%	0	0.0%	0	0.0%	3	16.7%	9	50.0%	11	61.1%
<i>Prior Non-sex violent conviction (n=77)</i>	40	51.9%	32	41.6%	8	10.4%	3	3.9%	2	2.6%	15	19.5%	47	61.0%	48	62.3%
<i>1+ Charge/conviction for prior sex offense (n=39)</i>	20	51.3%	14	35.9%	5	12.8%	2	5.1%	2	5.1%	10	25.6%	23	59.0%	23	59.0%
<i>4+ Prior sentencing dates (n=72)</i>	45	62.5%	34	47.2%	13	18.1%	6	8.3%	1	1.4%	18	25.0%	50	69.4%	50	69.4%
<i>Non-contact sex conviction (n=50)</i>	21	42.0%	16	32.0%	6	12.0%	3	6.0%	3	6.0%	10	20.0%	22	44.0%	20	40.0%
<i>Unrelated victim (n=219)</i>	92	42.0%	65	29.7%	23	10.5%	12	5.5%	5	2.3%	46	21.0%	107	48.9%	109	49.8%
<i>Stranger victim (n=64)</i>	27	42.2%	22	34.4%	9	14.1%	6	9.4%	3	4.7%	11	17.2%	29	45.3%	31	48.4%
<i>Male victim (n=29)</i>	14	48.3%	8	27.6%	3	10.3%	2	6.9%	0	0.0%	9	31.0%	13	44.8%	15	51.7%
ISORA 8 (n=174)																
<i>Younger Age (n=76)</i>	35	46.1%	24	31.6%	7	9.2%	3	3.9%	1	1.3%	18	23.7%	50	65.8%	52	68.4%
<i>Abused as a child (n=72)</i>	31	43.1%	18	25.0%	7	9.7%	2	2.8%	3	4.2%	17	23.6%	43	59.7%	47	65.3%
<i>3+ victims (n=13)</i>	5	38.5%	5	38.5%	3	23.1%	2	15.4%	2	15.4%	4	30.8%	4	30.8%	3	23.1%
<i>Stranger victim (n=44)</i>	21	47.7%	18	40.9%	5	11.4%	3	6.8%	3	6.8%	8	18.2%	22	50.0%	24	54.5%
<i>Manipulated victim (n=62)</i>	27	43.5%	17	27.4%	6	9.7%	3	4.8%	2	3.2%	15	24.2%	33	53.2%	36	58.1%
<i>1+ sex offense arrest (n=162)</i>	72	44.4%	48	29.6%	17	10.5%	7	4.3%	5	3.1%	38	23.5%	81	50.0%	86	53.1%
<i>Prior Non-sex conviction (n=106)</i>	55	51.9%	41	38.7%	13	12.3%	5	4.7%	3	2.8%	26	24.5%	61	57.5%	64	60.4%
<i>Not completed treatment (n=161)</i>	70	43.5%	45	28.0%	16	9.9%	6	3.7%	5	3.1%	39	24.2%	82	50.9%	86	53.4%
Orange highlighted cells show indicators that are the most predictive of recidivism within the recidivism category; please note some indicators have low n-values																

Please refer to Table 9. For each measure of recidivism, the “low risk” indicators on the risk assessment instruments having the **lowest** percentages (least predictive) of offenders that recidivated within 9 years were:

- Simple Misdemeanor or higher conviction: Only 25.0% (3/12) of special sentence offenders in the cohort who had no sex offense arrest had a new simple misdemeanor or higher conviction. This was followed closely by no prior non-sex conviction (only 29.4% or 20/68 offenders with no prior non-sex conviction recidivated).
- Felony conviction: Only 7.4% (15/204) of special sentence offenders in the cohort who had three or fewer prior sentencing dates had a new felony conviction. The same percentage was observed for no prior non-sex conviction (only 7.4% or 5/68 offenders with no prior non-sex conviction had a new felony).
- Sex conviction: None (0/12) of special sentence offenders in the cohort who had no sex offense arrest had a new sex conviction. Also, none (0/13) of special sentence offenders in the cohort who had completed treatment had a new sex conviction.
- Sex Offender Monitoring Violation: Only 15.4% (2/13) of special sentence offenders in the cohort who completed treatment had a new sex offender monitoring violation. This was followed closely by having no unrelated victims (only 15.8% or 9/57 offenders that had no unrelated victims had a monitoring violation).
- Prison return: Only 38.1% (67/176) of special sentence offenders in the cohort who had older age returned to prison.
- Special sentence revocation: Only 39.8% (70/176) of special sentence offenders in the cohort who had older age were revoked from the special sentence.

Table 9: Special Sentence Study Group: Nine-Year Recidivism Rates for "Low Risk" Indicators on the Static-99 and ISORA 8

	Any New Conviction				Serious New Conviction				Sex Offender New Conviction				Other Recidivism			
	Simple Misd or higher conviction		Excluding some Public Order Offenses		Felony conviction		Excluding some Public Order Offenses		Sex conviction (Sex Subtype)		Sex Offender Monitoring Violation (Public Order)		Any Prison Return		Special Sentence Revocation	
	N Recid	%	N Recid	%	N Recid	%	N Recid	%	N Recid	%	N Recid	%	N Recid	%	N Recid	%
Static-99 (n=276)																
Older Age (n=176)	68	38.6%	47	26.7%	18	10.2%	9	5.1%	5	2.8%	31	17.6%	67	38.1%	70	39.8%
Living with intimate partner (n=146)	55	37.7%	37	25.3%	18	12.3%	9	6.2%	3	2.1%	30	20.5%	63	43.2%	66	45.2%
None-Other non-sex violent conviction at sentencing (n=258)	102	39.5%	71	27.5%	27	10.5%	14	5.4%	6	2.3%	52	20.2%	125	48.4%	127	49.2%
None-Prior Non-sex violent conviction (n=199)	70	35.2%	45	22.6%	20	10.1%	11	5.5%	4	2.0%	40	20.1%	87	43.7%	90	45.2%
None- Charge/conviction for prior sex offense (n=237)	90	38.0%	63	26.6%	23	9.7%	12	5.1%	4	1.7%	45	19.0%	111	46.8%	115	48.5%
3< Prior sentencing dates (n=204)	65	31.9%	43	21.1%	15	7.4%	8	3.9%	5	2.5%	37	18.1%	84	41.2%	88	43.1%
None- Non-contact sex conviction (n=226)	89	39.4%	61	27.0%	22	9.7%	11	4.9%	3	1.3%	45	19.9%	112	49.6%	118	52.2%
No Unrelated victim (n=57)	18	31.6%	12	21.1%	5	8.8%	2	3.5%	1	1.8%	9	15.8%	27	47.4%	29	50.9%
No Stranger victim (n=212)	83	39.2%	55	25.9%	19	9.0%	8	3.8%	3	1.4%	44	20.8%	105	49.5%	107	50.5%
No Male victim (n=247)	96	38.9%	69	27.9%	25	10.1%	12	4.9%	6	2.4%	46	18.6%	121	49.0%	123	49.8%
ISORA 8 (n=174)																
Older Age (n=98)	40	40.8%	26	26.5%	11	11.2%	4	4.1%	4	4.1%	23	23.5%	38	38.8%	41	41.8%
Not- abused as a child (n=102)	44	43.1%	32	31.4%	11	10.8%	5	4.9%	2	2.0%	24	23.5%	45	44.1%	46	45.1%
2< victims (n=161)	70	43.5%	45	28.0%	15	9.3%	5	3.1%	3	1.9%	37	23.0%	84	52.2%	90	55.9%
No Stranger victim (n=130)	54	41.5%	32	24.6%	13	10.0%	4	3.1%	2	1.5%	33	25.4%	66	50.8%	69	53.1%
No Manipulated victim (n=112)	48	42.9%	33	29.5%	12	10.7%	4	3.6%	3	2.7%	26	23.2%	55	49.1%	57	50.9%
None-Sex offense arrest (n=12)	3	25.0%	2	16.7%	1	8.3%	0	0.0%	0	0.0%	3	25.0%	7	58.3%	7	58.3%
None-Prior Non-sex conviction (n=68)	20	29.4%	9	13.2%	5	7.4%	2	2.9%	2	2.9%	15	22.1%	27	39.7%	29	42.6%
Completed treatment (n=13)	5	38.5%	5	38.5%	2	15.4%	1	7.7%	0	0.0%	2	15.4%	6	46.2%	7	53.8%
Blue highlighted cells show indicators that are the least predictive of recidivism within the recidivism category; please note some indicators have low n-values																

Seriousness of Sex Crime

A comparison of 9-year recidivism rates by the type of special sentence being served was examined. The special sentence is an indicator of the seriousness of an offender's original sex offense. B and C felonies qualify for Lifetime special sentences. D felonies and misdemeanors qualify for 10-year special sentences. Please note that the vast majority of the offenders in the cohort were serving 10-year special sentences (n=316). There were only 29 offenders in the cohort serving Lifetime special sentences. Because the special sentence study cohort underrepresents offenders serving Lifetime special sentences, the analysis is limited, and interpretation of the results should be made with caution.

The findings suggest that offenders serving Lifetime special sentences were revoked at higher rates within the 9-year tracking period, while offenders serving 10-year special sentences were more likely to commit new crimes, including sex offenses. Nevertheless, the rate of new sex offenses was very low.

- Offenders serving Lifetime special sentences had higher rates of prison returns (55.2% vs. 51.6%), special sentence revocations (62.1% vs. 52.2%), and new felony convictions- including public order offenses (17.2% vs. 11.7%) compared to offenders serving 10-year special sentences. It is noteworthy that none of the 29 offenders serving Lifetime special sentences committed a new sex offense within 9 years.
- Offenders serving the 10-year special sentence had higher rates of new simple misdemeanor or higher convictions (43.4% vs. 34.5%), felony convictions – excluding public order offenses (7.0% vs. 3.4%), and sex convictions (4.4% vs. 0.0%). They also were more likely to have sex offender monitoring violations (19.6% vs. 17.2%). Only 14 out of 316 offenders serving 10-year special sentences committed new sex offenses (4.4%).

Table 10 shows 9-year recidivism rates for each recidivism measure, by type of special sentence served.

Table 10: Nine-Year Recidivism Rates, by Type of Special Sentence

	Any New Conviction				Serious New Conviction				Sex Offender New Conviction				Other Recidivism			
	Simple Misd or higher conviction		<i>Excluding some Public Order Offenses</i>		Felony conviction		<i>Excluding some Public Order Offenses</i>		Sex conviction (Sex Subtype)		Sex Offender Monitoring Violation (Public Order)		Any Prison Return		Special Sentence Revocation	
	N Recid	%	N Recid	%	N Recid	%	N Recid	%	N Recid	%	N Recid	%	N Recid	%	N Recid	%
Seriousness of Sex Offense (n=345)																
Lifetime Special Sentence (n=29)	10	34.5%	5	17.2%	5	17.2%	1	3.4%	0	0.0%	5	17.2%	16	55.2%	18	62.1%
10-yr Special Sentence (n=316)	137	43.4%	102	32.3%	37	11.7%	22	7.0%	14	4.4%	62	19.6%	163	51.6%	165	52.2%
Orange highlighted cells show the special sentence group with a higher percentage of recidivism within the recidivism category																

Sex Offender Historical Trends & Future Forecast

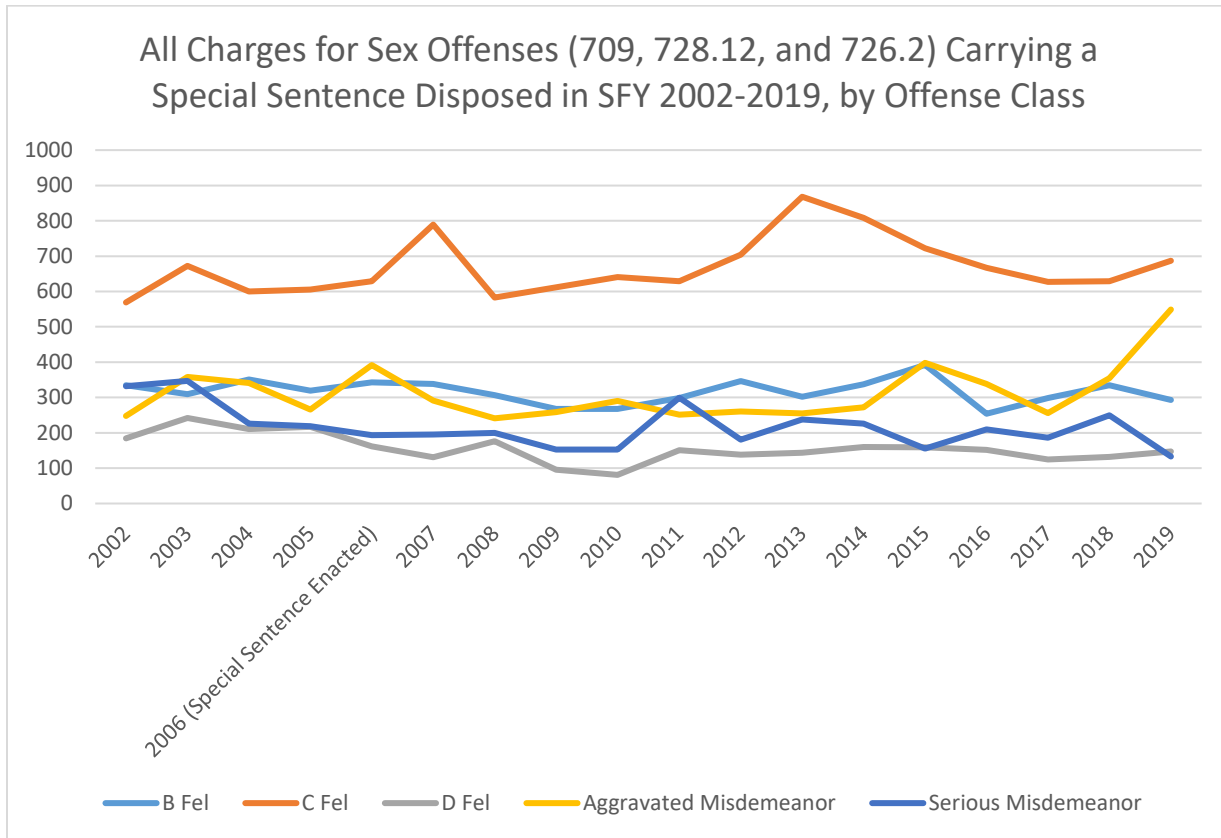
Special Sentence: Charge and Conviction Trends SFY 2002-2019

Charges carrying a Special Sentence

Chart 8 shows the number of charges for all sex offenses carrying a special sentence that were disposed in SFY 2002-2019, by offense class.

- **B Felony:** Of the offense classes, B felonies represent a smaller number of charges carrying a special sentence. B felony sex charges declined prior to special sentence enactment, remained relatively stable until returning to the same level in SFY 2011, and eventually decreased again in SFY 2019.
- **C Felony:** C felonies have represented, by far, the highest number of charges carrying a special sentence. They spiked in SFY 2007 and again in SFY 2013. The number of C felony charges slightly increased in SFY 2018 and SFY 2019.
- **D Felony:** Of the offense classes, D felonies have generally represented the smallest number of charges carrying a special sentence. D felony sex charges declined prior to special sentence enactment, and have remained relatively stable since then.
- **Aggravated Misdemeanor:** Charges for aggravated misdemeanor sex offenses carrying a special sentence decreased after special sentence enactment, remained relatively stable until returning to the same number in SFY 2015, and then raised dramatically in SFY 2019.
- **Serious Misdemeanor:** Charges for serious misdemeanor sex offenses carrying a special sentence remained relatively stable, peaking in SFY 2015 and then returning to lower levels since then.

Chart 8



Convictions carrying a Special Sentence

Chart 9 shows the number of convictions for all sex offenses carrying a special sentence that were disposed in SFY 2002-2019, by the type of special sentence (SS). Please note that B and C Felony sex offenses carry a lifetime special sentence and D Felony and misdemeanor offenses carry a 10-year special sentence. Since special sentence enactment, the number of convictions have generally been equally divided between sex offenses that carry a lifetime special sentence and those that carry a 10-year special sentence, until SFY 2019 when 10-year special sentence convictions rose.

- Life SS: The number of convictions for sex offenses carrying a lifetime special sentence has remained relatively stable over time.
- 10-year SS: The number of convictions for sex offenses carrying a 10-year special sentence decreased prior to special sentence enactment in SFY 2006, then remained relatively stable until increasing again in SFY 2019.

Chart 9

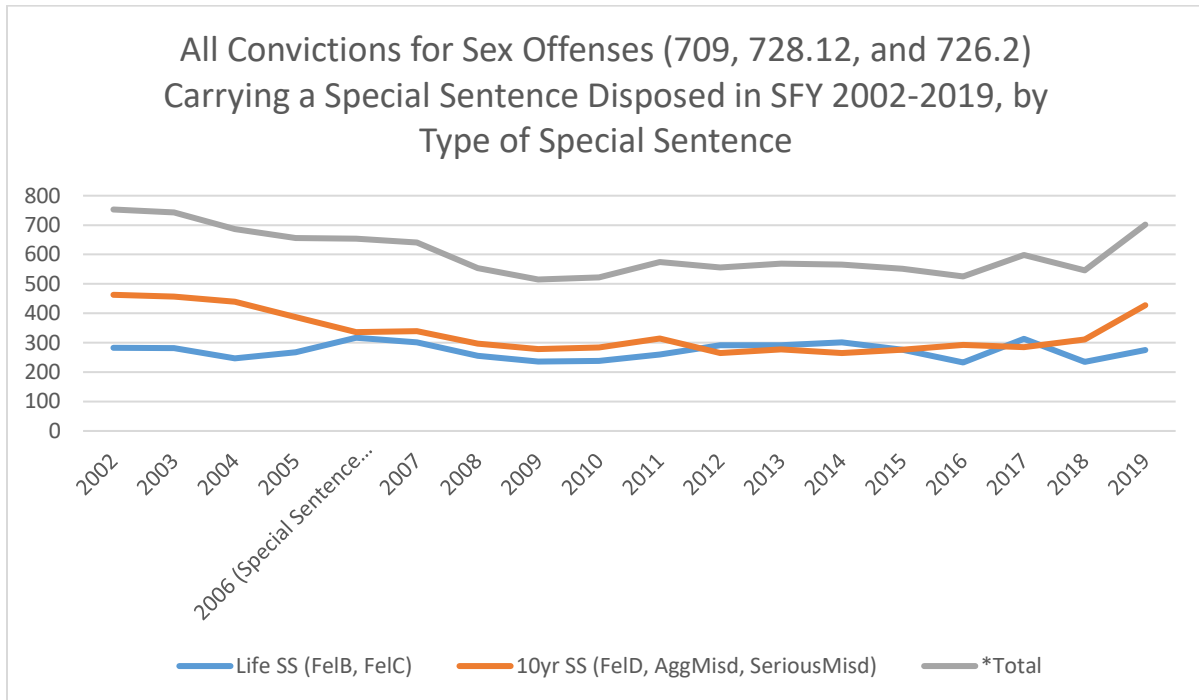
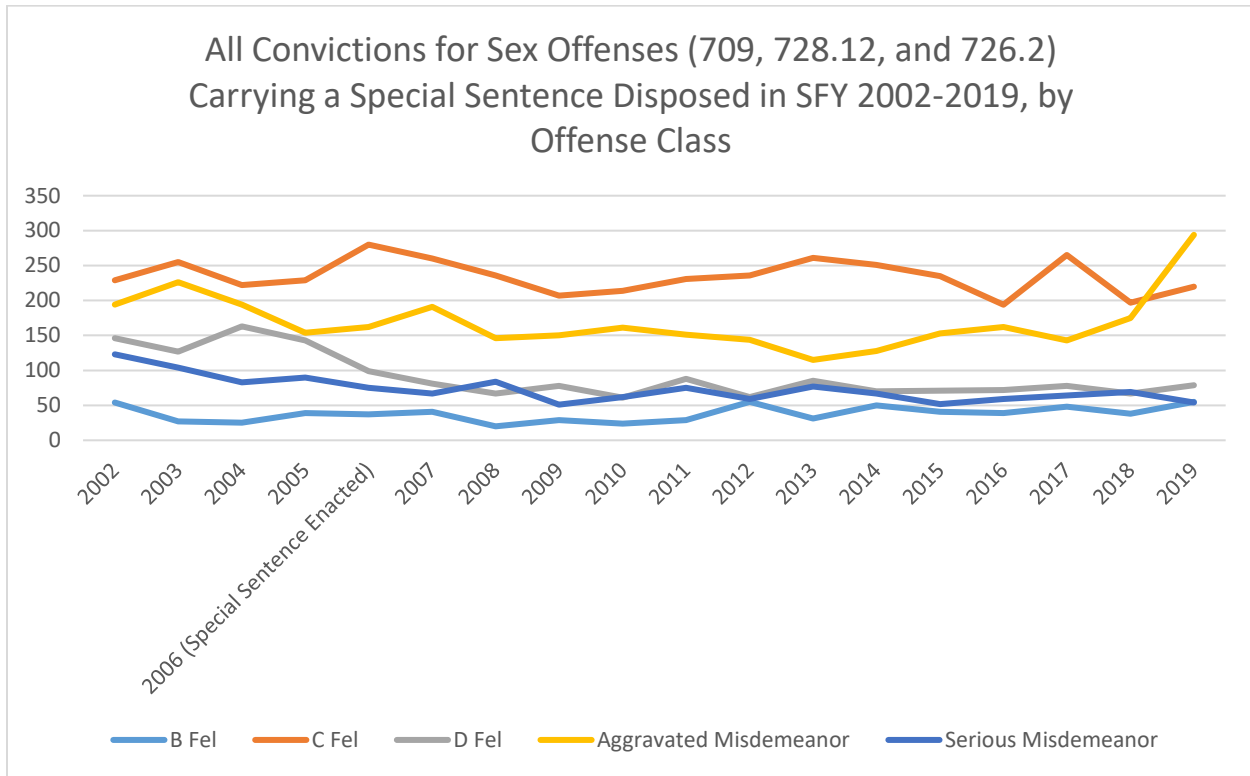


Chart 10 shows the number of convictions for all sex offenses carrying a special sentence that were disposed in SFY 2002-2019, by offense class.

- B Felony: Of the offense classes, B felonies have generally represented the smallest number of convictions carrying a special sentence. Convictions have remained relatively stable over time.
- C Felony: C felonies have represented the highest number of convictions carrying a special sentence, except in SFY 2019 when the number of aggravated misdemeanor convictions became the highest. C felony convictions peaked when the special sentence was enacted in SFY 2006, decreased slightly until SFY 2009, slightly increased until SFY 2013, and then fluctuated in recent years.
- D Felony: D felony sex convictions declined prior to special sentence enactment, and have remained relatively stable since then.
- Aggravated Misdemeanor: Convictions for aggravated misdemeanor sex offenses carrying a special sentence decreased prior to special sentence enactment, rose in SFY 2007, decreased more dramatically until SFY 2013, and have been on the rise since then. Most notably, they peaked in SFY 2019, representing the highest number of convictions of all the offense classes.
- Serious Misdemeanor: Convictions for serious misdemeanor sex offenses declined prior to special sentence enactment, and have remained relatively stable since then.

Chart 10



Special Sentence Population Forecast SFY 2020-2030

The number of sex offenders serving special sentences is expected to continue increasing. The lifetime special sentence particularly, will have a growing impact on Iowa’s population of sex offenders under correctional supervision. Without some modifications either to the length of supervision or limitations to which offenders receive lifetime supervision, it will be evermore necessary to find additional resources for case management.

In order to forecast the population of sex offenders serving special sentences, a list of sex offenders who began the special sentence anytime since it was enacted (2006) through 2020 was obtained from the DOC’s Iowa Corrections Offender Network (ICON). This data was explained earlier on page 4 of this report. The difference between the forecasting data and the earlier data presented is that the forecast removed offenders who did not have the opportunity to serve or otherwise complete the special sentence. Offenders were excluded from the forecast model due to death, deportation, serving life in prison, having convictions overturned, being acquitted, or otherwise not being able to start or complete the special sentence despite having a sex offense that would have qualified them. The data collection timeframe also slightly differs, as the forecast utilized offenders who completed or started but have not completed the special sentence were utilized through December 30, 2020.

The forecast model is based on the actual date offenders started and ended the special sentence. For individuals who had not yet completed the special sentence, the model estimated decay, accounting for the eventual death of offenders serving lifetime special sentences and sentence completion for those serving 10-year special sentences. The model assumes that lifers will be on the special sentence until

they reach the average life expectancy of 76 years. It assumes that 10-year offenders will be on the special sentence for 4.5 years, accounting for earned time.

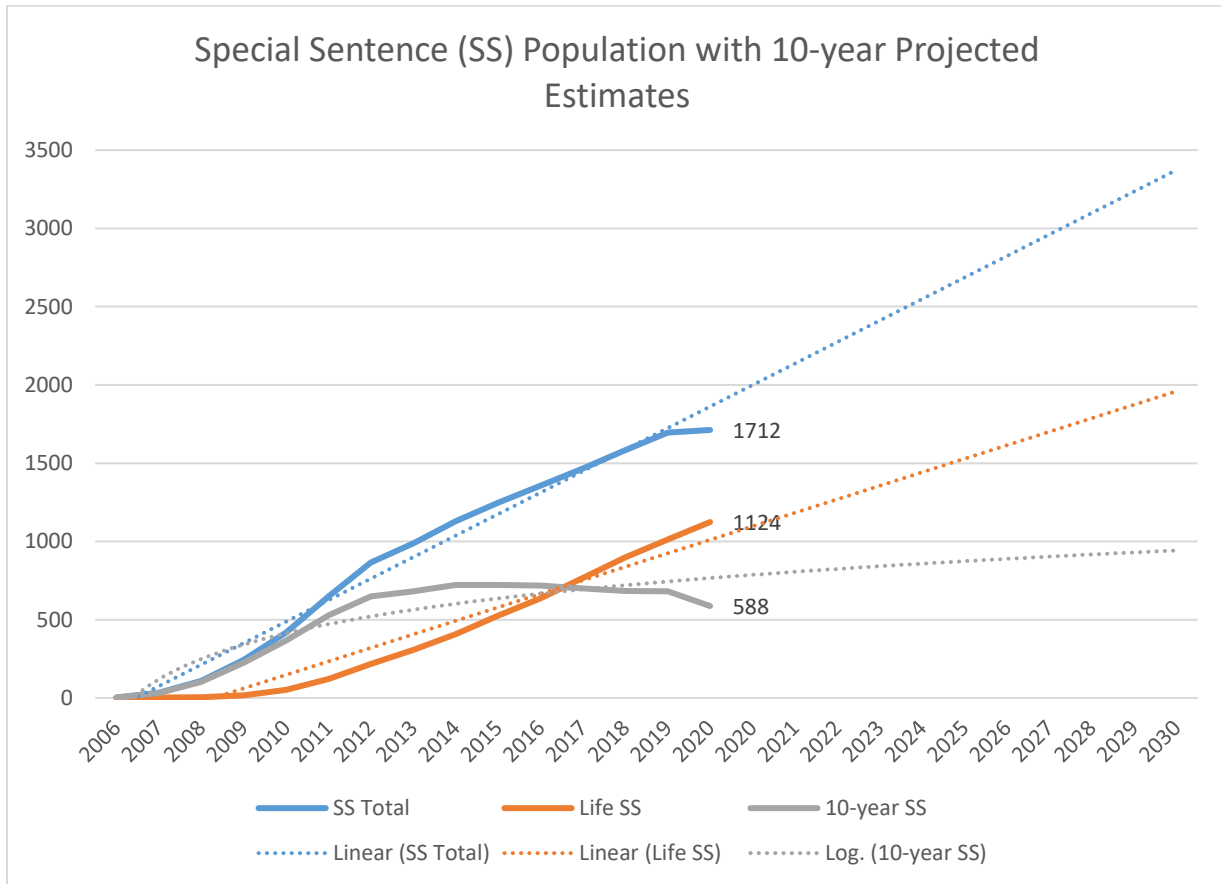
It should be noted that offenders can begin serving the special sentence as soon as they complete their original sex offense sentence. If they have other convictions that lengthen their time in prison, they may begin the special sentence while still in prison. The model does not account for revocations, which would delay the timing of when an offender is expected to end the 10-year special sentence. Also, the model assumes no changes to current special sentence laws (903B.1 and 903B.2).

The 2020 population counts include offenders who had started, but not yet completed special sentences. This method of identifying and counting offenders differs from CJP's typical method of reporting for the annual prison population forecast, which only examines the offenders currently on special sentence supervision on a given date (which wouldn't capture offenders who started the special sentence but were revoked and currently in prison). The future population projections are based on the numbers of offenders who have started but not yet completed the special sentence as well as making estimates on how many additional offenders who will eventually commit offenses and be placed on the special sentence.

Chart 11 shows the population of sex offenders serving the special sentence on a given year from 2006 through 2020 and projected figures through 2030. Population figures for both lifetime and 10-year special sentence populations are also provided. As of December 30, 2020, there were 1,712 total offenders who started serving, but had not yet completed special sentences. Of those offenders, 1,124 had lifetime special sentence supervision and 588 offenders had 10-year special sentence supervision. The R^2 value was used to determine which trend line option best fit the data. For those on the special sentence and 903B.1 a linear trend line was used and for 903B.2 a logarithmic trend line was used.

The expected rise in the special sentence population over the next ten years is driven largely by the number of offenders who will continue to or begin serving lifetime special sentences. In 2030, the forecast predicts just under 3,500 offenders will be serving special sentences. Of those offenders, approximately 57% (2,000) will be serving lifetime special sentences. The population of offenders serving lifetime special sentences outnumbered those on 10-year sentences in 2018. The number of offenders serving 10-year special sentences has remained relatively stable since 2012. This indicates that entrances and exits for 10-year special sentences are happening at approximately the same rate. Being convicted of lower-level sex offenses, sex offenders serving 10-year special sentences serve their original sentence relatively quickly, begin special sentences, and complete them.

Chart 11



Cost Analysis

The 2014 report compared costs of the 345 offenders in the special sentence study group and the 332 offenders in the historical comparison group in a 3-year tracking period. The current cost model uses estimates costs for the entire special sentence population of 1,712 offenders in a 9-year period. Caution should be taken when using the cost figures. The study groups' prison return rates and time averages in the community were used to estimate costs for the entire special sentence population. The special sentence study group was found to underrepresent offenders serving lifetime special sentences. If lifetime and 10-year special sentence offenders differ a lot in terms of recidivism, this would weaken the accuracy of the cost figures provided in the model.

To calculate the supervision cost of the special sentence, two factors were observed: 1.) the average length of community supervision and, 2.) the average re-incarceration length for those who returned to an Iowa prison within nine years. Re-incarceration days were calculated by utilizing DOC supervision records. Time averages used in the model are based on all DOC supervision for offenders in the study groups for exactly nine years. For study group offenders who exited prison during the 9-year tracking period, their incarceration length was calculated using actual prison entry and prison exit dates. Incarceration length for offenders who had yet to exit prison during the tracking period was calculated through the end of the 9-year period. Cost figures are provided for the special sentence compared to the cost of supervising sex offenders on regular parole or eliminating community supervision entirely.

Outcomes for the special sentence study group were used to estimate the cost of the special sentence and regular parole; whereas outcomes for the historical comparison group were used to estimate for the cost of no-supervision. The comparison group had a lower rate of prison return due to not being monitored in the community. The model factors in any cost for supervision in the community, as well as re-incarceration cost for those who were revoked from the special sentence. The cost model assumes that *all* offenders on the special sentence will be monitored for nine years, to allow for equal tracking time.

The model uses the FY2020 *marginal daily rate costs* of supervision provided by the Iowa Department of Corrections (DOC). Marginal cost refers to the additional cost to produce each additional unit. The Iowa Department of Corrections estimates that the daily marginal cost of sex offender supervision in FY2020 was \$7.05 per offender and \$5.38 for regular parole. The daily marginal cost of incarceration was \$20.33. The model does not account for any past or future changes to marginal supervision costs over the years, nor does it account for the cost of GPS monitoring that sex offenders may also be subject to.

On December 30, 2020, there were a total of 1,712 offenders who had started special sentence supervision. In a 9-year period, these special sentence offenders would yield an estimated cost of \$51,866,582.61. Utilization of regular parole as an alternative for the 1,712 offenders on the special sentence would yield an estimated cost of \$44,011,079.80. Eliminating the special sentence entirely by placing sex offenders under no community supervision after their original sentence is estimated to cost \$6,023,722.08. This means that within nine years, placing offenders on regular parole instead of the special sentence would potentially save \$7,855,502.81. Alternatively, placing offenders on no community supervision instead of the special sentence would potentially save \$45,842,860.53.

Table 11: Estimated Nine-year Costs of the Special Sentence and Alternatives for the 2020 Special Sentence Population

	%	N	Average Total LOS In Community Per Offender in 9 years	Marginal Cost of Community Supervision Per Day	Average Total Re-Incarceration Length per Offender in 9 years	Marginal Cost of Prison Per Day (Re-Incarceration)	Total Cost
Special Sentence (n=1712)							
Return to Prison	51.9%	889	74.0 Months 2250.1 Days	\$7.05 (Sex Off Sup)	34.0 Months 1034.9 Days	\$20.33	\$32,806,519.86
Do not Return to Prison w/in 9 Years	48.1%	823	108.0 Months 3285.0 Days	\$7.05 (Sex Off Sup)	-----	-----	\$19,060,062.75
Total Marginal Cost of the Special Sentence							\$51,866,582.61
Parole as a Special Sent. Alternative (n=1712)							
Return to Prison	51.9%	889	74.0 Months 2250.1 Days	\$5.38 (Parole)	34.0 Months 1034.9 Days	\$20.33	\$29,465,953.90
Do not Return to Prison w/in 9 Years	48.1%	823	108.0 Months 3285.0 Days	\$5.38 (Parole)	-----	-----	\$14,545,125.90
Total Marginal Cost of Parole as an Alternative to the Special Sentence							\$44,011,079.80
No-Community Supervision (n=1712)							
Return to Prison	16.6%	284	73.7 Months 2241.7 Days	\$0.00 (No Sup)	34.3 Months 1043.3 Days	\$20.33	\$6,023,722.08
Do not Return to Prison w/in 9 Years	83.4%	1428	108.0 Months 3285.0 Days	\$0.00 (No Sup)	-----	-----	\$0.00
Total Marginal Cost of No-Community Supervision as an Alternative to the Special Sentence							\$6,023,722.08

Conclusion

In Iowa, sex offenders are regarded differently than the general offender population. The special sentence, a policy that affects many sex offenders, was the focus of this study. The special sentence, mandated by Iowa Code 903B.1 and 903B.2, allows for a period of continued supervision *after* sex offenders serve their original sentence. Sex offender laws in the state are largely based on the “universal” approach to supervising sex offenders. The special sentence is either lifetime or 10-years, depending on the severity of the original sex offense. B and C Felons are subject to the lifetime special sentence. D Felons and misdemeanants qualify for the 10-year special sentence. Special sentence offenders may not actually serve the full time on the special sentence, as they are eligible for earned time per Iowa Code. The special sentence policy is a separate requirement from the sex offender registry, which also requires regular reporting by sex offenders.

The purpose of this study was to investigate whether the reportedly low likelihood of sexual reoffending among special sentence offenders found in the earlier 2014 study conducted by CJJP was sustained over a longer tracking period. It also examined whether special sentence monitoring continued to result in more technical violations and time incarcerated for sex offenders on the special sentence compared to an unsupervised group of pre-special sentence sex offenders. Finally, it examined the forecasted growth of the special sentence population and costs.

The study groups consisted of 345 sex offenders serving the special sentence and a historical comparison group of 332 pre-policy sex offenders who would have qualified for placement on the special sentence, but were under no community supervision prior to the special sentence being enacted. The special sentence study group overrepresented lower level offenders serving 10-year special sentences and underrepresented more serious sex offenders serving lifetime special sentences. In the special sentence study group, only 9.0% (n=31) offenders had a Life special sentence and 91.0% (n=314) had a 10-year special sentence. However, the population of all offenders qualifying for the special sentence under Department of Correction supervision is about equally divided (48.2% and 51.8%). Underrepresentation among the special sentence study group can be attributed to the timing of when the study cohort was drawn. The most serious sex offenders who were eligible for the lifetime special sentence served longer time in prison and therefore didn't begin the special sentence early enough to have enough tracking time in the community to be included in the study.

Outcomes for the study groups were tracked for nine years. Measures of recidivism examined were:

- Any new convictions of simple misdemeanor or higher
- New felony convictions
- New sex convictions
- Special sentence revocation
- Prison returns.

On nearly every measure of a new crime being committed (new convictions), the special sentence offenders in the study group had lower rates of recidivism within nine years compared the historical comparison group of sex offenders under no community supervision. The special sentence offenders also had fewer new convictions and took longer to commit new crimes.

It could be that the special sentence offenders are being monitored more closely, increasing the likelihood of the special sentence offenders returning to prison before new crimes could be committed. Offenders in the special sentence study group were revoked to prison at a higher rate (51.9% vs. 16.6%) within nine

years, largely on technical violations. Special sentence offenders also returned to prison more quickly than the historical comparison group, averaging 17.9 months to return to prison compared to 45.5 months. However, those who were re-incarcerated, stayed in prison for about as long (an average of about 34.0 months in the nine-year tracking period). It cannot be determined how many crimes were avoided due to special sentence offenders returning to prison.

If the intent of the special sentence is solely to reduce sexual reoffending, the study found that to be very unlikely regardless of whether or not a sex offender served the special sentence. Rates of sexual recidivism over the 9-year tracking period were very low for both study groups. Only 4.1% of the special sentence offenders were convicted of a new sex crime within 9 years of being placed on the special sentence, compared to only 5.7% of the historical group on no community supervision. This supports the findings in the earlier 2014 study. Please note that these results are based on the small subset special sentence offenders, and the study group underrepresented lifetime special sentence offenders.

The population of special sentence offenders will continue to increase over the next 10-years. By the end of 2020, there were a total of 1,712 offenders under DOC supervision who started but had not yet completed the special sentence. Of those offenders, 1,124 were lifetime special sentences. By 2030, the special sentence population is expected to increase to nearly 3,500 offenders. Of those offenders, an estimated 2,000 will be lifetime special sentences. This growing population will be driven by the “lifetime” offenders, who will always be monitored in the community, as well as any new sex offenders who commit sex crimes carrying a special sentence in the future.

A cost analysis was conducted to estimate the cost of special sentence compared to alternatives. The special sentence, which includes frequent monitoring in the community, comes with a higher marginal cost than regular parole. For the current population of 1,712 special sentence offenders, placing them on regular parole instead of the special sentence was estimated to potentially save \$7,855,502.81 in nine years. Alternatively, placing them on no community supervision instead of the special sentence was estimated to potentially save \$45,842,860.53 in nine years. However, the cost analysis is somewhat limited because it is based on the outcomes of the special sentence study group, which are not necessarily representative of the entire special sentence population.

While using community monitoring could serve as a preventative measure to reduce the opportunity of sex offenders to commit new crimes, keeping sex offenders who have served their original sentence on community supervision indefinitely is unique to Iowa’s criminal justice system. Also, the Iowa law broadly applies to sex offenders, based on the severity of their original offense, despite research indicating that sex offenders are a heterogeneous group of people with different types of offenses, victims, and motivations for offending.

This study attempted to identify any factors through the examination of sex offender risk assessment tools to help determine whether the special sentence could potentially be eliminated for certain offenders who are at a low risk of recidivating. Very preliminary findings suggest that cumulative risk category (low or low moderate vs. high moderate or high) does not necessarily predict more serious new offenses. Indicators on the sex offender risk assessment tools, such as number and type of victim(s), prior sex offenses, and criminal history may be somewhat predictive of felony and sexual recidivism. Regardless of risk level, the study found both felony recidivism and sexual recidivism to be relatively low for offenders in the special sentence study cohort in the 9-year tracking period. Further research is necessary to investigate risk indicators and recidivism among a more recent cohort of special sentence offenders who have been assessed on newer sex

offender risk assessment tools. The analysis is limited due to the fact that the risk assessment tools used to assess the special sentence study cohort are outdated and no longer used by the DOC and also that the special sentence study group was small and underrepresented lifetime special sentence offenders.

Appendix

Iowa Code: Special Sentence (903B.1 and 903B.2)

SUBCHAPTER I

SPECIAL SENTENCING

903B.1 Special sentence — class “B” or class “C” felonies.

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 board of parole shall determine whether the person should be released on parole or placed in a work release program. The special sentence imposed under [this section](#) 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 or work release. The person shall be placed on the corrections continuum in [chapter 901B](#), and the terms and conditions of the special sentence, including violations, shall be subject to the same set of procedures set out in [chapters 901B, 905, 906, and chapter 908](#), and rules adopted under those chapters for persons on parole or work release. 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. A special sentence shall be considered a category “A” sentence for purposes of calculating earned time under [section 903A.2](#).

[2005 Acts, ch 158, §39; 2009 Acts, ch 119, §59](#)

Referred to in [§692A.106, 692A.125, 901.5, 906.15](#)

903B.2 Special sentence — class “D” felonies or misdemeanors.

A person convicted of a misdemeanor or a class “D” felony offense under [chapter 709, section 726.2, 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 board of parole shall determine whether the person should be released on parole or placed in a work release program. The special sentence imposed under [this section](#) 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 or work release. The person shall be placed on the corrections continuum in [chapter 901B](#), and the terms and conditions of the special sentence, including violations, shall be subject to the same set of procedures set out in [chapters 901B, 905, 906, and 908](#), and rules adopted under those chapters for persons on parole or work release. 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. A special sentence shall be considered a category “A” sentence for purposes of calculating earned time under [section 903A.2](#).

[2005 Acts, ch 158, §40; 2009 Acts, ch 119, §60](#)

Referred to in [§692A.106, 692A.125, 901.5, 906.15](#)

Crime Codes that Carry Special Sentence

Crime	Code	Special Sentence 903B.1/2
Sexual Abuse in the First Degree	<u>709.2</u>	Life
Sex 2nd - weapon or uses or threatens serious injury ®	<u>709.3 (1)(a)</u>	Life
Sex 2nd - V under 12 ®	<u>709.3 (1)(b)</u>	Life
Sex 2nd - Force or against the will & multiple actors ®	<u>709.3 (1)(c)</u>	Life
Sex 3rd -- Rape ®	<u>709.4(1)(a)</u>	Life
Sex 3rd -- Spousal Rape ®	<u>709.4(1)(a)</u>	Life
Sex 3rd -- V has Mentally Defect	<u>709.4(1)(b)(1)</u>	Life
Sex 3rd -- V 12 or 13 ®	<u>709.4(1)(b)(2)</u>	Life
Sex 3rd -- V 14 or 15 -- Same household ®	<u>709.4(1)(b)(3)(a)</u>	Life
Sex 3rd -- V 14 or 15 -- Related w/l 4 Degrees ®	<u>709.4(1)(b)(3)(b)</u>	Life
Sex 3rd -- V 14 or 15 -- D in authority, uses it ®	<u>709.4(1)(b)(3)(c)</u>	Life
Sex 3rd -- V 14 or 15 -- D >= 4 more "Statutory Rape" ®	<u>709.4(1)(b)(3)(d)</u>	Life
Sex 3rd -- V under the influence of drugs ®	<u>709.4(1)(c)</u>	Life
Sex 3rd -- V is mentally or physically incapacitated ®	<u>709.4(1)(d)</u>	Life
Lascivious Acts With a Child - Touching Pubes or Genitals of a Child ®	<u>709.8(1)(a)</u>	Life
Lascivious Acts With a Child - Pubes or Genitals Touched by a Child ®	<u>709.8(1)(b)</u>	Life
Lascivious Acts With a Child - Touching Genitals to a Child ®	<u>709.8(1)(c)</u>	Life
Assault With Intent to Commit Sexual Abuse with serious injury	<u>709.11(1)</u>	Life
Sexual Exploitation of a Minor (Using a Minor in Child Pornography)	<u>728.12(1)</u>	Life
Lascivious Acts With a Child -- Solicitation	<u>709.8(1)(d)</u>	10
Lascivious Acts With a Child -- Inflicting Pain	<u>709.8(1)(e)</u>	10
Assault With Intent to Commit Sexual Abuse with bodily injury	<u>709.11(2)</u>	10
Sexual Exploitation by a Counselor/Therapist - Pattern or Practice	<u>709.15(2)(a)(1), (4)(a)</u>	10
Sexual Exploitation by a School Employee - Pattern or Practice	<u>709.15(3)(a)(1), (5)(a)</u>	10
Sexual Abuse of a Corpse	<u>709.18</u>	10
Incest (against a minor or dependent adult) 692A.102(1)(b)(17), (18)	<u>726.2</u>	10
Sexual Exploitation of a Minor (Promotion of Child Pornography)	<u>728.12(2)</u>	10
Sexual Exploitation of a Minor (Possession of Child Porn 2nd Offense)	<u>728.12(3)</u>	10

Dissemination of Obscene Materials to a Minor by Telephone 2nd Offense	<u>728.15 (4)(b)</u>	10
Assault With Intent to Commit Sexual Abuse without injury	<u>709.11(3)</u>	10
Indecent Contact With a Child	<u>709.12</u>	10
Sexual Exploitation by a Counselor/Therapist - Emotionally Dependent	<u>709.15(2)(a)(2), (4)(b)</u>	10
Sexual Exploitation by a School Employee - Sexual Conduct	<u>709.15(3)(a)(2), (5)(b)</u>	10
Sexual Misconduct With Offenders	<u>709.16</u>	10
Invasion of Privacy (This is not the same offense as Invasion of Privacy (Harassment) in I.C. 708.7)	<u>709.21</u>	10
Sexual Exploitation of a Minor (Possession of Child Porn 1st Offense)	<u>728.12(3)</u>	10
Dissemination of Obscene Materials to a Minor by Telephone	<u>728.15(4)(a)</u>	10
Indecent Exposure	<u>709.9</u>	10
Lascivious Conduct With a Minor	<u>709.14</u>	10
Sexual Exploitation by a Counselor/Therapist - w/l a year of services	<u>709.15(2)(c), (4)(c)</u>	10

V = victim

Sample Characteristics: Convicting Sex Offense

	Special Sentence Study Group (n=345)		Historical Comparison (n=332)	
	N	% of Total	N	% of Total
Convicting Offense				
C Felony				
Lascivious Acts w/Child	7	2.0%	0	0.0%
Sex Abuse 3rd	23	6.7%	34	10.2%
Sexual Predator Prior	1	0.3%	0	0.0%
Sexual Exploit	0	0.0%	1	0.3%
C Felony Total	31	9.0%	35	10.5%
D Felony				
Asslt. to Commit Sex Abuse	22	6.4%	7	2.1%
Incest	4	1.1%	1	0.3%
Lascivious Acts w/Child	29	8.4%	54	16.3%
Sexual Exploitation	2	0.6%	0	0.0%
D Felony Total	57	16.5%	62	18.7%
Aggravated Misdemeanor				
Asslt. to Commit Sex Abuse	117	33.9%	80	24.1%
Indecent Contact w/Child	46	13.3%	55	16.6%
Sexual Exploitation	17	4.9%	6	1.8%
Aggravated Misd Total	180	52.2%	141	42.5%
Serious Misdemeanor				
Indecent Exposure	58	16.8%	78	23.5%
Invasion of Privacy	10	2.9%	0	0.0%
Lascivious Conduct with	8	2.3%	6	1.8%
Sexual Predator Prior Conv.	1	0.3%	0	0.0%
Sexual Exploitation	0	0.0%	10	3.0%
Serious Misd Total	77	22.3%	94	28.3%

Asslt. = Assault

2014 Report Analysis: Special Sentence Revocation Reasons within 3 Years

“The most common revocation reason among the SS group was failure to participate in treatment (30.2%) followed by violations of special conditions (26.4%). Special condition violations tend to include misconduct which violates a condition of the special sentence supervision, such as contact with minors, being present in areas with children, pornography possession, unapproved sexual interactions, etc. About 9.4% of offenders in this cohort were revoked within three years due to sexual misconduct (physical and non-physical, consensual and non-consensual). A small proportion of offenders (1.3%-5.0%) were revoked due to employment termination (8), physical abuse (5), failure to pay court-ordered fines/restitution (5), violation of no contact order (3), and/or weapon possession (2) therefore only the more prevalent revocations are included in the table below.”

Special Sentence Revocation Reasons¹⁴

	N	%
Terminated/Failure to Participate in Treatment	48	30.2%
Violation of Special Conditions	42	26.4%
Use/Possession/Distribution of Alcohol or Drugs/Paraphernalia	41	25.8%
New Arrest	28	17.6%
Illegal Activity without Arrest	24	15.1%
Out of Place of Assignment/Unauthorized Location	20	12.6%
Other Prohibited Contact	18	11.3%
Failure to Maintain Contact	17	10.7%
Physical and Non-Physical Contact Sexual Misconduct	15	9.4%
Possession of Contraband (non-weapon)	13	8.2%
Emotional/Verbal Abuse	11	6.9%
Failure to Report/Return/ Absconson/Escape	11	6.9%
GPS/EMS Violation	10	6.3%
Total Offenders Revoked	159	--

“Initial review of revocation data available in the ICON database revealed that some offenders were being revoked because of rule violations unique to special sentence supervision such as avoiding contact with minors, avoiding unapproved sexual relationships, or possessing pornography, etc. while some offenders were being revoked for more general violations of parole (failure to maintain contact, presence at an unauthorized location, failure to maintain

¹⁴ Offenders could be counted in more than one category but not more than once within a category. I.e. Offenders could be revoked for more than one reason.

employment, etc.). A more detailed analysis was performed to examine whether the special sentence group was being revoked because they were believed to be sexually risky or were revoked for other non-sex related reasons. If someone was revoked for a sex and non-sex related reason, the sex related reason was chosen for analysis. Offenders could be revoked for more than one sex-related reason, for this reason offenders may be present in one or more of the following categories but not more than once within a category.”

“Approximately 33.3% of special sentence offenders were revoked for rule violations specific to the special sentence while 64.8% were revoked for other reasons.¹⁵The most prominent reason for special sentence-related revocations was contact with minors (17.6%). It is important to acknowledge that some offenders in the sample were revoked because the contact with minor(s) was believed to be to advance sexually while other contact was acknowledged as non-predatory and simply a product of their presence (for example, dating a woman with children, or attending a holiday gathering where children are present). However, it is difficult to distinguish between what behavior may be predatory and non-predatory. A relatively small percentage of the group was revoked due to sexual misconduct with a child (1.9%).”

Special Sentence Revocation Reasons - Detail

	N	%
Contact with Minor(s)	28	17.6%
Pornography Possession	9	5.7%
Accessing Social Media	5	3.1%
Sexual Misconduct with Adult (Consensual and Non-	5	3.1%
Sexual Misconduct with Child	3	1.9%
Exposing	3	1.9%
Total Revoked for possible or actual sex related re-offense	53	33.3%
Total Revoked for other non-sex related reasons	103	64.8%
No Data	3	1.9%
Total Offenders	159	100%

¹⁵ Two-percent of offenders did not have data on their revocation reason.

2014 Report Analysis: Offender Age and Recidivism within 3 Years

Recidivism outcomes were also observed specifically among offenders by age due to the over-representation of certain categories of offenders in the special sentence and comparison groups. Recidivism rates for any new conviction were higher for the comparison than the special sentence group regardless of offender age. It is interesting that the older the offender, the closer the special sentence and comparison group's rates of new convictions became. Also, the trends largely suggest that recidivism in the areas of a new sex conviction, new felony conviction, and new felony sex conviction tend to be similar between the special sentence and comparison groups regardless of offender age at tracking. The exception to this statement is offenders age 26-30, as the comparison group had a significantly higher proportion of offenders with a new felony conviction than the special sentence group (7.8% vs. 0.0%). Offenders in the special sentence group had significantly higher rates of Iowa prison returns than the comparison group, findings which reached statistical significance for all age categories. The average time to any new conviction for the special sentence and comparison groups were fairly similar for younger offenders, but offenders in the comparison group age 41 and older tended to have longer lengths to any new conviction compared to the special sentence group. The exception to these findings comes from the 31-40 age group whose special sentence offenders had a longer length to new conviction than the comparison sample (16.4 months vs. 13.8 months). The special sentence group returned to prison much more quickly than the comparison group for all age categories.

Three-Year Recidivism Outcomes by Offender Age at Tracking

	Special Sentence		Comparison		Total
	N Recid	%	N Recid	%	N
25 and Younger					
New Conviction*	20	18.0%	41	52.6%	61
New Sex Conviction	1	0.9%	2	2.6%	3
New Felony Conviction	1	0.9%	7	9.0%	8
New Felony Sex Conviction	0	0.0%	1	1.3%	1
Special Sentence	73	65.8%	--		73
Iowa Prison Return*	69	62.2%	8	10.2%	77
Average Length of Time (Months) to First Recidivism Event					
New Conviction	13.4		12.4		--
Iowa Prison Return	9.9		17.8		--
Total	111	--	78	--	189
26-30					

New Conviction	11	22.9%	20	39.2%	31
New Sex Conviction	0	0.0%	0	0.0%	0
New Felony Conviction*	0	0.0%	4	7.8%	4
New Felony Sex Conviction	0	0.0%	0	0.0%	0
Special Sentence	24	50.0%	--		24
Iowa Prison Return*	23	47.9%	6	11.8%	29
Average Length of Time (Months) to First Recidivism Event					
New Conviction	16.4		16.5		--
Iowa Prison Return	10.8		23.7		--
Total	48	--	51	--	99
31-40					
New Conviction*	9	12.9%	26	26.3%	35
New Sex Conviction	0	0.0%	2	2.0%	2
New Felony Conviction	1	1.4%	2	2.0%	3
New Felony Sex Conviction	0	0.0%	0	0.0%	0
Special Sentence	24	34.3%	--		24
Iowa Prison Return*	24	34.3%	3	3.0%	27
Average Length of Time (Months) to First Recidivism Event					
New Conviction	16.4		13.8		--
Iowa Prison Return	12.2		15.2		--
Total	70	--	99	--	169
41-50					
New Conviction	15	25.0%	19	30.6%	34
New Sex Conviction	2	3.3%	3	4.8%	5
New Felony Conviction	4	6.7%	2	3.2%	6
New Felony Sex Conviction	1	1.7%	1	1.6%	2
Special Sentence	26	43.3%	--		26
Iowa Prison Return*	24	40.0%	5	6.4%	28
Average Length of Time (Months) to First Recidivism Event					
New Conviction	12.8		15.9		--
Iowa Prison Return	11.1		24.8		--
Total	60	--	62	--	122
51 and Older					
New Conviction	3	5.4%	4	9.5%	7
New Sex Conviction	1	1.8%	0	0.0%	1
New Felony Conviction	2	3.6%	0	0.0%	2
New Felony Sex Conviction	1	1.8%	0	0.0%	1
Special Sentence	12	21.4%	--		12
Iowa Prison Return*	12	21.4%	0	0.0%	12
Average Length of Time (Months) to First Recidivism Event					
New Conviction	8.6		17.6		--
Iowa Prison Return	11.7		--		--
Total	56	--	42	--	98
Total Offenders	345	--	332	--	677

*Significance was calculated at a 95% confidence level

Risk Instrument Scoring: Static-99 and ISORA 8

Static-99 (10 item risk assessment)

- Total score
 - 0-1=Low
 - 2-3=Moderate-Low
 - 4-5=Moderate-High
 - 6-12=High
- Young Age: 26+=0; 18-25=1
- Ever lived with intimate partner for at least 2 years: no=1; yes=0
- Any other non-sexual violence convictions at sentencing time of sex offense: no=0; yes=1
- Any non-sexual violence convictions prior to sex offense: no=0; yes=1
- Number of charges and convictions for prior sex offenses: none=0; 1to2charges or 1conviction = 1; 3to5charges or 2to3convictions=2; 6+charges or 4 convictions = 3
- Prior sentencing dates: 0to3=0; 4+=1
- Convictions for separate non-contact sex offense (exhibition, exposure, internet, telephone, voyeurism, etc.): no=0; yes=1
- Any unrelated victims: immediate family=0; outside immediate family=1
- Any stranger victims: no=0; yes=1
- Any male victims: no=0; yes=1

ISORA 8 (8 item risk assessment)

- Total score
 - 0-3=Low
 - 4-5=Moderate
 - 6-8=Moderate-High
 - 9-17=High
- Age at conviction: 26+=0; 25 or younger=2
- Abused as a child: not abused=0; abused=1
- Number of victims: 2 or less=0; 3 or more=3
- Relationship to victim: no stranger=0; stranger=4
- Manipulation of victim: no manipulation=0; manipulation=1
- Current and prior number of arrests for sex offenses: no arrests=0; 1 arrests=1; 2 or more arrests=2
- Prior non-sex convictions: no history=0; prior history=1
- Sex offender counseling/treatment: completed=0; partially or in treatment=1; unsuccessful=3

Special Sentence: Charge and Conviction Trends SFY 2002-2019

All Charges and All Convictions for Sex Offenses (709, 728.12, and 726.2) Disposed in SFY2002-2019																				
		Special Sentence Enacted																		
		02'	03'	04'	05'	06'	07'	08'	09'	10'	11'	12'	13'	14'	15'	16'	17'	18'	19'	Grand Total
Life SS	A Fel																			
Charges		3	3	2	3	0	4	7	5	5	2	7	12	9	24	28	36	38	14	202
Convs		1	0	1	1	0	2	1	4	1	1	3	1	3	7	5	10	19	5	65
	B Fel																			
Charges		335	309	351	319	343	338	307	268	268	298	346	302	337	392	254	298	335	293	5693
Convs		54	27	25	39	37	41	20	29	24	29	55	31	50	41	39	48	38	55	682
	C Fel																			
Charges		569	672	600	605	629	789	583	612	641	629	704	868	808	722	667	627	629	687	12041
Convs		229	255	222	229	280	260	236	207	214	231	236	261	251	235	194	265	197	220	4222
10yr SS	D Fel																			
Charges		184	242	211	217	162	131	176	96	81	151	138	144	160	159	152	125	132	147	2808
Convs		146	127	163	143	99	81	67	78	61	88	62	85	70	71	72	78	67	79	1637
	Aggravated Misdemeanor																			
Charges		248	358	341	266	392	291	241	259	290	251	260	255	272	398	338	256	355	549	5620
Convs		194	226	194	154	162	191	146	150	161	151	144	115	128	153	162	143	175	294	3043
	Serious Misdemeanor																			
Charges		332	347	226	219	193	195	200	153	153	299	181	238	226	155	210	186	250	133	3896
Convs		123	104	83	90	75	67	84	51	62	75	59	77	67	52	59	64	69	54	1315
	Unknown																			
Charges		6	2	2	3	1	1	1	0	0	2	0	0	1	0	0	0	0	0	19
Convs		7	4	0	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	15
	Total																			
Charges		1677	1933	1733	1632	1720	1749	1515	1393	1438	1632	1636	1819	1813	1850	1649	1528	1739	1823	30279
Convs		754	743	688	657	654	643	555	519	523	575	559	570	569	559	531	608	565	707	10979
charges = is the count of 709, 728.12, and 726.2 (SS) sex charges disposed in court in a given state fiscal year (queried by Disposition Date); all charges, including Not Filed, Acquitted, Guilty, and Dismissed																				

All Charges and All Convictions for Sex Offenses (709, 728.12, and 726.2) Disposed in SFY2002-2019																			
					Special Sentence Enacted														
	02'	03'	04'	05'	06'	07'	08'	09'	10'	11'	12'	13'	14'	15'	16'	17'	18'	19'	Grand Total
Felony																			
Charges	1091	1226	1164	1144	1134	1262	1073	981	995	1080	1195	1326	1314	1297	1101	1086	1134	1141	20744
Convs	430	409	411	412	416	384	324	318	300	349	356	378	374	354	310	401	321	359	6606
Misdemeanor																			
Charges	580	705	567	485	585	486	441	412	443	550	441	493	498	553	548	442	605	682	9516
Convs	317	330	277	244	237	258	230	201	223	226	203	192	195	205	221	207	244	348	4358
Unknown																			
Charges	6	2	2	3	1	1	1	0	0	2	0	0	1	0	0	0	0	0	19
Convs	7	4	0	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	15
Total																			
Charges	1677	1933	1733	1632	1720	1749	1515	1393	1438	1632	1636	1819	1813	1850	1649	1528	1739	1823	30279
Convs	754	743	688	657	654	643	555	519	523	575	559	570	569	559	531	608	565	707	10979
charges = is the count of 709, 728.12, and 726.2 (SS) sex charges disposed in court in a given state fiscal year (queried by Disposition Date); all charges, including Not Filed, Acquitted, Guilty, and Dismissed																			

All Convictions for Sex Offenses (709, 728.12, and 726.2) Carrying a Special Sentence Disposed in SFY2002-2019, by Type of Special Sentence																			
					Special Sentence Enacted														
	02'	03'	04'	05'	06'	07'	08'	09'	10'	11'	12'	13'	14'	15'	16'	17'	18'	19'	Grand Total
Life SS (FelB, FelC)	283	282	247	268	317	301	256	236	238	260	291	292	301	276	233	313	235	275	4904
10yr SS (FelD, AggMisd, SeriousMisd)	463	457	440	387	336	339	297	279	284	314	265	277	265	276	293	285	311	427	5995
*Total	753	743	687	656	654	641	554	515	522	574	556	569	566	552	526	598	546	702	10914
*Total includes n=15 convictions for unspecified/unknown offense classes that were not included in the Special Sentence groups																			