

# The Sex Offender Research Council's Annual Report

## An Analysis of the Sex Offender Special Sentence in Iowa

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Division of Criminal and Juvenile Justice Planning  
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Completion of this report fulfills the Division of Criminal and Juvenile Justice’s Sex Offender Research Council’s (SORC) legislative obligations outlined in Iowa Code §216A.139(4)(B). This section of the Iowa Code instructs the SORC to examine “the cost and effectiveness of special sentences pursuant to chapter 903B.”<sup>1</sup>

On September 30<sup>th</sup>, 2014 Iowa’s Sex Offender Research Council chose to endorse the following report.

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<sup>1</sup> Iowa Code 216A:139(4)(b).

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## Executive Summary

An obligation of the Sex Offender Research Council outlined in Iowa Code §216A.139 (4)(B) instructs the board to examine the “the cost and effectiveness of special sentences pursuant to chapter 903B.”<sup>2</sup> The special sentence places offenders convicted of offenses in Iowa Code §709 (sex offenses), §726.2 (incest), and §728.12 (1), (2), or (3) (sexual exploitation) on either 10-year or life-time community supervision based solely upon the offense class of conviction. Offenders convicted of A, B, and C felony sex offenses receive life-time community supervision and D felony and misdemeanor offenders receive 10-year supervision sentences (§903B, Code of Iowa).

To study the effects of the special sentence, two groups of sex offenders were analyzed: those serving a special sentence and a pre-special sentence cohort of offenders. Recidivism rates were compared between the two groups over a three-year period. For the special sentence group, the recidivism tracking period began at the beginning of an offender’s special sentence supervision start date. 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. Due to the high rate of special sentence revocations, recidivism rates by time-at-risk were also observed.

Findings indicate there were no significant differences in new sex offense convictions between the special sentence and comparison group. However, the special sentence group had lower rates of new convictions than the comparison group. The high rate of revocation among the special sentence group, in particular those revocations for inappropriate behaviors specific to sex offenders, may have prevented reoffending and reconviction in some cases; however, it is impossible to estimate the extent to which this occurred. Revocations for technical offenses were higher than revocations for new convictions.

While it is difficult to determine if crime is avoided through application of the special sentence, it is noteworthy that baseline sexual reoffending is exceptionally low with or without supervision; however the cost to implement the special sentence supervision is very high. The special sentence currently costs community corrections approximately \$5.6 million annually. Additional costs are incurred when offenders are revoked from the special sentence and re-incarcerated. Removal of some offenders from the special sentence has the potential for cost containment, although this figure is difficult to determine given the unknown estimates of potential offenders removed from the special sentence.

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<sup>2</sup> Iowa Code 216A:139(4)(b).

## **Sex Offender Research Council's Recommendation to Modify Iowa's Special Sentence**

Baseline sexual re-offending rates are low regardless of whether an individual is supervised via the special sentence or not, yet the special sentence is mandatory for anyone who is convicted of a sex offense. The cost of special sentence supervision heavily taxes correctional resources with little, if any, positive impact on public safety.

The Public Safety Advisory Board (PSAB) met on September 24, 2014 and discussed this analysis evaluating the effectiveness of Iowa's sex offender special sentence. Some board members discussed alternatives to the current special sentence policy. Then on September 30, 2014 the Sex Offender Research Council (SORC) met to also discuss the analysis. The SORC chose to endorse this analysis and made a recommendation to change the current special sentence policy. The impetus for the SORC policy recommendation came from the policy alternatives initially discussed by the PSAB. The SORC would like to acknowledge and thank the PSAB for their initial discussion of special sentence policy alternatives.

At a joint meeting of the PSAB and SORC on November 19, 2014 both entities recommend the following policy changes to Iowa's special sentence:

Imposition of the special sentence would remain as it is today, with the added provision to give the court the opportunity to review and reduce the special sentence. The change to current policy will be to allow the court to remove an offender from the special sentence supervision based on an evidentiary hearing that reviews information believed to be pertinent to special sentence placement (the nature of the sex offense, the offender's institutional behavior, sex offender treatment compliance, court mandate compliance, victim impact, risk assessment, etc.). This information would then be utilized by the judge to render a judgment as to whether or not continued special sentence supervision is appropriate.

The SORC and PSAB also recommend that additional funding should be directed towards early and effective treatment for sex offenders.

## I. Introduction

“In 2005, legislation was passed to increase penalties for certain sex offenses and create ‘special sentences’ that place sex offenders on community supervision after completing their original sentences. The special sentence places offenders convicted of offenses in Iowa Code §709 (sex offenses), §726.2 (incest), and §728.12 (1), (2), or (3) (sexual exploitation) on either 10-year or life-time community supervision based solely upon the offense class of conviction, with offenders convicted of A, B, and C felony sex offenses receiving life-time community supervision and D felony, serious and aggravated misdemeanor offenders receiving 10-year supervision sentences (§903B, Code of Iowa). At that time, §692A, the Sex Offender Registry section of the Code, was also amended to link length of registration for some offenders to the special sentence length.”<sup>3</sup>

Support for long supervision periods for sex offenders is based on several key assumptions:

- “sex offending can be a life-long, chronic pattern of abusive behavior;
- sex offenders often can control sex offending behavior, but do not always voluntarily choose to;
- lengthy probation or parole terms allow supervising officers to respond diligently to offender risks and needs;
- and it is wiser to decrease probation terms as offenders progress than to lack the ability to increase them when more supervision and surveillance is necessary”.<sup>4</sup>

Proponents of special sentences assert that extended surveillance may prevent future victimization by allowing officers insight into offender behavior or lifestyle changes which may influence the probability of re-offense.<sup>5</sup> Critics of special sentences argue that the baseline rate of sexual re-offense for sex offenders tends to be low and that the special sentence taxes correctional resources with little effect on public safety. It should also be remembered that generally sex crimes are underreported and “the incidence of rape is much higher than federal statistics suggest”.<sup>6</sup>

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<sup>3</sup> The Division of Criminal and Juvenile Justice Planning, 2012. Iowa Sex Offender Research Council. Report to the General Assembly. [http://www.humanrights.iowa.gov/cjip/images/pdf/SORC\\_1-12\\_Final\\_Report.pdf](http://www.humanrights.iowa.gov/cjip/images/pdf/SORC_1-12_Final_Report.pdf). P. 6

<sup>4</sup> Community Supervision of the Sex Offender: An Overview of Current and Promising Practices. January, 2002. <http://www.csom.org/pubs/supervision2.html>

<sup>5</sup> Ibid, with reference from the Center for Sex Offender Management (In Press). Lifetime Supervision for Sex Offenders: Emerging Practices and Their Implications. Silver Spring, MD.

<sup>6</sup> Koss, M.P. 2010. The Under Detection of Rape: Methodological Choices Influence Incidence Estimates. <http://onlinelibrary.wiley.com/doi/10.1111/j.1540-4560.1992.tb01157.x/abstract>.

The purpose of this study is to shed light on the effectiveness of the special sentence in terms of the amount of crime it prevents versus the additional costs of monitoring offenders. In particular, the study aims to answer the following questions:

- 1) Does the special sentence reduce sex offense convictions?
- 2) Does the special sentence reduce new convictions in general?
- 3) Does the special sentence increase monitoring?
- 4) What are the costs associated with the special sentence?



## II. Iowa Code Special Sentence Provisions

### §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.”

### §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.”

### III. Literature Review

Many states have adopted some form of lifetime supervision for offenders who commit certain sex offenses. However, due to the relatively recent emergence of these provisions, only a few evaluations of the effectiveness of these mandates are available.<sup>7</sup>

Colorado is one such state that released a report in 2013 identifying the recidivism of sex offenders on lifetime supervision. The analysis included 97 offenders whose lifetime supervision was terminated between FY2012-FY2013. The analysis revealed that only 3.1% (3) of the terminations were revocations for new felonies and 2.1% (2) for new misdemeanors. The majority, of the terminations were due to revocations for technical violations (50%, n=49). Other reasons for terminations included absconding (19), successful termination (17), death (5), and deportation (2).<sup>8</sup>

The sentence lengths for various felony level offenses are fairly comparable between Iowa and Colorado, making a comparison between Colorado and Iowa a valid one. See Appendix A for a list of Iowa and Colorado's offense classes by sentence length and a complete list of the Colorado sex crimes subject to lifetime supervision.

As shown in the Colorado study, offenders serving lifetime supervision have low re-offense rates, although it is difficult to know the extent to which the low recidivism rate is attributable to the lifetime supervision because sex offenders tend to have low sex re-offense rates generally.<sup>9</sup> A 2004 Iowa study suggested low recidivism rates for sex offenders released from prison. The study found that B,C, and D felony offenders had a new felony arrest rate of approximately 12.5%-14.4% and a new sex offense arrest rate of 4.7% after a three-year tracking period.<sup>10</sup> This analysis will add to existing literature by comparing recidivism differences between special sentence offenders and a comparable group of offenders who were convicted prior to the enactment of the special sentence mandate.

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<sup>7</sup> Case Studies on the Center for Sex Offender Management's National Resource Sites, "Conditions Adapted from the Maricopa County, Arizona; Westchester County, New York; and the Jackson County, Oregon, Probation Departments," 2nd Edition Revised, April 2001.

<sup>8</sup> Colorado Department of Corrections. 2013. Lifetime Supervision of Sex Offenders: Annual Report.

<sup>9</sup> Durose, M., Langan, P., & Schmitt, E. 2003. Recidivism of Sex Offenders Released from Prison in 1994. Bureau of Justice Statistics.

<sup>10</sup> Violent Recidivism in Iowa, released June, 2004, by the Division of Criminal and Juvenile Justice Planning.

## IV. Methodology

To study the effects of the special sentence, two groups of male sex offenders were analyzed: those serving a special sentence and a pre-special sentence cohort of offenders. The study group included offenders who were convicted after implementation of the special sentence of a sex offense carrying special sentence supervision (903B.1 or 903B.2). Offenders who began the special sentence from the time it was enacted in July, 2005 through October, 2010 - to allow for a three year recidivism tracking period - were included in the analysis. Offenders convicted of 903B.1 are required to be on lifetime supervision, while offenders convicted of 903B.2 are required to be on 10-year special sentence supervision. Sex offenders are required to serve their sentence (usually through sentence expiration) on the sex offense before being granted special sentence supervision. However, some offenders begin serving their special sentence while still incarcerated if they are serving time for other charges; for this reason only offenders who began serving their special sentence in the community were examined.

The comparison group included offenders who, prior to enactment of the special sentence in July of 2005, were convicted of sex offenses which would have qualified for placement on the special sentence (Chapter 709, §726.2, or §728.12). Offenders who were supervised by way of prison, parole, work release, or probation and had completed their sentences between 7/1/2001 and 6/30/2005 were included. Offenders in both the special sentence and comparison groups were identified using the Iowa Corrections Offender Network (ICON). For the remainder of the report, these groups will be referenced as the special sentence and comparison groups. Additional information concerning sample reduction can be found in Appendix D. The final sample included 345 special sentence offenders and 332 offenders convicted of a sex offense prior to the implementation of special sentence.

Recidivism data regarding new convictions were obtained through the Justice Data Warehouse (JDW)<sup>11</sup> and data examining special sentence revocations and Iowa prison returns were acquired through the Iowa Department of Correction's (IDOC) Iowa Corrections Offender Network database. Six indicators were used to examine recidivism:

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<sup>11</sup> "The Justice Data Warehouse (JDW) is a central repository of key criminal and juvenile justice information from the Iowa Court Information System (ICIS) and information from the Iowa Correctional Offender Network (ICON) system. The JDW is located on a platform with the Information Technology Department as one part of the Enterprise Data Warehouse. The JDW is managed by the Division of Criminal and Juvenile Justice Planning (CJJP), Iowa Department of Human Rights. The overall mission of the JDW is to provide the judicial, legislative and executive branches of State Government, and other entities, with improved statistical and decision support information pertaining to justice system activities."  
<http://www.humanrights.iowa.gov/cjpp/jdw/index.html>

- new felony or any misdemeanor conviction<sup>12</sup>,
- new felony conviction,
- new sex conviction,
- new felony sex conviction,
- new special sentence revocation,
- and new Iowa prison return.

An additional measure of recidivism included out-of-state arrests resulting in a sex offense conviction. This information was obtained through the Interstate Identification Index (III). However, due to the low proportion of out-of-state sex convictions, recidivism is largely examined by the above categories.

Recidivism was examined for a tracking length of three years. For the special sentence group, the recidivism tracking period began at the beginning of an offender's special sentence supervision start date. 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 from the time they expired their sentences. Due to the high rate-of special sentence revocations, recidivism rates by time-at-risk were also observed.

## **Demography**

As stated above, this sample only included male offenders. The special sentence and comparison groups tended to have similar proportions of offenders within each race category. Offenders in the sample tended to be Caucasian. There were significantly more non-Hispanics in the special sentence group than the comparison group. 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 supervision, and therefore omitted from the sample<sup>13</sup>. Also, this may have been attributable to the high percentage of offenders with unknown ethnicities in the comparison group. It is unclear why offenders with unknown ethnicities were more prevalent in the comparison sample, but this may be due to the fact that the comparison group was from an earlier time period when data were not as complete. The special

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<sup>12</sup> Any misdemeanor conviction includes offenses which are both indictable and non-indictable. Non-indictable offenses tend to be low-level offenses that may not result in any jail time.

<sup>13</sup> Data concerning offender deportation was available through the ICON database.

sentence group also tended to be younger. There were greater percentages of individuals younger than 25 in the special sentence than the comparison group (32.2% vs. 23.5%) and more offenders aged 31-40 in the comparison group (29.8% vs. 20.3%), findings which reached statistical significance.

**Table 1: Demography**

	Special Sentence		Comparison		N
	N	%	N	%	
<b>Race</b>					
Caucasian	308	89.3%	298	89.7%	606
African-American	32	9.3%	28	8.4%	60
Other	5	1.4%	6	1.8%	11
<b>Ethnicity</b>					
Non-Hispanic*	332	96.2%	284	85.5%	616
Hispanic	13	3.8%	14	4.2%	27
Unknown*	0	0.0%	34	10.2%	34
<b>Age</b>					
< 25*	111	32.2%	78	23.5%	189
26-30	48	13.9%	51	15.4%	99
31-40*	70	20.3%	99	29.8%	169
41-50	60	17.4%	62	18.7%	122
> 51	56	16.2%	42	12.6%	98
<b>Total</b>	<b>345</b>	<b>100%</b>	<b>332</b>	<b>100%</b>	<b>677</b>

*\*Significance was calculated at a 95% confidence level*

As previously mentioned, the comparison group was reduced so that similar proportions of felons and misdemeanants were studied. While there are significantly more aggravated misdemeanants in the special sentence group than the comparison group, the sample selected is more proportional than the sample prior to the systematic reduction.

In examining supervision practices prior to the study observation period, greater proportions of special sentence offenders were in prison (33.9% vs. 25.6%) or jail (10.1% vs. 0.0%), while greater proportions of comparison group offenders were on probation (68.7% vs. 51.6%) or parole (4.5% vs. 0.9%), findings which reached statistical significance<sup>14</sup>. These differences may likely be due to changes in sentencing and parole policy rather than a change in the types of offenders convicted of sex offenses. Data concerning the figures mentioned above can be found in Appendix C.

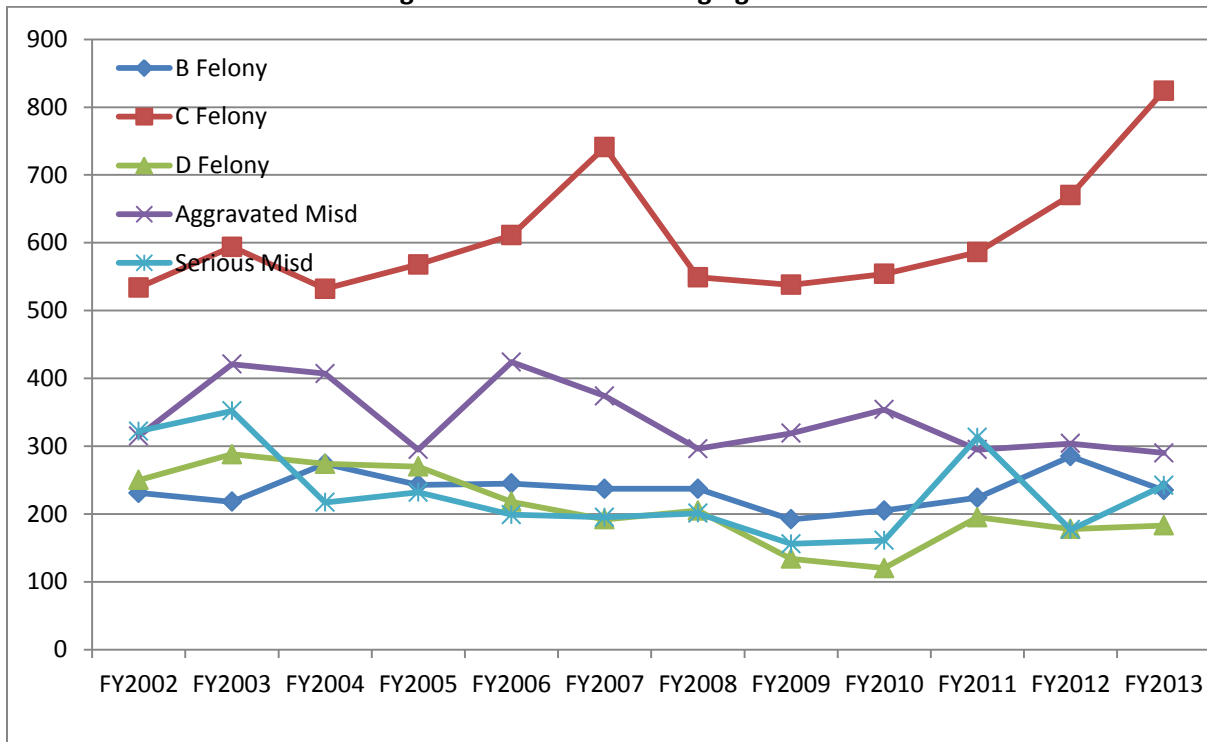
<sup>14</sup> Information concerning supervision status was derived from the ICON database and reflects the primary supervision status.

The most common convicting crimes for this sample were assault with intent to commit sexual abuse (226), indecent exposure (136), and lascivious acts with a child (104). There were significantly more offenders convicted of assault with intent to commit sexual abuse in the special sentence group (40.3% vs. 26.2%) and significantly more offenders convicted of indecent exposure in the comparison group (23.5% vs. 16.8%).

Additional analysis revealed that while offenders in the comparison group were more likely to have their charges reduced, the above variations between the groups still persisted when observing arrest rates for intent to commit sexual abuse and indecent exposure. One may expect the special sentence group to have higher rates of charge reduction due to the existence of special sentence supervision, but this sample of offenders likely has low rates due to the eligibility criteria of the study (a sex offense conviction requiring the special sentence). Offenders *charged* with sex offenses may have greater degrees of charge reduction being convicted of non-sex crimes, but this would not have been evident in this analysis (data described in the text above can be found in Appendix C).

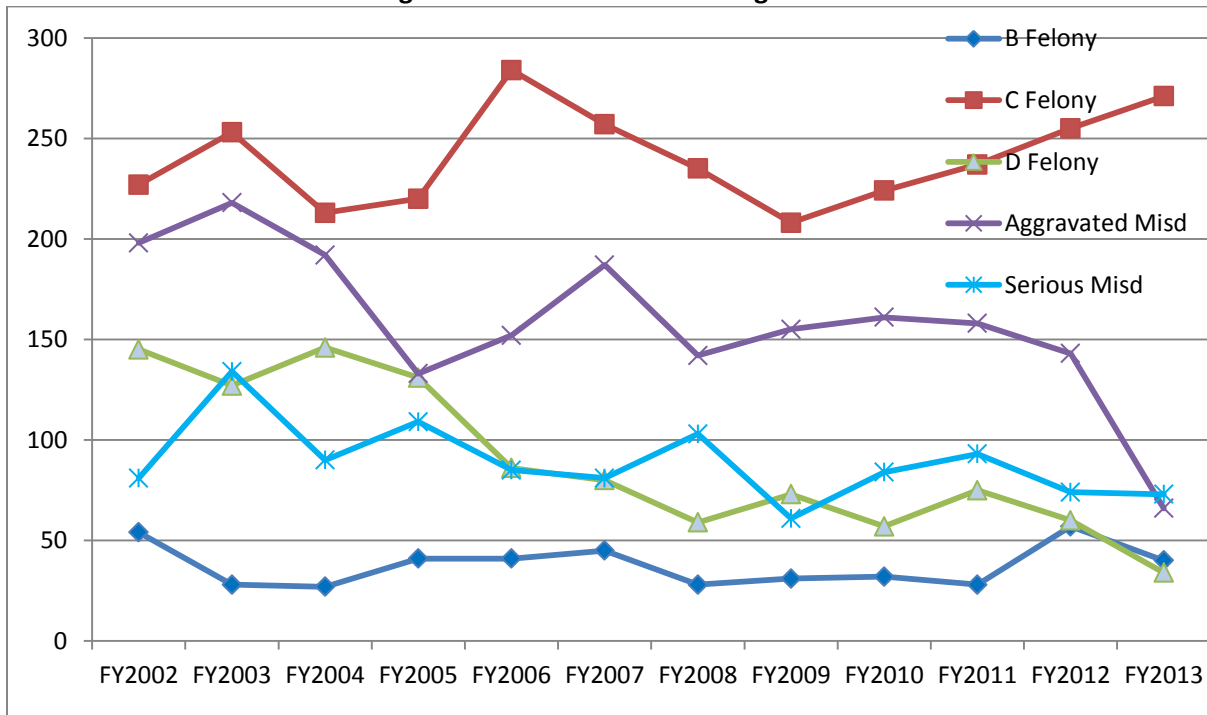
The data below examines charging and convicting practices for *all sex offenders* prior to and following the implementation of the special sentence. Following implementation of the special sentence, convictions of D felonies declined while convictions for C felonies increased, likely attributable to the addition of new Class C Lascivious Acts provisions. The charts below outline charging and convicting practices of offenders convicted of sex offenses now reserved for special sentence supervision. Data details for the charts are available in Appendix B.

**Figure 1: Sex Offense Charging Practices<sup>15</sup>**



Source: Justice Data Warehouse (JDW)

**Figure 2: Sex Offense Convicting Practices**



Source: Justice Data Warehouse (JDW)

<sup>15</sup> Includes §709 (sex offenses), 728.12 (sexual exploitation), and 726.2 (incest) offenses

## V. Findings

### Recidivism

Examination of three-year recidivism data found that the comparison group had higher rates of new convictions compared to special sentence offenders (33.1% vs. 16.8%), a finding which reached statistical significance. The groups had fairly similar recidivism rates at three years in the areas of new felony convictions, new sex convictions, and new felony sex convictions. Out-of-state arrest records indicate that three offenders in the comparison group and no offenders in the special sentence group were arrested out-of-state for a sex offense conviction during the tracking period.

Special sentence offenders had significantly higher rates of Iowa prison returns at three years than the comparison group (44.1% vs. 6.6%), which is likely attributable to the high revocation rate of the special sentence group (46.1%). Much of the special sentence revocation was due to technical violations, not new crime committed, as only 16.8% of offenders received any new conviction.

In examining the average length of time to first recidivism event, the special sentence and comparison groups had similar lengths to any new conviction (14 months vs. 14.3 months) but the special sentence group returned to prison much faster than the comparison group (10.8 months vs. 20.6 months). An offender could have more than one offense within each recidivism category but was only counted once within a category. For instance, if an offender had a new felony sex conviction, this conviction would also be present in the areas of new conviction, new sex conviction, and new felony conviction.

**Table 2: Three-Year Recidivism Outcomes**

	Special Sentence		Comparison		Total
	N Recid	%	N Recid	%	N
New Conviction*	58	16.8%	110	33.1%	<b>168</b>
New Sex Conviction	4	1.2%	7	2.1%	<b>11</b>
New Felony Conviction	8	2.3%	15	4.5%	<b>23</b>
New Felony Sex Conviction	2	0.6%	1	0.3%	<b>3</b>
Special Sentence Revocation	159	46.1%	--		
Iowa Prison Return*	152	44.1%	22	6.6%	<b>173</b>
<b>Average Length of Time (Months) to First Recidivism Event</b>					
New Conviction	14.0		14.3		--
Iowa Prison Return	10.8		20.6		--
<b>Total</b>	<b>345</b>	--	<b>332</b>	--	<b>677</b>

*\*Significance was calculated at a 95% confidence level*



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.

**Table 4: Three-Year Recidivism Outcomes by Offender Age at Tracking**

	Special Sentence		Comparison		Total
	N Recid	%	N Recid	%	N
<b>25 and Younger</b>					
New Conviction*	20	18.0%	41	52.6%	<b>61</b>
New Sex Conviction	1	0.9%	2	2.6%	<b>3</b>
New Felony Conviction	1	0.9%	7	9.0%	<b>8</b>
New Felony Sex Conviction	0	0.0%	1	1.3%	<b>1</b>
Special Sentence Revocation	73	65.8%	--		<b>73</b>
Iowa Prison Return*	69	62.2%	8	10.2%	<b>77</b>
Average Length of Time (Months) to First Recidivism Event					
New Conviction	13.4		12.4		--
Iowa Prison Return	9.9		17.8		--
<b>Total</b>	<b>111</b>	--	<b>78</b>	--	<b>189</b>
<b>26-30</b>					
New Conviction	11	22.9%	20	39.2%	<b>31</b>
New Sex Conviction	0	0.0%	0	0.0%	<b>0</b>
New Felony Conviction*	0	0.0%	4	7.8%	<b>4</b>
New Felony Sex Conviction	0	0.0%	0	0.0%	<b>0</b>

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

\*Significance was calculated at a 95% confidence level

Also examined were the recidivism rates by time-at risk. To examine time-at-risk, offenders were removed from the sample if they were revoked to prison within a certain period of time and no longer in the community. Recidivism was observed in this particular way by one-, two-, and three-years at-risk due to the high proportion of revocations during years one and two. Examination of time-at-risk is important for this particular sample due to the high revocation rates of the special sentence group. Controlling for time-at-risk ensures that recidivism comparisons between the special sentence and comparison group are valid by only observing variations in re-offenses between individuals who are currently in the community and have not been revoked to prison. Again, we find that generally, offenders in the special sentence groups have lower rates of general crime. Variations in sex, felony, and sex-felony convictions between the groups are minimal.

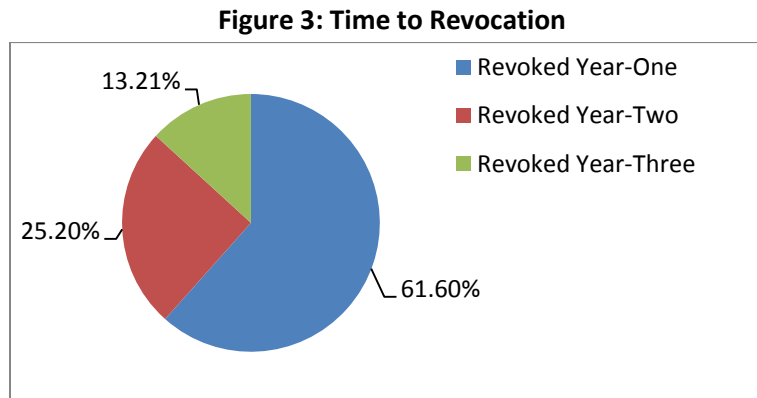
**Table 3: Three-Year Recidivism by Time-At-Risk<sup>16</sup>**

	Special Sentence		Comparison		Total
	N Recid	%	N Recid	%	N
<b>One-Year At-Risk</b>					
New Conviction*	36	14.6%	104	32.0%	<b>140</b>
New Sex Conviction	2	0.8%	4	1.2%	<b>6</b>
New Felony Conviction	4	1.6%	0	0.0%	<b>4</b>
New Felony Sex Conviction	1	0.4%	0	0.0%	<b>1</b>
<b>Total Offenders at One-Year Risk</b>	<b>247</b>	--	<b>325</b>	--	<b>572</b>
<b>Two-Years At-Risk</b>					
New Conviction*	25	12.1%	97	30.4%	<b>122</b>
New Sex Conviction	2	1.0%	4	1.2%	<b>6</b>
New Felony Conviction	2	1.0%	7	2.2%	<b>9</b>
New Felony Sex Conviction	1	0.5%	0	0.0%	<b>1</b>
<b>Total Offenders at Two-Year Risk</b>	<b>207</b>	--	<b>319</b>	--	<b>526</b>
<b>Three-Years At-Risk</b>					
New Conviction*	15	8.1%	90	29.0%	<b>105</b>
New Sex Conviction	0	0.0%	3	1.0%	<b>3</b>
New Felony Conviction	1	0.5%	4	1.3%	<b>5</b>
New Felony Sex Conviction	0	0.0%	0	0.0%	<b>0</b>
<b>Total Offenders at Three-Year Risk</b>	<b>186</b>	--	<b>310</b>	--	<b>496</b>
Total Offenders Revoked	159	--	22	--	<b>181</b>
<b>Total Offenders</b>	<b>345</b>	--	<b>332</b>	--	<b>677</b>

*Significance was calculated at a 95% confidence interval*

<sup>16</sup> Offenders who were not revoked within three-years were included in the one-, two-, and three-year at risk analyses.

Of offenders who are revoked from special sentence within the three-year tracking period, approximately 61.6% were revoked within the first year of their special sentence supervision, 25.2% during year-two, and 13.21% within year-three. Time to revocation was also observed by offender race. Findings indicate that African-Americans are revoked at higher rates within the first year of supervision compared to Caucasians (65.2% vs. 60.9%), findings which failed to reach statistical significance. Data concerning the variations in time to revocation by race can be found in Appendix E.



Also examined were the reasons why special sentence offenders of this cohort were revoked. Offenders can be revoked for a variety of reasons and can often have multiple violations over a period of time prior to being revoked. Information supplied in this section only examines the rule violations which were entered immediately prior to the official revocation. For this portion of the analysis, an offender can be present in more than one category, but an offender is only counted once within a category.

The most common revocation reason among this cohort 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.

**Table 6: Special Sentence Revocation Reasons<sup>17</sup>**

	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%
<b>Total Offenders Revoked</b>	<b>159</b>	<b>--</b>

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 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.<sup>18</sup> The 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

<sup>17</sup> 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.

<sup>18</sup> Two-percent of offenders did not have data on their revocation reason.

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%).

**Table 7: 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-Consensual)	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%
<b>Total Offenders</b>	<b>159</b>	<b>100%</b>

## VI. The Fiscal Cost of Iowa’s Special Sentence

### The Cost of Supervision for the Special Sentence and Comparison Sample

There is a large cost associated with the special sentence. To calculate the supervision cost differences between the special sentence and comparison group two primary factors were observed:

- 1.) Average length of community supervision versus no supervision and,
- 2.) Average re-incarceration length for those who returned to an Iowa prison within three-years.

Re-incarceration days were calculated in two ways: offenders who exited prison during the observed period, their incarceration length was calculated using actual prison entry and prison exit dates. Offenders who had yet to exit prison during the tracking period, their incarceration length was calculated by observing their tentative discharge date.

We find that elimination of the special sentence could have saved an estimated \$5.2 million for the samples observed in this study.

**Table 8: Cost of Supervision for the Special Sentence and Comparison Sample<sup>19</sup>**

	N	Average LOS In Community	Costs of Community Supervision Per Day	Average Re-Incarceration Length	Cost of Prison Per Day (Re-Incarceration)	Total Costs
<b>Special Sentence</b>						
Returned to Prison	152	10.8 Months 328.9 Days	\$14.86 Spec.Sent	21.7 Months 661.7 Days	\$18.25	\$2,578,448.81
Did not Return to Prison w/in 3 years	193	36.0 Months 1095.0 Days	\$14.86 Spec.Sent	————	————	\$3,140,438.10
<b>Comparison</b>						
	22	20.6 Months 628.1 Days	\$0.00 (No Sup)	39.19 Months 1192.5 Days	\$18.25	\$478,788.75
<b>Total Cost Savings through No-Supervision</b>						<b>\$5,240,098.16</b>

<sup>19</sup> Please note that the comparison group was not under any correctional supervision after serving time for their sex offenses due to our study inclusion criteria that limited the cohort to those who expired their sentences upon release from prison. We excluded pre-special sentence sex offenders who were paroled after serving time in prison.

Cost estimates are based on SFY13 marginal costs and included everyone in the comparison groups over the course of the three year tracking period post-release.

## **Annual Costs Associated with the Special Sentence**

### **Community Based Correction's Costs**

On June 30, 2013, there were a total of 1,043 offenders being supervised in the community under the special sentence. The Iowa Department of Corrections estimates that the average daily marginal<sup>20</sup> cost of sex offender supervision in FY2013 was \$14.86 per offender, yielding an annual cost of about \$5.6 million dollars. It should also be remembered that a proportion of sex offenders on the special sentence are monitored electronically by way of GPS bracelets. The average daily marginal cost of active monitoring is approximately \$8.25 per offender/per day and approximately \$3.84 for passive monitoring.<sup>21</sup>

### **Incarceration Costs for Revoked Special Sentence Offenders**

First-time special sentence revocations require a flat two-year incarceration period, while second-time special sentence revocations require a flat five-year incarceration period, meaning these sentences cannot be reduced through earned-time. There were 37 prisoners re-incarcerated during FY2013 on special sentence revocations. The average marginal cost of an average day of incarceration is approximately \$18.25 daily or \$6,661.25 annually. Based on FY2013 estimates the cost to incarcerate one cohort of revoked special sentence offenders (n=37) for approximately one-year is about \$246,500. The CJJP predicts that the population of special sentence offenders revoked to prison will continue to increase absent policy reform. It is estimated that by FY2023 the prison population will include approximately 195 offenders serving 1<sup>st</sup> revocation sentences and 314 offenders serving 2<sup>nd</sup> revocation sentences.<sup>22</sup>

### **Crimes Prevented**

Findings indicate that generally, the special sentence group had lower rates of general crime (any new conviction) than the comparison group. However there were no significant differences in new sex offense convictions between the groups. The high rate of revocation among the special sentence group, in particular those revocations for inappropriate behaviors specific to sex offenders, may have prevented reoffending and reconviction in some cases. However, it is not possible to estimate if or how many new convictions may have been prevented. Although, we do know that baseline rates of sexual re-offense are low.

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<sup>20</sup> Marginal costs are "the costs incurred by adding a unit of service or saved in reducing a unit of service". "Marginal costs (appropriately defined), not average costs (total costs/ total units of service), should always be used in program evaluation (if costs are used at all)". <http://www.uphs.upenn.edu/dgimhsr/acadcrs/hcmg05/pauly.102005.pdf>

<sup>21</sup> Costs of GPS monitoring were not included in this analysis

<sup>22</sup> Stageberg, P. and Roeder-Grubb, L. 2013. Iowa Prison Population Forecast FY2013-2023. <http://www.humanrights.iowa.gov/cjpp/images/pdf/Forecast2013.pdf>



## VII. Alternatives to Special Sentence Supervision

One alternative to reduce the cost associated with the special sentence while still supervising this population would be to utilize parole-as-usual. Utilization of parole as an alternative to special sentence supervision could have saved an estimated \$575k for the cohort observed in this analysis. Please note that this estimate is conservative as it only examines the three-year cost savings for one cohort of special sentence offenders.

**Table 9: Cost of Parole as an Alternative to the Special Sentence**

<b>Special Sentence</b>						
	N	Average LOS In Community	Costs of Community Supervision Per Day	Average Re-Incarceration Length	Cost of Prison Per Day (Re-Incarceration)	Total Costs
Returned to Prison	152	10.8 Months 328.9 Days	\$14.86 Spec Sent	21.7 Months 661.7 Days	\$18.25	\$2,578,448.81
Did not Return to Prison w/in 3 Years	193	36.0 Months 1095.0 Days	\$14.86 Spec Sent	-----	-----	\$3,140,438.10
<b>Parole as a Special Sent. Alternative</b>						
Returned to Prison	152	10.8 Months 328.9 Days	\$3.35 (Parole)	21.7 Months 661.7 Days	\$18.25	2,003,031.68
Did not Return to Prison w/in three years	193	36.0 Months 1095.0 Days	\$14.86 (Spec. Sent)	-----	-----	3,140,438.10
<b>Total Cost Savings through Parole as an Alternative to the Special Sentence</b>						<b>\$575,417.13</b>

## VIII. Conclusions

The first two research questions informing this study assert whether the special sentence reduces sex convictions and new convictions in general. The findings suggest that special sentence offenders have similar rates of felony and sex recidivism but have lower rates of new convictions compared to the comparison sample. The special sentence group had a much higher prison return rate, largely attributable to special sentence revocations. A detailed analysis of reasons for revocation revealed that approximately 33% of offenders were revoked for offenses which violated specific terms of the sex offender special sentence supervision, while about 65% of offenders were revoked for more general violations of parole requirements.<sup>23</sup> However, very few revocations were actually due to sexual misconduct with a child (1.9%).

The third research question sought inquiry as to whether the special sentence increased monitoring of sex offenders. The high prison revocation rate suggests that the special sentence is increasing monitoring of sex offenders. Offenders may be revoked on minor violations, preventing them from committing the more serious new offenses they otherwise may have perpetrated. The difficulty, then, is identifying the proportion of crime which is avoided through the revocation of special sentence offenders and whether the cost of crime avoidance outweighs the cost of revocation and incarceration. It is noteworthy however that baseline new sex offense rates by the comparison group were also low, suggesting that crime avoidance through re-incarceration of the special sentence group may have been minimal, although this is difficult to determine.

While it is not possible to conclude that crime is avoided through application of the special sentence, it is noteworthy that sex re-offense rates are generally and consistently low; however the cost to implement the special sentence supervision is very high. Findings indicate that removal of the special sentence for the cohorts observed could have saved approximately \$5.2million over the course of three-years with relatively little impact on public safety; data which answers our final research question concerning the cost of the policy.

When explaining the low rates of sex offense recidivism, we must be careful not to oversimplify. Estimating the rates of re-offense is difficult, because victims may be reluctant to report the crime to

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<sup>23</sup>Two-percent of offenders studied did not have available data pertaining to their revocation.

authorities and some sex offense charges may be reduced to non-sex offenses.<sup>24</sup> Also, sex offenders commit sex offenses for a variety of reasons and may engage in a wide range of behavior (i.e. indecent exposure, rape, child molestation, and Romeo and Juliet cases<sup>25</sup>). Identifying the subset of offenders who are most at risk is key to identifying the population that may be best served by the special sentence. Risk assessment instruments that have been specifically designed and validated for the sex offender population, such as the STATIC-99R, may be one tool helpful in identifying high risk offenders. However, the use of risk assessments does not come without critique as some note that the predictive accuracy of risk assessments vary depending on how the assessment is utilized.

Although average rates may suggest that offenders reoffend infrequently, offenders identified as high risk via the Static-99R or ISORA have higher new sex offense convictions than offenders identified at lower risk.<sup>26</sup> “A ‘one size fits all’ approach to the treatment and supervision of sex offenders is not prudent and will not produce the best outcomes, [just as] creating broad-brush laws that attempt to address sex offenders as if they are all the same is not likely to be an effective strategy either—in terms of cost effectiveness or public safety.”<sup>27</sup>

Although beyond the scope of this study, examining the practices that determine how the special sentence has been implemented is another noteworthy area of research when examining its efficacy. While collecting data, the researchers observed that some offenders were beginning the special sentence while incarcerated. In Iowa the special sentence is granted after the time is served for the sex offense, which may occur while the offender is still incarcerated if they are also serving time for other offenses.

Also of noteworthy discussion is that offenders serving the special sentence in the community are able to receive earned-time off of their sentences. As an example, an offender sentenced to a 10-year supervision term *could* have their sentence reduced to approximately five years.<sup>28</sup> However, if an

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<sup>24</sup> Hanson, K.R. and Morton-Bourgon, K.E. 2005. The Characteristics of Persistent Sexual Offenders: A Meta-Analysis of Recidivism Studies. In *Journal of Consulting and Clinical Psychology*, Vol. 73, No. 6 (1154-1163).

<sup>25</sup> Romeo and Juliet cases describe consensual sex between two teenagers where one is of the legal age of consent while the other is under the legal age of consent.

<sup>26</sup> Iowa Department of Corrections. 2010. Statistical Validation of the ISORA8 and Static-99.

<sup>27</sup> [http://www.csom.org/train/etiology/4/4\\_1.htm](http://www.csom.org/train/etiology/4/4_1.htm)

<sup>28</sup> A ten year special sentence can be reduced to less than a 5 year sentence. The earned time rate for the special sentence is 11 days of credit for every 5 days swerved – or  $5/11 = .454545$ .

offender loses all of their earned-time while on the special sentence they still could potentially serve the full 10 year period.

However, a 908.5(2)A special sentence revocation 1<sup>st</sup> offense provides a two-year flat imprisonment sentence and a 908.5(2)B special sentence revocation 2<sup>nd</sup> subsequent revocation provides a five-year flat imprisonment sentence. But, offenders do not always have to serve the full flat imprisonment term associated with their special sentence revocation if their underlying special sentence expires prior. Also noteworthy is the fact that the flat imprisonment terms applied to special sentence revocations can be reduced through jail credit. Additionally, an offender can be re-paroled prior to the expiration of their revocation imprisonment period.

## APPENDIX A

**Table 10: Colorado and Iowa's Offense Classes by Sentence Length and Supervision Length<sup>29</sup>**

	Sentence Range		Sex Offender Supervision Length
	Normal Presumptive Range	Crime of Violence	
<b>Colorado</b>			
Class 2 Felony	8-24 years	16-48 years	Lifetime
Class 3 Felony	4-12 years	8-24 years	Lifetime
Class 4 Felony	2-6 years	4-12 years	Lifetime
Class 5 Felony	1-3 years	2-6 years	Lifetime
Class 6 Felony	12-18 months	15-36 months	Lifetime
<b>Iowa</b>			
Class B Felony	Up to 25 Years		Lifetime
Class C Felony	Up to 10 years		Lifetime
Class D Felony	Up to 5 years		10-Year
Agg. Misd.	Up to 2 years		10-Year
Srs. Misd.	Up to 1 year		10-Year

**Table 11: Colorado's Crimes Subject to Lifetime Supervision by Offense Class and Sentence Length<sup>30</sup>**

Offense Description	Felony Level				
	2	3	4	5	6
Sexual Assault	X	X	X		
Enticement of Child	X	X			
Internet Luring of a Child			X	X	
Unlawful Sexual Contact			X		
Sexual Assault on a Child		X	X		
Sexual Assault on a Child by one in a position of trust		X	X		
Internet Sexual Exploitation of a Child			X		
Sexual Assault on a client by a psycho therapist			X		
Incest			X		
Aggravated Incest		X			
Trafficking in Children		X			
Sexual Exploitation of Children		X	X		X
Procurement of a child for Sexual Exploitation		X			
Soliciting for Child Prostitution		X			
Pandering of a Child	X	X			
Procurement of a Child		X			
Keeping a place of Child Prostitution		X			
Pimping of a Child		X			
Inducement of Child Prostitution		X			
Patronizing a Prostituted Child		X			

<sup>29</sup> Shipley, J., Moe, J., and Jarrett, C. 2008. Laws Governing Sex Offenders in Colorado.

<sup>30</sup> Ibid.

## APPENDIX B

**Table 12: Sex Offense Charging and Convicting Practices for Offenders Convicted of a Sex Offense<sup>31</sup>**

	FY02	FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13
<b>A Fel</b>												
Charges	1	2	4	2	0	4	7	4	5	5	9	11
Convs	1	0	1	1	0	2	1	4	1	5	5	1
<b>B Fel</b>												
Charges	231	218	274	243	245	237	237	192	205	224	285	235
Convs	54	28	27	41	41	45	28	31	32	28	57	40
<b>C Fel</b>												
Charges	534	594	532	568	611	741	549	538	554	586	670	824
Convs	227	253	213	220	284	257	235	208	224	237	255	271
<b>D Fel</b>												
Charges	250	288	274	270	218	192	205	134	120	195	178	183
Convs	145	127	146	131	86	80	59	73	57	75	60	34
<b>Aggravated Misdemeanor</b>												
Charges	315	421	407	295	424	374	296	319	354	295	304	290
Convs	198	218	192	133	152	187	142	155	161	158	143	66
<b>Serious Misdemeanor</b>												
Charges	322	352	217	232	199	195	201	156	161	313	177	242
Convs	81	134	90	109	85	81	103	61	84	93	74	73

Source: Justice Data Warehouse

**Table 13: Offender Based Sex Offense Convictions**

	FY02	FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13
A Fel	1	1	1	1	0	2	1	2	1	3	6	1
B Fel	30	19	21	20	21	25	19	24	19	24	31	22
C Fel	151	163	151	176	191	183	168	157	183	180	177	192
D Fel	94	80	107	100	69	68	50	61	51	68	56	67
Aggravated Misd	140	148	140	111	110	116	96	111	116	124	108	97
Serious Misd	58	57	56	59	58	55	58	38	42	43	34	51
<b>Total</b>	<b>474</b>	<b>468</b>	<b>476</b>	<b>467</b>	<b>449</b>	<b>449</b>	<b>392</b>	<b>393</b>	<b>412</b>	<b>442</b>	<b>412</b>	<b>430</b>

Source: Justice Data Warehouse

<sup>31</sup> Includes 709, 728.12, and 726.2 offenses.

## APPENDIX C

**Table 14: Sample Characteristics**

	Special Sentence		Comparison		Total
	N	% of Total	N	% of Total	N
<b>Convicting Offense</b>					
<b>C Felony</b>					
Lascivious Acts w/Child	7	2.0%	0	0.0%	<b>7</b>
Sex Abuse 3rd	23	6.7%	34	10.2%	<b>57</b>
Sexual Predator Prior	1	0.3%	0	0.0%	<b>1</b>
Sexual Exploit	0	0.0%	1	0.3%	<b>1</b>
<b>Total</b>	<b>31</b>	<b>9.0%</b>	<b>35</b>	<b>10.5%</b>	<b>66</b>
<b>D Felony</b>					
Asslt. to Commit Sex Abuse	22	6.4%	7	2.1%	<b>29</b>
Incest	4	1.1%	1	0.3%	<b>5</b>
Lascivious Acts w/Child	29	8.4%	54	16.3%	<b>83</b>
Sexual Exploitation	2	0.6%	0	0.0%	<b>2</b>
<b>Total</b>	<b>57</b>	<b>16.5%</b>	<b>62</b>	<b>18.7%</b>	<b>119</b>
<b>Aggravated Misdemeanor</b>					
Asslt. to Commit Sex Abuse	117	33.9%	80	24.1%	<b>197</b>
Indecent Contact w/Child	46	13.3%	55	16.6%	<b>101</b>
Sexual Exploitation	17	4.9%	6	1.8%	<b>23</b>
<b>Total</b>	<b>180</b>	<b>52.2%</b>	<b>141</b>	<b>42.5%</b>	<b>321</b>
<b>Serious Misdemeanor</b>					
Indecent Exposure	58	16.8%	78	23.5%	<b>136</b>
Invasion of Privacy	10	2.9%	0	0.0%	<b>10</b>
Lascivious Conduct with Minor	8	2.3%	6	1.8%	<b>14</b>
Sexual Predator Prior Conv.	1	0.3%	0	0.0%	<b>1</b>
Sexual Exploitation	0	0.0%	10	3.0%	<b>10</b>
<b>Total</b>	<b>77</b>	<b>22.3%</b>	<b>94</b>	<b>28.3%</b>	<b>171</b>
<b>Offenders who Received Reduced Charges</b>					
Charges Reduced*	8	2.3%	77	23.2%	<b>85</b>
Convicted as Charged*	337	97.7%	255	76.8%	<b>592</b>
<b>Supervision Status Prior to</b>					
Prison*	117	33.9%	85	25.6%	<b>202</b>
Probation*	178	51.6%	228	68.7%	<b>406</b>
Parole*	3	0.9%	15	4.5%	<b>18</b>
Work Release	7	2.0%	4	1.2%	<b>11</b>
Pretrial Release w/Sup*	5	1.4%	0	0.0%	<b>5</b>
Jail*	35	10.1%	0	0.0%	<b>35</b>
<b>Total</b>	<b>345</b>	<b>100%</b>	<b>332</b>	<b>100%</b>	<b>677</b>

\*Significance was calculated at a 95% confidence level

## APPENDIX D

Offenders were excluded from the analysis if their supervision status was that of interstate compact (meaning that they were supervised out-of-state), if they were paroled to detainer or deported, or if their supervision was terminated for any reason other than a new conviction. Offenders were also excluded from the analysis if they were unable to be tracked for three years in the community. Several offenders were excluded because their deaths occurred prior to the end of the three-year tracking period. Death information was initially gathered using ICON, but because some offender's deaths could not be verified in ICON, some individual searches were performed using the Social Security Death Index. Nonetheless, it is possible that some offenders in either group may have died.

An additional 80 comparison group offenders were removed from the sample because they were convicted of Class B felonies, while there were no B felons in the special sentence group.<sup>32</sup> Also, seven special sentence female offenders and one female in the comparison group were removed from the analysis because women were over-represented in the study group.

Two offenders were present in both the special sentence and comparison groups. Each of these two offenders could be tracked independently for three years following each sex offense conviction. Because their periods of supervision did not overlap, these two offenders remained in both groups.

Initial analysis revealed that the special sentence and comparison groups differed significantly in regards to convicting offense class. There were significantly more felons present in the comparison group and more misdemeanants in the special sentence group. The comparison group was therefore reduced so that similar proportions of C and D felons and aggravated and serious misdemeanants were studied. To obtain a comparable, random sample, offenders in the comparison group were sorted by ICON number, a random numeric identifier assigned to each offender after entering prison. For C felons every eighth offender in the comparison file was selected for analysis, for D felons every fourth offender was selected, and for aggravated misdemeanants, every other offender was selected. Because the original groups had similar proportions of serious misdemeanants, this group was not reduced. While there continues to be significantly greater proportions of aggravated misdemeanants in the special sentence

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<sup>32</sup> All Class B sex offenses are currently "70 percent" crimes that require a mandatory minimum term of 17.5 years. None who have received the special sentence have yet been released to special sentence supervision.



group, the reduced sample is more comparable than the original sample. The final sample included 345 special sentence offenders and 332 offenders convicted of a sex offense prior to the special sentence.

## APPENDIX E

**Table 15: Time to Revocation by Race**

	Caucasian		African-American		Total
	N	%	N	%	N
<3 Months	18	13.5%	7	30.4%	<b>25</b>
4-6 Months	30	22.6%	1	4.3%	<b>31</b>
7-12 Months	33	24.8%	7	30.4%	<b>40</b>
Total Revoked within 12 Months	<b>81</b>	<b>60.9%</b>	<b>15</b>	<b>65.2%</b>	<b>96</b>
13-24 Months*	38	28.6%	1	4.3%	<b>39</b>
25-36 Months	15	10.5%	7	30.4%	<b>21</b>
<b>Total</b>	<b>134</b>	<b>--</b>	<b>23</b>	<b>--</b>	<b>157</b>

*\*Significance was calculated at a 95% confidence interval*