



Iowa Sex Offender Research Council Annual Report

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This report satisfies the Sex Offender Research Council's obligation to submit an annual report to the Iowa State Legislature by January 15, 2019.

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Executive Summary

On October 30, 2018, Iowa's Sex Offender Research Council (SORC) approved this annual report to be submitted to the Governor and General Assembly by the Division of Criminal and Juvenile Justice Planning (CJJP) of the Department of Human Rights (DHR).

The SORC was established in 2008 in Iowa Code §216A.139, which tasked the SORC with studying and making recommendations for treating and supervising adult and juvenile sex offenders in institutions, community-based programs, and in the community. This report provides a review of current legislation on sex offenses and trends data examining the number of sex offenses annually since FY2009.

In FY2018, one new bill that related to sex-offending was enrolled; several others were introduced, but were not passed.

Of the previously enacted bills, those related to human trafficking currently are lacking available data that could help study the impacts, due to the small numbers of Human trafficking charges and convictions. School-related sex abuse numbers remain low. Invasion of privacy aggravated misdemeanor convictions have increased by 10.4% from FY2017 to FY2018.

From FY2009 to FY2018 the number of sex charges have increased by 25.6% and the number of convictions by 13.6%. When examining the numbers of sex offenders and their correctional placement during the same timeframe, the number of total sex offenders in the prison population have increased by 2.6%. Utilizing the same timeframe, new prison admissions who entered prison on a most serious sex offense have slightly decreased by 1.0%, returning prison admissions have increased by 141.2%, and individuals exiting prison have increased by 11.9%.

Within the last ten years, the number of offenders supervised in the community on the special sentence has increased from 100 to 980 from FY2009 to FY2018. To date, four applications for removal from the lifetime special sentence have been submitted, and three individuals have been successfully removed from supervision. The population of sex offenders on the Sex Offender Registry has increased by 17.7%.

Introduction

Iowa Code §216A.139 requires the Iowa Sex Offender Research Council (SORC) to submit a report by January 15 of each year “to the governor and general assembly regarding actions taken, issues studied, and council recommendations.”¹ The purpose of the report is to provide information on laws related to sex offenses and trend data on sex offenders that could help to inform legislators and the public on topics, such as:

- The effectiveness of electronically monitoring sex offenders.
- The cost and effectiveness of special sentences pursuant to Iowa Code Chapter 903B.
- Risk assessment models created for sex offenders.
- Determining the best treatment programs available for sex offenders and the efforts of Iowa and other states to implement these programs.
- The efforts of Iowa and other states to prevent sex abuse-related crimes including child sex abuse.
- Other issues the SORC deems necessary including, but not limited to, computer and internet sex-related crimes, sex offender case management, best practices for sex offender supervision, the Sex Offender Registry, and the effectiveness of safety zones.

This report will initially provide a review of legislation enrolled and introduced during the most recent legislative session, followed by a review of historical legislation enacted within the last ten years. The final portion of this report provides a review of sex offender charges, convictions, prison admissions, prison populations, and community supervision populations observed between FY2009-FY2018. Review of trend data is important to observe how modifications to legislation have impacted sex offender data.

The charge and conviction data in this report reflect information from the Iowa Judicial Branch’s Case Management System. The data is a reflection of the official records contained in the case management system at the time the information was extracted to the Iowa Justice Data Warehouse (JDW). Data within the case management system are entered by county clerks. Some edits to these records may have occurred within the case management system after the extraction and such updates would be made in the JDW during the next upload cycle.

¹ <https://www.legis.iowa.gov/docs/code/216A.139.pdf>

By law and court rule, charges are filed and disposed of in a number of ways for various reasons and are influenced by the actions and decisions of arresting agencies, witnesses, defendants, grand juries, prosecutors, magistrates, juvenile court, and judges. As a result, there are many factors which contribute to differences among jurisdictions and over time regarding the number of counts at the various decision points.

Prison admission, population, and closure data are captured within the Iowa Correction's Offender Network (ICON) administrative database and extracted using the JDW. Sex offender registration population counts were provided by the Iowa Department of Public Safety.

FY2018 Enrolled Sex Offense Legislation

During the 2018 legislative session, the following sex offense legislation was enrolled by the 87th General Assembly.

Sexually Violent Predators & Accumulation of Earned-Time; HF2502 (Standings Bill)

This Act related to sexually violent predators and the accumulation of earned-time by offenders. The Act permits a person committed to a sexually violent predator treatment program to waive the requirement that a final hearing be held within 60 days of the court's determination that a final hearing should be held. The committed person may reassert a demand that a final hearing be held within 60 days from the date of filing the demand with the Clerk of District Court. In addition, the final hearing may be continued upon request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and if the committed person is not substantially prejudiced.

The bill also proposes that an inmate committed to the Department of Corrections who is required to participate in a sex offender or domestic violence treatment program, shall not be eligible for any reduction in earned-time until the inmate completes the sex offender or domestic violence treatment program.

FY2018 Introduced Sex Offense Legislation which was not Enrolled

The following information provides a summary of the sex offense-related legislation introduced during the 2018 Legislative Session by the 87th General Assembly.

Sexual Misconduct with Offenders; HF2395

This bill relates to the criminal elements and penalties for the commission of sexual misconduct with offenders and juveniles. The bill raises the criminal penalty from an aggravated misdemeanor to a Class D felony for the following offenses:

- A peace officer, officer, employee, contractor, vendor, volunteer, or agent of the Department of Corrections (DOC) who engages in a sex act with an inmate committed to the custody of the DOC, if such a person has specific and actual knowledge the inmate is committed to the custody of the DOC.
- An officer, employee, or agent of a judicial district department of correctional services who engages in a sex act with an individual under supervision of a judicial district department, with specific and actual knowledge the person is under supervision.
- A peace officer, officer, employee, contractor, vendor, volunteer, or agent of a juvenile placement facility who engages in a sex act with a juvenile placed at such a facility.
- A peace officer, officer, employee, contractor, vendor, volunteer, or agent of a county who engages in a sex act with a prisoner incarcerated in a county jail or municipal holding facility, if such person has specific and actual knowledge the inmate is incarcerated.
- The bill also provides that individuals who violate this law are subject to the sex offender special sentence. A special sentence is continued supervision and sanctions beyond the original sentence for the underlying criminal offense by committing the person into the custody of the DOC for a period of 10 years.

Death Penalty; SF335

SF335 proposed creating the penalty of death for the commission of the multiple offense of murder in the first degree, kidnapping, and sexual abuse against the same minor.

Sex Offender Registration; HF163

HF163 was introduced to modify sex offender registry requirements by requiring sex offenders whose registration requirements have expired to reregister, and providing penalties.

Historically Enacted Sex Offense Legislation & Data Tracking

The following provides a list of historical sex offense-related legislation enacted between FY2009-FY2017. Data are provided to assist the SORC in monitoring how enacted sex offense legislation may have influenced the criminal justice system.

Harassment - Invasion of Privacy, Distribution of Materials; HF526

May, 2017, Iowa Code §708.7

- Expanded the definition of harassment involving the invasion of privacy to include:
 - An act which disseminates, publishes, distributes, posts, or caused to be disseminated, published, distributed, or posted a photograph or film showing another person in a state of full or partial nudity or engaged in a sex act, knowing that the other person has not consented to the dissemination, publication, distribution, or posting.
- Impact:
 - From FY 2017 to FY 2018 the number of aggravated misdemeanor convictions in the adult criminal justice system for Iowa Code §708.7 offenses increased from 412 to 455.
 - From FY 2017 to FY 2018, the number of Iowa Code §708.7 aggravated misdemeanor allegations in Juvenile Court Services increased from 136 to 205. An allegation is a description of a law violation on a complaint. There may be one or more allegations on a single complaint.

Human Trafficking and Kidnapping; HF2278

March, 2016, Iowa Code §710A, 710

- Established an office within the Department of Public Safety (DPS) to monitor and manage human trafficking efforts.
- Extended the statute of limitations for kidnapping and human trafficking.
- Impact: In 2018, no human trafficking or kidnapping convictions were observed that were eligible for conviction as a result of this legislation. CJP expects the impact of this bill to be minimal.

Human Trafficking; SF2311

July, 2014, Iowa Code §710A.2

This bill related to sexual and criminal offenses involving minors and others, including prostitution, pimping, and human trafficking, providing for a fee, and including penalties and effective date and applicability provisions.

- In 2016, CJPJ contacted a variety of state and federal agencies as well as local task force members knowledgeable about human trafficking in Iowa. It was generally acknowledged that data capturing the prevalence and nature of human trafficking within the state is currently unavailable.
- Impact: During FY2018, there were 3 charges and no convictions for human trafficking offenses. State-level convictions for crimes involving human trafficking are rare. However, it is difficult to know whether this finding speaks to the actual prevalence of the crimes in Iowa and/or indicates barriers in the tracking of these offenses.

School Related Sex Abuse; HF2474/SF238

July, 2014, Iowa Code §709.15 (HF2474) / May, 2017, Iowa Code §709.15 (SF238)

This bill expanded the criminal offense of, and related penalties for, sexual exploitation to include persons issued a school coaching authorization. This law provided that the definition of a school employee is expanded to include individuals issued a coaching authorization.

SF238: In FY2017, this bill further expanded the definition of sexual exploitation in Iowa Code §709.15 to include:

- 1) Any school employee including those who hold a license, certificate, or statement of professional recognition issued under Iowa Code Chapter 272,
 - 2) A person who holds an authorization issued under Iowa Code Chapter 272,
 - 3) A person employed by a school district full-time, part-time, or as a substitute,
 - 4) A school district volunteer who has supervisory authority over students, or
 - 5) A person working under contract for a school district who has direct supervisory authority over students.
- Impact: From FY2012-FY2018, the number of charges and convictions for this crime has remained relatively low with the exception of FY2013 charges where one case received 49 charges.

Obscene Material, Commercial Sexual Activity, and Human Trafficking; HF2390

April, 2012, Iowa Code §728.12(3), 710A, 710A.2A

This bill amended Iowa Code §728.12(3) Purchase or Possess Medium Depicting Exploitation of a Minor by allowing separate charges to be filed for each child being exploited rather than the number of storage systems, mediums, or images purchased or possessed. This bill also expanded the definition of human trafficking to include knowingly purchasing or attempting to purchase services involving commercial sexual activity from a victim or other person engaged in human trafficking, adding a definition and criminal penalty for solicitation of commercial sexual activity.

- Impact: From FY2013-FY2018, the number of disposed charges increased from 26 to 142 and the number of convictions increased from 9 to 51 (Iowa Code §728.12(3) convictions).

Enticing or Attempting to Entice a Minor; HF2438

April, 2010, Iowa Code §710.10(3), 710.10(4)

This bill renamed the criminal offense of “enticing away a minor” to “enticing a minor” and eliminated the provisions related to enticing "away" a minor. This bill enhances the criminal penalties for enticement and delegates penalties based on a victim’s age. Individuals convicted of enticement are subject to the sex offender special sentence pursuant to Iowa Code Chapter 903B and are required to register as a sex offender for 10 years. Individuals are not required to register if their enticement conviction did not involve intent to commit illegal action with a victim reasonably believed to be under the age of 16.

- Impact: From FY2011 to FY2018, the number of enticement charges decreased from 20 to 11 while the number of convictions rose from 5 to 7T.

Human Trafficking and Protection of Minors; SF27

March, 2009, Iowa Code §710A.1

This bill amends the definition of "commercial sexual activity" which is an element of the crime of human trafficking, to include any sexually explicit performance for which anything of value is given, promised to, or received by any person including, but not limited to, prostitution, participation in the production of pornography, and performance in strip clubs.

- Impact: From FY2010 to FY2018, there has been one charge and no convictions of solicitation of commercial sexual activity.

Review of Sex Offense and Offender Data Trends

Table 1: Sex Charges, Convictions, and Offender Based Convictions

	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	% Change FY2017- FY2018	% Change FY2009- FY2018
Sex Charges	1,408	1,460	1,646	1,650	1,829	1,899	1,887	1,678	1,597	1,768	10.7%	25.6%
Sex Convictions	528	539	585	568	583	650	581	560	678	600	-11.5%	13.6%
Offender Based Sex Convictions ²	401	426	434	402	408	426	401	396	462	431	-6.7%	7.5%

Source: ICON data extracted utilizing the Justice Data Warehouse

Table 2: New and Returning Sex Offender Prison Admissions and Prison Population Figures

	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	% Change FY2017- FY2018	% Change FY2009- FY2018
New Prison Admissions ³	191	224	201	221	205	212	192	173	228	189	-17.1%	-1.0%
Returning Prison Admissions ⁴	34	62	77	100	127	126	138	155	141	82	-41.8%	141.2%
Sex Offender Prison Population ⁵	1,149	1,151	1,150	1,144	1,170	1,191	1,186	1,177	1,209	1,179	-2.5%	2.6%

Source: ICON data extracted utilizing the Justice Data Warehouse

² Charge, conviction, and offender based conviction data includes offense classes of simple misdemeanors and higher.

³ New prison admissions include new court-ordered commitments and probation revocation.

⁴ Returning prison admissions include offenders who had one or more prior unsuccessful conditional releases on their current commitments.

⁵ Note: Data reflect active offender populations on June 30th of each reporting year.

Table 3: Sex Offender Prison Exits by Release Reason

	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	% Change FY2017- FY2018	% Change FY2009- FY2018
Expiration of Sentence	128	101	63	56	32	37	22	15	20	23	15.0%	-82.0%
Paroled	15	19	30	26	39	32	35	23	36	26	-27.8%	73.3%
Work Release Granted	32	44	31	25	24	18	26	36	31	24	-22.6%	-25.0%
Released to Special Sentence	34	43	75	98	86	87	99	84	82	124	51.2%	264.7%
Other Release	26	22	17	32	34	32	45	46	51	66	29.4%	153.8%
Prison Closure Total	235	229	216	237	215	206	227	204	220	263	19.5%	11.9%

Source: ICON data extracted utilizing the Justice Data Warehouse

Table 4: Sex Offender Community-Based Corrections and Sex Offender Registry Populations

	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	% Change FY2017- FY2018	% Change FY2009- FY2018
Parole	17	23	21	20	28	24	27	20	37	39	5.4%	129.4%
Probation	349	356	355	366	353	348	350	368	357	357	0.0%	2.3%
Special Sentence ^{6, 7}	101	190	315	459	563	655	715	790	891	980	10.0%	870.3%
Lifetime	4	15	42	103	157	214	291	349	431	525	21.8%	-
10-Year	97	175	273	356	406	441	424	441	460	455	-1.1%	369.1%
SOR Population	4,956	5,081	5,395	5,593	5,934	5,923	5,284	5,383	5,595	5,833	4.3%	17.7%

Source: Parole, Probation, Special Sentence data –ICON data extracted utilizing the Justice Data Warehouse; SOR Population – Iowa Department of Public Safety

Note: Data reflect active offender populations on June 30th of each reporting year

⁶ To date, four applications for removal from the lifetime special sentence have been submitted, and three individuals have been successfully removed from supervision. The DOC’s policy and procedures for removal from the special sentence can be found by accessing the following link:

https://doc.iowa.gov/sites/default/files/op-sop-11_special_sentence.lifetime_supervision_discharge.pdf

⁷ More information regarding special sentence recidivism and revocation details are included within “An Analysis of the Sex Offender Special Sentence in Iowa”.

This publication can be found by accessing the following link:

https://humanrights.iowa.gov/sites/default/files/media/An%20Analysis%20of%20the%20Sex%20Offender%20Special%20Sentence%20in%20Iowa_2014.pdf