

# **Iowa Sex Offender Treatment and Supervision Task Force**

**Report to the Iowa General Assembly  
January 15, 2006**

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and Supervision Task Force is provided by:

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## Preface

Over the last several years, lawmakers have been responding to several highly publicized child abduction, assault and murder cases. While such cases remain rare in Iowa, the public debates they have generated are having far-reaching effects. Policy makers are responsible for controlling the nature of such effects. Challenges they face stem from the need to avoid primarily politically-motivated responses and the desire to make informed decisions that recognize both the strengths and the limitations of the criminal justice system as a vehicle for promoting safe and healthy families and communities.

Consensus was reached by the Task Force at its first meeting that one of its standing goals is to provide nonpartisan guidance to help avoid or fix problematic sex offense policies and practices. Setting this goal was a response to the concern over what can result from elected officials' efforts to respond to the types of sex offender-related concerns that can easily become emotionally laden and politically charged due to the universally held abhorrence of sex crimes against children.

The meetings of the Task Force and the various work groups it has formed have included some spirited and perhaps emotionally charged discussions, despite the above-stated ground rule. However, as is described in the report, the Task Force's first set of recommendations and plans for further study were approved through consensus. It is hoped that in upcoming legislative deliberations, it will be remembered that the non-legislative members of the Task Force all agreed on the recommendations contained in this report.

The topics discussed in this first report from the Task Force are limited to the study issues specifically named in H.F. 619, the Task Force's enabling legislation. However, other topics of concern were discussed by the Task Force because of their immediacy or because of their possible relationships with one or more of the Task Force's mandated study issues. For example, it has been reported by some probation/parole officers and others that the 2000 feet rule has had a negative influence on treatment participation and supervision compliance. While such concerns were noted, the Task Force did not take it upon itself to investigate them at this time and thus broaden the agenda it was given by the General Assembly last session. As a result, the recently reinstated 2000 feet rule, the new cohabitation/child endangerment law and other issues of interest to Task Force members but not within the scope of their charge are not discussed in the body of this report.

An issue of perhaps the greatest interest to most Task Force members that was not a part of their charge was a belief in the benefit of viewing Iowa's efforts to protect children from sex crimes with as comprehensive a platform as possible. It has been suggested that much more can be done to prevent child-victim sex crimes than would be accomplished by only concentrating on what to do with offenders after a crime has occurred. To prevent child victimization, H.F. 619 policy provisions rely largely on incapacitation and future deterrent effects of increased penalties, more restrictive supervision practices and greater public awareness of the risk presented by a segment of Iowa's known sex offenders. For some offenders, these policies will no doubt prevent future sex crimes against children, and the Task Force has begun long-term studies to look for the desired results and for ways to improve such results through better supervision tools and more effective offender treatment.

Unfortunately, much of the effects from the new policies may primarily influence persons who have already committed sex offenses against minors and who have already been caught doing so. Task Force members discussed the need for a range of preventive efforts and a need to think about sex crimes against children from other than just a “reaction-to-the-offender” perspective. While this topic is not addressed in the report that follows, it was suggested that some of the Task Force’s discussions could be briefly shared through these opening comments.

Along with incapacitation and deterrence, comprehensive approaches to the prevention of child-victim sex crimes would also involve making sure parents have the tools they need to detect signs of adults with sex behavior problems, to help teach their children about warning signs and to find the support they need for healthy parenting. School, faith-based and other community organizations might benefit from stronger supports and better tools they can use to more effectively promote positive youth development and the learning of respect for others, respect for boundaries and healthy relationships.

All of us who have children, or who live in communities where there are children, need to understand the limitations of our justice system and the importance of our own ability to play a role in preventing sexual abuse and protecting children from sex offenders, which are often the child’s own family members. Over 1,000 incidences of child sexual abuse are confirmed or founded each year in Iowa, and most such acts take place in the child’s home or the residence of the caretaker of the child. Efforts to prevent child sexual abuse and to provide for early interventions with children and families at risk could be strategically examined and strengthened.

The Sex Offender Treatment and Supervision Task Force was established to provide assistance to the General Assembly. It will respond to legislative direction for adjusting its future plans as laid out in this report. Its plans could be adjusted to broaden or narrow its scope or to assign different priority levels of effort to its current areas of study. Also, further Task Force considerations of the recommendations it has already submitted could be called for. In the meantime, it is hoped that the information and recommendations submitted through this report prove helpful.

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**Iowa Sex Offender Treatment and Supervision Task Force  
January 15, 2006 Report to the Iowa General Assembly**

**Executive Summary**

Through the 2005 enactment of H.F. 619, the Division of Criminal and Juvenile Justice Planning (CJJP) was required to establish a task force to study and make periodic recommendations for treating and supervising sex offenders in correctional institutions and in the community. The task force was also required to develop a plan for certain improvements to Iowa's sex offender registry process. The report for which this summary was written contains the first submission of periodic task force recommendations, a plan for sex offender registry improvements and a description of the planned, ongoing work of the Iowa Sex Offender Treatment and Supervision Task Force (Task Force).

**SEX OFFENDER REGISTRY IMPROVEMENT PLAN**

The Task Force recommends that two sets of activities be initiated to: 1) speed up the transmitting of sex offender information from local law enforcement officials to the registry; and, 2) enhance the ability to assess the accuracy of the registry's offender address information.

1) The current process through which the registry receives information about sex offenders from local law enforcement agencies is a paper-based process that relies on compliance by the registrant to provide the necessary information to county sheriffs' offices. Each sheriff then sends this information to the registry via U.S. mail. **The Task Force recommends that the Iowa Division of Criminal Investigation (DCI) establish a secure website for sheriffs to use to "post" sex offender information for the DCI to access and review.** This could be done without the commitment of additional financial resources. The DCI has indicated it is proceeding to establish the recommended website.

While this recommended process will greatly enhance the transmission of critical information from the Sheriffs to the DCI, it will still require the DCI to manually re-enter this information from the web site into the IOWA System. For a fully automated transmission capability and to eliminate this manual re-entry, the DCI would need to utilize a specialized software package which would require the expenditure of additional resources

2) Numerous state agencies maintain data systems that contain the names and addresses of people with whom they do business. This information might be tapped by the DCI to assess the residency information of those persons on the sex offender registry. **The Task Force recommends that selected state agencies regularly provide the DCI with information via batch file transfers. The recommended plan would provide the DCI with a limited amount of data about persons that are indicated as being on the registry. The plan recommends that the Department of Corrections (DOC) pilot this data exchange activity with the DCI, and that data exchanges between DCI and the Department of Transportation also commence, but only after a review of "lessons learned" from the exchange of data between DOC and DCI.** The projected cost of this plan is approximately \$30,000.

## **ELECTRONIC MONITORING RECOMMENDATIONS**

Following its review of electronic monitoring (EM) goals, practices and effectiveness in Iowa and other states, **the Task Force recommends altering the policy requiring EM for all sex offenders whose victims were minors. The Task Force recommends the following alternatives:**

- 1. Amend Iowa Code Sections 906.4 and 907.6 to require probation and parole officers to determine the need for and type of EM for all sex offenders. This determination should be based on risk assessments and other pertinent information according to guidelines to be established by the Iowa Department of Corrections and Judicial District Departments of Correctional Services.**
- 2. Amend Iowa Code Chapter 232 to require that the appropriateness and benefits of EM are to be considered by juvenile court officials in the preparation of informal adjustment agreements, consent decrees and predisposition reports in all cases involving sex offenses; and to add EM as a specific delinquency disposition that can be ordered by the court.**

The Task Force also recommends the following:

- 3. Funding should be appropriated for EM of youth under the juvenile court's jurisdiction due to sex offense allegations.**
- 4. Prior to any blanket requirement for the use of GPS EM (satellite-based offender tracking) for purposes of monitoring offender compliance with exclusionary zone policies, the use of GPS EM for such purposes should first be studied as a pilot project. Such a pilot project's implementation should include an evaluation of the effectiveness of such a practice and an assessment of the viability of its being expanded.**

## **OTHER TASK FORCE RECOMMENDATIONS**

The Task Force has begun its work to study sex offender risk assessments, to identify best practices in sex offender treatment and to assess the impact of Iowa's new special sentence for certain sex offenders (additional 10 year or lifetime supervision). The outcome of this work and any resulting recommendations will be reported periodically in the months and years ahead. While planning for such extended research, the Task Force considered their legislatively determined agenda and makes the following recommendations:

- 1. The General Assembly should charge the Task Force with examining all Iowa sex offender sentencing policies (and not limit it to a study of the new special sentence), including the short- and long-term impacts resulting from other H.F. 619 sentencing changes (i.e. a new Class A felony for offenders convicted of subsequent sex offenses and an increased penalty -- from Class D to Class C -- for some convictions under Chapter 709.8, Lascivious Acts with a Child).**
- 2. Because the Task Force has been charged with examining a number of sex-offense related issues within the State's juvenile justice system, the General As-**

sembly should revise its requirements for the makeup of the Task Force to require that its membership include a representative from the Judicial Branch's Juvenile Court Services offices. The Task Force also encourages the General Assembly to consider the benefits of having its membership include representatives of the prevention field, municipal law enforcement, sex crime victims or their parents, and reformed sex offenders.

- 3. To achieve a more comprehensive, ongoing review of Iowa sex offense policies and practices, the General Assembly should broaden its charge to the Task Force to encourage it to study and make recommendations on sex offender-related policies and practices other than just the five study issues listed in H.F. 619** (examples of such additional issues include: prevention of sex crimes; sex crimes' effects on victims; investigating sex crimes; computer and internet-related sex crimes; sex offender supervision case management best practices; new technologies for sex offender-related law enforcement, supervision and treatment; residency or safe zone restrictions; and the above Recommendation #1).

### **ONGOING WORKPLANS OF THE TASK FORCE**

Much of the first six months of the Task Force's activities has been devoted to the development and initial activities of work plans for each of the study issues the General Assembly identified for the Task Force. In some cases, the Task Force's work led to recommendations that the Task Force felt should be made immediately. These are outlined above. What follows is a brief overview of how the Task Force will be identifying additional recommendations for periodic submission to the General Assembly.

**SEX OFFENDER REGISTRY:** The Task Force will be requesting updates from the DCI and other officials regarding the recommendations it has made so it can help determine the feasibility and appropriateness of including other state agencies' data systems in the data-exchange efforts; and so it can assist the DCI as it addresses its goal of improving the timeliness of sex offender registry data collection and entry.

**EFFECTIVENESS OF ELECTRONIC MONITORING:** In addition to its plan to monitor and react to the General Assembly's response to its EM recommendations, the Task Force is taking a number of steps to evaluate the effectiveness of EM as it is being used in Iowa. Information about all sex offense charges and the persons charged and convicted of such charges is being collected from data systems of the Judicial Branch and the DOC. As this data accumulates, it will be analyzed to answer questions related to offender characteristics; types of EM utilized to monitor different type of offenders; compliance with EM restrictions and other terms of probation/parole; and, recidivism rates by type of offense, type of offender and type of EM.

**RISK ASSESSMENTS:** The Task Force began a review of sex offender risk assessment models currently being used in Iowa as well as major models in the sex offender risk assessment literature. Since the passage of HF619, the Departments of Corrections (DOC), Public Safety (DPS) and Human Services (DHS), with input from Juvenile Court Services (JCS), identified three instruments to be used for the purpose of assessing sex offenders convicted of crimes against minors; the STATIC-99 and the ISORA-8 for adults and the

JSORRAT-II for juveniles. Each of these instruments is an actuarial measure that uses primarily static (not changing over time) variables to measure risk for re-offense of sex crimes. Validation of these instruments is planned; the results of which will be followed and evaluated by the Task Force in the coming months.

The Task Force will continue to monitor the use of risk assessments and to track data relevant to Iowa using the ongoing review of literature, contacts with researchers and other professionals, and through regular contact with DOC, DPS, DHS and JCS. The study of dynamic variables in risk assessment and the best use of assessments for purposes of public notification, electronic monitoring, treatment programs and supervision concerns will be addressed. Collection and analysis of sex offender case processing data will assist in the examination of the use of risk assessments with Iowa's sex offender population.

The Task Force has suggested that the DCI use the registry website to continue to educate the public concerning risk assessments and to use this website to provide additional updated information for the public's use.

EFFECTS AND COSTS OF THE SPECIAL SENTENCE: To assess the impact of the special sentence, the Task Force has developed the following plan:

- Monitor time served in prison (length-of-stay, or LOS) until first release for those covered by the special sentence; compare with historical LOS for offenders convicted of the same offenses to determine if the existence of mandatory supervision after release affects time served until first release. From this information, develop estimates of the costs or savings resulting from the change in LOS.
- Monitor length of time spent under supervised release by those covered by the special sentence; compare to historical length of release supervision by those previously convicted of the same offenses. From this information, develop estimates of the cost of the additional supervised release in terms of the correctional resources required to provide the additional supervision.
- Monitor recidivism of those covered by the special sentence to determine its impact on recidivism (including new arrests and convictions); compare with historical rates of recidivism for offenders previously convicted of the affected crimes.
- Monitor the extent to which those covered by the special sentence return to prison, and their LOS after return. Compare with historical rates of return to prison and LOS for offenders convicted of the covered offenses. From this information, develop estimates of the costs or savings resulting from any change in rates of return to prison.
- Monitor adjudication practices for those charged with offenses covered by the special sentence. Compare with historical adjudication practices for these offenses to identify any changes attributable to the advent of the special sentence. Using this information, develop estimates of the costs or savings (including prosecution and defense expenses) resulting from any changes in adjudication practices.
- Monitor sentencing practices for those convicted of offenses covered by the special sentence. Compare with historical sentencing practices for these offenses to identify any changes attributable to the special sentence. Using this information, develop estimates of the costs or savings resulting from any changes in sentencing practices.



**TREATMENT PROGRAM BEST OPTIONS:** There has been significant debate over the effect of treatment on the recidivism rates of convicted sex offenders. Some studies show a reduction in recidivism for offenders who receive treatment, while others show little or no benefit. Studies on juvenile sex offenders tend to demonstrate clearer results for treatment's effect on reducing recidivism. At this point in time, there is a clear need for studies that have more scientific rigor than those done in the past, with longer time frames to track new offenses. Until that time, however, the possibility of treatment efficacy should guide treatment options for sex offenders, both juvenile and adult.

The Task Force's plan for reviewing Iowa's treatment efforts is comprised of two parts: the first a comprehensive review of the existing components of both adult and juvenile sex offender treatment; the second an analysis of the implementation of the components of treatment as currently practiced in Iowa. The broad categories of each are listed below. At the end of the review, the Task Force intends to provide the analysis of current practice, make recommendations on improvements where deemed necessary, and make recommendations on policy changes that would support the implementation of the best treatment programming options in Iowa.

**Components of Treatment:**

***Juvenile***

Assessment  
Educational Programming  
Outpatient Treatment  
Inpatient Treatment  
Institutional Treatment

***Adult***

Assessment  
Educational Programming  
Outpatient Treatment  
Institutional Treatment

**Implementation of Treatment - Juvenile and Adult treatment programs:**

Assess Risk  
Assess Treatment and Supervision Needs  
Assess Responsivity Issues  
Reassess

## **Introduction**

### **(Includes Recommendations Regarding Task Force Scope and Membership)**

Through the 2005 enactment of H.F. 619 (see *Appendix A – H.F. 619 Excerpt*), the Division of Criminal and Juvenile Justice Planning (CJJP) was required to establish a task force to study and make periodic recommendations for treating and supervising sex offenders in correctional institutions and in the community. H.F. 619 identified the following study issues to be addressed by this task force:

#### **SEX OFFENDER TREATMENT AND SUPERVISION TASK FORCE STUDY ISSUES**

- **effectiveness of electronic monitoring**
- **updating addresses of persons on the sex offender registry**
- **risk assessment models created for sex offenders**
- **best treatment options available for sex offenders**
- **effects and costs associated with the new ten year or lifetime extended supervision sentence**

H.F. 619 required that membership of the task force (see *Appendix B – Task Force Membership Roster*) was to include members of the General Assembly selected by the Legislative Council and one representative from each of the following:

- Department of Transportation
- Iowa Civil Liberties Union
- Department of Human Services
- Department of Public Safety
- Iowa State Sheriffs and Deputies Association
- Iowa County Attorneys Association
- Department of Corrections
- Board of Parole
- A Judicial District Department of Correctional Services
- Department of Justice
- State Public Defender
- Iowa Coalition Against Sexual Assault

The Iowa Sex Offender Treatment and Supervision Task Force was first convened on September 14, 2005 and met four times prior to the submission of this report. The Task Force established five work groups, one for each of the above listed study issues (see *Appendix C – List of Work Group Members*). Each work group provided input to CJJP as information about the issues was being collected and as recommendations and plans for ongoing Task Force activities were being developed. Each section of this report was reviewed and approved by its respective work group for presentation to the Task Force.

The recommendations and plans identified in this report were approved by all but the legislative members of the Task Force. The four legislative members collectively chose not to approve or disapprove the content of this report because they wanted to have their colleagues in the General Assembly be assured that the input they receive from the Task Force is based on the knowledge, concerns and experience of its members and not on partisan political positions or perspectives.

Consensus was reached by the Task Force at its first meeting that its work is to commence with the assumption that it will be a long-term effort and that it will evolve in the years ahead according to the nature of its periodic findings and in response to policy and practice issues as they surface. Much of the Task Force's activities to date have been devoted to the development and initial activities of work plans for each of the study issues identified by the General Assembly. In some cases, this led to the development of policy or practice recommendations that the Task Force felt should be made immediately. **These priority recommendations can be found in the sections titled “*Electronic Monitoring of Sex Offenders*” and “*Sharing State Government Address Information for the Purpose of Verifying Addresses of Persons on the Sex Offender Registry*.”**

Included in all sections of this report are the Task Force's plans for ongoing studies which will help identify additional recommendations for periodic submission to the General Assembly. The Task Force has begun its work on these plans to study sex offender risk assessments, to identify best practices in sex offender treatment and to assess the impact of Iowa's new special sentence for certain sex offenders. The outcome of this work and any resulting recommendations will be reported periodically in the months and years ahead. While planning for such extended research, **the Task Force considered its legislatively determined agenda and makes the following recommendations regarding its scope and membership:**

- 1. The General Assembly should charge the Task Force with examining all Iowa sex offender sentencing policies (and not limit it to a study of the new special sentence), including the short- and long-term impacts resulting from other H.F. 619 sentencing changes (i.e. a new Class A felony for offenders convicted of subsequent sex offenses and an increased penalty -- from Class D to Class C -- for some convictions under Chapter 709.8, Lascivious Acts with a Child).**
- 2. Because the Task Force has been charged with examining a number of sex-offense related issues within the State's juvenile justice system, the General Assembly should revise its requirements for the makeup of the Task Force so that its membership includes a representative from the Judicial Branch's Juvenile Court Services offices.** The Task Force also encourages the General Assembly to consider the benefits of having its membership include representatives of the prevention field, municipal law enforcement, sex crime victims or their parents, and reformed sex offenders.
- 3. To achieve a more comprehensive, ongoing review of Iowa sex offense policies, the General Assembly should broaden its charge to the Task Force to encourage it to study and make recommendations on sex offender-related policies and practices other than just the five study issues listed in H.F. 619 (examples of such additional issues include: prevention of sex crimes; sex crimes' effects on victims; investigating sex crimes; computer/internet-related sex crimes; sex offender supervision case management best practices; new technologies for sex offender-related law enforcement, supervision and treatment; residency or safe zone restrictions; and the above Recommendation #1).**

# **Electronic Monitoring of Sex Offenders**

## **Section 1 - Background**

### **Introduction**

House File 619 established a new section of the Iowa Code, Section 692A.4A ELECTRONIC MONITORING, which provided certain provisions for the electronic monitoring (EM) of sex offenders (SO). Subsequently, the General Assembly passed House File 882. Section 77 of this bill provides, “Section 692A.4A, if enacted by 2005 Iowa Acts, House File 619, is amended to read as follows: 692A.4A ELECTRONIC MONITORING. A person required to register under this chapter who is placed on probation, parole, work release, special sentence, or any other type of conditional release, may be supervised by an electronic tracking and monitoring system in addition to any other conditions of supervision. However, if the person committed a criminal offense against a minor, or an aggravated offense, sexually violent offense, or other relevant offense that involved a minor, the person shall be supervised for a period of at least five years by an electronic tracking and monitoring system in addition to any other conditions of release.”

House File 619 also requires the Task Force to study and make recommendation on the effectiveness of electronic monitoring.

### **History of Electronic Monitoring**

EM of individuals appears to have begun in the 1980s as an alternative to incarceration. A review of the literature appears to indicate that EM has been utilized almost exclusively to enforce some form of home detention, e.g., house arrest or one or more curfew periods during which the individual was restricted to some specific location, normally home. There are studies of EM in this modality appear to indicate that it is a viable and effective alternative to incarceration.

It has only been in the recent past that technological advancements allowed the global positioning satellite (GPS) system to be incorporated into EM. While SO have been subject to EM in the past as part of the home detention correctional concept, the specific monitoring of the movements of substantial numbers of SO in the community is a relatively new concept, having begun in early 2005. Given the short duration of the concept’s existence, insufficient time has elapsed to evaluate the effectiveness of either the concept or procedures.

## Section 2 – Current Status

### Electronic Monitoring in Iowa

EM in Iowa is currently based on the home detention correctional concept, and performed by an outside vendor pursuant to a contract that will expire in the near future. The monitoring center is located outside the State of Iowa, and reports of violations are normally accomplished by computer generated email to the Probation/Parole Officer (PPO).

Iowa currently utilizes six different types of EM systems. One, Voice Verification, can confirm the presence of an individual at a location where there is a telephone, but is adversely affected should the subject have a cough or cold, or be in a location with a high level of background noise. Another, Video Display/Blood Alcohol Test, can measure the blood alcohol level of an individual, and two, Radio Frequency and Video Display/Blood Alcohol/Radio Frequency, report the times an individual enters and leaves a location with a specific telephone and equipment connected to it. The fifth type, GPS, can record and report where an individual has traveled, but only after the individual returns to a specific location and docks the EM unit being carried with the corresponding base unit which is connected to a telephone line. In Iowa, questions as to the reliability of the GPS equipment and the ability of the equipment to perform in various environments have been raised.

The sixth type of unit utilizes a combination of GPS and cellular telephone technology, and has the *capability* of reporting an individual's location on a near real time basis. For this capability to function there must be operating cellular telephone equipment with sufficient signal strength and in close enough proximity to the subject's location to establish a connection with the cellular telephone. When away from the location where the base unit is connected, the cellular telephone records the locations that the person has traveled to and automatically calls the monitoring center to download the data four times per day. Real time location reporting can be accomplished in two ways. In the first method, the cellular telephone number must be called, and the stored data downloaded. The data, including the last recorded location of the subject, could then be displayed on a computer screen. This process should take approximately five minutes. The second method requires that certain restrictions, or exclusionary zones, be placed on the subject's travel, and that the locations of these exclusion zones be programmed into the monitoring computer. If an exclusion zone is breached, the cellular telephone calls the monitoring center and downloads the stored data, including the violation location.

It should be noted that with a few exceptions found in individual cases, there are no exclusion zones in Iowa, only restrictions on where a SO may reside. State and local laws in Iowa usually provide that a SO shall not reside within a specific distance, usually 2,000 feet, of certain facilities, e.g., schools, day care centers, parks, beaches, etc. At this time, there are no known laws in Iowa that prohibit a SO from being near or at any specified facilities or locations. It is, however, possible to identify such locations for an individual offender, and restrict that offender's proximity to such locations through probation terms or court order.

## Section 3 – Analysis

The enactment of House File 619, as amended by House File 882, as relates to EM has raised some issues that appeared to need clarification. Those issues included, but were not necessarily limited to, the following:

### **Intent of Legislation**

Given the history of the use of EM in Iowa, it might be concluded that the intent of the legislation was to mandate EM to monitor the home confinement of SOs. However, discussion among Task Force members indicates that is not the case. We have concluded that the intent was to monitor the movements of SO as they traveled in the community, and to have the ability to monitor the movements on a real time basis. Given that EM activities center on an offender's location, the value of such information, and how it will help to prevent recidivism and protect the public, are questionable. Iowa law prohibits a registered SO from residing within 2,000 feet of a school, day care center, etc. Unlike in a few other states, Iowa law does not have exclusionary zones where SO are not permitted to be present, i.e., schools, day care centers, beaches, etc. Further, most sex offenses take place in a home, and the victim and offender are known to each other.

Implied with real time monitoring is that notification of violations will take place on an immediate basis, and that some form of immediate action will take place against the violator. There are other states currently performing EM of SO through the use of GPS technology. In some jurisdictions, the monitoring and notification is performed by an outside vendor, while in at least one state, the monitoring is done by state employees. In both types of systems, state employees are on duty 24/7 to either receive the violation notification from the vendor or detect the violation. In most jurisdictions, additional state personnel are on duty 24/7 to identify technological failures that trigger the violation reports so as to avoid unnecessarily dispatching enforcement personnel. It should also be noted that the GPS EM technology is currently the most expensive form of EM, costing as much as \$10.00 per day per EM unit for rental/lease costs only in one state.

In some jurisdictions, that state's equivalents of Iowa PPOs are on duty in the field to take immediate enforcement action against the offender. In other jurisdictions, state employee's dispatch local law enforcement personnel to take enforcement actions against the violating offender. In Iowa, any "enforcement" action would have to be taken by PPOs unless Iowa law is changed. An EM violation is viewed as a violation of the terms of the offender's probation or parole. Under current Iowa law, a PPO may arrest a probation/parole violator without a warrant, but state or local law enforcement officers cannot. Before a state or local law enforcement officer may make an arrest for probation violation, the PPO must contact a judge, explain the nature of the violation and request that an arrest warrant be issued for the offender. If the judge issues the warrant, the offender can then be arrested by law enforcement personnel. Therefore, if the intent of the legislation is to promptly arrest SO on EM when a violation takes place, PPOs would have to be on

duty around the clock to receive violation reports from the monitoring center, and to take enforcement action through either arrests or seeking arrest warrants.

Given the intent of the legislation, it would appear appropriate to consider what benefits the monitoring of the travels of a SO will produce. As previously noted, all forms of EM report, to varying degrees, the location of the person being monitored. Of what value is that information from a supervision point of view? In Iowa, there are currently no SO exclusionary zones, only restrictions on the location of the SO's residence, which historically is the place of occurrence for most sex offenses requiring registry with the SOR. While EM can record the fact that the SO is or is not at home, and in the case of GPS – Cellular, where the SO actually was as recently as five minutes ago, it cannot identify who the SO is with, or what the SO is doing. According to Mr. Paul Lucci, the head of EM for the State of Massachusetts, EM can do several things, but it cannot guarantee anyone's safety.

### **Juvenile Offenders**

By mandating the EM of all SO who had a minor victim, individual SOs under the jurisdiction of the juvenile court were included. The Task Force has concluded that this may have been an unintended consequence of the legislation. While assigning various responsibilities to a number of state agencies, there appears to be no mention of the juvenile court or juvenile court officers (JCO). Further, while many sections of the Iowa Code are cited in the acts, there appears to be no mention of Chapter 232 which governs juvenile justice in Iowa. Finally, while funds are appropriated to various state agencies to pay for the EM of SO, it appears that no funds were appropriated to the judicial branch or juvenile court for the EM of juvenile SO where the juvenile court retained jurisdiction of the case.

Discussions among Task Force members have noted that the most serious juvenile SO are routinely waived to adult court, either statutorily or judicially. It was also noted that most of the historical use of EM by the juvenile court has been to provide a detention alternative, and that the impact of being on a bracelet is different for a juvenile than it is for an adult. The younger juveniles that are handled under the juvenile court's jurisdiction are seldom pedophiles but rather are kids victimizing other kids. Youth developmental factors and the involvement of the parents and schools in the treatment or supervision of juveniles under juvenile court jurisdiction were also discussed as reasons to devise EM policies for juveniles that are different than are those for adults. The Task Force voiced consensus that the blanket requirement to EM all juvenile SO under the jurisdiction of the juvenile court may not constitute the best practice. It was also agreed that decisions regarding the use of EM for juveniles under the juvenile court's jurisdiction should be left to the discretion of juvenile court judges and should be determined on a case-by-case basis.

During its deliberations, the Task Force received written input from the State's eight Chief Juvenile Court Officers. This document (see *Appendix D*), provided the Task Force with information of relevance to the EM study issue as well as other study issues

addressed in this report. It also makes recommendations on issues not addressed in this report.

### **One Size Fits All?**

Iowa law appears to recognize the fact that different offenders have different rehabilitative needs. Both the DOC and Community Based Corrections (CBC) utilize correctional continuums to assist in offender rehabilitation, with each offender receiving only those rehabilitative services deemed necessary. Most criminal laws provide for indeterminate sentencing subject to judicial discretion. For the most heinous crimes there are unvarying, fixed, and long term penalties (life imprisonment without parole upon conviction for first degree murder, first degree sexual abuse and first degree kidnapping, etc.) mandated, and those are very specific, narrowly defined crimes.

Under the provisions of House File 619 as amended by House File 882, all offenders who are required to register with the SOR and who committed a sex offense that had a minor as the victim are subject to mandatory SO EM. Examination of the offenses which trigger the SOR requirement discloses that they are in fact a wide range of offenses; from class A felonies to serious misdemeanors. Such a wide range of offenses would tend to indicate an offender population that is diverse in many ways, including the seriousness of the offenses they commit, their respective rehabilitative needs and their propensity to recidivate. Given that, it is possible that a singular, universal sanction, GPS EM, may not be appropriate for all SO with a minor victim, may in fact be seen as delivering services that are not needed in many cases, may adversely affect sex offender treatment and may result in other unintended consequences.

### **Summary**

EM has been in existence for decades, albeit primarily as an alternative to incarceration. EM has one primary function; that being to record and report where a subject is and where a subject is not. Recent technological advances have combined the cellular telephone with GPS technology so that the cellular phone can track and report a subject's movements throughout the community on a near real time basis. The monitoring of the movements of a substantial number of SO with the GPS technology is a new program, having begun in early 2005. As such, there are no studies to indicate whether or not the program is successful in achieving the goals set for it, or what those goals were. A study of the program's effectiveness should be conducted so as not to waste scarce resources.

House File 619, as amended by House File 882, indicates the desire of the legislature to electronically monitor all sex offenders who are required to place themselves on the sex offender registry and who had a minor as a victim of the sex crime. It appears as if the type of EM intended was the GPS – Cellular Telephone so as to track the movements of the offender in the community on as near to a real time basis as the technology will permit. This goal raises the issues of what such monitoring will do to improve public safety and at what costs. GPS – Cellular is the most expensive form of EM. While cellular telephone coverage in Iowa is generally good, there are many areas where such coverage



is marginal to non-existent, especially in rural areas where many SO are now being required to live by virtue of “the 2000 foot rule”. Under current Iowa law, additional PPO services would be required to receive notifications of violations and take enforcement action on an immediate basis. There are no known exclusionary zones in Iowa for all SO, only restrictions on the SO’s place of residence. While EM can report where an offender has been in the recent past, it cannot tell what the person is doing, whom the person is with or guarantee anyone’s safety.

As previously indicated, the EM of SO through GPS is a new and unproven concept. Questions have been raised about the ability of such a program to prevent recidivism and increase public safety. Concerns have been raised about the reliability of the equipment and the ability of the equipment to function properly in some locations and environments. Implementation of such a program will increase the need for PPOs to both receive violation reports and take enforcement action. GPS is also the most expensive form of EM, costing \$10.00 per day per unit in one jurisdiction. With the DOC’s projection of up to 600 SO to be monitored, the cost of the equipment alone would be in excess of \$2,000,000.00 per year, plus the cost of the additional PPOs, facilities, etc.

## **Section 4 – Task Force Recommendations**

### **1. Replace Section 692A.4A Iowa Code 2005, Electronic Monitoring, by:**

#### **a. Amending Section 906.4 (Standards for release on parole or work release) Iowa Code, 2005, by adding the following paragraph:**

*A person who is placed on parole, work release, special sentence or other form of conditional release for an offense requiring that person to register under Chapter 692A may be supervised by an electronic tracking and monitoring system in addition to any other conditions of supervision. Based on the assessment of risk as required by Section 692A.13, the record review conducted by the board of parole pursuant to Section 906.5(3), the information provided to the parole officer pursuant to Section 906.11, guidelines developed by the department of corrections and judicial district departments of correctional services and any other pertinent facts, the parole officer supervising the person shall decide whether or not the person shall be required to submit to electronic tracking and monitoring, and if so, what type of electronic monitoring device shall be utilized. Nothing in this paragraph shall be construed as prohibiting, or limiting the authority of, the board of parole to require a person under the supervision of the board to submit to electronic tracking and monitoring.*

- b. **Amending Section 907.6 (Conditions of probation - regulations) Iowa Code, 2005, by adding the following paragraph:**  
*A person who is placed on probation, work release, special sentence or other form of conditional release for an offense requiring that person to register under Chapter 692A may be supervised by an electronic tracking and monitoring system in addition to any other conditions of supervision. Based on the assessment of risk as required by Section 692A.13, the pre-sentence investigation of the person, if any, guidelines developed by the department of corrections and judicial district departments of correctional services and any other pertinent facts, the probation officer supervising the person shall decide whether or not the person shall be required to submit to electronic tracking and monitoring, and if so, what type of electronic monitoring device shall be utilized. Nothing in this paragraph shall be construed as prohibiting, or limiting the authority of, a court to require a person sentenced by that court to submit to electronic tracking and monitoring.*
- c. **Amending Chapter 232 (Juvenile Justice) of the Iowa Code to provide that, in cases involving sex offenses that would require the subject to be placed on the Sex Offender Registry if he/she were an adult, the appropriateness and benefits of electronic monitoring are to be considered in the preparation of informal adjustment agreements, consent decrees and predisposition reports; and, add electronic monitoring as a specific delinquency disposition that can be ordered by the court.**
2. **Funding should be appropriated for electronic monitoring of youth under the juvenile court's jurisdiction due to sex offense allegations.**
3. **Prior to any blanket requirement for the use of GPS EM for purposes of monitoring SO compliance with any blanket exclusionary zone policies, the use of GPS EM for such purposes should first be implemented as a pilot project in one or more local jurisdictions. Such a pilot project's implementation should include an evaluation of the effectiveness of such a practice and an assessment of the viability of its being expanded statewide.**

## **Section 5 – Long Range Task Force Plans**

Given that the EM of the movements of a substantial number of SO in the community is a relatively new concept, no studies have been published indicating the effectiveness of the concept or the procedures. In order to evaluate the effectiveness of EM in Iowa, information about all sex offense charges and the persons charged and convicted of such charges will be collected. The collection of such data will provide a source of information which can also be analyzed to answer questions relating to offender characteristics, the types of EM utilized to monitor different type of offenders, compliance with EM restrictions, compliance with other terms of probation/parole, recidivism rates by type of offense as well as other questions of interest.

# **Offender Address Information on the Sex Offender Registry**

## **Section 1 - Background**

### **Introduction**

H.F. 619 requires the Task Force to “develop a plan to integrate state government databases for the purpose of updating addresses of persons on the sex offender registry.” Based on this requirement’s intent to improve the accuracy of the registry’s sex offender residency information and to speed up the submission of address information to the registry, the Task Force has developed a plan that presents options and makes recommendations for state government agencies to share address information with the Division of Criminal Investigation (DCI) within the Department of Public Safety (DPS). And, the Task Force plan that is presented below also makes recommendations that would speed up the transmitting of sex offender address information from Sheriff’s Offices to the DCI.

### **Iowa’s Sex Offender Registry**

Iowa Code Chapter 692A establishes the Sex Offender Registry which became law on July 1, 1995. An individual who has been convicted or adjudicated of a criminal offense against a minor, sexual exploitation, or a sexually violent crime or who was on probation, parole, or work release status, or who was incarcerated on or after July 1, 1995 is required to register. Registration does include individuals that have received a deferred sentence or deferred judgments and can include convictions from other jurisdictions such as other states and/or federal convictions. The purpose of the registry is to provide members of the public a means to protect themselves from individuals who have committed an offense that requires registration on the Sex Offender Registry. Offenses that require registration are defined in Iowa Code Chapters 692A and 709.

### **Review of the Issue**

The addresses of offenders on Iowa’s sex offender registry are updated by the DCI as address information is made available to them. This is done through the efforts of state and local law enforcement agencies or by the offenders themselves. This process is intensely paper-based and no mechanism is presently in place to provide additional sources of address information to the DCI to verify addresses or to investigate sex offender residency compliance.

Currently, various government agencies maintain addresses of individuals who may, or may not, be on the sex offender registry. These addresses are maintained for a variety of reasons and are necessary for the agency to provide their services. These addresses could provide the DCI with a valuable information resource related to sex offenders and where they reside. Additionally, Sheriff’s Offices are required to report address changes related to sex offenders residing in their counties. This process is required by law but no process is in place to electronically facilitate the transfer of this information. This report intends to review these issues and provide options for providing address information to the DCI

for the purpose of investigating residency compliance by persons on the sex offender registry.

## **Section 2 – Current Status**

### **Current Process**

Iowa Code Chapter 692A.2 states, “A person who has been convicted of a criminal offense against a minor, an aggravated offense, sexual exploitation, an other relevant offense, or a sexually violent offense in this state or in another state, or in a federal, military, tribal, or foreign court, or a person required to register in another state under the state's sex offender registry, shall register as provided in this chapter.” Additionally, the Code specifies the duration of time the offender must be placed on the registry which varies from 10 years to life depending on the specific nature of the offense.

Depending on the circumstances, a person who is required to register must:

- Register with the sheriff of the county of the person’s residence;
- Register with the sheriff of the county where the person is a non-resident if the person is a full-time or part-time student or employee;
- Notify the sheriff of the county in which the person is registered if there has been a change of name, address or telephone number;
- Register with the sheriff of the county into which a person moves and notify the sheriff of the county from which the person is moving;
- Notify the sheriff of the county where a person is registered if the person relocates outside the state.

These registrations and notifications with the sheriff(s) must occur within five days of a registrant’s change of status. The intentional failure of a person to register as required can result in additional sanctions ranging from an aggravated misdemeanor to a class “C” felony. The sheriff is required to notify the Department of Public Safety within three working days of any changes received pertaining to the status of persons registered within their county.

The Department of Public Safety is required to verify the address of a person on the registry on an annual basis. This is done via U.S. mail. The Department mails an address verification form to the registrant’s last reported address. The person then has ten days to complete the form and return it to the Department. If the person has been identified as a sexually violent predator the address verification is required to be done every three months.

It is the Department of Public Safety’s responsibility to develop and disseminate all the forms necessary for registering and verifying the addresses of persons required to be on the registry. Additionally, they are responsible for maintaining the Iowa sex offender registry.

## **State Government Resources**

Numerous state government agencies maintain information that contains the names and addresses of citizens of this state. Maintaining these addresses is critical for agencies to perform their duties, is essential for them to maintain operational effectiveness, and in many cases is necessary for them to comply with legal requirements. While most of these agencies are not considered criminal justice agencies their information might be tapped by the DCI to verify the addresses of those persons on the sex offender registry, and for investigating residency compliance.

### **Section 3 - Analysis**

The current process the DCI uses to gather address information for the sex offender registry is a paper-based process that relies on compliance by the registrant to provide the necessary information to the Sheriff's Office. Additionally, a significant time commitment is required on the part of the Sheriff's Office to process this paperwork. This methodology does not maximize the use of available technology to transfer this information electronically. This causes time lags, increased postage costs, and additional human resource requirements to forward the information on to the DCI. Furthermore, the practice of verifying the addresses of registrants via mail is problematic because of the generally unreliable nature of the registrants as well as the increased time and cost associated with mail delivery. Also, the practice of doing on-site address verifications by state and local law enforcement agencies creates an additional workload burden on those agencies at a time when resources are already stretched thin.

Many state agencies maintain address information which could be beneficial for verifying the addresses of persons on the sex offender registry. However, these information resources are currently not shared with the DCI because no official mechanism has been established to do so. This results in the loss of potentially valuable information which the DCI could use to verify sex offender address information. There are, however, options available today that can provide the ability for address information to be shared electronically between state government agencies and the DCI.

A key issue that the DCI needs to take into consideration when verifying addresses of persons on the sex offender registry involves the use of personal identifiers of individuals whose addresses are being verified. Currently, the registrant provides the address to the DCI, through the county Sheriff. When the DCI takes information from other information resources and compares it to the addresses on the registry, then appropriate identifiers must be used to ensure that the person and address listed on the registry is the same person shown on the information being used for verification. Specific identifiers may include, name, sex, date of birth, address, social security number, and date of latest address. Also, privacy and legal issues surrounding the sharing of information with the DCI will need to be considered as information from other state agencies is shared in the absence of an investigation. These requirements will need to be explored with the participant agencies.

## Section 4

### Options for Allowing State Government Agencies to Share Address Information with the DCI

**Option A** - The State could utilize a batch file transfer process for the transferring of address information. Under this scenario, participating state agencies would transfer a “snapshot” of their database address information to a specific server location in the Department of Administrative Services, Information Technology Enterprise (ITE). This would be done on a regularly scheduled basis. The DCI would also send to the same server information from the sex offender registry, again, on a regularly scheduled basis. The only information that the DCI would send would be information from the sex offender registry. This information would be compared with the address information supplied by the other agencies. All access to the information would be restricted and have stringent security standards applied to ensure that the information is not compromised. Only very specific information would be shared between approved, authorized users. The staff in DAS/ITE would be responsible for all server programming and security applications.

**Implementation Strategy** – The Department of Corrections (DOC) is used here as an example to help clarify this option but this same process can be used with other state agencies if so desired. It may be advisable to utilize the DOC as the first agency to participate in this project. This would allow the process to be refined prior to a larger implementation of this option.

The Iowa Department of Corrections currently operates the Iowa Corrections Offender Network – ICON. This system maintains all information related to inmates involved in Iowa’s correctional system including both institutions and Community Based Corrections (CBC). For CBC, this information includes addresses of those offenders who are required to be on the sex offender registry. The current addresses on ICON are based on information provided as inmates enter into supervision and are updated as the offender moves and notifies his/her parole or probation officer (PO) of this move. There is a verification process by the PO as home checks are conducted on a certain level of offender. Low risk probations and pretrial release with supervision offenders are not required to have updated address information in ICON at this time. For the prisons, no address information is entered until the offender leaves the prison, via expiration of sentence, work release or parole. At the point of release, the prisons enter a "forwarding address" into ICON and check off the forwarding address checkbox. It is important to note that this forwarding address may not be the address where the offender will reside, but rather is where the offender wants any mail or property sent. It would be important that this information not be fed to DCI for this reason. The address where the offender will reside, if on parole will be entered by CBC staff. It is also important to note that work releasees, while in the facility will not have the address of the facility entered into the address information screen. However, the location of the work release facility where a particular offender resides may be extracted as part of the supervision status changes discussed below.

With the above caveats, ICON can provide current address, address changes, and supervision status changes to the DCI system. An example would be:

An offender is in prison so his supervision status is prison and is granted work release. ICON can supply to DCI when that prison supervision status closes and the new supervision status of work release, along with the name of the facility where the offender is residing. Likewise, when an offender's probation, parole or work release is revoked ICON can supply DCI with the date of the revocation along with the start date of the prison supervision status.

Other pieces of information ICON could share with DCI include supervision modifiers. An example of a supervision modifier would be if an inmate escaped or absconded supervision.

The ICON system contains a variety of personal identifiers which are used to identify the offender. These are critical to ensuring positive identification of those offenders in ICON who are also registered sex offenders. These identifiers include name, date of birth, sex, and social security number. After the initial match is made via these identifiers, DCI could store the offender number. Likewise, a checkbox or matching identifier could be placed on ICON to denote the offender is on the sex offender registry. This would facilitate the file transfer and sharing of information. It should also be noted that physical identifying information from ICON (such as height, weight, etc.), could serve as an update to the DCI information. Additionally, the addresses are entered with the date that the address was last updated. Once received by DCI it is manually re-entered onto the sex offender registry and ultimately posted on the sex offender registry web site if the DCI is comfortable with its veracity.

Every week the DOC would extract information from the ICON system and execute a batch file transfer to a specific server location in ITE. This transfer would occur on a weekly basis and represent a "snapshot" of the information as it appeared in their system at the moment of the transfer. The information transferred would include name, date of birth, sex, social security number, address and date that the address was entered into their system. The DCI would also, on a weekly basis, transfer sex offender registry information to the same server. The server would be programmed by ITE staff to automatically do comparisons between the registry information and the information provided by the DOC. If all of the information fields matched then no action would occur. However, if there was a discrepancy between the address shown on the DOC system and the address shown on the registry then that information would be flagged with the discrepancy identified and the DCI would receive a notification. The DCI would then do an investigation or other manual intervention to determine why the discrepancy occurred and which address is correct. Once resolved to their satisfaction, the DCI would update the registry as well as the corresponding information posted on the public facing web site. The address information would only be maintained on the server long enough to do a comparison and then it would be purged.

**Cost** – The cost to implement this option is approximately \$30,000.

**Pro** - Establishing a new server or utilizing an existing server could be done relatively inexpensively and would provide a mechanism to exchange address information electronically between large numbers of agencies. This methodology would give the DCI a wide base of address information to review and analyze. Since batch file transfers may utilize the Iowa Communications Network (ICN) this option could potentially maximize the use of an existing resource. This server would provide the DCI with an excellent database resource for residency compliance issues.

**Con** – The information would not be “real-time.” Even with pre-determined schedules some agencies may not be timely in doing a file transfer, if they do it at all. Workloads, funding, staffing, and unexpected circumstances can all affect the agencies’ ability to send information on a timely basis. Similarly, these same factors can affect the DCI’s ability to analyze the information on a timely basis. This option would require the participant agencies to perform additional functions to get the information transferred - it would not be a transaction-based process. It also would require additional workload demands on DCI staff to review the information. The issues of staff workload, information accuracy from multiple sources, privacy and positive-identification factors, may be of some concern.

**Option B** – The State could implement an information adapter framework to transfer address information from participating state agencies to the DCI. Under this scenario, the DCI, as well as each participating state agency that has address information to share, would have an adapter installed and programmed on the necessary system. These adapters would be specially programmed to search for specific names and personal identifiers as provided by the DCI. On a regular basis the DCI would send from their system to all systems with adapters installed the name, address, sex, social security number, date of birth, and date of the latest address of those persons listed on the sex offender registry. The adapter would then automatically search for these same identifiers on the receiving system. If no match or “hit” is found then no action would be taken. If a hit was made then an automatic notification would be sent to the DCI which would enable them to begin a residency compliance investigation.

**Implementation Strategy** – Utilizing the DOC as the initial agency, adapters would be installed on the DCI’s host system as well as the DOC’s ICON system. Initially, the name, address, sex, social security number, date of birth, and date of the latest address of all persons listed on the registry would be sent from the DCI to the DOC for potential matches. Thereafter, the DCI will only send search requests to the DOC as changes are made to the information contained on the sex offender registry. Any matches detected, either initially or as updates are made to the registry, would require the DCI to immediately open a residency compliance investigation. The entire search and notification process would be automated and operate in real time.

**Cost** – To utilize the DOC as the first agency to participate in this project under this option it would cost between \$450,000 - \$550,000 in start up costs to establish adapters on



the DPS and DOC systems. It would then cost approximately \$80,000 in maintenance each year thereafter. Additional agencies could be added on for approximately \$50,000 per agency.

**Pro** - This type of information sharing architecture is open, flexible and web enabled so it could also be used to share other types of information between different state agencies. This could aid an agency's operational effectiveness. This option would operate in a real time manner so that in the event of a match there would be no lag time notifying the DCI that a review is in order. After the initial installation and programming there would little or no additional work or maintenance required by the participating agencies

**Con** – Maximizing the use of this type of robust technology would require more of a financial commitment on behalf of the State. There would be a longer assessment, development, and implementation process required to purchase, install, and program the necessary adapter framework.

**Option C** – There are a variety of issues, both technical and business related, that surround the sharing of address information from state government databases with the DCI for the purpose of providing the DCI with a residency compliance and address verification tool. These issues, ranging from financial limitations to information accuracy to privacy to, which are discussed in this document, may prove to be of such concern that maintaining the status quo at this time might be the preferred option.

## **Section 5**

### **Options for Transmitting Sex Offender Registration Information from the Sheriff's Offices to the DCI**

**Option D** – As discussed in Section 3 above, the current process the DCI uses to gather address information for the sex offender registry is a paper-based process that relies on compliance by the registrant to provide the necessary information to the Sheriff's Office. A significant time commitment is required on the part of the Sheriff's Office to process this paperwork. This methodology does not maximize the use of available technology to transfer this information electronically. This causes time lags, increased postage costs, and additional human resource requirements to forward the information on to the DCI. The DCI could develop a standardized Microsoft WORD template or fillable Portable Document Format (PDF) that Sheriff's Offices across the state would use to send registrant information to the DCI on e-mail. The capability to receive information from the Sheriff's Offices in this manner would increase the efficiency of staff resources, provide registry information to the DCI (and ultimately the public) in a more timely manner and further the cooperative effort between Iowa's county sheriff's offices and the DCI. This option will provide the Sheriff's offices with the ability to enter and submit new registrations and address change information to the DCI in a faster, paperless manner.

During the average month employees of the Sex Offender Registry process 50 new registrations and 400 address changes. A Microsoft WORD template or fillable PDF trans-

mission capability will provide an electronic submission process which will ultimately provide more accurate and up-to-date information to the citizens of Iowa.

**Implementation Strategy** – The DCI could take the current sex offender registration document and develop it into a Microsoft WORD template or fillable PDF that would then be disseminated electronically to Sheriff’s Offices across the state via e-mail. The DCI could then implement a training, education and outreach strategy with the Sheriff’s Offices to familiarize them with the form and the new submission process. After sufficient training and education has taken place the DCI could then begin receiving the sex offender registrations electronically from the Sheriffs. This information could be sent by anyone with e-mail access and would be transported as an e-mail attachment. These registrations would be sent to a central “mailbox” in the DCI that is available to authorized sex offender registry staff. The DCI could also take a phased in implementation approach or begin with a small subset of Sheriffs on a pilot project prior to a statewide roll out. This would allow the system’s functionality to be tested and refined prior to a larger implementation.

**Cost** – This option could implemented at no additional cost.

**Pro** – The registrant’s information would be received by the DCI from the Sheriff much faster than the current paper-based process of 1-3 days. There would be cost savings by the Sheriffs Offices as postage and paper costs are reduced. There would be savings associated with human resources as the information would be entered more quickly and accurately. There would be an elimination of the current time lag between when the offender registers with the Sheriff and when that information ultimately gets posted on the public web site. This could be done quickly and inexpensively.

**Con** - There may be some Sheriff’s Offices that do not have or have limited access to a computer or e-mail. The capability to transmit information in a timely manner may be impeded if the e-mail system is “down”. Also, as with any public e-mail the possibility exists that the transmissions may be corrupted by a virus attack or some other type of intrusion. There may be a limited file size for attachments which could impact functionality. The DCI “mailbox” may not provide the capability to “query” the information in an electronic fashion which may require them to transfer the information to another location for analysis and review. This process would still require the DCI to manually re-enter the information into the sex offender registry.

**Option E** – Although similar in many ways to Option D, the Sheriff’s Offices could transfer the sex offender registrations to the DCI electronically utilizing a specially designed, customized web site. This process would allow Sheriff’s Offices to “post” their sex offender address information on a secure web site established by the DCI. This web site would require users to log in and would also require the use of a user name and password. As with Option D, this option would require the DCI to develop a standardized Microsoft WORD document or fillable PDF that would be used by all Sheriff’s Offices across the state.

**Implementation Strategy** - The DCI could take the current sex offender registration document and develop it into a Microsoft WORD template or fillable PDF that would then be posted on a secure, web site developed to receive the sex offender registration information from the Sheriffs. Working in conjunction with each Sheriff's Office the DCI would provide user names and passwords to the appropriate persons to allow them to "post" information on the web site. After testing the system and conducting an education and outreach strategy with the Sheriff's Offices, the DCI would begin allowing the Sheriff's to post the information on the site. Only authorized users would be allowed to access and utilize the site. It would not be public. As information gets posted by the Sheriff's Offices the DCI would be the custodian of the information and be responsible for reviewing and transferring the information to the sex offender registry as well as the public web site. Authorized DCI staff would review this information on a regular, pre-determined basis.

**Cost** – Utilizing the State's existing contract with Iowa Interactive this option could be implemented at no additional cost.

**Pro** – Utilizing a web site is an inexpensive option. It is more secure than conventional e-mail since it requires a user id and password and can be limited to specific individuals. However, it maintains the flexibility of allowing multiple, authorized users to utilize the site. It would only require the Sheriff's Offices to have a computer and Internet access to utilize.

**Con** – If the Internet goes "down" the capability to transmit the information would be disrupted. There would be some initial set up requirements by the DCI that will require a longer implantation and start up period. Dial-up access to the Internet could result in slow access to the web site. There would be additional technical considerations, i.e., firewall issues, etc., that the DCI will need to address. It would still require the DCI to manually re-enter the information onto the sex offender registry.

**Option F** – The Department of Public Safety could make some technological enhancements to the IOWA System which would facilitate the transfer of sex offender information from the Sheriff's Offices to the DCI. This would involve installing a software package on the IOWA System that will provide Sheriff's Offices the ability to enter new registrations and address change information into an electronic format and submit this information to the sex offender registry office electronically. This will reduce the amount of time it takes from when a person registers or changes address and when the information is entered into the database and web site. Additionally, this option will allow the DCI to review the information and directly download it into the registry. This would eliminate the need for DCI to manually re-enter the information as the current process requires.

**Implementation Strategy** - The DCI could purchase and install the necessary software package on the IOWA System. This package would allow all authorized IOWA System users to log on to the system, with appropriate user id and password, enter the necessary sex offender registration information, and then automatically transmit it to the DCI. The DCI, after reviewing this information could then download it directly into the registry.

Prior to taking this action the DCI would need to conduct an education and outreach strategy that would familiarize the Sheriff's Offices with the new process.

**Cost** – It would cost approximately \$190,000 to purchase and install the necessary software to implement this option.

**Pro** – This option would maximize the use of an existing system, the IOWA System, which is the standardized information system used by law enforcement. It would be a secure system for transmitting information since it would allow only IOWA System authorized users to utilize it. It would allow DCI staff to review the information and then automatically download it to the registry rather than having to re-enter it.

**Con** - It is possible that the person in the Sheriff's Office who is predominantly responsible for collecting sex offender information may not be IOWA System certified. This could create multiple data entry issues for the Sheriff's Offices.

**Option G** – There are a variety of issues surrounding the electronic transmittal of sex offender registration information from the Sheriff's Offices to the DCI. These issues, ranging from financial limitations to training requirements to system access, which are discussed in this document, may prove to be of such concern that maintaining the status quo at this time might be the preferred option.

## Section 6 – Task Force Recommendations

After reviewing the above options the Task Force makes the following recommendations:

**Recommendation 1** - To transmit address information from state agencies to the DCI for the purpose of verifying addresses of persons on the sex offender registry **Option A is recommended.** The use of batch file transfers can be implemented relatively quickly and economically and at the same time provides important address information to the DCI for residency compliance review and investigations. If the issue of cost is not a concern the use of information adapters as discussed in Option B is a much more robust technological option that has distinct benefits and advantages. Option A should initially be implemented using the Department of Corrections. The Department of Transportation should be phased in next after the DOC phase has been implemented. Additional State agencies will be considered after the Task Force has had an opportunity to review and discuss those agencies' participation. It is stressed that stringent security standards should be applied to this option to ensure that information is not shared outside of proper channels. It is recommended that the DCI provide a status report to the Task Force six months after implementation of this option.

**Recommendation 2** - To transmit sex offender registration information electronically from the Sheriffs Offices to the DCI **Option E is recommended.** The use of a customized web site is a fast, secure, and simple way to exchange information over the Internet and may provide the DCI with additional information sharing capabilities beyond the use

of simple e-mails. The DCI should do an exhaustive review of this option for any possible legal ramifications related to the storing, transmission, and maintenance of original sex offender registrations. After this review, the DCI should establish the necessary procedures, protocols, and administrative rules (if necessary) to implement this option. It is recommended that the DCI provide a status report to the Task Force six months after implementation of this option.

## **Section 7 - Conclusions**

Utilizing address information from state government databases for the purpose of providing the DCI with a sex offender residency compliance tool can be accomplished through the proper application of technology. Similarly, using technology to transmit sex offender registration information from the Sheriff's Offices to the DCI can also be streamlined through electronic means. However, certain policy decisions must be addressed in order for this to be successful. The DCI should review their business rules regarding which address will be used on the registry if there are multiple addresses found for the same registrant. Also, code changes may need to be considered in order to mandate participation in this process by state agencies or their participation could be sporadic. Participant agencies will also need to review the state and federal laws that govern the use and dissemination of the information that they main

# **Risk Assessment Models Created for Sex Offenders**

## **Section 1 – Background**

### **Introduction**

Congress passed the Jacob Wetterling Act in 1994 requiring states to create registries of sex offenders convicted of sexually violent offenses or crimes against children. In July 1995 the Iowa Legislature enacted the Iowa Sex Offender Registry as chapter 692A, Code of Iowa. Responsibility for maintaining the sex offender registry was placed with the Department of Public Safety.

Megan's Law, amending the Act in May 1996, placed sex offender information in the public arena by requiring states to disclose information to the general public under specific guidelines. In response to the Megan's Law, the Iowa Legislature amended Chapter 692A, Code of Iowa, to allow for public notification of those convicted offenders who are required to register, and are deemed at risk to re-offend. Iowa law mandated that all offenders who were required to register as sex offenders must be assessed in order to determine level of risk. Assessments were to be conducted at the time of release from custody or upon placement on probation.<sup>1</sup>

- The department of corrections prepares risk assessments for persons who are incarcerated in a department of corrections institution and persons who are under the supervision of a judicial district department of correctional services.
- The department of human services prepares risk assessments for persons who are confined in institutions under the control of the director of human services and persons who are under the supervision of the department of human services.
- The division of criminal investigation prepares risk assessments for sex offender registrants who have moved to Iowa but are not under supervision of the department of corrections, a judicial district department of correctional services, or the department of human services.
- When determined appropriate by a juvenile court judge, a juvenile court officer performs the assessment for juveniles who are adjudicated delinquent for a sex offense.

An oversight committee comprised of officials from Department of Public Safety (DPS), Department of Corrections (DOC), Department of Human Services (DHS) and Juvenile Court Services was established to review existing sex offender risk assessments, select an instrument that could be used for both juveniles and adults, train appropriate personnel in how to use and interpret the assessment, pilot the instrument to determine concerns and issues prior to implementation, implement a sex offender assessment tool by July 1, 1998 and study the instruments' validity in Iowa. Criminal and Juvenile Justice Planning (CJJP) was asked to provide technical assistance to this effort. Adapted from the New York risk assessment tool, the Iowa risk assessment was developed to assess level of risk and to determine who should be the subject of public notification. Risk assessments were completed for all sex offenders within the corrections system beginning July 1998.

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<sup>1</sup> IAC 201-38.3(692A); Iowa Code 692A.13

A process was set up at that time to study the Iowa risk assessment tool. In addition to the risk assessment, a study instrument “face sheet” was designed which included additional items potentially relevant to recidivism prediction. From July 1998 through October 2000, the face sheet was completed along with the risk assessment for the purpose of establishing a database for analysis. CJJP conducted a validation study of the risk assessment used in Iowa along with a research study of additional items. This study was on adult offenders only since there were not an adequate number of juvenile sex offenders to go forward with a juvenile instrument. Findings were presented to the Department of Corrections and Department of Public Safety beginning in April 2002 and a series of meetings and discussions took place during the next 12 months. Analyses of the findings suggested that a more predictive model could be developed using only eight of the variables studied. During discussions this model was referred to as the Iowa Sex Offender Registry Risk Assessment-8 (ISORRA-8).

In 2004 the Iowa legislature repealed the risk assessment law for registration purposes. The assessments were no longer necessary since it was determined that all offenders would be placed on the Iowa Sex Offender Registry website. Risk assessments for sex offender registry purposes were discontinued following approval of this revision by the governor.

### **House File 619**

House File 619 requires the Task Force to study risk assessment models created for sex offenders. House File 619 also reinstated the risk assessment law for those offenders convicted of crimes against minors and required the Department of Corrections, the Department of Human Services and the Department of Public Safety, in consultation with the Attorney General, to develop methods and procedures for the assessment of risk. Their joint decision on risk assessment instruments resulted in the selection of three separate tools:

- **STATIC-99** Sex Offender Risk Assessment for adult male sex offenders age 18 and over and juvenile sex offenders waived to adult court.
- **ISORA-8** Sex Offender Risk Assessment for adult sex offenders for whom the Static '99 was not designed to assess (females, no contact offenders or offenders with no specific identified victim). When selecting this assessment, the name of the predictive model described above was shortened to “Iowa Sex Offender Risk Assessment-8” (ISORA-8).
- **JSORRAT-II** Assessment for all juvenile sex offenders under the jurisdiction of Juvenile Court Services

These tools are being used to assess the risk to re-offend for sex offenders convicted for sex crimes involving a minor. The cut-off scores for the STATIC-99 and the JSORRAT-II were determined by the authors of the instruments. The ISORA-8 cut-off scores were determined by DOC, DPS & DHS through their selection of the “best” of several options presented in the original predictive model research. The category of risk is to be included on the sex offender registry website as required by the legislature for persons whose victims were minors.

In addition to their use for notification purposes on the sex offender registry, these risk assessment tools are being considered as a source of helpful information when making decisions that

need to be made for electronic monitoring, treatment, placement in residential facilities, supervision, civic commitment and other program strategies.

## **Section 2 – Current Status**

### **Sex Offender Registry**

The three instruments listed above are currently being used for determination of classifying risk for sex offenders with minor victims. The category of risk (high, moderate, low) is included on the sex offender registry website. Only staff members who have received formal training provided by the Department of Corrections on the use of the STATIC-99 and the ISORA-8 are qualified to conduct these risk assessments. Juvenile court officers who have been trained on the use of the JSORRAT-II for juvenile sex offenders will be conducting these assessments.

### **Plans for Validation of Current Iowa Risk Assessments**

A validation plan is being developed at the Department of Corrections for the validation of the STATIC-99 and the ISORA-8 in Iowa, which will include quality control issues. Plans are currently being developed for the auditing of risk assessments, re-training, and inter-rater reliability testing. In addition to assessing risk for sex offenders with minor victims, the Department of Corrections is conducting both the STATIC-99 and the ISORA-8 on all sex offenders under supervision to the department until there is enough data for a validation study. A comparison between these two instruments will be made to determine their comparative predictive value. The scope and level of sophistication for this validation study have not been determined and no resources have been specifically allocated for it.

A plan is in place for the validation of the JSORRAT-II by Iowa State Professor Douglas Eppesen, Ph.D., the developer of this assessment instrument. The validation will be a retrospective study with a selected representative statewide sample of approximately 500 juveniles. Data will be collected from existing case files, which will be copied and transported to Iowa State University for review. The file copies will be destroyed at the conclusion of the study. The JSORRAT-II will be scored by trained research assistants who will also collect about 30 additional variables for research purposes. Data will be analyzed to assess the predictive accuracy of the JSORRAT-II in predicting juvenile sexual recidivism and to identify optimal cut-scores for risk levels. Results will be documented in summary reports. A funding source has been identified for this project.

## **Section 3 – Analysis**

“Risk assessment is one of the most important and most frequent tasks required of those working with sexual offenders. Formal risk assessments are needed for many important decisions, including sentencing, family reunification, conditional release, and civil commitment. Risk assessment can also assist in the case management and treatment of sexual offenders. Community supervision officers routinely look for signs of imminent relapse. Treatment providers wonder whether their clients are getting better or worse.” (ATSA, January 2000)



## **Risk Assessment Models**

Methods of assessing risk can be generally categorized as actuarial, clinical or some combination of each. Based on Doren's "Evaluating Sex Offenders: A Manual for Civil Commitments and Beyond" (2002) and supported by other research, Hanson (1998) and Pythress and Hart (1998), risk assessment models can be placed within six methodological structures.

### 1. Unguided clinical judgment

A process by which a clinician reviews case materials without any significant assumptions prioritizing the relative importance of the data obtained.

### 2. Guided clinical judgment

Clinicians start with some assumptions of what is important based on the clinician's own ideas and theories without significant concern of their overlap and support from research. This approach is similar to unguided, but clinicians have a better chance of being more consistent across cases than those using the unguided approach.

### 3. Clinical judgment based on an anamnestic approach

This clinical approach uses the individual's own history as a guide to determine the factors that are relevant to recidivism risk.

### 4. Research-Guided Clinical Judgment

A pre-determined set of research-supported factors are considered and given weight in determining risk. This approach results in consistency across cases of a similar nature based on research.

### 5. Clinical Adjusted Actuarial Approach

One or more actuarial instruments are used in this approach with adjustments to the actuarial results based on clinically derived considerations. Adjustments may or may not be based on supported research.

### 6. Purely actuarial approach

This approach uses actuarial instruments with no adjustments beyond those instrument's results. Clinicians remain focused on specific risk factors and avoid being swayed by emotionally appealing, but non-relevant issues.

Research indicates that actuarial risk assessments achieve greater accuracy than clinical models due to the stability of historical factors in determining risk. However, most actuarial methods are inherently insensitive to change and are unable to measure possible changes in risk levels or to determine how or when to intervene. To fill that gap researchers are focusing on dynamic factors that can change over time and combining them with static variables in risk assessments.

Sex offender risk assessments have been extensively studied by leading researchers in the field. There appears to be no significant difference in predictive strength between the commonly used actuarial measures. This does not mean that all risk assessment instruments would be appropriate for all sex offenders as each instrument is developed on a specific population using static fac-

tors or dynamic factors or a combination of each. In particular the majority of research has concentrated on the adult male population. Very little research has been done for juvenile sex offenders and almost none for female offenders.

The following table shows results of a prediction study conducted in by Robert J. McGrath (2003) one of the leading researchers in the field of sex offender risk assessment. Six prediction methods are displayed with the predictive validity of each. All actuarial scales show moderate predictive validity for sex offense recidivism; two scales also show moderate prediction for violent offenses.

Method	Predictive Validity			Purpose	Description
	Sex	Violence	Any		
Clinical Judgment	Low	Low	Low	Assess re-offense risk among sex offenders	Meta-analysis of 61 follow-up studies (n=23,393) that examined factors related to recidivism among sex offenders
MnSOST-R – Minnesota Sex Offender Screening Tool-Revised	moderate	--	--	Assess sexual re-offense risk among adult rapists and extra-familial child molesters	16 items (static and dynamic) scored by clinical staff or case managers using a weighted scoring key
RRASOR – Rapid Risk Assessment for Sexual Offense Recidivism	moderate	--	--	Assess sexual re-offense risk among adult sex offenders at 5 and 10-year follow-up periods	4 items (static) scored by clinical staff or case managers using a weighted scoring key.
STATIC-99	moderate	moderate		Assess sexual re-offense risk among adult sex offenders at 5, 10, and 15-year follow-up periods	10 items (static) scored by clinical staff or case managers using a weighted scoring key
SVR-20 – Sexual Violence Risk-20	moderate	--	--	Assess sexual re-offense risk among adult sex offenders	20 items (static and dynamic) scored by trained staff using a weighted scoring key.
VASOR – Vermont Assessment of Sex Offender Risk	moderate	moderate	--	Assess sexual re-offense risk and offense severity among adult sex offenders	19 items (static and dynamic) scored by clinical staff or case managers using a weighted scoring key.

All of the methods examined by McGrath are limited to male adult sex offenders. Little research has been conducted on juvenile offender risk instruments. There are three instruments that have come to be considered the leading assessments designed for use with juveniles: Estimate of Risk Adolescent Sexual Offense Recidivism (ERASOR) by Worling and Curwen, Juvenile Sex Offender Assessment Protocol-II (JSOAP-II) by Prentky and Righthand and the Juvenile Sexual

Offense Recidivism Risk Assessment Tool-II (JSORRAT-II) by Douglas Epperson, Ph.D. All three of these instruments are currently undergoing validation studies.

### **Rationale for Selection of Current Risk Tools**

The risk assessment instruments selected by DOC, DPS and DHS for implementing House File 619 requirements were chosen after review of a number of potential instruments and options for assessing risk. The rationale for the selections follows:

#### **STATIC-99:**

- ✓ Was designed to predict the level of risk for sexual re-offending among males age 18 or older who are convicted of a sex offense.
- ✓ Developed by an internationally respected researcher, Karl Hanson, based on a meta-analysis of many separate studies on factors that predict reoffense among sex offenders.
- ✓ Appears to be promising and has already being validated in many jurisdictions internationally, as well as on an Iowa population (6<sup>th</sup> judicial district).
- ✓ Two Iowa Department of Corrections staff are fully trained to implement these assessment instruments, train others to implement them, and are currently working directly with Karl Hanson.

#### **ISORA-8 (Iowa Sex Offender Risk Assessment):**

- ✓ Was designed from a model developed to predict the level of risk of sexual re-offending among a wide variety of sex offenders convicted in adult court and required to register in Iowa – male and female, all ages, all victim types.
- ✓ Based on extensive study of risk factors among 1,107 sex offenders convicted in adult court, who were placed on the Iowa sex offender registry. As a result, eight factors were identified which, in combination, predicted reoffense among sex offenders the best.
- ✓ Has five strong factors also found in Hanson and Busierre’s larger meta-analysis study.
- ✓ Is similar to the STATIC-99, and on face review, Karl Hanson felt it had face validity when compared to his meta-analysis.

#### **JSORRAT-II**

- ✓ A sexual recidivism risk assessment tool designed for juvenile male sex offenders between the ages of 12.0 and 17.9 years at the time of their index (most recent) sexual offense.
- ✓ The tool was designed to be scored based on a file review, using only official documents in the case file as data in scoring.
- ✓ The tool is primarily static and will only increase with new offenses and failed treatment opportunities.
- ✓ This tool should **not be used to determine whether** a youth is placed on the Registry. It is only for designating risk once the Court has made the determination that the youth shall register.

### **Training**

The Department of Corrections has conducted specific training sessions throughout the state on the use of the STATIC-99 and the ISORA-8 which included DOC and DPS personnel. A point of contact has been identified for anyone requiring assistance in completing these assessments.

A core group of juvenile court officers and DPS personnel, representing each district, were trained and certified in the use of the JSORRAT-II by Dr. Epperson, the instrument’s author. This core group of approximately 25-30 people will in turn train the juvenile court officers in

their district. A procedure has been put in place for anyone needing assistance to contact another certified court officer to assist in completion of the assessment.

### **Non-registry Uses of Risk Assessment Tools**

The three sex offender risk assessments selected in response to House File 619 are intended to be used to identify level of risk for the sex offender registry; however, much discussion has taken place regarding their planned or potential use in identifying levels of supervision, types of electronic monitoring, treatment approaches and otherwise guiding offender case management decisions and monitoring. Actuarial risk assessment tools are only one source of information that is needed to guide decisions affecting sex offender case management. Other tools are being used in Iowa's Community Based Corrections in addition to actuarial tools; including the following.

- Polygraph = a physiological measure designed to distinguish truth from falsehood (used for sexual history, maintenance and specific issues)
- Plethysmograph = a physiological measurement of sexual arousal
- Minnesota Multiphasic Personality Inventory-2 (MMPI-2) = an assessment of adult psychopathology
- Multiphasic Sex Inventory-II (MSI-II) = a measurement of sexual characteristics
- Wechsler Abbreviated Scale of Intelligence (WASI) = a measurement of intelligence
- Shipley Institute of Living Scale (SILS) = an assessment of general intellectual functioning
- Abel Assessment = a measurement of sexual interest in children
- Level of Service Inventory Revised (LSI-R) = a measurement of attributes of offenders and their situations in relation to level of supervision and treatment decisions
- STABLE 2000 = assessment of risk using dynamic factors that change slowly over time
- ACUTE 2000 = assessment of risk using dynamic factors that change rapidly and are situational in nature
- Iowa Risk Assessment = assessment of risk for supervision purposes
- Parole Board Risk Assessment = assessment of risk for general and violent recidivism

Not all judicial districts use the same procedures; generally more than one instrument is being used for community based correction decisions.

Juvenile sex offenders are being assessed using the JSORRAT-II for registration purposes. Each district is making their own decision on whether or not to use this tool for additional decision making regarding supervision of juvenile offenders. The ERASOR has been identified as a possible tool for assessing dynamic factors for juveniles.

## **Section 4 – Long Range Task Force Plans**

### **Ongoing Research**

The Task Force will continue to monitor the use of risk assessments currently in use and to track other risk assessment instruments for data relevant to Iowa. This will be done through the following avenues:

- Continuous ongoing review of relevant literature
- Development of current and new contacts with researchers and other professionals in the field
- Participation in relevant conferences and seminars
- Maintaining regular contact and dialogue with DPS, DOC and DHS regarding sex offender risk assessment issues
- Collection and analysis of sex offender case processing data with which to examine the use of risk assessments with Iowa's sex offender population.

A particular emphasis will be made on the emerging data research around the issue of static vs. dynamic variables in risk assessment and on the best use of risk assessments in the areas of public notification, electronic monitoring, treatment programs and supervision concerns. Other areas of review will be the juvenile literature which has to date been scattered at best and the lack of data for female sex offenders.

Also, the Task Force will examine the feasibility of conducting periodic reviews of sex offender risk assessment scores as contained on the sex offender registry to determine any need to change such scores based on dynamic factors or conditions (e.g. debilitating medical conditions, new criminal behavior, etc.) that may have changed since the offender's original assessment.

### **Validation Studies**

Since plans are in place for validation of all three instruments currently in use, the task force will concentrate on the documentation and monitoring of these processes in accordance with standard validation procedures. Validation processes are used to determine the accuracy, dependability and consistency of an instrument with scientific or social theories supporting it. The validation measures how closely an instrument score corresponds to measurable behaviors or characteristics. The Task Force will be looking at validation results to determine if these instruments are measuring what they intend to measure.

For an instrument to be valid, it must first be shown to be reliable, that is, repeatable. An instrument would be considered reliable if different raters obtained the same or similar score for the same offender and if a single rater would obtain the same score or similar score when conducting the assessment at two different points in time. The Task Force will be following the auditing of instrument reliability to determine if the tools currently in use are giving similar results over similar circumstances. If it appears they are not, the Task Force may choose to encourage consideration of the following possible solutions.

- Have a fewer number of people performing the assessments

- Develop a standard level of qualifications for assessors
- Clarify the role of DOC, DPS and DHS in the administration of risk assessments
- Set up a system for supervised audits of assessors
- Establish ongoing training throughout the state

Contact with the evaluators for each instrument will be maintained over the next year to monitor and assist in the validation of these risk assessment instruments for continued use in Iowa. The expectation would be that these instruments would reach an acceptable level of prediction for sexual re-offense and violent offenses. According to the latest available research, predictive validity for the major sex offender risk assessment instruments remains at a moderate level.

### **Community Communication and Education**

The Task Force recognizes the need for the public to have information that can assist them in their reaction to and interpretation of risk assessment information. The media (local and national) appears to be the primary resource for many residents. It is suggested that the Sex Offender Registry website is a logical place for communicating with and educating the public on the subject of sex offender risk. The Department of Criminal Investigation as part of its role in maintaining the sex offender registry has information on the website about the registry and its function. They could provide an explanation of the levels of risk shown in the website and also use this vehicle to provide additional updated information for the public's use.

# Sex Offender Special Sentence

## Section 1 - Background

### Introduction

House File 619 requires the Task Force to study the potential effects and costs associated with the special sentence also created in that Act. The special sentence is established with the following language:

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

## Section 2 – Current Status

### State Government Resources

Several data sources currently exist that can assist in monitoring the impact of the Special Sentence. These include the following:

- Judicial Branch information, which includes charge, disposition, and sentencing data for Iowa’s district courts;
- Department of Corrections information, which includes data pertaining to those under correctional supervision (in the community or in prison);
- The Justice Data Warehouse, which extracts information from the Courts’ and Corrections’ data systems to permit more detailed analysis of justice system operation.

- The Department of Public Safety’s computerized criminal history system, which also includes links to the FBI’s Interstate Identification Index (III). These systems enable analysis of criminal history data nation-wide.

### **Current Process**

The Division of Criminal and Juvenile Justice Planning (CJJP) currently maintains files pertaining to the processing of cases through the court and corrections systems. Files in the Justice Data Warehouse (JDW) enable analysis of charging and sentencing practices, broken down by individual charge. Files in the Iowa Corrections Offender Network (ICON) enable analysis of offender processing through the corrections system, broken down by conviction offense. At present these files are accessed monthly to obtain data on charging, sentencing, and admissions to prison and probation. Efforts are currently underway to enhance the organization and analysis of these data to examine sex offenses and sex offenders.

## **Section 3 - Task Force Impact Assessment Plan**

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

Questions to be addressed in examining special sentences applying to sex offenders:

- What impacts are expected from the special sentences on the prison population?
- What impacts are expected from the special sentences on the number of persons under probation and parole supervision in the community?
- What impacts are expected from the special sentences on the workload of Administrative Law Judges who hear parole revocation hearings?
- What impacts are expected from the special sentences on jail populations when those awaiting revocation hearings are detained?
- What impacts are expected on sex offender recidivism, as measured by new arrests and convictions and returns to prison?

Estimates of the impact of the special sentence will be developed through the use of historical sentencing, commitment, and recidivism data on sex offenders. Although development of estimates will require the use of assumptions pertaining to the extent of revocations of the special sentences, it will be possible to present estimates under several different scenarios. In this process, the Task Force will revisit the fiscal impact statements accompanying HF619 in an effort to further refine the costs of the new provisions.

In the course of monitoring the impact of the special sentence, the Task Force has directed CJJP to perform the following tasks:

- Monitor time served in prison (length-of-stay, or LOS) until first release for those covered by the special sentence; compare with historical LOS for offenders convicted of the



same offenses to determine if the existence of mandatory supervision after release affects time served until first release. From this information, develop estimates of the costs or savings resulting from the change in LOS.

- Monitor length of time spent under supervised release by those covered by the special sentence; compare to historical length of release supervision by those previously convicted of the same offenses. From this information, develop estimates of the cost of the additional supervised release in terms of the correctional resources required to provide the additional supervision.
- Monitor recidivism of those covered by the special sentence to determine its impact on recidivism (including new arrests and convictions); compare with historical rates of recidivism for offenders previously convicted of the affected crimes.
- Monitor the extent to which those covered by the special sentence are returned to prison, and their LOS after return. Compare with historical rates of return to prison and LOS for offenders convicted of the covered offenses. From this information, develop estimates of the costs or savings resulting from any change in rates of return to prison.
- Monitor adjudication practices for those charged with offenses covered by the special sentence. Compare with historical adjudication practices for these offenses to identify any changes attributable to the advent of the special sentence. Using this information, develop estimates of the costs or savings (including prosecution and defense expenses) resulting from any changes in adjudication practices.
- Monitor sentencing practices for those convicted of offenses covered by the special sentence. Compare with historical sentencing practices for these offenses to identify any changes attributable to the special sentence. Using this information, develop estimates of the costs or savings resulting from any changes in sentencing practices.

## **Section 5 – Task Force Recommendations**

### **Sentencing Tracking and Analyses**

The charge to the Sex Offender Task Force (SOTF) is limited in that it requires research only on “the potential effects and costs associated with the special sentence.” While such a study will be useful, the Task Force recommends a broader study that also examines short- and long-term impacts resulting from other sentencing changes in HF619:

- The establishment of a new Class A felony for offenders convicted of a second or subsequent sex offense;
- An increase in penalty (from Class D to Class C) for some convictions under Chapter 709.8 (Lascivious Acts with a Child).

While these new provisions will undoubtedly affect the number of sex offenders in prison and under community supervision, they are likely to affect the court system, as well. For example, when faced with the possibility of life imprisonment, a defendant is likely to demand a trial rather than pleading to the charged offense. The change in penalty for Lascivious Acts will likely have a similar impact on the courts, as historically many convictions for this offense result from reduction of charges for Sex Abuse-3<sup>rd</sup> (a Class C felony) to Lascivious Acts. Thus, the Task Force recommends a study that will respond to the following questions:

- In terms of prosecution, defense, court, and correctional resources, what impacts are being seen or are expected from the establishment of a Class A felony for repeat sex offenders?
- In terms of prosecution, defense, court, and correctional resources, what impacts are being seen or are expected from the establishment of various types of Lascivious Acts as Class C felonies?

### **Sex Offender Processing Research**

To accomplish the research described above for the special sentence and for the recommended tracking and analysis of other sex offense sentencing policies and practices, it will be necessary to collect information about all sex offense charges and the persons charged and convicted of such charges. The collection of such data will provide a source of information which can also be analyzed to answer questions not specifically related to sentencing issues. The Task Force recommends the use of these data to broadly examine the manner in which sex offenders are processed through Iowa's justice system. This examination should be conducted on a continuing basis to provide information on the sex offenders themselves (including their risk assessment scores), how they are processed through the court and corrections systems, the nature, duration and outcomes of any treatment and monitoring interventions they receive, and both short- and long-term recidivism. This research is also discussed in other sections of this report.

# Sex Offender Treatment

## Section 1 – Background

### Introduction

According to testimony by Jill Levenson, Ph.D. to the Florida legislature, the myth that treatment can not be helpful to sex offenders is based largely on highly publicized meta-analytic study that was unable to detect a treatment effect among outcome studies conducted in the 1970's and 1980's (Furby, Weinrott, & Blackshaw, 1989). Other data have reported more promising results, suggesting that cognitive-behavioral treatment reduces sex offense recidivism by nearly 40% (Hanson, Gordon, Harris, Marques, Murphy, Quinsey, & Seto, 2002; Losel & Schmucker, 2005). Again, recidivism rates were lower than commonly believed; 17% for untreated offenders and 10% for treated offenders (Hanson, et al., 2002). Even in studies where significant overall treatment effects are not detected, researchers have found that sex offenders who successfully complete a treatment program reoffend less often than those who do not demonstrate that they "got it" (Marques, Miederanders, Day, Nelson, and van Ommeren, 2005)."

Limited, early research of adult offenders by the Division of Criminal and Juvenile Justice Planning showed reduced recidivism by sex offenders who had successfully completed treatment compared to sex offenders who did not receive treatment or who refused treatment (.7% for a new sex crime compared to 4.6%). These figures held true for general recidivism as well—17.8% compared to 39.8%. This preliminary study had a short follow-up time of slightly longer than 2 years, and was limited to adult offenders.

However, that there is still significant debate about the effectiveness of treatment on reducing recidivism, with some support for long-term treatment (more than two years) and almost no support for short-term treatment. Rice and Harris (2003) indicated there is “no convincing evidence” that treatment is effective in reducing recidivism. More controlled studies are needed in order to evaluate treatment efficacy across the spectrum of offense types and offender characteristics.

It is important to note that the above statistics are based upon research of adult sex offenders. Juveniles, however, appear to respond well to treatment. According to M.A. Alexander in a study published in 1999, juvenile sex offenders who received treatment had re-arrest rates of only 7% through follow-up periods of more than five years. Also, current literature does not support the assumption that juvenile sex offenders become adult sex offenders.

### HF 619

H.F. 619 charged the Task Force to study sex offender treatment and make recommendations. The specific language follows: “The task force shall also review this state’s efforts and the efforts of other states to implement treatment programs and make recommendations as to the best treatment options available for sex offenders.”

## **Section 2 – Current Status**

### **Adult Sex Offender Treatment**

Sex offender treatment is provided in Iowa to both institutional and community corrections populations. Comprehensive correctional institutional treatment is provided at the Mt. Pleasant Correctional facility and civil institutional treatment is provided through the Department of Human Services.

The Iowa Board for the Treatment of Sex Abusers (IBTSA) is a non-profit organization that provides training and certification for sex offender treatment providers. IBTSA is also in the process of developing a core curriculum for sex offender treatment.

A committee formed by the Department of Corrections, in cooperation with IBTSA, recently conducted a brief survey of adult treatment programs, both at the institutional and community corrections level. Its results indicate:

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

### **Juvenile Sex Offender Treatment**

Treatment for juvenile sex offenders is provided by both private therapists and agencies on an outpatient basis and in residential treatment settings. The State Training School in Eldora offers an institutional setting with the opportunity for a sex offender treatment component. Although IBTSA training and certification is available to juvenile treatment providers, there has been a limited emphasis on certification for treatment providers focusing on juvenile offenders.

IBTSA has formed seven standing committees. Among these committees is the Committee on Juvenile Issues. This particular committee is charged with identifying and monitoring legislation regarding juvenile sexual offender issues; addressing training, education and policy issues for juvenile sex offenders; researching and discussing treatment and management issues for juvenile sex offenders; and the dissemination of educational programs and training endeavors from the Professional Development Committee of IBTSA.

Recently the IBTSA Committee on Juvenile Issues has been assessing what is available to guide best practices and policies for juvenile sex offender treatment and supervision.

Juvenile sex offender treatment and supervision is impacted by circumstances unique to this population. For example, juvenile sex offenders and existing policies and practices

create dilemmas for schools, school boards and offenders. The offender needs to receive on-going education, the victim's needs must be considered and met (especially if attending the same school), and sex offender registration requirements must be met. Effective management and treatment need to consider these issues that do not apply in the same way to adult offenders.

In addition, juvenile offenders who are judicially or statutorily waived to adult court create special treatment and supervision issues, both for the adult supervision providers and adult offenders in treatment programs that juveniles may end up attending. The Iowa Code has provisions for some youthful offenders that allow for supervision within the juvenile court jurisdiction and continued supervision on the adult side at age 18 if warranted for youth who are judicially waived from juvenile court. This option is rarely used throughout the State.

### **Section 3 – Analysis**

The Sex Offender Task Force has identified components of a sex offender treatment program. This framework is based upon the knowledge and research of individuals with extensive training and experience working with sex offenders in Iowa. This preliminary framework will form the basis for the comprehensive review of Iowa's sex offender treatment services and comparisons to other states' efforts. The treatment process begins with adjudication, plea or conviction and ends with release from supervision.

#### **Juvenile**

##### Assessment

- Levels of risk to community
- Family history
- Sexual history
- Psychological testing
- Develop treatment plans

##### Educational Programming

- Decision making skills

##### Outpatient Treatment

- Primary Therapy
- Aftercare and Maintenance

##### Inpatient Treatment

- Residential Group Care Setting
- Milieu treatment

##### Institutional

- Boys State Training School-Eldora
- Components of Outpatient therapy provided
- Structured setting??

## Adult

### Assessment

- Community safety
- Personal history
- Criminal history
- Psychological testing
- Sexual history

### Educational Programming

- Decision making skills

### Outpatient Treatment

- Primary Therapy
- Aftercare and Maintenance

### Institutional

- Residential-supervision as well as treatment
- Mt. Pleasant Correctional Facility
- Civil commitment

Persons who sexually offend may participate in all levels of treatment during differing phases of their supervision. It is important for those charged with supervising and treating all sexual offenders in that there are transitional plans made when the individual moves from one phase of treatment or supervision to another.

The core curriculum being developed by IBTSA contains the following elements, all or some of which could be used in any treatment setting or level of intensity, depending upon assessment:

- Treatment responsiveness
- Victim awareness/empathy enhancement
- Cognitive restructuring
- Managing deviant sexual arousal
- Relapse prevention
- Healthy human sexuality
- Relationship and interpersonal skills
- Continuing care

An additional part of reviewing treatment services looks at processes within the treatment setting. This process is outlined by McGrath and Cumming (2004) who conduct onsite review and certification of sex offender treatment programs in the US and Canada. It is a process that helps to identify a program's method of assessing and treating sex offenders. It is as follows:

#### Assess Risk

- Identify individual's risk level
- Match the level of services to this risk level

#### Assess Treatment and Supervision Needs

- Use clinical interview, assessment instruments and collateral data
- Identify those changeable risk factors that are directly linked to the individual's offending behavior
- Target these risk factors in treatment and supervision

#### Assess Responsivity Issues

- Assess factors that will influence how the individual will respond to services (e.g., motivation, intelligence, gender, etc.)
- Match "general" and "specific" services to address these factors

#### Reassess

- Modify treatment and supervision plan

### **Section 4 – Task Force 2006 Work Plan**

1. Conduct a thorough literature review to identify research and treatment modalities that support or refute the above framework, and make modifications where necessary.
2. Develop and conduct a comprehensive survey of all treatment and supervision providers of sex offenders in Iowa, both juvenile and adult, to identify current usage and practice of activities listed in the adopted framework.
3. Review the practices of other states that have published studies on sex offender treatment within their jurisdictions and compare to Iowa's practices and national standards.
4. Develop recommendations for sex offender treatment in Iowa, including, if appropriate, legislation or administrative rules to support the adoption of the recommendations.

### **Section 5 – Task Force Long-range Plans**

The Task Force has been given the charge of recommending the best treatment options available for sex offenders. In order to provide an evaluation of the implementation of best practices in Iowa and the benefit of treatment for Iowa offenders, information about all sex offense charges and the persons charged and convicted of such charges will be collected. The collection of such data will provide a source of information which can also be analyzed to answer questions about offender characteristics, the types treatment provided to offenders, compliance with treatment requirements, compliance with other terms of probation/parole, recidivism rates by type of offense as well as other questions of interest.

## **APPENDICES**

Appendix A – Iowa Sex Offender Treatment and Supervision Task Force Enabling Legislation

Appendix B – Iowa Sex Offender Treatment and Supervision Task Force Members

Appendix C – Iowa Sex Offender Treatment and Supervision Task Force Work Group Members

Appendix D – Iowa Chief Juvenile Court Officers' Recommendations to the Sex Offender  
Treatment and Supervision Task Force



## Appendix A

Excerpt from H.F. 619, 2005 Regular Session of the Eighty-first General Assembly:

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

## Appendix B

### Iowa Sex Offender Treatment and Supervision Task Force Members

Senator Jeff Angelo	Iowa Senate
Senator Keith Kreiman	Iowa Senate
Representative Joseph Hutter	Iowa House of Representatives
Representative Kurt Swaim	Iowa House of Representatives
Tina Hargis	Iowa Department of Transportation
Ben Stone	Iowa Civil Liberties Union
Jason Smith	Iowa Department of Human Services
Steven Conlon	Iowa Department of Public Safety
Mary Beth Overton	Iowa State Sheriffs and Deputies Association
Tom Ferguson	Iowa County Attorneys Association
Jeanette Bucklew	Iowa Department of Corrections
Karen Muelhaupt	Iowa Board of Parole
Cindy Engler	6 <sup>th</sup> Judicial District Department of Correctional Services
Doug Marek	Iowa Department of Justice
Mark Smith	Iowa State Public Defender
Beth Barnhill	Iowa Coalition Against Sexual Assault

Note: Marilyn Lantz, Chief Juvenile Court Officer for the Fifth Judicial District, was an invited participant in Task Force meetings representing the Chief Juvenile Court Officers of the Iowa Judicial Branch.

# Appendix C

## Iowa Sex Offender Treatment and Supervision Task Force Study Issue Workgroup Participants

### **Electronic Monitoring**

Forrest Guddall, Department of Justice  
Ben Stone, Iowa Civil Liberties Union  
Lois Osborn, Community-based Corrections  
Anne Brown, Department of Corrections  
Steve Naeve, Community-based Corrections  
Bob Morck, Community-based Corrections  
Zack Nelson, Juvenile Court Services  
George Story, Juvenile Court Services

### **Registry Address Updating**

Tom Ferguson, Black Hawk County Attorney  
Mary Tabor, Department of Justice  
Jeri Allen, Community-based Corrections  
Ben Stone, Iowa Civil Liberties Union  
Lettie Prell, Department of Corrections  
Steven Conlon, Department of Public Safety  
Tina Hargis, Department of Transportation

### **Special Sentence**

Tom Ferguson, Black Hawk County Attorney  
Karen Muelhaupt, Board of Parole  
Brian Meyer, Department of Justice  
Laura Straight, Community-based Corrections  
Kurt Swaim, Iowa General Assembly  
Jeanette Bucklew, Department of Corrections  
Mark Smith, Public Defenders Office  
Beth Barnhill, Iowa Coalition Against Sexual Assault  
Marty Ryan, Iowa Civil Liberties Union

### **Sex Offender Treatment**

Karen Muelhaupt, Board of Parole  
Jason Smith, Department of Human Services  
Kurt Swaim, Iowa General Assembly  
Victory Peterson, Community-based Corrections  
Sally Kreamer, Community-based Corrections  
Gail Huckins, Community-based Corrections  
Patty Smilanich, Community-based Corrections  
Mia Gehringer, Juvenile Court Services  
Martin Apelt, Juvenile Court Services  
Beth Barnhill, Iowa Coalition Against Sexual Assault,  
Randall Wilson, Iowa Civil Liberties Union

### **Risk Assessments**

Jason Smith, Department of Human Services  
Randy Cole, Community-based Corrections  
Anne Brown, Department of Corrections  
Michelle Shepherd, Community-based Corrections  
Randall Wilson, Iowa Civil Liberties Union  
Lloyd Smith, Juvenile Court Services  
Tim Wilaby, Juvenile Court Services  
Steven Conlon, Department of Public Safety

Note: Each Task Force member has the option of participating on any of the above study issue workgroups and/or identifying other representatives of their organization to be participants. Participants from the Judicial Districts' Juvenile Court Services Offices were recommended by the state's Chief Juvenile Court Officers.

# JUDICIAL BRANCH OF IOWA

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## CHIEF JUVENILE COURT OFFICERS

December 12, 2005

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## Iowa Chief Juvenile Court Officers' Recommendations to the Sex Offender Treatment and Supervision Task Force

As the Chief Juvenile Court Officers for each of Iowa's eight Judicial Districts, our top priority is public safety. Whenever a young person is referred to Juvenile Court and found to have violated the law, we develop a case plan for that young person that addresses three goals: 1) keeping the public safe; 2) holding the offender accountable to the victim and to the community; and 3) providing treatment interventions to teach that young person to make better decisions in the future. We not only want to address the current offense. We want to prevent further delinquent behavior, thereby sparing future victims.

Research and experience have taught us that, to lower a young person's risk of committing a new offense, we need to 1) use research-based interventions that have been shown to work with juveniles and 2) target these interventions to the right population of young people. If we use the wrong intervention or fail to target the right population, we can actually increase the risk of another offense.

There have been a number of recent legislative provisions, including HF 619 passed last session, aimed at protecting children from sexual assault. This is an important goal. We applaud Iowa policy makers for being concerned about child victims and encourage support for those children.

Some of these well-intentioned efforts, however, have had what we presume to be unintended consequences, especially when applied to juveniles. We believe that juveniles should be treated differently than adults because:

- **Children who offend against other children are not pedophiles.** The provisions in HF 619 are aimed at pedophiles, people who have a sexual preference for children. The way the legislation attempts to capture those individuals is to define them as people whose victims are minors. This casts the net too widely because it captures nearly all the juveniles who commit sexual offenses. Juveniles tend to offend against their juvenile peers. This needs to be taken very seriously, but it does not mean they are pedophiles who will continue to be attracted to children after they themselves become adults.
- **Children are more amenable to treatment than are adult offenders.** Adolescent brains are still growing, particularly the prefrontal cortex that governs reason and impulse control. Personalities are still malleable. The very existence of a Juvenile Court is recognition of this fact. Young people are still learning about their sexuality. Some children and adolescents engage in sexual exploration activities that do not become fixed sexual preferences for them as adults. Research tells us that most juvenile sex offenders have low risk for re-offense.

- **There are tools available to supervise children that are not available for adult offenders.** Juveniles are in the custody of an adult, a parent or guardian, and they are required to be in school. Their activities are more confined and more closely monitored and supervised than those of an independent adult. In addition, Juvenile Court Services uses Trackers, Juvenile Court School Liaisons, and other services to monitor the activities of young people in the Juvenile Court system. These are different tools than those available to the adult correctional system.
- **The most dangerous juvenile offenders are in adult court.** Young people age 16 and 17 who are alleged to have committed certain forcible felonies are automatically referred to adult court. Younger children alleged to have committed those same serious offenses can be tried as Youthful Offenders. Youthful Offenders remain in the juvenile system until age 18 and then, after a hearing, can be moved to the adult system to serve the remainder of their sentences. Any youth age 14 or older can be waived to adult court upon the motion of the County Attorney. Young people who remain under the jurisdiction of the Juvenile Court are those whose offenses do not warrant their being tried as adults.
- **The wrong response can increase the risk of more victims.** Part of treatment for a juvenile sex offender involves teaching that young person healthy, appropriate ways to meet his or her social and sexual needs. They learn to recognize the emotional triggers that put them at risk of offending and then to find other ways to deal with those feelings. Young people have better treatment outcomes when they can be in school, play sports, have part-time jobs and have law abiding friends. Treatment outcomes are worse for young people who are isolated, bored, lonely and angry. Outcomes are worse when the only people with whom they are allowed to associate are criminals.

For these reasons, we recommend the following:

1. **Sex Offender Registry.** Juveniles are currently required to register unless exempted by the Juvenile Court Judge. This flexibility is important because it allows the Court to consider whether a young person has made changes in treatment that reduce his or her risk to the community. Juvenile Court Judges should retain the judicial discretion to exempt a youth from this requirement.

Successfully completing treatment requires hard work. More young people will be successful if they have an incentive to do this hard work in order to lower their risk.

2. **2,000 Foot Residency Restriction.** The 2,000 foot residency restriction, set out in section 692A.2A of The Code, should not apply to people who committed their offenses when they were juveniles. Code section 232A.2A(4)(d) currently exempts young people from the 2,000 foot restriction until they turn 18. It does not make sense to assume that someone who committed his offense at age 14 and has been living safely in the community for 4 years needs to move out on his 18<sup>th</sup> birthday. Many 18 year olds are still in high school. More young people will be successful if they are able to remain at home with family support and continue their schooling.
3. **Electronic Monitoring.** Electronic monitoring is useful for ensuring curfew compliance with young people under house arrest, but its usefulness is limited with low and moderate risk offenders who are required to be in school. Juvenile Court Services has other, more effective tools for supervising lower risk offenders, such as the use of Trackers and Juvenile Court School Liaisons. Juvenile Court Services and the Court currently have the ability to require electronic monitoring for higher risk offenders. We therefore recommend that the use of electronic monitoring not be mandated for all juvenile offenders.

If electronic monitoring continues to be mandated for juveniles, funding is needed to cover these increased costs. The adult correctional system received additional funding for FY 2006 to help them comply with the requirements of HF 619. Juvenile Court Services did not.

There were 121 young people adjudicated to have committed a sexual offense in Iowa in 2003. In 2004, there were 99 such youth. Assuming these youth will be under supervision for at least two years before they turn 18, we need the capability of monitoring up to 220 young people at a time. The cost depends on the type of technology used. Electronic monitoring bracelets based on radio frequency technology cost Juvenile Court Services an average of \$4.50 per unit per day, for an annual total of \$361,598. Estimates for real time global positioning systems range from \$7.25 to \$8.75 per unit per day, for an average total of \$642,840 per year. If real time GPS monitoring is required in the future, more Juvenile Court Services staff will also be needed.

- 4. Risk Assessment Tools.** In order to keep the community safe, we need to be able to make smart, informed decisions about a young person's risk. HF 619 requires that information about risk be available for individuals listed on the Sex Offender Registry. Furthermore, if we fail to treat a young person with a level of supervision and treatment appropriate to that young person's risk, we may increase the risk by making him worse.

It is, therefore, important that we have risk assessment tools that 1) give us valid information about juveniles and 2) give us valid information about Iowa. We have selected the static JSORRAT II, developed by Iowa State University professor Douglas Eppersen, Ph.D., as the best tool available to help us do treatment planning at the front end. It has been validated in Utah, but it needs to be validated for use with an Iowa juvenile population. In addition, we need to develop a dynamic tool to help us do ongoing case management and to determine whether the young person has reduced his or her risk through treatment. It is estimated that this would cost approximately \$40,000 if we continued to work with researchers within the state.

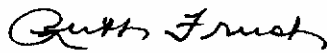
- 5. Research on Treatment Effectiveness.** To keep the community safe, we need to know whether what we are doing is working. If the interventions we use are making young offenders worse, we need to stop using those interventions. Therefore, we recommend that funds be appropriated to provide ongoing research on the effectiveness of juvenile sex offender treatment in Iowa. The cost of this research could best be estimated by the Division of Criminal and Juvenile Justice Planning.
- 6. Staff.** If the requirements of HF 619 remain as they currently are, Juvenile Court Services will need 9 additional Juvenile Court Officers to supervise sex offenders. One additional Juvenile Court Officer would be assigned to each Judicial District, except the 5<sup>th</sup> Judicial District. The 5<sup>th</sup> Judicial District, which has 23% of the child population, would need two additional Juvenile Court Officers to supervise its juvenile sex offenders. Nine additional Juvenile Court Officers at \$60,526 each would cost \$544,734.
- 7. Training.** Juvenile Court Officers need specialized training to effectively monitor and supervise sex offenders. Training is also needed to ensure the proper handling of DNA samples as required by HF 619. This training has a direct impact on Officers' ability to make good decisions and recommendations to the Court about ensuring community safety. It would cost approximately \$15,000 per year.
- 8. Sex Offender Task Force.** The Task Force was created by HF 619 to monitor the implementation and effectiveness of the new policies and to make recommendations about more effective ways to supervise and treat sex offenders. Juvenile Court Services was not included in the membership of that Task Force. This legislation, however, has implications for juveniles that may not be apparent to someone who is not working in the juvenile justice field. Therefore, we request that a Juvenile Court Services representative be added to the Task Force.

**Conclusion.** The citizens of Iowa demand safety for our children and we concur. This is why we need to make certain our practices provide true and proven risk management. If policies actually create unintended risk, we should adjust our strategies to address the actual risk.

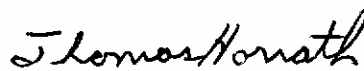
Community safety requires different strategies for juvenile offenders than those we use for adults – we know this from experience and research. When laws or policies lump adults and children together, there can be unintended consequences that actually make communities less safe. Recognizing these differences between juvenile and adult offenders, as suggested in these proposals, can make our communities safer.

Thank you for considering our concerns.

Sincerely yours,



Ruth Frush  
1st Judicial District




Thomas Horvath  
2nd Judicial District



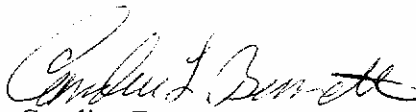
Gary Niles  
3rd Judicial District



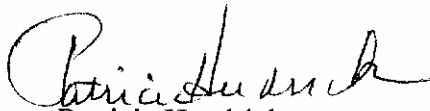
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