

Individuals Incarcerated for Sex Offenses

Introduction

This report examines two subpopulations of individuals incarcerated in Minnesota correctional facilities for sex offenses on July 1, 2020. The first subpopulation consists of individuals whose governing offense is a felony-level criminal sexual conduct (CSC). This group is referred to as the “governing sex offense” (GSO) population in this report. The second subpopulation includes individuals whose governing offense is a crime other than CSC, but who previously have been convicted of a felony-level sex crime (in Minnesota or elsewhere) or are required to register as a predatory offender. These individuals are referred to as the “other sex offense” (OSO) population in this report.

As of July 1, 2020, there were 8,330 individuals incarcerated in Minnesota correctional facilities. A total of 2,620 (31%) of these met the offense criteria used in this report. The majority (60%) of these 2,620 individuals meet the GSO criteria. The OSO population accounted for the remaining 40 percent.

GSO Size and Growth

Historical information on the size of the GSO subpopulation and overall prison population is presented in Figure 1. Notably, the GSO population increased nearly 33 percent from 2003 to 2007. Since that time, this population remained mostly steady.

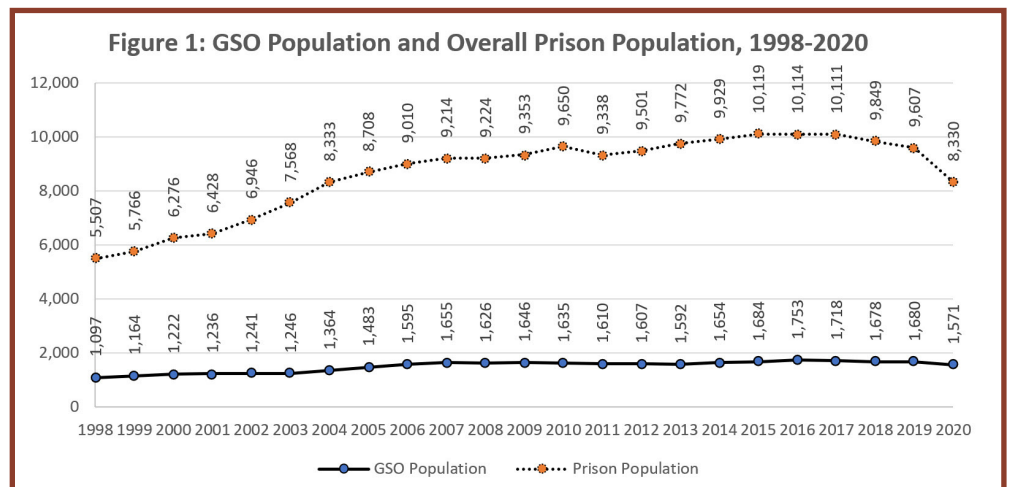
Growth in the number of new court commitments contributed little to the increase in the GSO population observed in past years. Rather, the increase was attributable to longer sentence lengths for sex offenses, as well as a sharp rise in admissions for violations of supervised release. For example, from fiscal year (FY) 1991 to 2012, the average sentence length for this subpopulation admitted as new commitments increased from 63 months to 95 months. Those returning to prison for violations of release conditions also increased considerably during this time period. Supervised release returns accounted for 14 percent of admissions in FY1991; by FY2012, admissions of individuals for violations of supervised release conditions accounted for 50 percent of admissions in this population. In FY2020, 51 percent of admissions in the GSO population were for violations of release conditions.

Demographic and Offense Characteristics

As shown in Table 1, the population incarcerated for sex offenses is overwhelmingly male. The average age is 41.3 years, with the GSO subpopulation being slightly older on average (41.9 years) than the OSO subpopulation (40.5 years). Nearly 70 percent of the total population falls between the ages of 26 and 49. Nearly half (49.1%) of the population were committed by a county in the metropolitan area; the GSO and OSO subpopulations are very similar in this regard.

Sixty percent of the GSO population are incarcerated for first-degree CSC, 18 percent are incarcerated for third-degree CSC, and 17 percent are incarcerated for second-degree CSC. Four percent of the GSO population are incarcerated for fourth-degree CSC.

Those convicted of first-degree CSC are most likely to have been committed by a county in the metropolitan area (54%); GSOs convicted of fourth-degree CSC are least likely to have been committed in a county in the metropolitan area (32%).



Histories

Felony Conviction Histories

Those incarcerated for sex offenses average 2.6 prior felony convictions per person. Thirty-six percent did not have a previous felony conviction, whereas the remainder had at least one prior conviction. Those in the OSO subpopulation are more likely to have one or more previous felony convictions than those in the GSO subpopulation (79% versus 53%).

Incarceration Histories

The 2,620 individuals incarcerated for sex offenses have a total of 2,035 previous incarcerations in Minnesota, an average of 0.8 per person. More than three-fifths (62%) are experiencing their first commitment to prison in Minnesota. Those in the OSO subpopulation are more likely to have been previously incarcerated when compared to the GSO subpopulation (58% versus 25%). Similarly, the OSO subpopulation has a greater number of previous incarcerations than the GSO subpopulation. Specifically, in the OSO subpopulation each person has previously been incarcerated, on average, 1.3 times, while the average for the GSO subpopulation is 0.4.

Additional analysis, not included in Table 1, shows that many of these individuals have been returned to a Minnesota prison for violating conditions of release. The 2,620 in the total population have been admitted for release violations a total of 2,340 times, which averages to nearly once (0.9) per person. Those in the GSO subpopulation are less likely than those in the OSO subpopulation to have been returned to prison in this way. On average, those in the OSO subpopulation were admitted for release violations 1.3 times while the average for the GSO subpopulation was 0.6.

Table 1: Profile of Individuals Incarcerated for Sex Offenses

	GSO	OSO	All
Percent	60.0	40.0	100.0
Number	1,571	1,049	2,620
Percent male	99.2	98.0	98.7
Average age	41.9	40.5	41.3
Metro-area county of commitment (percent)	49.3	48.9	49.1
Average number of felony convictions ^{1, 2}	1.8	3.8	2.6
Percent with prior felony conviction ²	53.3	79.2	63.6
Average number of prior incarcerations ¹	0.4	1.3	0.8
Percent previously incarcerated ³	24.6	58.1	38.0

¹ Excludes current conviction/incarceration.

² Based on data collected by Minnesota correctional facility caseworkers.

³ Includes only incarcerations in an adult Minnesota correctional facility.

Victim Characteristics

Typically, individuals in the GSO subpopulation victimized people they knew. Forty percent victimized a family member, 37 percent victimized an acquaintance, and four percent victimized a spouse or cohabitating adult. Only 11 percent victimized a stranger. Those in the GSO subpopulation convicted of third-degree CSC were most likely to have victimized an acquaintance (68%). The large majority of victims, regardless of the person's conviction offense, were females. Most of the victims were children or adolescents.

Sentencing Characteristics

The average sentence length for individuals with determinate sentences is 130 months, or 10.8 years. Approximately 48 percent have a sentence of 10 years or more; 17 percent are serving a sentence of three years or less. Notably, these calculations exclude 115 individuals who are serving a life sentence, as these sentences are indeterminate, and 42 others who have been sentenced to life without the possibility of parole.

Additional analysis of the sentencing data shows that individuals in the GSO subpopulation are serving significantly longer sentences than those in the OSO subpopulation. The average sentence for the GSO subpopulation (excluding lifers) is 149 months while the average sentence for the OSO subpopulation is 99 months. Compared to the OSO subpopulation, those in the GSO population are much less likely to be serving a sentence of three years or less. Thirty-four percent of those in the OSO subpopulation are serving a sentence of three years or less compared to 7 percent of those in the GSO subpopulation. Conversely, 63 percent of those in the GSO subpopulation have sentences of ten years or more, compared to 22 percent of those in the OSO subpopulation.