Sex Offenders in Prison

Introduction

This report examines two subpopulations of sex offenders incarcerated in Minnesota correctional facilities on July 1, 2018. The first subpopulation consists of inmates whose governing offense is a felony-level criminal sexual conduct (CSC). This group is referred to as Governing Sex Offenders or GSOs. The second subpopulation includes inmates 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 offenders are referred to as Other Sex Offenders or OSOs.

As of July 1, 2018, there were 9,849 inmates incarcerated in Minnesota correctional facilities. A total of 2,908 (30%) of these offenders met the sex offender definitions used in this report. The majority (58%) of the 2,908 sex offenders were classified as a GSO. OSOs accounted for the remaining 42 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, the GSO population remained mostly steady. Growth in the number of new court commitments contributed little to the increase in the GSO population. Rather, the increase is attributable to longer sentence lengths for sex offenders, as well as a sharp rise in admissions of supervised release violators. For example, from fiscal year (FY) 1991 to 2012, the average sentence length for GSOs admitted as new commitments increased from 63 months to 95 months. Offenders returning to prison as release violators also increased considerably during this time period. Supervised release violators accounted for 14 percent of GSO admissions in FY1991; by FY2012, supervised release violators accounted for 50 percent of GSO admissions. In recent years the percentage is even higher; over the last three fiscal years, 60 percent of GSO admissions were release violators.

Demographic and Offense Characteristics

As shown in Table 1, the incarcerated sex offender population is overwhelmingly male. The average age is 40.3 years, with the GSO subpopulation being slightly older on average (41.0 years) than the OSO subpopulation (39.3 years). Seventy percent of the total population falls between the ages of 26 and 49. Half (49.7%) of the sex offender population were committed by a county in the metropolitan area; the GSO and OSO subpopulations are very similar in this regard.

More than half (56%) of the GSOs are incarcerated for first-degree CSC, 20 percent are incarcerated for third-degree CSC, and 18 percent are incarcerated for second-degree CSC. Five percent of the GSOs are incarcerated for fourth-degree CSC. First-degree CSC offenders 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 convicted in a county in the metropolitan area (33%).
Felony Conviction Histories

The 2,908 sex offenders have a total of 9,221 prior felony convictions, an average of 3.2 per offender. Twenty-one percent did not have a previous felony conviction, whereas the remaining sex offenders had at least one prior conviction. OSOs are more likely than GSOs to have one or more previous felony convictions (92% versus 70%).

Incarceration Histories

The 2,908 sex offenders have a total of 2,342 previous incarcerations in Minnesota, an average of 0.8 per offender. More than three-fifths (61%) are experiencing their first commitment to prison in Minnesota. OSOs are more likely to have been previously incarcerated when compared to GSOs (60% versus 24%). Similarly, the OSO subpopulation has a greater number of previous incarcerations than the GSO subpopulation. Specifically, each OSO has previously been incarcerated, on average, 1.4 times before, while the average for GSOs is 0.4.

Additional analysis, not included in Table 1, shows that many of the sex offenders have been returned to a Minnesota prison as a release violator. The 2,908 sex offenders have been admitted as release violators a total of 3,118 times, which averages to just over once (1.1) per offender. GSOs are less likely than OSOs to have been returned to prison as a release violator. On average, the OSOs were admitted as a release violator 1.4 times while the average for GSOs was 0.8.

Victim Characteristics

Typically, GSOs victimized people they knew. Forty-three percent victimized an acquaintance, 36 percent victimized a family member, and two percent victimized a spouse or cohabitating adult. Only 11 percent victimized a stranger. GSOs convicted of third-degree CSC were most likely to have victimized an acquaintance (74%). The large majority of victims, regardless of the perpetrator’s conviction offense, were females. Most of the victims were children or adolescents.

Sentencing Characteristics

The average sentence length for sex offender inmates with determinate sentences is 118 months, or 9.8 years. Approximately 42 percent have a sentence of 10 years or more; 23 percent are serving a sentence of three years or less. Notably, these calculations exclude 115 inmates 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 GSOs are serving significantly longer sentences than OSOs. The average sentence for the GSO subpopulation (excluding lifers) is 137 months while the average sentence for the OSO subpopulation is 90 months. Compared to OSOs, GSOs are much less likely to be serving a sentence of three years or less. Forty percent of OSOs are serving a sentence of three years or less compared to 11 percent of GSOs. Conversely, 57 percent of GSOs have sentences of ten years or more, compared to 20 percent of OSOs.