

Staff Information Paper

Recidivism for Child Pornography and Production Offenses

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This paper discusses recidivism for offenders sentenced for child pornography and production (use of minors in sexual performance) offenses sentenced from 2010 through 2015.

Data Description and Methodology

The study is limited to a search for subsequent felony offenses (no misdemeanors or gross misdemeanors) in MSGC's data. It was fashioned in this manner to match The Robina Institute's recidivism study of the criminal history components.¹ Cases sentenced from 2010 through 2015 were chosen to allow for exposure to at least three years of opportunities to reoffend. This yielded 632 cases to include, but only 85 had prison sentences. In order to add more prison cases to the study, prison cases sentenced from 2007 to 2009 were added resulting in 642 cases; 547 (85%) probation cases and 95 (15%) prison cases.

Only cases with three years of exposure were selected. For the prison cases, release dates were obtained from the Department of Corrections. For the probation cases, start of exposure was estimated to begin after the offender had served two-thirds of their pronounced local confinement time. Eleven of the 95 prison offenders had not been released as of the end of 2019. This resulted in a total of 592 cases; 544 probation (92%) and 48 prison (8%) at risk for at least three years. As in the Robina study, recidivism was defined as being sentenced for a new felony offense with an offense date after the sentencing date for the offense in the study.

Results

Among child pornography offenses, including use of minors in a sexual performance ("production" in Table 1), the overall recidivism rate for those at risk was 8.6%.² Table 1 displays recidivism rates by the most serious

¹ For the main analysis, The Robina Institute's recidivism study of the criminal history components defined recidivism as a new felony conviction within 3 years of release from prison or jail or the start of probation. MSGC felony conviction data from January 1, 2004, to December 31, 2015 was used to determine whether an offender in the 2003 conviction sample recidivated. Julia A. Laskorunsky, Robina Inst. of Crim. Law & Crim. Just., [Minnesota Criminal History Score Recidivism Project](#) (2018), p. 28.

² Robina found a recidivism rate of 24 percent when considering just subsequent felony offenses. Julia A. Laskorunsky, Robina Inst. of Crim. Law & Crim. Just., [Minnesota Criminal History Score Recidivism Project](#) (2018), p. 4.

offense sentenced. Recidivism rates are highest for production of child pornography (25%) and lowest for possession of child pornography (7.5%). The recidivism rate for dissemination of child pornography was 16 percent. Recidivism rates were lower for offenders who received a prison sentence (6%) than for offenders who received probation (9%). It is worth noting that only half of the prison cases had a three-year window of exposure.

Table 1. Recidivism Rates by Offense, Sentenced 2010–15 (Probation) or 2007–15 (Prison)

Offense	Number of "At Risk" Cases	Recidivism Rate in Percent & Number of Cases					
		Prison		Probation		Total	
		Percent	Number	Percent	Number	Percent	Number
Dissemination	43	50.0	1 of 2	14.6	6 of 41	16.3	7 of 43
Dissemination by Predatory Offender	6	50.0	1 of 2	0	0 of 4	16.7	1 of 6
Total Dissemination	49	50.0	2 of 4	13.3	6 of 45	16.3	8 of 49
Possession	507	3.2	1 of 31	8.0	38 of 476	7.7	39 of 507
Possession by Predatory Offender or Subsequent Offense	24	0	0 of 11	7.7	1 of 13	4.2	1 of 24
Total Possession	531	2.4	1 of 42	8.0	39 of 489	7.5	40 of 531
Production	12	0	0 of 2	30.0	3 of 10	25.0	3 of 12
Grand Total	592	6.3	3 of 48	8.8	48 of 544	8.6	51 of 592

The most common subsequent offenses among the 51 offenders who recidivated were child pornography offenses (29%) and failure to register as a predatory offender (31%). Table 2 displays the frequency of the subsequent offenses by offense type; because up to two offenses were coded, percentages do not add to 100. Among the 51 recidivists, 29 (57%) received a prison sentence for their subsequent offense.

Table 2. Number of Subsequent Offenses by Offense Type

Subsequent Offense	Number of Offenses	Percent of Recidivists	Offense Type		
			Possession	Dissemination	Production
Child Pornography	15	29	14	1	0
Failure to Register as Predatory Offender	16	31	10	3	3
Controlled Substance Offense	7	14	4	3	0
Criminal Sexual Conduct	4	8	3	1	0
Felony DWI	3	6	3	0	0
Terroristic Threats	3	6	3	0	0
Flee Police	2	4	0	1	1
Theft	2	4	2	0	0
MV Use w/out Consent	1	2	1	0	0
2 nd Degree Unintentional Murder	1	2	1	0	0
Aggravated Robbery	1	2	0	1	0
Receiving Stolen Property	1	2	1	0	0
Ineligible Felon in Possession of Gun	1	2	1	0	0
Prostitution	1	2	1	0	0
Ineligible Voter Votes	1	2	1	0	0
Total Number Recidivists	51	---	40	8	3