

SUPREME COURT OF IOWA

In re Detention of Jeffrey Anderson

895 N.W.2d 131 (Iowa 2017) · No. No. 15-2122 · Decided May 12, 2017

SUMMARY

The Iowa Supreme Court affirmed the revocation of Jeffrey Anderson’s release-with-supervision status and his placement in the transitional release program at the Civil Commitment Unit for Sexual Offenders. The court held that the placement did not violate substantive due process, addressing the applicable Iowa Sexually Violent Predators Act provisions and Anderson’s liberty interest. The court also concluded that Anderson preserved his constitutional challenge for appellate review.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Zager, Justice; Appel, Justice; Hecht, Justice; Wiggins, Justice
JURISDICTION	Iowa
DECIDED	May 12, 2017
DOCKET	No. 15-2122
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Iowa District Court for Polk County revoking Anderson's release-with-supervision status under Iowa's Sexually Violent Predators Act and placing him in the transitional release program at the Civil Commitment Unit for Sexual Offenders.
STANDARD OF REVIEW	Constitutional claims are reviewed de novo. Construction and interpretation of the Sexually Violent Predators Act are reviewed for correction of errors at law.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Jeffrey Anderson v. State of Iowa

TOPICS

- substantive due process
- procedural due process
- due process
- statutory interpretation
- civil rights

PRACTICE AREAS

- constitutional law
- civil commitment
- sexually violent predator proceedings
- appellate procedure

QUESTIONS PRESENTED

1. Whether Anderson preserved his substantive and procedural due process challenges to revocation of release with supervision and placement in the transitional release program.
2. Whether Iowa Code section 229A.9B permits a court, after finding a violation of release with supervision, to place the committed person in a transitional release program without again finding that the person is more likely than not to sexually reoffend.
3. Whether the district court's transfer of Anderson to the transitional release program violated substantive due process.
4. Whether the procedures used to revoke release with supervision and select a new placement violated procedural due process.

HOLDINGS

1. Anderson preserved his due process claims because the constitutional issue was raised during the district court proceedings and the district court's ruling implicitly rejected the argument.
2. Under Iowa Code section 229A.9B, when a committed person released with supervision violates the release plan, the district court may return the person to release with or without supervision, place the person in transitional release, or confine the person in a secure facility; the statute does not require a renewed finding that the person is more likely than not to sexually reoffend before placement in transitional release.
3. Placement in CCUSO's transitional release program after Anderson violated release with supervision did not violate substantive due process.
4. The revocation procedures under Iowa Code section 229A.9B provided Anderson procedural due process.

KEY QUOTATIONS

“There is nothing in the statute that requires the State, as part of the revocation of the release with supervision status, to again prove that a person is more likely to sexually reoffend before they can be subject to greater supervision or placed in the transitional release program.” (895 N.W.2d at 148)

“Under the facts here, we find that the district court order did not violate Anderson’s substantive due process rights.” (895 N.W.2d at 150)

FACTUAL BACKGROUND

Anderson was civilly committed under Iowa's Sexually Violent Predators Act after a jury found beyond a reasonable doubt that he was a sexually violent predator. He was later released with supervision to the Fort Des Moines Residential Facility under conditions prohibiting unapproved sexual contact and requiring approval of potential romantic relationships. After Anderson engaged in sexual activity with an eighteen-year-old resident without permission, the district court found that he violated his release plan and that the conduct reflected his offending cycle and need for additional treatment. The court revoked release with supervision and placed him in CCUSO's transitional release program rather than returning him to secure confinement.

PROCEDURAL HISTORY

A jury previously found Anderson to be a sexually violent predator. After an annual review and final hearing, the district court released him with supervision to a residential facility. Following an unauthorized sexual encounter with another resident, the district court found that Anderson violated his release plan, revoked release with supervision, and transferred him to the transitional release program at CCUSO. The Iowa Supreme Court retained the appeal and affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Det. of Matlock, 860 N.W.2d 898 (Iowa 2015)
- In re Det. of Cubbage, 671 N.W.2d 442 (Iowa 2003)
- In re Det. of Garren, 620 N.W.2d 275 (Iowa 2000)
- Kansas v. Hendricks, 521 U.S. 346 (1997)
- King v. State, 818 N.W.2d 1 (Iowa 2012)
- Foucha v. Louisiana, 504 U.S. 71 (1992)
- In re B.B., 516 N.W.2d 874 (Iowa 1994)
- State v. Rieflin, 558 N.W.2d 149 (Iowa 1996)
- State v. Lyman, 776 N.W.2d 865 (Iowa 2010)
- City of Postville v. Upper Explorerland Reg'l Planning Comm'n, 834 N.W.2d 1 (Iowa 2013)
- Bank of Am., N.A. v. Schulte, 843 N.W.2d 876 (Iowa 2014)
- Meier v. Senecaut, 641 N.W.2d 532 (Iowa 2002)
- Yee v. City of Escondido, 503 U.S. 519 (1992)
- Lee v. State, 815 N.W.2d 731 (Iowa 2012)
- Griffin Pipe Prods. Co. v. Bd. of Review, 789 N.W.2d 769 (Iowa 2010)
- Hawkeye Food Distrib., Inc. v. Iowa Educators Corp., 812 N.W.2d 600 (Iowa 2012)
- Fencel v. City of Harpers Ferry, 620 N.W.2d 808 (Iowa 2000)
- State v. Kooima, 833 N.W.2d 202 (Iowa 2013)
- Swanson v. Civil Commitment Unit for Sex Offenders, 737 N.W.2d 300 (Iowa 2007)
- In re Det. of Darling, 712 N.W.2d 98 (Iowa 2006)
- In re Pima Cty. Mental Health Cause No. A20020026, 352 P.3d 921 (Ariz. Ct. App. 2015)
- In re Det. of Wrathall, 232 P.3d 569 (Wash. Ct. App. 2010)
- State v. McCormick, 213 P.3d 32 (Wash. 2009) (en banc)
- In re Civil Commitment of E.D., 874 A.2d 1075 (N.J. 2005)
- Commonwealth v. Travis, 361 N.E.2d 394 (Mass. 1977)
- Mathews v. Eldridge, 424 U.S. 319 (1976)

