



Sex Offense Subcommittee Report

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PRESENTATION OVERVIEW

- Overview of Utah's Registry
- Sex Offender Risk Data
- Long Term Potential Reforms to the Sex Offense Registry
- Short Term Potential Reforms to the Sex Offense Registry
- Invitation to Collaborate



Overview of Utah's Registry

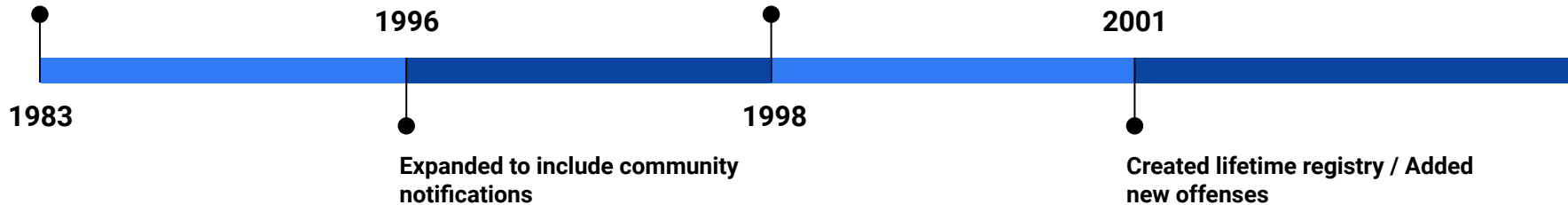


History of Utah's Registry

Registry Established

Only accessible by law enforcement, educational licensing agencies, and UDC

Ten year registration period



History of Utah's Registry

- Over 13 new amendments to registry since 2006;
 - Some offenses added / strengthened;
 - Also created a pathway for 5-year removal from registry for some offenses



Utah's Current Registry - Registration Processes

- Offense-Based System
 - The offense of conviction determines registration requirements
- Two-Tiered system
 - 10 year registration - from termination of sentence
 - Some offenses can petition to be off at five years after termination of sentence
 - All others after ten years after termination of sentence
 - Lifetime registration
 - For the most serious offenses and second offenses of any kind



Utah's Current Registry - Removal Processes

- 10-year registration after **termination of sentence**
 - Eligible to petition after ten years **in the community**
 - Some offenses eligible five years after **termination of sentence**
- Lifetime registrants
 - Eligible to petition after twenty years **in the community**



Pros and Cons of Current System

Pros:

Front-end simplicity of determining who needs to register and for how long

Familiarity / Match to current resources

Limited Adam Walsh Act Funding (\$85-90K)

Cons

Back-end complexity

No way to account for risk or risk reduction

Little incentive for risk reduction efforts

Long-term collateral consequences



Sex Offender Recidivism



Sex Offender Recidivism

- Studies have found that the rate of recidivism for sexual reoffending is the same or lower than general crime recidivism rates
 - Utah sexual re-offense rate is approximately 2% to 10% (CCJJ, 2019; Bench & Allen, 2013)
 - Utah's general recidivism rate approx 24% based on latest reporting



Sex Offender Recidivism

- Validated assessments can help assess risk to reoffend
 - Study (Hanson et al., 2014) looked at 8,000 individuals
 - High risk
 - 22% reoffended within 5 years of release;
 - Between 6 and 10 years after release recidivism decreased 7%;
 - No recidivism after 16 years from release;
 - Low risk
 - 97.5% offense free after 5 years



Sex Offender Recidivism

- The longer an individual remains offense-free in the community, the less likely they are to commit new sex offenses (Hanson et al, 2014; Sample & Bray, 2003);
- Failed or non-completion of treatment correlates with likelihood to reoffend



Is the Sex Offender Registry Meeting its goals?

- Is risk and risk reduction properly accounted for?
- Are registrants incentivized to engage with programming?
- Is the public well-served by the notice the registry provides?
- Are registry requirements overbroad?
- Are collateral consequences too severe?



Sex Offense Registry Reform

Long Term Possibilities



Risk-Based Registry System

- The Sex Offense subcommittee studied Oregon's three-tiered risk-based registry
 - Registrants categorized based on actuarial risk assessments, not offense of conviction;
 - Lower-risk registrants are placed on a law-enforcement only database;
 - Lower-risk registrants can petition for early removal;
 - Registrants can move down through risk categories over time.



Risk-Based Registry System (Cont'd)

- Hurdles to risk-based registry:
 - Risk assessments not validated for all individuals and offense types
 - Substantial implementation costs
 - Risk assessments are only one part of a complete risk analysis

A transition to a risk-based registry system is more realistic as a long-term goal



Sex Offense Registry Reform

Short Term Possibilities



Recodification+



Statutory Recodification / Streamlining

- The Sex Offense registry statutes are the result of dozens of amendments over decades, often with conflicting goals
- A recodification effort could make the statutes more readable and increase transparency
- Currently overlapping deadlines / removal terms could be simplified
- Iron out wrinkles (timing / consistency)



Reduce Collateral Consequences



Expand eligibility for five-year removal

- Most registrants unlikely to reoffend after five crime-free years in community
 - Successful completion of treatment also correlates with reduced likelihood of reoffense
- A reduced risk score could also be included as a factor to consider in removal petitions
- Petition process still allows case-by-case analysis
- Currently overlapping deadlines / removal terms could be simplified



Restore non-public database for eligible registrants

- Current registry system includes technology and processes for a law-enforcement-only database
- Could be paired with disclosure provisions for community stakeholders
- Could be based on offense of conviction and tied to risk assessments

The public may also be better-served by a more targeted approach here.



Increase Utility of Public Database

- Include data about recidivism risk
- Include offender risk information, where appropriate
- Consider terminology (“offender” vs. “registrant”)



Fines and Fees Analysis

- \$100 annual fee for registrants, plus \$25 locally
- Also costs associated with maintaining address information with DLD
- Costs compounded by housing difficulties for this population
- Costs could be reduced or placed on a sliding scale



UDC Process Refinement



Housing / Supervision Requirements

- Loosen restrictions barring sex offenders from long-term care facilities to reduce over-incarceration
 - Current notice provisions are prohibitive
- Allow for intensive supervision for low-functioning, high-risk offenders
 - Need for intensive supervision outside of incarcerative setting



Sex Offense Task Force

- Currently housed with UDC to carry out various statutory requirements related to sex offender treatment
- But includes other stakeholders in this arena
- Could be given broader policy advisory authority to begin transition to more risk-based processes



Next steps



Next steps

- House Law Enforcement and Criminal Justice Committee is VERY interested in the work of this group, particularly on registry improvements
- Sentencing Commission members are ready to help with recodification or other registry proposals
- There is a need for some quick action, at least on low-hanging fruit
 - But process is important too



Questions?



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