

Reviewing Utah's Sex Offender and Kidnap Registry



History of Utah's Registry

- Established 1983;
 - Only accessible by law enforcement, education licensing agencies, and UDC
- Expanded
 - 1996 to include community notifications;
 - 1998 allowed registrant info to public;
 - 2001 added new offenses and created lifetime registry;
 - Over 13 amendments since 2006

Utah's Current Registry

- Offense based
- Two tiered system
 - 10 year registration
 - Can petition off at 5 years for certain offenses
 - All others can petition off at 10 years in community
 - Lifetime registration
 - Offense based regardless of risk to reoffend
 - Second offense of any kind (except sexual battery or lewdness which require 4 offenses each for 10 year registry) requires lifetime registration

Pros and Cons :

- Easy to identify who to register;
- Offense based registry creates AWA compliance
- May not capture who we think we are capturing
 - May register low-risk offenders or may miss moderate- to high-risk offenders;
- Inability for removal gives no incentive for compliance;
- Does not account for reduction in risk;
- Long-term collateral consequences

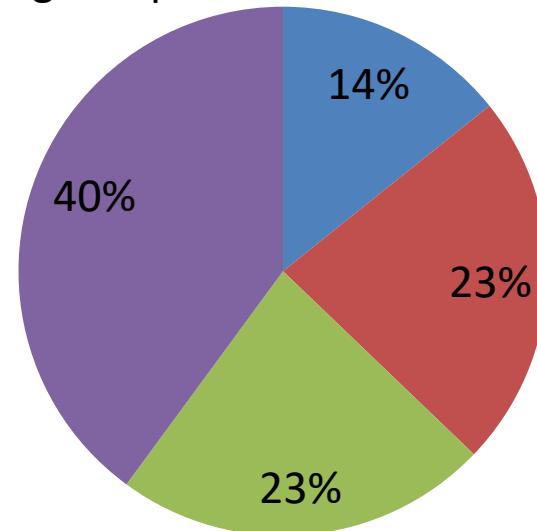
Current Data

*as reported by UDC

- 9,109 offenders on registry;
- 7,809 located in Utah;
- 4,953 lifetime registrants;
- 4,117 ten year registrants;
- 2,105 in jail or prison;
- 2,037 on probation or parole;
- **3,667 no longer on supervision**

Registrants

- Not in Utah
- Incarcerated
- Currently on probation or parole
- Completed probation or parole - no longer supervised



Current Data (cont.)

- Approx. 350 people are removed from registry each year;
- 94.96% of individuals are compliant with registry laws

Sentencing Commission
was asked to look at two issues
regarding the registry

Working Group

- Sentencing Commission
- Legislators
- Department of Corrections
 - Prison, AP&P, and Registry
- Bureau of Criminal Identification (BCI)
- Board of Pardons & Parole
- Attorney General's Office
- Prosecutors
- Defense Attorneys
- Victims' Advocates
- ACLU
- Citizen Representatives

Issue 1: Should there be the ability to remove an individual from the registry if pardoned?

Issue 2: Should the registry be risk based vs. offense based?

What were the original intended goals of the registry?

- Assist law enforcement to monitor registrants in community;
- Provide information to the community;
- Belief it would deter sexual offending;
- Belief it would decrease recidivism;
- Belief it would increase community safety

Knowing those intended goals,
is the registry actually meeting
those goals?

How to determine if the goals are being met:

- Who is on the lifetime registry?
 - How many for each offense?
- How many individuals are in the community?
- How many individuals are on supervision?
- What does recidivism look like for lifetime registrants?
 - Sexually reoffending vs. other criminal offenses?

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% (Bench & Allen, 2013; CCJJ, 2019)
 - Utah General recidivism rate between 13% to 60% (based on UDC/CCJJ information)
- 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

Recidivism (cont.)

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

Why relook at the registry?

- To ensure the registry is serving its intended goals;
- To ensure the registry is based on sound policy, data, and research;
- To ensure we are appropriately addressing the 2% to 10% of individuals likely to reoffend;
- To ensure we are allowing for successful reentry of individuals who successfully complete rehabilitative efforts and decrease risk to reoffend;
- To ensure we understand the barriers the registry may create to successful reentry;
- To be informed on other collateral consequences the registry creates