



UPAN Newsletter

Volume 5 Number 5 | MAY 2018

"Empowerment and Growth Through Knowledge and Unity"

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CUCF Education; UTAH'S SO Registry's 35 Year History

NEXT UPAN MEETING: MONDAY, JUNE 11, 2018 6:30 – 8:30 p.m.

Kafeneio Coffee House 258 West 3300 South, Salt Lake City

TOPIC: Jason Groth, Smart Justice Coordinator for ACLU of Utah Will Speak
Free and open to the public.

* * * NO JULY MEETING * * *

August UPAN Meeting, Monday, August 13, 2018 6:30 – 8:30 p.m.

Kafeneio Coffee House 258 West 3300 South, Salt Lake City

TOPIC: Faye Jenkins will present on Utah's Sex Offender Registry - Open to Public

FOCUS MEETING: Date TBA

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Disclaimer: Formulate your own opinions about the information presented.

This information is presented for the reader's enlightenment and evaluation.

Books Donated to Prison Libraries, Courtesy of Barnes & Noble

The generosity of Barnes & Noble booksellers cannot be surpassed. A recent example was the donation of books, anticipated to be 1,000 books, delivered to Utah's prison libraries. Subject matter is diversified, ranging from novels thru non-fiction. The books are reportedly spread among several residence (buildings) libraries at Draper. Distribution was determined by the DOC and some may eventually arrive at CUCF. The interesting part is that once this flow of free books was started, the final donation was 2,200 books. For those who are not very good at numbers, that's TWO-THOUSAND TWO HUNDRED, or 120% MORE than the original generous number. WOW!! I'm not putting in a plug for shopping at any of the ten B & N bookstore locations in Utah but use your own judgment when purchasing. The donation was coordinated by the Utah District Manager for Barnes & Noble, Jacob Jenkins. Speaking for the inmates, "A million thanks from the hundreds of beneficiaries on the receiving end of this generous Barnes & Noble donation." Ed.

"The difference is perspective – are you facing an ordeal or an adventure?" Chester Bennington

UPAN May 2018 Meeting Subject: Education at Central Utah Correctional Facility

Article on CUA by Mark Hugentobler, Director Central Utah Academy in CUCF

[The following details and educational information were the subject of the May UPAN monthly meeting. This is a synopsis of education programs offered through Central Utah Academy located inside CUCF in Gunnison. At the conclusion of this presentation our May UPAN meeting was adjourned. Ed.]

The CUA Mission Statement: Through the cooperation of the UDOC, we exist to provide our students and inmate employees the opportunity to change their patterns of thinking, provide service to others, and develop personal patterns of service, caring and positive change.

Definitions:

- TABE – Test of Adult Basic Education
- CUCF – Central Utah Correctional Facility
- CUA – Central Utah Academy (Hosts high school level courses)
- UPrep – Utah Preparatory Academy (Hosts college prep courses as well as accredited college courses through Weber State University, Salt Lake Community College, and Snow College)

The CUA programs provide the necessary instruction for students to increase basic skills and earn high school credit. The total number of graduates since the school opened in 1991 now exceeds 3,000, with over 230 in the last three years alone. The CUA staff consists of a Principal, Assistant Principal, 10 high school faculty members, 4 secretaries, 1 Out-Reach Director and 25 inmate tutors. The CUA mission statement is, "Through the cooperation of the UDC we exist to provide our students and inmate employees the opportunity to change their patterns of thinking, provide service to others, and develop personal patterns of service, caring and positive change."

From 2010 to 2016, the student population exploded from 180 to 750+ and now the majority of our current inmate students have graduated. This created a new problem; what can be done to help students who have completed High School? CUA's success has generated a demand for a post-secondary education/vocational program. This is why our inmates have created a grass roots program appropriately named, "Utah Preparatory Academy" (UPrep).

UPrep offers three types of courses for the graduate with high TABE test scores: Personal Growth, Career Technology, and Collegiate Introductory. Molded in the image of CUA, UPrep currently has over 25 facilitator-led courses with a student body of 220+. CUA and UPrep currently employ 44 inmate tutors with over 60 volunteers. Students in UPrep have earned certificates from the National Center for Construction Education and Research (NCCER) and the National Restaurant Association (NRA). College courses have been offered and college credit earned in partnership with Weber State University, Salt Lake Community College, and Snow College.

UPrep offers college preparatory courses in Spanish, Math and English. It also provides a broad range of practical applications, such as how to write a business plan, technical skills in graphic design and coding, maintaining and understanding computer hardware and software, day trading applications in our current stock market, architecture & design plans, managing a restaurant and creative writing.

Recently we have received a grant to start a coding camp, which we have appropriately named "Computer Code Boot Camp". Code Camp consists of a series of intensive computer-science courses, focusing primarily on the most popular technologies of the World-Wide Web. Students will quickly find themselves immersed in the exciting world of webpage and web-application development, challenged by real-world projects with an increasing level of difficulty and complexity. The curriculum and training exercises build incrementally as students become competitive and proficient software developers for modern computer systems and the Internet. Over fifty students have participated in the preparatory program so far, and twenty of the most advanced students will start the official Code Camp in March of 2018, preparing for future successful careers in the field. Of note, our Code Camp is patterned after "The Last Mile" program started in San Quentin Prison over 6 years ago.

Snow College has selected a CUCF inmate with a BS from BYU and a Master of Business Administration from the Marriot School of Management at BYU to instruct their Business 1010 course here in UPrep. This inmate "professor" will function as an adjunct professor for Snow College performing all functions typical of an adjunct professor. The administration at Snow College has strong interest in repeating this model with other "inmate professors".

PrisonEd courses are available to those that qualify, whether they are in general population or locked-down. UPrep continues to benefit from their relationship with Dr. Don Wright.

Two factors to consider on the importance of UPrep, the actual tipping point for a living wage is only 1-year of postsecondary schooling and on average, according to The Rand Corporation study done in 2013 for the Bureau of Justice Assistance U.S. Department of justice (www.rand.org), inmates who have participated in correctional education programs had 43 percent lower odds of recidivating than inmates who do not.

We are proud of the strides we have made to create the most effective secondary and post-secondary prison education program in Utah and feel we can compete nationwide.

Enrollment Numbers:

- CUCF inmate population: 1600 inmates
- CUA current enrollment: 894 inmate students including 83 level two (locked down). This includes nearly all inmates that have TABE scores below 11. Over 95% of inmates in CUCF whose TABE score(s) are below 11 are enrolled and actively working in CUA.
- uPrep currently enrolls over 220 inmate students enrolled in a variety of over 25 classes.
- 1114 of 1600 CUCF inmates involved in education.
- uPrep accredited courses offered: WSU Humanities 2130, SLCC World Civ 1510, SLCC Anthropology 1030,

SLCC Math 1010, SLCC Communications 1010, Snow Business 1010, Snow Business 1210

- uPrep CTE (NCCER) courses offered: Electrical, Sight Layout, Core Curriculum, Carpentry, Construction Technology
- uPrep other courses offered: Restaurant Management (national certification certificates), CDL, Pathways to Success, Learning Strategies, Day Trading, A+ Certification, Spanish, Creative Writing, Computer Science, Programming Methodologies, MicroSoft Office Suite, Graphic Design, Architecture and Design, Intro to Investing

Staff and Inmate tutor/facilitator information:

- CUA Staff members – 1 administrator, 3 secretaries, 1 counselor, 13 teachers.
- CUA inmate tutors – 71
- uPrep & CUA inmate facilitators (all volunteers) – 60+
- CUA hosts courses Mon-Thur. 8:00 to 7:00.
- uPrep hosts courses Mon-Thur. 5:00-7:00 and Fri, Sat 8:00-4:00

KAITLIN FELSTED WELCOMED AS THE NEW PIO FOR UTAH DOC

Kaitlin Felsted replaced Maria Peterson in the position of Public Information Officer in April. Ms. Peterson moved into a position as deputy director of Utah Correctional Industries.

Ms. Felsted comes to UDC from the Governor's Office of Economic Development (GOED) where she has spent five years working in various communications positions. Since 2014 she served as the Marketing Communications Director with the Utah STEM* Action Center. In this capacity Kaitlin worked closely with educators and legislators building important relationships with state government and community members. She also created and managed the center's website, social media channels and developed relationships with local media.

Ms. Felsted has also dedicated time working as an adjunct faculty member at Salt Lake Community College teaching students in areas such as public speaking and business communications. Prior to working with GOED, Felsted pursued a Masters in Mass Communications at Brigham Young University. She received her Bachelors in Communications from BYU Idaho. She is a volunteer with the Family Crisis Center and is certified as a Community Emergency Response Team member.

The PIO is the first contact for UPAN and families of inmates when trying to figure out how to address issues and who to contact regarding various problems within the prison system. UPAN looks forward to working with Ms. Felsted in the future.

* Science, Technology, Engineering, Mathematics

INFORMATION FOR INMATES - Please Read And Help Us Serve You Better

Change of Mailing Address

We're asking all inmates to please notify UPAN of facility housing changes-of-address or release. We have a lot of inmate newsletters returned due to moves to different facilities, including county jails. Please notify us of those changes as soon as you can when they occur. This way the volunteers who send your newsletters in to you are not wasting funds because the newsletter can't be delivered. [Editor's Note: Each newsletter costs about \$1.19, with back-to-back five sheets (10-pages) 65 cents, envelope 5 (five) cents, and stamp 49 cents. You can add it up to check my math. One commercial print shop I priced once, wanted 28 cents for one back-to-back sheet, times 5 = \$1.40 plus envelope and stamp for a total per newsletter of \$1.94. That's EACH! Ouch! Ed.] We REALLY appreciate everyone who has notified us of their parole or change of facility ahead of time.

Prepaid Postage From Inmates

We would like to thank all inmates who send us envelopes with the postage prepaid to try to help with mailing costs, it is very helpful. It would be most helpful to us if they were not already addressed. Sometimes they are addressed to inmates who receive their newsletters from one of our volunteers who live outside the Salt Lake Valley and it is not always possible to get that envelope to the volunteer. Some of our volunteers who mail newsletters for us even live outside of Utah!

The blank envelopes you send are then used by the main UPAN directors to respond to letters from inmates or given to those volunteers who attend our meetings and send newsletters out to inmates.

Newsletter Mailing From Loved Ones

We have volunteers who mail newsletters to any inmates who have no family or friends to do so. If you have loved ones who are willing and able to print and send you the newsletter, that is the easiest way for you to receive it. Ask your loved ones to contact us to receive a newsletter by email. They can read it and then print it front and back and mail it to you. Please let us know if you are on our mailing list but have loved ones who are sending it to you and we will remove you from our list. This opens up spots for our volunteers to mail newsletters to other inmates who have no one to do so for them. (UPAN email address at end of this article.)

Please do not ask UPAN to send newsletters to your families who are in the community. Our volunteers send to people who have NO ONE out here to print and send newsletters to. Please have your families access our newsletters via our website or by email.

Inmates Who Are Releasing

If you will be releasing from prison in the coming month or two, please send us notification of your release date, and if you will be paroling to a community correctional center, and the name of the halfway house. If you do not know the halfway house address but know which one, let us know that. Once you're released you can request our newsletters using the UPAN email address.

We Are All Volunteer – None Are Attorneys

Please do not send us your legal paperwork. We cannot intervene in issues such as Board decisions or contribute to appeals or other legal issues. We do recommend that you write whomever your legislator would be and have your family write to their legislators

about issues related to lack of adequate representations by legal defenders or other issues that are overseen by state law.

We Cannot Answer Every Letter

We receive a lot of mail from inmates. We cannot personally answer every letter we receive about every problem. Please know they are ALL read. We do our best to follow up with the DOC or appropriate agencies / facilities or people regarding the issues brought to our attention. We often use the newsletter to update everyone on what we have learned through those discussions, in general terms. If you write a letter requesting a response, please know it could take months to get to a personal response but we are sharing the information with other directors of UPAN as well as asking questions about concerns brought up.

The Newsletter is to Share Information

The UPAN News was created to share information. We realize that sometimes the information provided us by the DOC or other agencies is their perspective on things and not always compatible with inmate experiences. Just because we report on what UPAN has been told does not mean we are endorsing what we have been told or always buy into it. But we do identify when what we are writing about is from someone's particular report, point of view, or response to UPAN's questions. We appreciate receiving info and proof of differing experiences from prisoners and others. It helps us form our questions as we follow up. Email: utahprisoneradvocate@gmail.com

35 Years of the Utah Sex Offender Registry

by Faye Jenkins

“So long as there exists in this world that we call civilized, a system whereby men and women, even after they have paid the penalty of the law and expiated their offenses in full, are hounded and persecuted wherever they go – this story will not have been in vain.” Victor Hugo in the introduction to Les Misérables.

May 10, 2018 marked the 35th Anniversary of Utah's Sex Offender Registry. Despite our State's commitment to rehabilitation and treatment with accompanying low recidivism rates and risk to the community at large, each successive change to the registry, excepting the most recent, has been more punitive, shackling all former offenders with the same scarlet letter regardless of risk or treatment or individual determination to change and right their wrongs. We acknowledge our State's zealous efforts to protect our communities from sexual abuse and assault. Nevertheless, there are less invasive and more effective methods for protecting our communities, while allowing the greater majority of former sexual offenders, who pose a very low risk of reoffending, the freedom to fully reintegrate back into their communities and lead productive lives.

In this first of three articles, we will look at the evolution of Utah's Sex Offender Registry along with what studies reveal about treatment, recidivism risk levels, and the associated re-offense rates for past sexual offenders. Next month we will take a closer look at the people who find themselves on the registry along with what the courts have to say about registry laws in other states as we question the effectiveness of Utah's own offender registry laws. And finally, in our last installment, we will look at recommended changes to the laws that would help the registry become more effective in protecting the public as well as encouraging past offenders in their treatment efforts, as they move forward in life, freed from the cords that forever bind them to their past offenses.

1983 – 1995

Utah's sex offender registry was enacted in 1983, before computers, the internet, or social media, when

paper files were the method of record keeping, and information about past offenders was not easily shared between departments or agencies. The law began as a data management regulation with the specific purpose of aiding investigative work while bearing minimum impact on the personal lives of those on the registry. The purpose of the registry was clear in 1987 as the law was rewritten to read, “[to] assist in investigating sex-related crimes and in apprehending offenders.” The way to do that was, “[to] develop and operate a system to collect, analyze, and maintain information on sex offenders and sex offenses.” To get a better understanding of the risk past sex offender's pose to our communities, the Utah Commission on Criminal and Juvenile Justice (CCJJ) conducted a study in 1995 evaluating the recidivism of inmates released during the past decade. Their conclusion was, 1) recidivism among past sex offenders was very low, much lower than other types of criminal offenders and 2) there were methods available to identify high risk past offenders, but there was no effort to do so.

1983 – Utah Law

- “Utah and the nation were experiencing a dramatic shift in correctional philosophy from a rehabilitative model to a punishment and public protection model.” (*Analysis of Utah's Child Kidnaping and Sexual Abuse Act of 1983*). Significant changes were made to Utah's laws dealing with sex offenses. Specific laws associated with offenses against children were enacted. Punishments for many crimes were increased by elevating the degree of severity. Mandatory minimum sentences were imposed for acts against children.
- May 10, 1983, Utah's first sex offender registration law was enacted specifically to aid law enforcement to track the location of former sex offenders for investigative purposes. The registry included all persons who committed a crime listed in Utah Code 76.5.4. The information listed in the registry was private and not available to the public.
- Those who were required to register simply needed to provide a statement, their fingerprints, a photograph to law enforcement, and update the registry within 10 days of changing residence. Those with 1st or 2nd degree felonies were required to remain on the registry for life while all others were required to register for 7 years after the termination of their probation or parole.
- Registration compliance was enforced by a class A misdemeanor violation charge which came with mandatory 90 days to one year in jail and an additional one year of probation.
- A requirement was established for the assessment of an offender's risk of recidivism prior to board hearings which provided the Board “the prisoner's current mental condition and attitude as they relate to any danger the prisoner

may pose to children or others should the prisoner be released on parole.”

- Additionally, the Board was required to order three years of outpatient mental health counseling and treatment in an effort to reduce recidivism as a past offender reintegrated back into the community.

1984 – Utah Law

- Minor changes to the registry included which offenses were registerable and for how long.

1987 – Utah Law

- The existing registration law was repealed and replaced.
- The Department of Correction (DOC) was given responsibility for maintaining the registry.
- The continued purpose of the registry was to assist in investigating sex related crimes and in apprehending offenders.
- The registry information remained protected and only available to law enforcement.
- Time on the registry began after judgement and remained for 5 years after the termination of the sentence for all offenses. Individuals were required to update the register within 10 days of changing residence.

1989 – Utah Law

- Access to the registry was given to Utah's Office of Education. This change expanded the use of registry information from only law enforcement and DOC duties.

1991 – Utah Law

- The law clarified that information on the registry was classified private, confidential, or protected under the Government Records Access and Management Act.

1994 – Federal Law

- Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act was passed in response to a high-profile case of an 11-year-old Minnesota boy who went missing by a stranger.
- This act required all States to create a sex offender and crimes against children registry. It required yearly verification of addresses for 10 years for most offenders while those who were classified as sexually violent were to register quarterly for life.
- Those persons convicted of a criminal offense against a minor or a sexually violent offense (as described in sections 2241 and 2242 of title 18, United States Code, or as described in the State criminal code) must register and verify current address with law enforcement once a year for 10 years after being discharged from prison or jail.
- Sexually violent predators are determined by the sentencing court based on one's history of sexually violent offenses, evidence of mental abnormality or a personality disorder that makes

the person likely to engage in predatory (directed at a stranger) sexually violent offenses.

- Sexually violent predators are required quarterly registry verification for life. Courts may remove this status if a person proves they no longer have a mental abnormality causing them to offend.
- As defined by the bill, the term “sexually violent offense” means any criminal offense that consists of aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code, or as described in the State criminal code) or an offense that has as its elements engaging in physical contact with another person with intent to commit aggravated sexual abuse (2241) or sexual abuse (2242).
- Non-compliance by 1997 would lead to 10% reduction of federal block grant funds for criminal justice.

1995 – Utah Law

- Individuals on the registry cannot change their name.

1995 – Analysis Report -- *Analysis of Utah’s Child Kidnaping and Sexual Abuse Act of 1983*

- “One of the major problems has been that recidivism rates in most groups have been quite low, making the task of accurately identifying those that would reoffend much like finding a needle in a haystack. However, it now appears possible to classify sexual offenders into groups with comparatively high base rates of offending. Prediction seems much more viable once these groups are identified. Although this seems feasible, implementing this approach routinely has yet to be done.”
- Recidivism for past sex offenders was found to be significantly lower than recidivism for other offenses. **“Since 1985, only 20 of the 621 (3%) sex offenders paroled from the Utah State Prison system have been returned to prison for another sex offense.”**
- Studies evaluating the effects of treatment on recidivism at this time came back inconclusive.

1996 - 2005

After another high-profile case, the rape and death of 7-year-old Megan Kanka, Megan’s Law was enacted in 1996 requiring public notification of sexually violent offenders. Utah implemented the public notification part of the law universally without amending the purpose of the registry or limiting the notification to only “sexually violent offenders.” For the next decade, Utah’s legislature implemented public notification changes to the law, along with additional conditions and restrictions for individuals on the registry, in a one-size-fits-all format, with no effort to narrow the focus to only those past offenders with the highest risk of recommitting a sexual crime.

It is significant to note that the same year Utah implemented public notification and warnings for all past

sex offenders released into the community, Utah also implemented indeterminate sentencing. According to the 2006 Indeterminate Sentencing Report, **“Ultimately, this indeterminate sentencing system best empowers judges and the Board of Pardons and Parole to ensure that an offender, who continues to present indications of risk to the public, remains incarcerated. Thus, our present structure gives us the best of both worlds – a front and back end evaluation of each offender.”** Additionally, the State allocated funds to the Department of Corrections requiring sex offenders to receive offense specific treatment prior to parole in addition to the previously required treatment in the community as a condition of parole. These regulations were enacted to prevent dangerous, high risk sex offenders from being released and to further reduce the low risk of recidivism for past offenders released back into the community.

1996 – Federal Law

- Megan’s Law was passed, “To amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders.”
- This amendment changed registry information from private to public and allowed State’s law enforcement agencies to release relevant information that is “necessary to protect the public concerning a specific person required to register.

1996 – Utah Law

- Mandatory minimum sentencing is repealed and replaced with indeterminate sentences.
- Sex offender parole lengths were changed to lifetime for 1st degree felonies, 10 years for 2nd degree felonies, and 3 years for all other offenses unless terminated earlier.
- The DOC was responsible for disseminating information on registered sex offenders and offenses to petitioners. Only victims and neighbors of a registered offender could petition the DOC in writing for information about registered offenders.
- The registry law was amended requiring past offenders to register annually for 10 years after the termination of their sentence and within 10 days of changing residence.
- Registration information was expanded to include all names and aliases, a physical description, type and description of vehicles registered that the individual drives, restrictions the registered individual must follow, a current photograph, the name and number of probation or parole officer, all the crimes a registered individual was charged and convicted of, description of registered individual’s primary and secondary targets, and a description of the registered individual’s method of past offense.
- The Utah DOC was appropriated \$410,000 to implement a sex offender treatment program for

inmates prior to parole. Results and assessment of treatment were to be provided to sentencing and release authorities while data was to be collected and reported yearly to the CCJJ to show effectiveness of treatment. Sex offender therapists must be licensed as such, based on education, training, and practice.

1998 – Utah Law

- The sex offender registry was no longer classified as private, controlled, or protected, and was to be made available to the public by DOC. (While all the information listed above in the 1996 law was required to be reported to the registry by the individual, not all of it was available to the public through the public notification requirement.)

2000 – Utah Law

- A disclaimer was made for posting registry information on the internet as the registered past offenders' personal information was openly shared with the public.
- "The public is not allowed to publicize the information or use it to harass or threaten sex offenders or members of their families; and harassment, stalking, or threats against sex offenders or their families are prohibited and doing so may violate Utah criminal laws."

2001 – Utah Law

- Implemented lifetime registry for previous convictions of all offenses and first-time convictions for many specific offenses.

2002 – Utah Law

- Added that the education or employment at an institution of higher education for registered individuals must be made available immediately to the law enforcement over that jurisdiction.

2002 – Analysis Report

U.S. Department of Justice Special Report Recidivism of Prisoners Released in 1994

- Study tracked the rearrests, reconviction, and reincarceration of 272,111 former inmates for 3 years after their release in 1994.
- Within 3 years, of the 3,138 released rapists, 78 (2.5%) were arrested for another rape. Of those released rapists, 27.4% were convicted of a new crime, of which most of those crimes were not sexual offenses. The recidivism rate for sex offenders was significantly lower than for all other types of criminals except those convicted of homicide.
- Criminal history is one indicator of recidivism, so it is helpful to know the history of those involved in the study. Seventy percent had 5 or more prior arrests (not including the arrest that brought them to prison), and half had 2 or more prior convictions (not including the conviction that resulted in their prison sentence). Almost 44% had served a prior prison sentence.

2006 - 2011

Despite the State's efforts to provide treatment for sex offenders and assess their risk of recidivism prior to their being released into the community, Utah legislature opted not to implement the federal Adam Walsh Act recommendation of registry tier classification to identify and separate sexually violent offenders from the vast majority of low or moderate risk sex offenders in the community. Utah opted instead to include past juvenile sex offenders on the registry, to increase the frequency of mandatory verification to twice a year, to implement a fee for registered past offenders to pay to maintain the public notification website and to monitor their registry compliance, to impose new community restrictions that extend beyond successful completion of probation or parole, and to give past offenders the added inconvenience and cost of renewing their driver's license or identification card every year, despite the abundant research confirming past sex offenders' low risk of re-offense and harm to their communities, especially after receiving treatment.

2006 – Federal Law

- Adam Walsh Child Protection and Safety Act was passed in memory of a young boy abducted from a department store and then murdered by a serial killer in Florida.
- The act required states to place sexual and other violent past offenders on a registry and divide them into 3 tiers based on the level of offense committed.
- Tier III offenders were to update their location every 3 months and register for life.
- Tier II offenders were to update their location every 6 months and register for 25 years.
- Tier I offenders were to update their location every year and register for 15 years.
- States were required to publicly disclose at a minimum Tier II and Tier III offenders.

2006 – Utah Law

- DOC must post registry information on the internet.
- Registered past offenders were required to pay an annual fee of \$75 used to maintain the register and ensure compliance of registered individuals.
- Juvenile past sex offenders were required to register.
- Driver licenses were annotated for past sex offenders which require yearly renewal.
- More offenses were added to the lifetime registry.
- Failure to register became a 3rd degree felony if required to register for a felony offense.
- Required to update the registry within 5 days of changing residence.

2006 – Analysis Report

A statement Regarding Utah's Indeterminate Sentencing System

- "The driving focus of indeterminate sentencing is public safety."

- “These inmates end up being more motivated to rehabilitate and easier to supervise within the prison system as they have hope for release contingent upon prison behavior.”
- “Moreover, offender rehabilitation minimizes the risk to the public upon the offender’s return to society – true public safety is determined after incarceration and release into the community.”

2007 – Analysis Report

Report handed out to the 2007 General Legislative Session

- Corrections compared all 1991 through May 2, 2004 program graduates to all other past sex offenders released in 2000, 2001, 2002, and 2003 who had not completed all phases of treatment by their parole release date. First year return rates showed the return rate for those who completed treatment were less than half of non-completers (19.5% vs. 42.1%).
- Majority of recidivism was caused by technical parole violations, not re-offense. From all offenders who completed treatment, only 9 returned for a new criminal conviction within the first year of parole. Of the 9, only 2 were for a new sex offense conviction. **Those 2 offenders represent .05% of the total treated and released population between January 1991 and May 2004.** [.05% translates to five sex offenses in 10,000 parolees or one in 2,000. It helps to see it in English, not a number.]

2007 – Utah Law

- Removed the restriction in the law prohibiting the public to publicize registry information.
- Past offenders with an offense against minors are prohibited from entering protected areas. Those areas include parks, playgrounds, schools not on the grounds of a correctional facility, public pools, day care centers, or any place where children are likely to recreate. (Utah Code 77-27-21.7)

2008 – Analysis Report

Residential Proximity & Sex Offense Recidivism in Minnesota

- Minnesota conducted a study to see whether housing restrictions around schools, parks, playgrounds or other areas where children congregate reduce sexual recidivism and protected children from sexual abuse.
- Of the 3,166 past sex offenders released between 1990 and 2002, there were 224 who were reincarcerated for a sex offense following initial release from prison. Only 16 of those offenders established direct contact with a juvenile victim within a mile of their residence.

None of the 16 cases involved victim contact near a school, park, or other prohibited area.

2008 – Utah Law

- Length of parole was changed for any felony offense under Title 76 Chapter 5 with an indeterminate sentence to equal the maximum

sentence of the offense unless terminated earlier by the Board of Pardons and Parole. Enacting this amendment intentionally increased the length of time on the registry.

- https://www.heraldextra.com/news/local/utah-steps-up-sex-offender-law-still-short-of-federal/article_eb3322ea-35ef-543c-8df6-485161f16206.html
- 3-year assessment tool created to evaluate offenders released back into the community.
- Registry was amended to include kidnapping offenses. Added more offenses to the registry.
- Registry added DNA specimen, all telephone numbers, internet identifiers and addresses, copy of passport, documents of immigration of aliens, all professional licenses, name and address of where the registered individual is employed and works as a volunteer, and social security number. (Other than professional licenses, these additions are for law enforcement information and not public information on the registry).
- Must register every six months and within **3 days** of changing primary or secondary residences, change of employment, change of vehicles information, or educational information.
- Penalty of noncompliance was enhanced to an additional year on the registry for every year the registered individual does not comply, in addition to jail time, 1 year probation, and 3rd degree felony charge for non-compliance.
- The DOC required to maintain the Sex Offender Notification and Registration website on the internet.
- The annual fee increased from \$75 to \$100. An additional \$25 fee may also be collected from law enforcement offices where individuals must register. (Note: Individuals on probation or parole register with their PO at A P & P office. Individuals no longer on probation or parole register at their local law enforcement office, such as police department. Each office independently determines if they will charge that fee.)

2009 – Utah Law

- A new law was enacted that prohibits persons with past sex offenses against minors under the age of 14 from being in the presence of children under the age of 14 unless certain conditions are met. The person must reveal their past offenses to the child’s parents and get written permission from them to be in the unsupervised presence of the child or to escort the child.
- Punishment for violating this part of the law was set as a class A misdemeanor with an additional 5 years on the registry (assuming the individual wasn’t already on the registry for life) on top of any other penalties from breaking registry rules (i.e. jail time, 1 year probation, additional year on registry, and 3rd degree felony for past offenders with felony offenses). (Utah Code 77-27-21.8)

2010 – Analysis Report

Sex Offender Treatment in Utah

- The goal of sex offender treatment is to lower recidivism. Deviant sexual behavior is controllable given adequate effort in treatment and the continued practice of the principles learned in treatment.
- Majority of sex offenders who are incarcerated in Utah State Prison are expected to complete the treatment program prior to parole. Offenders are screened to determine if further core treatment is necessary during parole. Offenders who completed treatment in prison are required to attend aftercare treatment upon parole.
- All sex offenders are expected to attend out-patient sex offender treatment upon being placed on probation or release from jail. There is no sex offender treatment available to individuals who are county inmates while in jail.
- The number of sex offenders incarcerated in prison more than doubled since 1996 when [annual fixed] funding was allocated to the program.
- Those who complete treatment had a 26% lower recidivism rate than non-completers.
- **Note** – probationers are those who did not go to prison but may have served some jail time and are still under the jurisdiction of the Court. Parolees are those who went to prison and are under the jurisdiction of the Board of Pardons & Parole.

2012 - 2018

A few positive legislative changes to the registry were realized during the past five years. Some registered offenders are now able to petition to have their names removed from the registry after five years and life time registry for most juveniles was abolished. In 2015, the Justice Reinvestment Initiative (JRI) was enacted which encourages the courts and the DOC to focus on an individual's risk of recidivism and treatment when determining the type and length of a person's sentence. The purpose behind the JRI was to redistribute the State's money from long-term incarceration of low risk, non-violent offenders, to treatment and the successful transition of individuals back to their families and communities.

2012 – Analysis Report

Utah Cost of Crime Sex Offender Treatment

- Treatment in a community-based setting is effective for both juvenile sex offenders (70% reduction in sexual recidivism) and adults (48% reduction).
- The Circles of Support and Accountability (CoSA) model employs a team of trained community members to mentor high-risk, adult sex offenders as they transition out of prison. High-risk sex offenders participating in CoSA programs were significantly less likely to recidivate than offenders

who were not participating in any re-entry program.

2012 – Utah Law

- Sex offender registry original statute is repealed and replaced. A new chapter is created in Title 77 for the sex and kidnap offender registry.
- Original registry law organized into 11 subsections.
- New subsection 12 added that allows registered past offenders to petition to remove their names from the registry after 5 years for certain offenses.

2014 – Analysis Report

High Risk Sex Offenders May Not Be High Risk Forever (Hansen – 2014)

- The study used the Static-99R risk assessment to classify sex offenders in three categories as high, medium, and low risk to re-offend. Study followed past offenders for 20 years assessing their risk to re-offend in 5-year increments.
- Study showed the risk of re-offending was greatest immediately after release and during the first few years.
- The risk of recidivism significantly dropped over time to where there were no re-offenses among the group of high risk past offenders after 16 years in this study.
- Low risk offenders were consistently in the 1-5% risk range throughout the study period. The risk was similar to non-sexual offenders who have a risk rate of 1-3%.

2015 – Utah Law

- Justice Reinvestment Initiative was implemented. It was designed to take a closer look at criminal risk factors, create individual case action plans, evaluate effectiveness of treatment and associated reduction of recidivism. Time is removed from sentence for completion of priority treatment programs and a cooperative attitude during incarceration period.
- “Criminal risk factors” means a person's characteristics and behaviors that: (a) affect that person's risk of engaging in criminal behavior, and (b) are diminished when addressed by effective treatment, supervision, and other support resources, resulting in a reduced risk of criminal behavior.
- “Risk and needs assessment” means an actuarial tool validated on criminal offenders that determines: (a) an individual's risk of reoffending; and (b) the criminal risk factors that, when addressed, reduces the individual's risk of reoffending. (See May 2017 UPAN News for more information on this type of assessment.)
- The CCJJ was required to study, evaluate, and report on programs initiated by state and local agencies to address reducing recidivism, including changes in penalties and sentencing guidelines intended to reduce recidivism, costs needed to

meet goals regarding the use of treatment as an alternative to incarceration, as resources allow.

2016 – Utah Law

- Added two other Class A misdemeanors to the list of offenses eligible for early removal.
- Added the stipulation if a petitioner's request for early removal is denied, the petitioner may not make another request for 3 years.

2017 – Utah Law

- Added sexual extortion to the list of registerable crimes. (By committing, attempting, soliciting, or conspiring to any of the 24 sexual crimes or four kidnapping crimes listed, there are over a hundred possible ways to be put on the sex and kidnap offender registry.)
- Prohibited lifetime registry for past offenders under the age of 21 unless force or coercion were used in the offense.

2017 – Analysis Report

SOPT Audit

- Prevention of future sexual crimes relies heavily on effective treatment to reduce recidivism.
- The Board of Pardons & Parole has generally required that sex offenders successfully complete sex offender treatment in prison before they will be considered for parole.
- Total expenses for sex offender treatment in Utah have grown from a low of \$1.165 million in fiscal year 2007 to \$1.56 million in fiscal year 2016, though the amount spent per individual actually decreased. [Increase of \$395,000.]
- The October 2016 Utah Justice Reinvestment Initiative Annual Report states that supervision should be focused on the risk level of the individual offender.
- SOTP has static risk information for almost all sex offenders currently in treatment, but this information was not being used effectively. Unlike other states, Utah generally was not using risk levels to determine where offenders receive treatment (prison vs. community) or how much treatment they receive.

* * * * *

"Tomorrow hopes we have learned something from yesterday." John Wayne

Progress is slow, but we're seeing more releases on parole, and reduced prison population. That's cool! Ed.

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- 37% of sex offender inmates in Utah's prison system are low risk.

2017 – Utah Department of Corrections Announces Changes to Sex Offender Treatment Program

- Most noticeable change was the replacement of the current program with an evidence-based program using cognitive-behavioral approaches combined with a relapse prevention approach. This approach has been proven to be the most effective in reducing recidivism and risk for sexual re-offense and aiding in seamless community reintegration.
- "This will also help us address offenders' specific risks and needs and move away from the antiquated one-size-fits-all approach to treatment," stated DOC Director of Programming Dr. Victor Kersey.

The JRI recognizes that non-violent, low risk offenders do not need to be treated the same as high risk, violent criminals. The same principles apply to past offenders on the registry, but there is no information on the registry to identify low or high-risk past sex offenders. According to the March 2013 issue of Current Psychiatry Reports: "Sexual offenders vary in the risk they pose to the community. For some, the risk of sexual recidivism is sufficiently low that it is indistinguishable from the risk of sexual crimes among general offenders with no recorded history of sexual crime." The report goes on to say, "Treatment for low-risk offenders should focus on goals other than sexual recidivism reduction, such as family reintegration, intimacy deficits, or shame."

The public shaming registry laws for past offenders, enacted by our government over the past 35 years to protect our neighborhoods, in reality counteract and frustrate the efforts of registered individuals who are embracing treatment efforts, are attempting to reconnect with their families and neighbors, and are wanting to find hope in starting over after having paid the requisite price for their crimes.

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"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has." Margaret Mead