

Sex Offenders in Utah: Are the Policies Effective? Have Legislators Found the Right Balance?



An Analysis of Utah's Sex Offender Rates and Policies

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EXECUTIVE SUMMARY

Sex offender policies are rules and regulations set by state and federal governments for individuals convicted of sexual crimes. Such policies are essential to keep communities safe, but are equally important in ensuring justice and fairness for offenders, victims, and communities alike. However, current policies may need refinement due to a wide variety of unintended consequences and inefficiencies. This analysis examines trends in Utah and Florida's sex offender crime rates per capita from 2000 - 2022, alongside qualitative interviews, to gain insight into the various consequences (positive and negative) of sex offender policies, and the many complexities surrounding them.

Objectives

- Evaluate the outcomes of current policies by analyzing new offenses per capita.
- Determine to what extent current policies have found the balance between protecting the community and upholding the rights of offenders.

The results of the data analysis and survey can be used to inform legislators and drive policy recommendations with Utah.

Results

Based on data provided by the Utah Department of Corrections, raw counts suggest a rise in new sex offenses in Utah. However, when examined on a per capita basis, rates show fluctuation at consistently low levels, with a slight decline over time, averaging 2.4 new offenses per 10,000 people. In contrast, Florida displayed a decreasing trend in both raw counts and per capita rates. Discrepancies between new sex crimes and total crimes per capita indicated pronounced differences between the two states. While Florida generally reported higher new crime rates per capita compared to Utah, its sex offense rates consistently remained lower. These findings emphasize the intricacies of sex offender policies and the importance of detailed analysis in policy adjustments. Furthermore, interviews completed with a variety of stakeholders revealed many different themes, with each interviewee highlighting the difficulty of working with sex offenders, unintended consequences of federal and state policies, and the need to provide individualized approaches and rehabilitation support for offenders and their families.

Based on such findings, I propose six recommendations:

- **Implement a Risk-Based Classification System:** Develop a system that assesses each individual offenders' risk levels of reoffending and tailor supervision and communication accordingly.
- **Enhance Rehabilitation Support and Structure:** Strengthen existing rehabilitation programs to provide offenders with improved support and opportunities for reintegration into the community.
- **Establish Clear Definitions and Rules:** Provide statewide clarity on restrictions to help offenders navigate requirements consistently and avoid breaking the laws unintentionally.
- **Increase Flexibility and Individualization:** Tailor registry and protected zone restrictions based on factors such as risk level, nature of the offense, and rehabilitation, to support offenders and their families.
- **Ensure Transparency and Specificity to the Registry:** Offer clear and concise information on offenses, rehabilitation progress, and risk levels to increase community understanding.
- **Prioritize Education Initiatives:** Educate legislators, stakeholders, and the public to eliminate misconceptions and promote informed policymaking.

By implementing such recommendations and changes, Utah can move towards approaches that are more effective, fair, balance the safety of the community with offender rehabilitation, save taxpayer dollars, and help offenders lead better lives.

INTRODUCTION

At the center of sex offender policies, policymakers have the goal of protecting children, families, and society as a whole from potential harm from those who have committed any variety of sex crimes. While any crime committed results in consequences to the perpetrator, the response and limitations enforced on those who have committed a sexual offense has increased, with strict measures being established for such individuals. While various factors may contribute to these restrictions, researchers have found that the media's portrayal of such crimes has elicited fear and panic among society, which has increased pressure on legislators to create stricter policies (Cucolo & Perlin, 2013).

Keeping society safe is a top priority, and yet policymakers must ensure that while safety is ensured and justice is obtained for those who break the law, that the policies are also fair and effective. The label "sex offender" is such a broad term when referring to the variety of crimes committed. According to the Utah Department of Corrections, offenders who are on the Sex Offender Registry (SOR) can be included on this registry for 26 different crimes (Utah Laws Regulating Registered Sex Offenders, n.d.). A comprehensive list of each crime is included in the appendix. These crimes include such a wide range of behaviors, with many ranging from violent to non-violent crimes, to those who have little risk of reoffending, and those who pose a high risk to society. And while policymakers must create policies that will keep the public safe, blanket policies fail to view the individual circumstances of each offender and may lead to a wide variety of unintended consequences.

Policies regarding sex offenders are often highly sensitive, controversial, and debated. According to an article published by the Office of Justice Programs, they indicated that "The dominant societal and political views on punishment are reflected in sentencing policies and practices throughout history" (Russo et al., 2017). And while society shapes policy, it is crucial for policymakers to not solely rely on societal opinions when drafting policies. These views will not reflect the variety of needs, many complexities, and long-term implications possible. And according to the National Institutes of Health, "sex offenders are often perceived as the most despised offenders within the criminal justice system, frequently eliciting extreme negative emotional public reactions" (Rosselli & Jeglic, 2017).

According to the U.S. Department of Justice, the “get tough” mentality for offenders hasn’t reduced crime rates (Jones, 1995), and other sources have indicated that such approaches can create a variety of lasting issues, such as damage to mental health for offenders (Quandt & Jones, 2021). And yet the National Library of Medicine has indicated that research has shown that the public is dissatisfied with “perceived leniency” in the criminal justice system (St Amand & Zamble, 2001). While policymakers must prioritize the rights and safety of the public and impose restrictions and consequences for sex crimes committed, having too harsh or too lenient approaches can create a variety of unintended consequences for offenders, victims, and the community. Administrators play an essential role in working through these complexities, and ensuring that ethical principles, such as those published by the American Society for Public Administration (ASPA) are followed. This means that administrators should “treat all persons with fairness, justice, and equality and respect individual differences, rights, and freedoms. They should promote affirmative action and other initiatives to reduce unfairness, injustice, and inequality in society” (Code of Ethics, n.d.).

This analysis aims to examine trends in new sex offenders per capita in Utah and compare them to those in Florida by analyzing data sourced from the Department of Corrections and the United States Census Bureau. Although I had the option to select various states for comparison, I chose Florida due to some similarities to Utah and its adoption of stricter policies. Both Florida and Utah lean Republican in their political affiliations, with a majority Republican legislature in Florida (The Florida Senate, n.d.). However, despite their shared political leaning, it's important to acknowledge that comparing Florida to Utah isn't entirely accurate due to their significantly different populations and demographics. This variation creates limitations when attempting to compare policies.

Additionally, insights from interviews with stakeholders, such as licensed professionals, legislators, families of offenders, and offenders themselves, will be incorporated to gauge the fairness of current policies in balancing the well-being of offender rights and continuing to safeguard Utah’s communities. By utilizing a combination of quantitative and qualitative data analyses, I aim to uncover insights and identify potential policy adjustments to enhance and improve Utah’s current policies.

LITERATURE REVIEW

Over the last few decades, policies and laws in the state of Utah and across the nation that focus on convicted sex offenders have continued to evolve (Sex Offender Research Brief, 2020). These changes have evolved as our society has continued to change with the passage of time. Yet such policies were and continue to be a complex and sensitive issue when finding the balance between individual rights and the rights of society. Understanding this requires understanding the history, intentions, and unintended consequences of such policies.

Initially, Utah didn't have many specific policies focused on sex offenders. However, this began to change in 1994 when Congress passed the Jacob Wetterling Act as part of the Violent Crime Control and Law Enforcement Act of 1994. This act, which is federal law, established a set of guidelines for all states to follow, which included a sex offender registry, created heightened classes for offenders, address verification, registration for 10 years or life (depending on the class of offense), and provided public notifications to the public (Legislative History of Federal Sex Offender Registration and Notification, n.d.).

While the Wetterling Act began the process of creating sex offender registries, additional laws were passed to amend the Wetterling Act, such as Megan's Law. Essentially, Megan's Law, passed in 1996 "mandated public disclosure of information about registered sex offenders when required to protect the public" (Legislative History of Federal Sex Offender Registration and Notification, n.d.). This included information, such as names, photographs, addresses, and information about their sentencing.

In 1996, the Pam Lychner Sexual Offender Tracking and Identification Act was passed, which created the National Sex Offender Registry (NSOR), distinct from state registries, and intended exclusively for law enforcement use. However, this act mandated state officials to send offender registration data to the NSOR. Subsequent amendments were made in 1998, which required registered offenders to comply with new state laws when changing residence to a different state. Additionally, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act of 2003 aimed to enhance law enforcement's capacity to combat crimes against children, specifically addressing sex offender registration and notification by requiring states to maintain online registries and mandating the Department of Justice to maintain a website with links to each state's registry (Legislative History of Federal Sex Offender Registration and Notification, n.d.).

Additional legislation has continued to shape sex offender tracking and identification. In 2006, the Adam Walsh Child Protection and Safety Act was passed, which essentially reworked the previous federal standards that had been in place for sex offender registration and notification. Simply stated, this act enforced stricter consequences for offenses that involved children. The goal of this law was to create a database which would make it easier for law enforcement and the public sector to track offenders, increase the penalty for offenders involved with children, and standardize the registration process and reporting requirements to help avoid offenders evading the law by moving to different states with different reporting requirements. With the passing of this act, the State of Utah revised its laws to be in compliance with the new federal laws, and to increase the consistency in policies and procedures.

Implementation of the Sex Offender Registration and Notification Act, commonly known as SORNA, created a tiered system in which offenders would be organized into three different groups based on the severity of their offense and their risk level of becoming repeat offenders (Freeman, 2016). Utah implemented only a two-tiered system in which offenders are either required to register for 10 years after the termination of their sentence (tier one offender), or must register for life if they are a tier two offender (Section 77-44-105 Registration of Offenders, n.d.). The specifics of the two-tiered system largely follow the tiered system created by SORNA and created a list of restrictions and requirements for those on the registry, such as individuals having to register within a certain time frame when moving, publishing specific information, and avoiding certain areas (Sex Offender Research Brief, 2020).

In contrast to Utah, Florida has implemented the three-tiered system in which a level one may be able to seek the removal of the registry after a certain period of time, a level two will have to meet with the sheriff's department multiple times a year, and a level 3 (sexual predators) must remain on the registry for life and have prohibitions on where they can live and work (Delgado, 2021). While not completed in Utah or Florida, a handful of states have each offender obtain a psychosexual evaluation report, which includes the offender's risk level of reoffending when classifying an offender as level 1, 2, or 3 on the registry (Flattery, Zaman, & Zakia, 2022)

Many states, including Florida, have additionally implemented strict residence and employment restrictions for those convicted of a higher level of sexual offense. These restrictions place limitations on where offenders may live, and prohibit them from working and or living within certain distances of schools, parks, etc. These restrictions may include areas of exclusion, such as schools, daycare facilities, parks, playgrounds, youth centers, sports fields, etc. (Section 775.215 Residency Restriction for Persons Convicted of Certain Sex Offenses). Utah has not taken such a strict approach. Instead, they have made adjustments specific to Utah and have created five protected zones that are off limits (meaning offenders can't step on the property) for those offenders who have been convicted of a crime against a minor, even if they have a chaperone with them at all times. These areas include:

1. Licensed daycares or preschools.
2. Swimming pools open to the public.
3. Public or private primary/secondary schools (not on grounds of a correctional facility).
4. Community parks open to the public.
5. Playgrounds open to the public. (Section 21.7 Sex Offender Restrictions, n.d.)

Utah has created additional restrictions for offenders that are not mandated by the federal government, but are specific to our state. Such restrictions require out-of-state offenders to register within 10 days of entering Utah, irrespective of how long they intend to stay. They indicate that offenders who are still under supervision of parole must directly register with Adult Probations and Parole. However, if they have completed their parole, they must still register with their local law enforcement. They are additionally required to register every 6 months for at least 10 years post-release, but can be for life. And lastly, offenders, regardless of their crime, are obligated to update their offender registration within 3 business days if there are any changes to their primary or secondary residence, employment, vehicle, or education (Section 77-44-105 Registration of Offenders, n.d.). It should be noted that these restrictions are separate from additional restrictions that are enforced while the offender is on parole.

While the purpose of the registry and such restrictions are to aid law enforcement and keep the public safe, research has shown that the creation of such restrictions has created a variety of unintended consequences. According to the Utah Commission on Criminal and Juvenile Justice (CCJJ), individuals on the SOR face “stigmatization, harassment, assault, and reminders of the crimes they have committed” (Sex Offender Research Brief, 2020). And the CCJJ further indicates that research shows that such restrictions have a negative effect on the families of offenders, and that families, children, spouses, etc., can experience the same harassment offenders are experiencing simply because of their association with an offender.

Research has additionally shown that many of the unintended consequences, such as harassment and ostracization due to the registry create significant barriers for those who are attempting to reintegrate into society, and as a result, this can increase their risk of offending (Levenson & Cotter, 2005) Additionally, while restrictions are currently enforced, research has shown that blanket policies that restrict where sex offenders can live or visit is unlikely to benefit community safety. And that those who recidivate do not live any closer to such areas that are restricted as those that don't recidivate (Levinson, Tewksbury, & Zgoba, 2000). However, they did clarify that restrictions are appropriate when looking at each offender individually, based on their risks and needs.

In a report and study published by the U.S. Department of Justice in which they followed sex offenders released from state prison, they found that while those who had been convicted of a sexual offense were “less likely than other released prisoners to be arrested during the 9 years following release” (Alper & Dures, 2019). And according to the Department of Justice, the recidivism rates for convicted sex offenders ranges from 5% after three years to 24% after 15 years, but these rates are much lower than the average recidivism rates for any general criming including that of murder (Przybylski, 2015). However the CCJJ indicated that in a study completed in Utah, authors found “less than 2% of individuals being reconvicted of a sex-related crime” (Sex Offender Research Brief, 2020). They did note that due to the large portion of individuals that returned to prison due to technical violations (breaking their parole or registry requirements), meant that it created challenges in knowing the complete recidivism rates.

The literature indicates that sex offender policies are complex and different from state to state. Because the SOR is federally mandated, Utah must comply with this policy. However, adjustments to current laws can be made if the Utah Legislature were to introduce and pass amendments to the current requirements, or propose new state laws. Such revisions have taken place, such as in 2017 when H.B. 380, which introduced a series of amendments, was passed and signed into law (H.B. 380, 2017). Additionally, an amendment to the current registry, S.B. 23, was introduced in the latest legislative session to amend provisions related to individuals on the sex offender registry (S.B. 23, 2024). Legislators have and should continue to reexamine Utah’s policies, and consider alternative measures, such as incorporating risk assessments and a three tiered system utilized by other states. This approach allows Utah to tailor its policies to address the needs of its jurisdiction. With an improvement in the current policies, legislators have the ability to “improve public safety, save taxpayer dollars, strengthen public trust in the corrections system, and provide former prisoners with greater opportunities to access services and live productive lives” (Muhlhausen, 2018).

EVALUATION AIMS

This study examines new offender rate outcomes and ethical considerations associated with policies affecting convicted sex offenders. Specifically, this evaluation seeks to:

- 1** Evaluate the current trend in new offenders per capita with a sex crime in the State of Utah from 2000 through 2022, and compare these trends with those in Florida.
- 2** Identify unintended consequences of sex offender policies on various groups, including offenders, families, victims, etc., and draw subjective conclusions regarding the extent to which limitations placed on offenders strike an appropriate balance between safeguarding the well-being of citizens and upholding the rights of offenders.

By addressing each area mentioned, this study looks to provide a complete assessment of the effectiveness and ethical ramifications of the current policies in the state of Utah. This assessment aims to provide legislators and the Utah Sex Offense Management Board with the necessary information to determine if the existing policies are effective as written, or if revisions are needed.

METHODS/ANALYSIS

I used various methods to assess current policies and determine if they have found an ethical balance for citizens and offenders. These methods included quantitative data analysis and qualitative data analysis through semi-structured interviews. A detailed description of each method of analysis is included below:

Quantitative Data

A portion of the data utilized in this study was provided by the Utah Department of Corrections (UDC) and the Florida Department of Corrections (FDC). While each state's department has many responsibilities, including ensuring offender success (Strategic Plan Summary, 2023), they are also tasked with collecting and providing datasets which can include a variety of variables regarding current inmates, parole/probation status, and other variables.

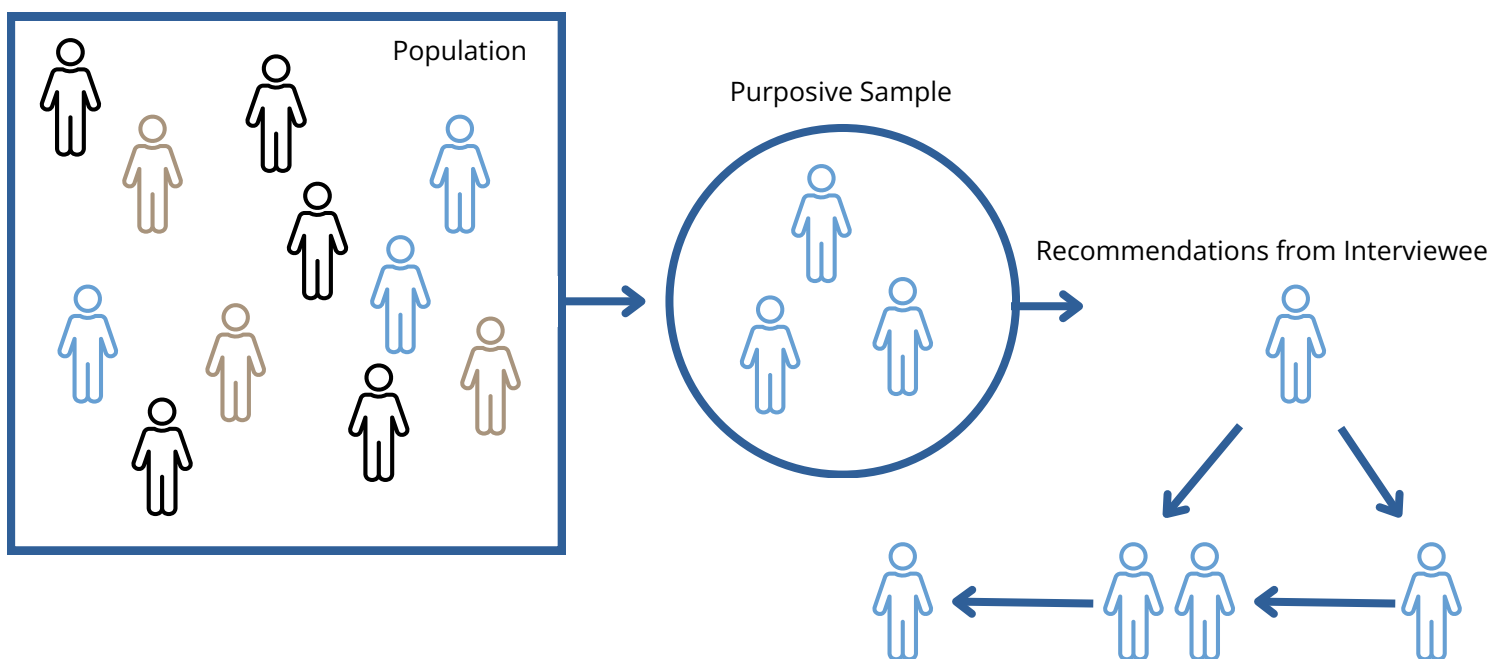
To measure the current rate of new offenses, datasets were requested from the Utah and Florida Department of Corrections through a formal request from their online portal. Multiple requests were made to each department in order to obtain relevant datasets due to a large portion of the data regarding recidivism rates not being readily available or having a protected status. A description of this is included in the limitations section of this report.

Once the data was requested, paid for, and sent over by authorized personnel at each state's Department of Corrections, the data was reviewed to determine which variables provided would be relevant in this analysis. The data obtained included information including the number of new criminal offenders, number/percentage of new offenders with a sex crime, and number/percentage of those with a new sex offense charge. For the purpose of this study, the number of new offenders with a sex crime was chosen for analysis. All data followed privacy practices and no identifiable information on offenders was included in the datasets.

The variables were then analyzed using Excel to examine new sex crime offender rates per capita year, trendlines, overall averages, etc. In addition to analyzing the variables provided by each state, data regarding each state’s population by year was retrieved from the United States Census Bureau to use in comparison with the data provided by the UDC and FDC to determine the number of criminal offenders and sex offenders per capita.

Interviews (Qualitative Data)

To measure the ethical balance of the current policies, a set of 11 main interview questions was developed. The target population consisted of local practitioners and subject matter experts, which ended up including legislators, therapists, psychologists, board members, families of offenders, and offenders themselves. To obtain the sample, a combination of sampling methods were used. The first, being Purposive Sampling, which means “identifying and selecting individuals or groups of individuals that are especially knowledgeable about or experienced with a phenomenon of interest” (Palinkas, Horwitz, Green, Wisdom, Duan, & Hoagwood, 2015). The second sampling method used was Snowball Sampling, which is “a recruitment technique in which research participants are asked to assist researchers in identifying other potential subjects” (Snowball Sampling, 2017). The use of both sampling methods resulted in a total sample size of 8 individuals from within the target population.



An initial email was sent to the first individual to be interviewed. Once a date and time was arranged, a Zoom link was sent to the interviewee. Each interview began with an introduction by the facilitator, establishing rapport with the participant, explaining the purpose and confidentiality of the study, and asking for permission to record the interview for transcription purposes. The interviewee was then asked the set of open-ended questions (as included in the appendix) designed to elicit detailed responses and gain insight related to the research question. If interviewees had already given a response to a question not yet asked, that question was skipped in order to reduce redundancy. Additionally, if the interviewee provided valuable information on a topic not included in the initial set of questions, follow up questions were asked as needed.

At the conclusion of each interview (usually lasting an hour), each interviewee was thanked for their time, the confidentiality of their responses was reiterated, and they were asked if there was anyone else they would recommend speaking with on this subject, which resulted in referrals for the next interview (purposive/snowball sampling). The process was then repeated for each of the following 7 interviews. In order to maintain the anonymity of all respondents, demographic questions were not asked.

Following each interview, the recording was transcribed and reviewed to identify the top themes and points from each interview. Upon the completion of all interviews, each was analyzed to identify recurring themes and patterns across all interviews. These insights were then synthesized to determine the top themes and recommendations from the compilation of all interviews. A word cloud was also created using the complete transcripts of all 8 interviews using the Google Word Cloud Generator to provide an additional visual of top themes and words from the interviews. The findings and conclusions addressed in the results and recommendations section.

RESULTS

The datasets provided from the Utah Department of Corrections and the Florida Department of Corrections provided data on the number of new criminal offenders and the number of individuals who have been convicted of a sex crime from the years 2000-2022. While recidivism rates were not included by either Department of Corrections, the data provided, along with population data obtained by the United States Census Bureau provide an overall view of trends involving sex crimes between the two states.

In addition to the results pulled from the data by the Department of Corrections, 8 interviews were completed via Zoom with various stakeholders. Emails were sent to 12 individuals, with 8 individuals responding and completing interviews, resulting in a 66.67% response rate. Additional contact information was provided for additional 15 interviewees, but due to time constraints, emails were not sent.

It's important to note that within the pool of 8 respondents, interviews varied from the predetermined interview questions due to questions being answered within the response to a different question, or additional questions arising based on the feedback provided by respondents. This variance across interviews and questions asked necessitates nuanced considerations in data interpretation and analysis.

Quantitative Results from the Department of Corrections:

When viewing the data provided by the Department of Corrections, counts (raw data) of new sex offenses in Utah, as seen in the appendix, indicated that new sex offenses were rising, and projected an upward trend. However, when the data was analyzed per capita, instead of by count, as shown in *Figure 1*, new sex crime rates per 10,000 people in Utah have varied. Yet the graph and data analysis suggests a slight declining trend in offenders per capita from 2000-2022. *Figure 2* shows the differences in new sex crimes per capita vs total crimes per capita, highlighting the large discrepancy between the two groups from 2000-2022, with new sex crimes per capita being considerably lower in comparison to total crimes. All results are based on data from the Department of Corrections and the United States Census Bureau.

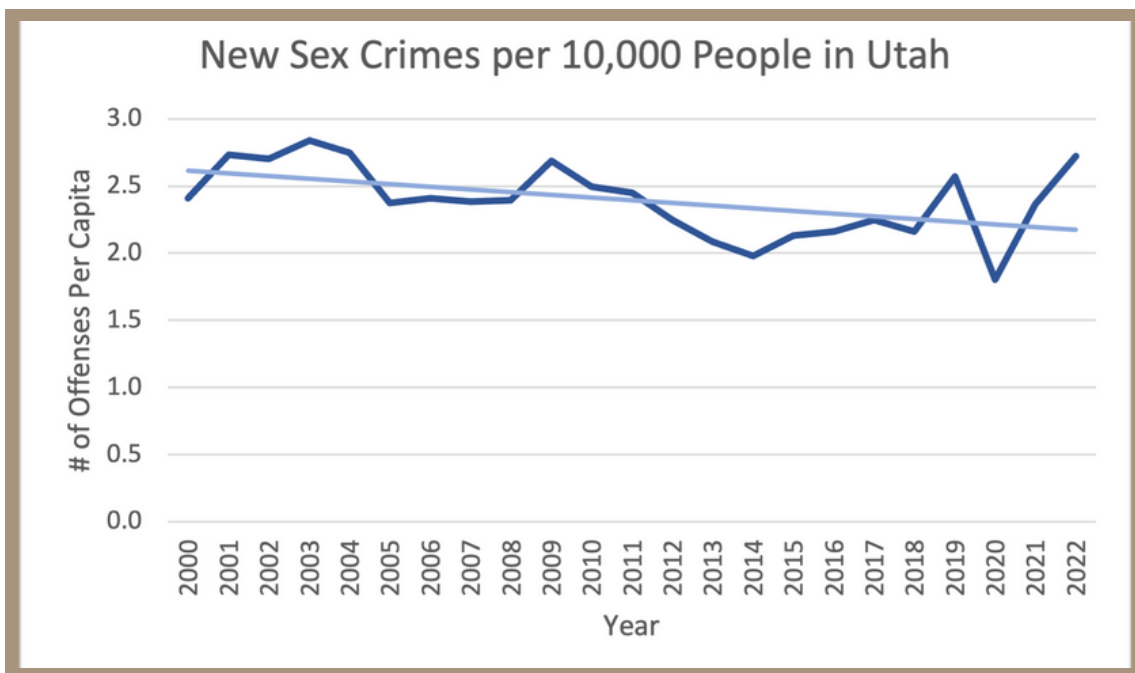


Figure 1

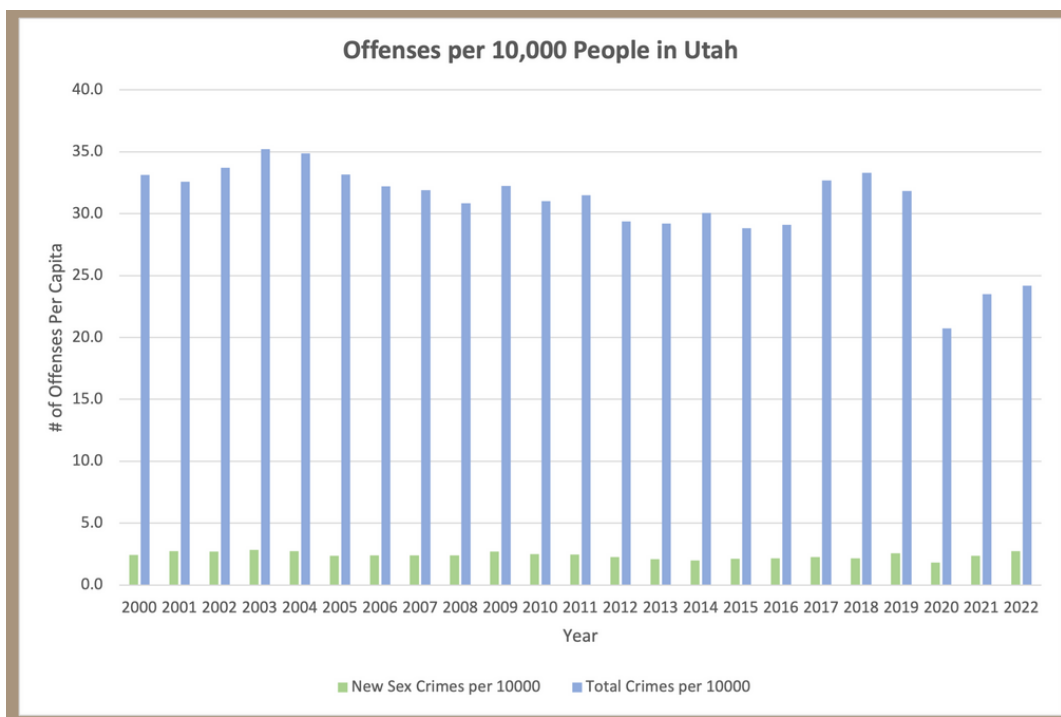


Figure 2

To compare the rates and trends of crime rates in Utah vs those in Florida (given Florida's stricter policies), when viewing the data provided by the Department of Corrections, counts (raw data) of new sex offenses in Florida, as seen in the appendix, indicated that new sex offenses were declining, and projected a downward trend.

When the data was analyzed per capita, instead of by count, as shown in *Figure 3*, new sex crime rates per 10,000 people in Florida have varied, but consistently declined. The data analysis suggests a continuous declining trend in offenders per capita from 2000-2022. *Figure 4* shows the differences in new sex crimes per capita vs total crimes per capita, again highlighting the large discrepancy between the two groups from 2000-2022 in Florida, with new sex crimes per capita being considerably lower in comparison to total crimes. All results are based on data from the Department of Corrections and the United States Census Bureau.

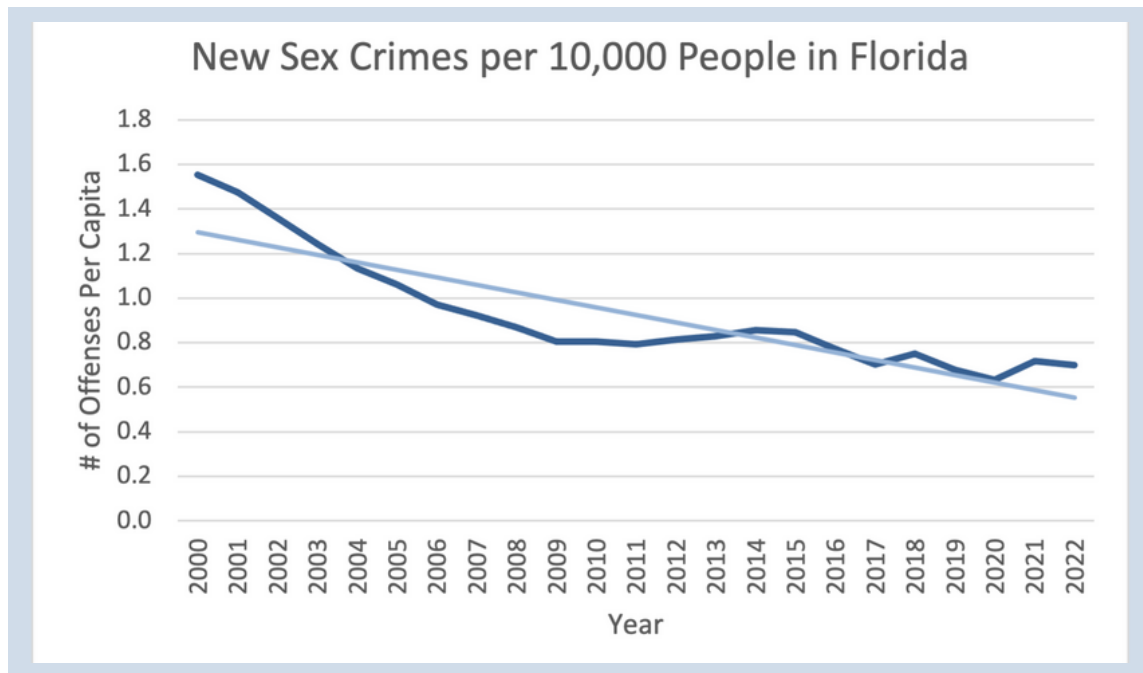


Figure 3

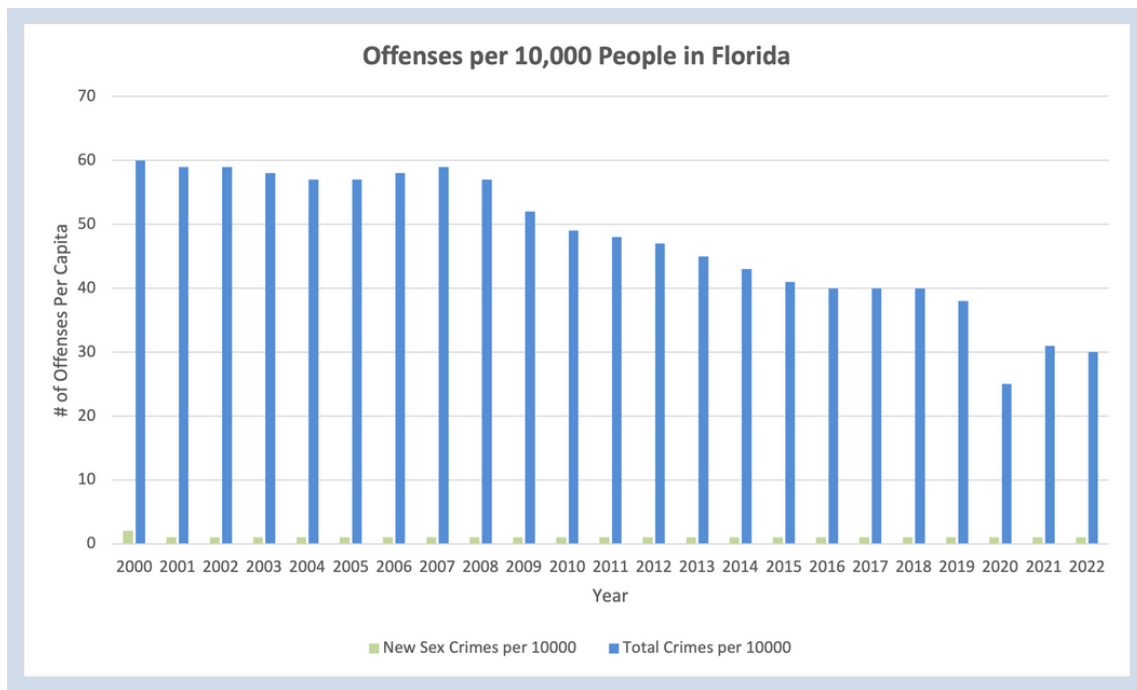


Figure 4

Following a different format, *Table 1* presents and overall averages of Utah and Florida from 2000 to 2022, based on data obtained as previously mentioned. The numbers represented in the table are yearly offenses per capita, with overall averages included. This offers a standardized measure to compare crime and sex offense rates between the two states. This comparison indicates that sex offense rates are remarkably low in both Utah and Florida; however, it is important to note that while Florida’s new crimes per capita are higher than those in Utah, their sex offenses are consistently lower than those of Utah across the specified timeframe. The table provides valuable insights into the relative performance of each state in terms of maintaining low crime and sex offender rates, which provides a reference point for further analysis and policy considerations.

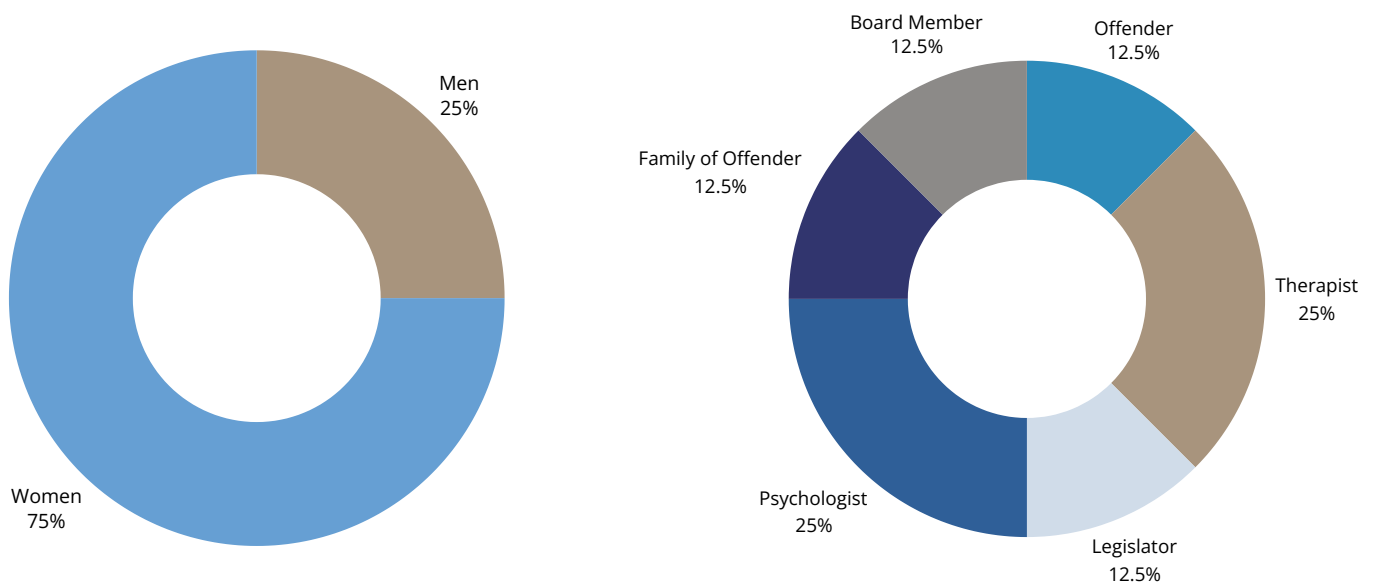


Year	New Crimes per 10,000 People in Utah	New Sex Crimes per 10,000 People in Utah	New Crimes per 10,000 People in Florida	New Sex Crimes per 10,000 People in Florida
2000	33.1	2.4	59.7	1.6
2001	32.6	2.7	58.9	1.5
2002	33.7	2.7	59.4	1.4
2003	35.2	2.8	58.2	1.2
2004	34.9	2.7	56.9	1.1
2005	33.2	2.4	57.2	1.1
2006	32.2	2.4	58.0	1.0
2007	31.9	2.4	58.7	0.9
2008	30.8	2.4	56.9	0.9
2009	32.2	2.7	52.4	0.8
2010	31.0	2.5	48.8	0.8
2011	31.5	2.5	48.2	0.8
2012	29.4	2.2	46.8	0.8
2013	29.2	2.1	44.7	0.8
2014	30.1	2.0	42.9	0.9
2015	28.8	2.1	40.7	0.8
2016	29.1	2.2	40.2	0.8
2017	32.7	2.2	39.6	0.7
2018	33.3	2.2	40.1	0.7
2019	31.8	2.6	38.2	0.7
2020	20.7	1.8	25.0	0.6
2021	23.5	2.4	30.8	0.7
2022	24.2	2.7	30.2	0.7
Average:	30.7	2.4	47.5	0.9
Minimum:	24.2	1.8	25.0	0.6
Maximum:	35.2	2.8	59.7	1.6

Table 1: Info from the Department of Corrections and US Census Bureau

Having explored the trends of new sex offender rates in Utah and Florida, it's important to complement this analysis with the various perspectives captured through qualitative interviews. This will be analyzed by looking at interviewee demographics and the top themes respondents mentioned throughout the 8 interviews.

Interviewee Demographics



Interview Themes

While each interview highlighted different themes, concerns, and successes, several themes were repeated throughout most interviews. While ideas and examples will be discussed, specific details will not be disclosed to protect the privacy of the interviewees and the confidential information they provided about individual offenders.

Complexity of Sex Offender Population: 8 interviewees (100% of those interviewed) indicated the complexity of working with sex offenders, and recognized that while offenders must face consequences for their actions, that once justice has been paid, they are often neglected and misunderstood. These complexities stem from various factors, including the inability to categorize individual offenders easily due to differences in their offenses, backgrounds, and motivations. Such complexity complicates both treatment approaches and societal responses to these individuals. Additionally, all interviewees shared stories highlighting diverse circumstances and encounters with different offenders they have come in contact with, and the wide range of offenders. They discussed the challenges offenders face post-parole, which are particularly daunting for sex offenders due to the obligations imposed by the registry. Additionally, they highlighted the widespread misconception within society regarding offenders, their level of risk, and their efforts to change.

Unintended Consequences of Policies: 8 interviewees (100% of those interviewed) indicated that while policies are intended to protect the public, they have unintended consequences. This can take place through overly restrictive policies which hinder the successful reintegration of offenders into society and can perpetuate cycles of recidivism. They underscored the detrimental impact on offenders' families, sharing instances of harassment, vandalism, and lost job opportunities. Despite having chaperones, offenders were often excluded from family events due to strict policies. Each interviewee stressed the importance of maintaining accountability while providing offenders with necessary support to reduce reoffending, noting that ostracizing offenders can contribute to higher levels of recidivism. Moreover, they emphasized the significant impact of such policies on families, particularly children, who are affected by restrictions on offenders' activities and the stigma associated with the registry. Each discussed the adverse effects of the sex offender registry, including loss of anonymity for family members and potential harassment, particularly affecting children. All interviewees highlighted the challenges offenders face in reintegration, including barriers in employment, housing, and social relationships due to registry restrictions and societal attitudes.

The Need for Risk-Based Classification: 7 interviewees (87.5% of those interviewed) indicated that the State of Utah should move towards a risk-based classification/registry system that determines the level of public notification accordingly. This would involve a psychosexual evaluation completed by licensed professionals to determine upon release and/or completion of parole, the risk level of each offender to recidivate. This could involve categorizing offenders into low, medium, and high-risk levels based on the previously mentioned risk assessments, and would have a corresponding level of community notification or supervision. Interviewees mentioned frequently that both victims and offenders believe that the current system fails to achieve its intended goals and that transitioning to a risk-based registry would better support offender rehabilitation, thereby reducing recidivism and enhancing public safety. Several interviewees are currently collaborating with professionals in other states that have implemented a risk-based classification system and expressed optimism about the potential positive impact of such an approach in Utah.

Increase Flexibility and Individualization: 7 interviewees (87.5% of those interviewed) indicated the need to allow for more flexibility and individualize the current registry restrictions/supervision requirements in order to accommodate the diverse needs and circumstances of offenders and their families. They indicated this could involve tailoring the restrictions for each offender based on considerations such as the nature of the offense, the offender's rehabilitation progress, and the level of risk they pose to the surrounding community. However, each interviewee also emphasized that the registry itself does little to dissuade individuals who are high risk from reoffending, which further emphasizes the need for risk-based classifications and individual restrictions. This reiterates the complexity of the sex offender population, and the various needs and different circumstances of each person. Interviewees further illustrated this point by sharing specific stories about various offenders and the unique struggles they face due to blanket policies. They emphasized the importance of allowing for personalized restrictions based on the needs and risks of the offender and their family.

Positive Impact of Structure and Support: 6 interviewees (75% of those interviewed) indicated that structured requirements, such as meeting with parole officers, agents, or participating in treatment programs, can provide positive support for offenders. Many of the interviewees, either currently or previously involved in providing treatment and therapy for offenders, discussed the observed benefits in the lives of individual offenders. They emphasized the support that therapists and parole officers can offer to offenders who are isolated from family and friends, are dealing with ostracism, and urges to reoffend. They noted that such structured programs provide opportunities for education, skill-building, and most importantly, ongoing social support.

Establish Clear Definitions and Rules Statewide: 5 interviewees (62.5% of those interviewed) indicated the challenge offenders face in a variety of areas, such as determining what counts as a community park or swimming pool open to the public. Many offenders struggle to know where they can or cannot go. Additionally, offenders may be able to visit such areas when fulfilling parental responsibilities. Interviewees indicated that each county in Utah has varying definitions of what involves parental responsibilities, which causes confusion for offenders and can lead to unintentional violation of the policies. One interviewee recounted an incident where an offender attended their child's soccer game, fulfilling parental duties as per their county's standards, only to face repercussions in the county where the game was held. This inconsistency underscores the need for policymakers to delineate what constitutes a community park, parental responsibilities, etc. Such efforts can establish guidelines that balance the safety concerns of communities and provide clarity to offenders that will help in their rehabilitation efforts.

Ensure Transparency and Specificity: 5 interviewees (62.5% of those interviewed) indicated the need to provide transparency and specificity of the sex offender registry. This would include providing clear definitions of the offenses and their severity, as well as details on the offenders' rehabilitation progress. Transparency measures could encompass listing rehabilitation milestones, completion of treatment programs, and other indicators of the offender's risk level to the community. Such transparency aims to foster greater accountability and understanding among victims, the public, and policymakers. Interviewees expressed concerns regarding the current registry's impact, noting the fear experienced by victims and community members. They emphasized that increased transparency and inclusion of rehabilitation information would provide reassurance by offering insight into completed treatment. Additionally, interviewees highlighted the complexity of offense names and suggested that providing clear definitions would help victims and community members identify potential risks associated with specific offenders they may know.

Need for Education: 4 Interviewees (50% of those interviewed) emphasized the lack of education on this topic. They spoke of the need to educate legislators, stakeholders, and the public to address misconceptions about sex offender recidivism rates. Each mentioned the necessity for additional education on the complexities of sexual offenses, offender profiles, the limitations of the registry in preventing reoffending, and policies that prioritize public safety and also support offender rehabilitation. However, each interviewee also addressed the challenges inherent in educating legislators and the public about such a sensitive and controversial topic. It's noteworthy that the interviewed legislator expressed an interest in receiving such information to enhance their comprehension and aid in their decision-making processes.

LIMITATIONS

The aim of this research was to examine the existing policies governing sex offenders, evaluate their effectiveness at curbing new offenses, and assess whether these policies have found an ethical balance for citizens and offenders alike. To achieve these objectives, a range of methodologies were employed, including purposive and snowball sampling during stakeholder interviews. While this approach provides access to specific populations, it also renders the findings susceptible to sampling bias. The perspectives and viewpoints gathered from the interviews represent a small portion of the population, potentially excluding varying perspectives and underrepresenting opposing viewpoints. While purposive and snowball sampling strategies offer advantages in reaching targeted audiences, they can pose challenges in replicating results.

The reliability of the results may be impacted by the small number of interviews completed (a total of 8), necessitated by project time constraints and scope. This constraint presents a significant limitation, endangering the external validity of the research outcomes. The reduced sample size may diminish the confidence level associated with the conclusions and might fail to capture the full spectrum of perspectives and experiences within Utah's population. Despite attempts to diversify interviewee backgrounds, including practitioners, offenders, and victims, the inherent limitations of a small participant pool must be acknowledged and factored into the interpretation of findings.

Furthermore, in an attempt to gather pertinent data for the study, specific information was requested from the Utah Department of Corrections. This included the number of new sex crime offenders for each year, if they were a tier 1 or 2 offender, and the recidivism rates of sex offenders of current offenders from 2000-2022. However, the dataset provided by the department fell short of these requirements. Instead of delineating the requested details, the dataset merely contained a count of new offenders, whether on probation or in prison, along with the subset of individuals charged with some form of sex crime during the specified period. The department cited Utah Code 63G-2-107(7)(a), asserting that they were not obligated to tailor data or create records to align with the parameters of a request if such records were not readily available. This limitation curtailed the comprehensiveness of the study, as the absence of detailed information hindered the depth of analysis and the ability to draw precise conclusions regarding sex offender trends and recidivism rates over the designated time frame.

RECOMMENDATIONS

After reviewing and analyzing the data obtained from the Utah Department of Corrections and insights obtained through interviews, it is apparent that Utah already has low new offender rates, but that rates in Florida are consistently lower than those in Utah. More data would be needed to determine why Florida's rates are lower, what external factors have had an influence on such rates, why Utah's rates are higher, and what external factors are having an influence on Utah's rates. Although Florida's current policies could be perceived as being more effective in reducing sex offenses per capita, both the literature and interview feedback emphasize the importance of legislators reassessing the policies to ensure fairness and effectiveness.

Following a thorough review of the literature, insights gleaned from interviews, personal stories, and unintended consequences, including specific policy change suggestions from interviewees, a set of six recommendations was developed. These recommendations aim to address identified concerns and offer solutions to various unintended consequences.

1

Implement a Risk-Based Classification System

Based on the feedback from interviewees and stakeholders, and considering the many complexities involved in working with the sex offender population, it is recommended that Utah adopt a risk-based classification system for sex offenders, such as has been done in other states. This system should involve an analysis of the crimes committed and a psychosexual evaluation conducted by licensed professionals to determine an offender's risk level to recidivate upon release or their completion of parole. This evaluation should be completed in conjunction with feedback from their parole officer. Once an offender has been categorized into low, medium, or high-risk levels, this will allow for supervision and community notification that is tailored to their risk level, which enables law enforcement to utilize their resources and focus attention where it is most needed, those individuals who are a high risk to the community.

2

Enhance Rehabilitation Support and Structure

Interviewees discussed the positive impact of structured requirements for offenders, such as meeting with parole officers and participating in treatment programs. Such requirements often provide a level of support offenders desperately need when working to reintegrate themselves back into society, and reduce recidivism rates. It is recommended that such rehabilitation that is already in place be further enhanced to support offenders through opportunities such as education, skill-building/training opportunities, and social support to help in their reintegration into society and to reduce their likelihood to reoffend.

3

Establish Clear Definitions and Rules

Based on feedback that many offenders struggle to understand the various restrictions they face, and the struggles to know how restrictions vary from county to county, legislators should establish clear statewide definitions and rules regarding restrictions, such as prohibited areas, parental responsibilities, etc. This will provide consistency and will help offenders navigate the various restrictions they must abide by, and minimize unintentional violations.

4

Increase Flexibility and Individualization

Interviewees frequently highlighted the diverse needs and circumstances of offenders and their families. Based on the feedback given, it is recommended to increase flexibility and individualize registry restrictions and supervision requirements for offenders. Such tailoring would be similar to the implementation of the risk-based classification system, in which such individualization would be based on factors such as the nature of the offense, their risk level, and the offender's progress in a rehabilitation program. By adopting such an approach, offenders and their families can receive support that is better aligned with their specific situations, rehabilitation progress, and provide a clear path towards successful reintegration into society. Additionally, more flexibility and individualization can alleviate some of the burdens and challenges faced by the families of offenders. Such an approach has the potential to enhance rehabilitation outcomes and contribute to the overall well-being of offenders and their families.

5 Ensure Transparency and Specificity to the Registry

To address concerns surrounding the sex offender registry, it is recommended that efforts be made to provide clear definitions of offenses, the severity of the offense, details of the offenders' rehabilitation process, and their current risk level of reoffending. Transparency in the registry could also include listing information such as each offender's rehabilitation milestones, the completion of treatment programs, and other relevant information. By providing clear definitions of offenses and the offenders' rehabilitation process, this is a way to inform the community and victims alike of the risks for individual offenders, which allows them to make informed decisions and promote a sense of security among the community.

6 Prioritize Education Initiatives

Interviewees indicated that give the many misconceptions surrounding sex offender recidivism rates and the complexities surrounding this issue, it is important to prioritize education initiatives. Such initiatives would be focused on educating from the top down, meaning legislators, stakeholders, and the general public. Such educational initiatives should provide clear and accurate information on the issue in Utah, what efforts have been made, and the limitations of the registry in preventing reoffending, and focus on policies that will help balance public safety and offender rehabilitation. The promotion of education and understanding will help legislators make informed decisions and facilitate effective approaches to managing offenders in the community.

While these 6 recommendations don't encompass all the themes raised by interviewees, they address some of the main ideas expressed. Each recommendation has attempted to address a separate aspect of sex offender policies and the need to find the right balance in effective and fair policies. Overall, each recommendation underscores the need for a collaborative approach with legislators, stakeholders, offenders, victims, and the community in an effort to improve the current policies in Utah.

CONCLUSION

In conclusion, it is clear that current policies affecting sex offenders are currently characterized as a “one size fits all” in Utah, which has resulted in various unintended consequences that have had a negative impact on offenders and their families. To combat this, the current legislation needs to be reformed to ensure fairness, promote rehabilitation, and enhance public safety. By following the recommendations of increasing flexibility, tailoring registry restrictions, and prioritizing transparency, policymakers can create a system that continues to protect communities, and also supports the successful reintegration of offenders into society, while decreasing the likelihood of repeat offenders. Additionally, efforts to educate legislators and stakeholders on the policies, their effects, and the misconceptions surrounding sex offenders will be essential to help with informed decision making and transparency for the community.

While exploring such policies is a beginning step, further research in this area is needed to continue to investigate the many complexities of such policies, explore the potential long-term impacts of such policies (positive or negative), and continue to build upon the research that has already been completed. Additionally, by expanding the sample size to include more individuals and a wider variety of perspectives, more insights and perspectives could be obtained. And lastly, additional research is required to ascertain the impact of external factors on Utah's sex offender per capita rates, and to identify which aspects of the current policies are contributing positively to this figure. Advanced research in each area mentioned would contribute to future policy reforms. Such changes have the potential to enhance policy effectiveness, promote equity, and address the complexities associated with managing sexual offenses within society.

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APPENDIX

Survey Questions:

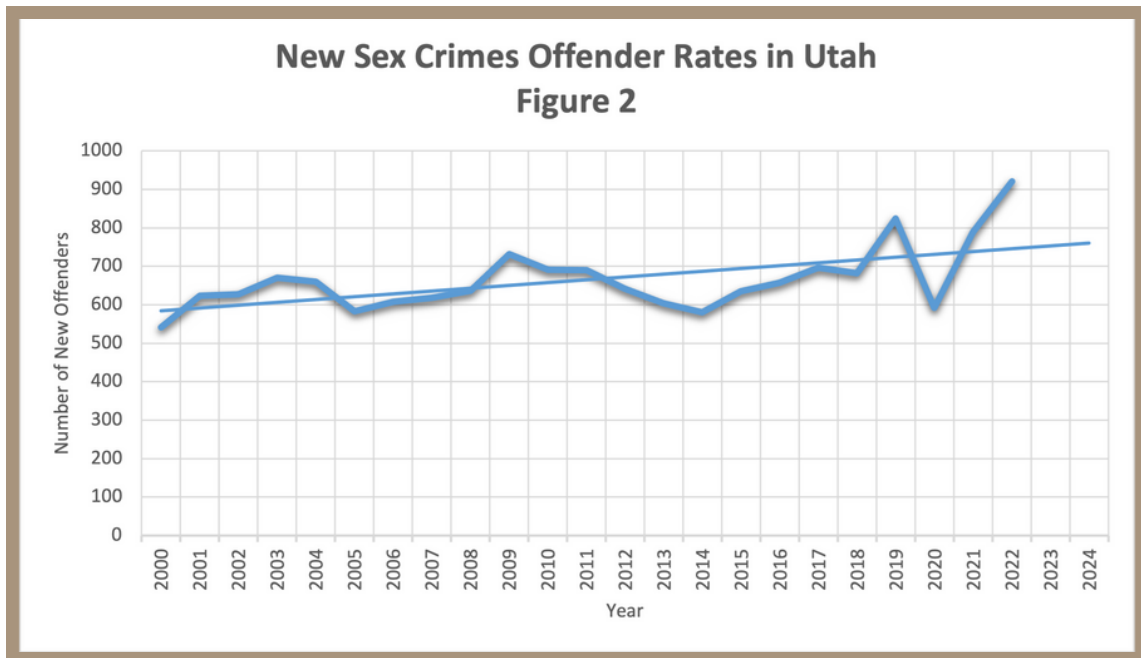
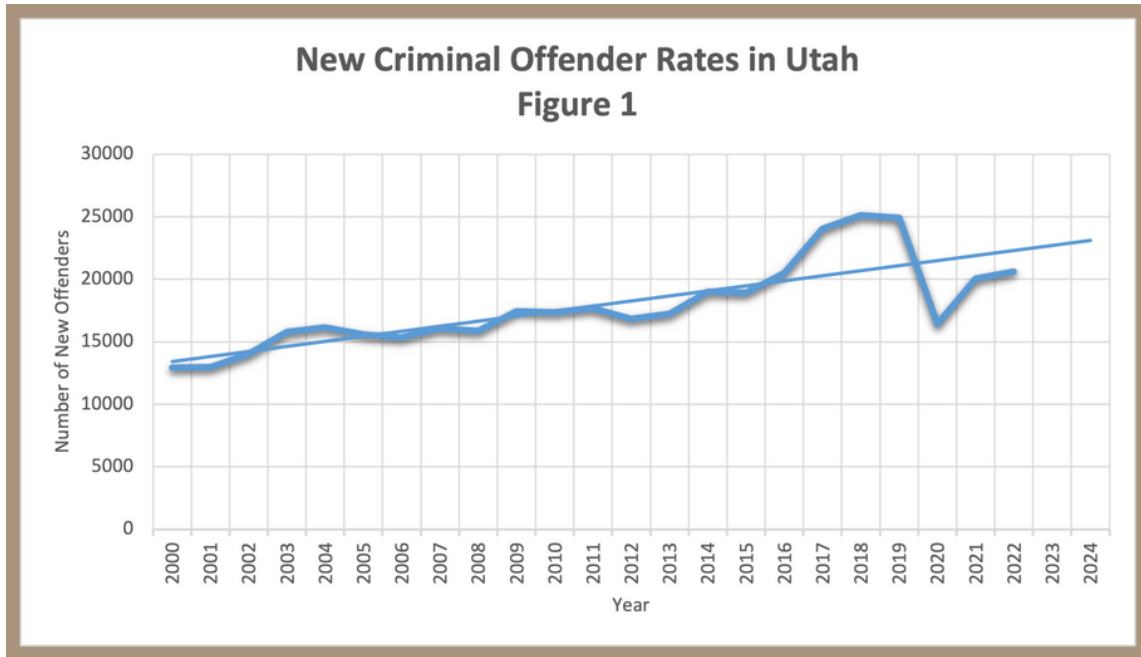
- Introduce myself, my background, and why I think this is an important topic.
- Let the interviewee know that if they would like, they can remain anonymous in my writeup of the interview. Also ask if they are comfortable audio recording the interview to be able to capture all the responses after the fact. Again, ensure their anonymity if desired.
- Warm Up Questions:
 - In 2 minutes, please tell me about your background. How did you get into your current role?
 - What do you do in your role regarding convicted sex offenders?
 - What are your interactions with convicted sex offenders?
- Understanding Questions:
 - Can you tell me about your understanding of the policies that limit the freedoms of convicted sex offenders, such as zoning restrictions.
 - With the current policies, can you talk about the intended or unintended consequences, and how they affect convicted sex offenders?
 - Are there any positive or negative impacts for the individuals in question (sex offenders)?
 - Are the current restrictions and policies effective?
 - What are the downstream effects of the policies on these individuals?
 - Does it policies limit offenders' life choices? What are other implications these policies have on their lives?
- Ethical Considerations:
 - Do the policies promote the well-being of all affected parties, or does it disproportionately benefit or harm a specific group?
 - Thinking of the major stakeholders (victims, offenders, community members), do the current policies strike the right balance between what is needed to ensure safety for the community and the also ensure the rights of offenders?
 - If no, what changes are needed in the current policies?
- Last Question:
 - Is there anything else you would like to discuss or share with me on this topic?

Thank them for their time and ask if there is anyone else they know of that I could speak with on this topic.

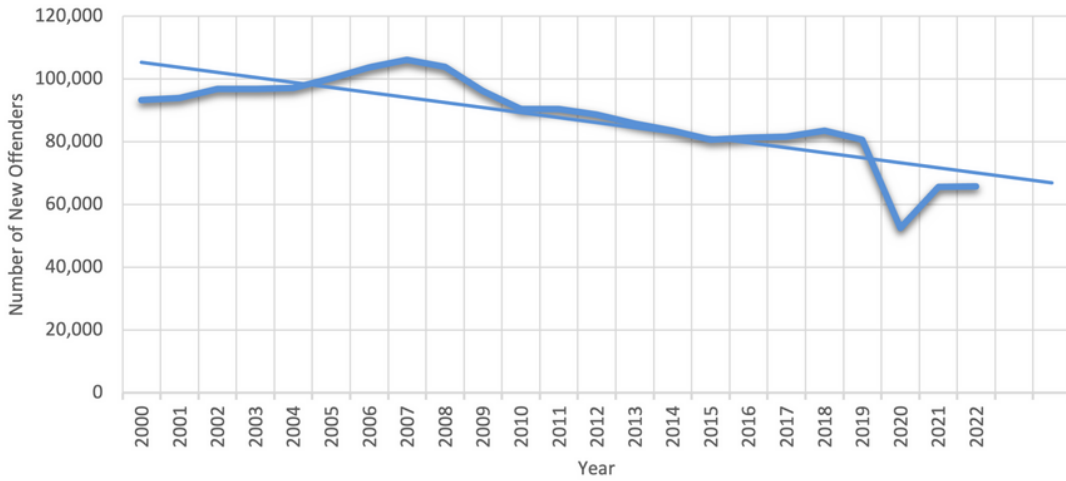
	Utah Criminal Code - Sexual Offenses
1	Unlawful sexual activity with a minor
2	Sexual abuse of a minor
3	Unlawful sexual conduct with a 16- or 17-year-old
4	Unlawful adolescent sexual activity
5	Rape
6	Rape of a child
7	Object rape
8	Object rape of a child
9	Forcible sodomy
10	Sodomy on a child
11	Forcible sexual abuse
12	Sexual abuse of a child
13	Aggravated sexual abuse of a child
14	Aggravated sexual assault
15	Sexual offenses against the victim without consent of victim
16	Applicability of sentencing provisions
17	Circumstances required for probation or suspension of sentence for certain sex offenses against a child
18	Consensual conduct in marriage
19	Corroboration of admission by child's statement
20	Child victim of sexual abuse as competent witness
21	Custodial sexual relations
22	Custodial sexual misconduct
23	Custodial sexual relations with youth receiving state services
24	Custodial sexual misconduct with a youth receiving state services
25	Child conceived as a result of sexual offense
26	Educator's license subject to action for violation of this part

Info from the Department of Corrections and US Census Bureau

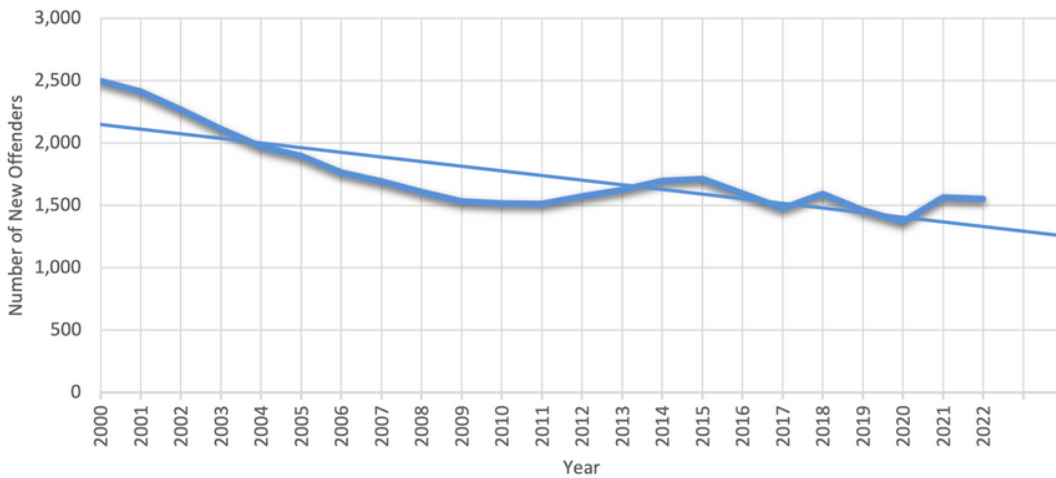
Graphs of Raw Count Numbers/Trendlines



New Criminal Offender Rates in Florida
Figure 3

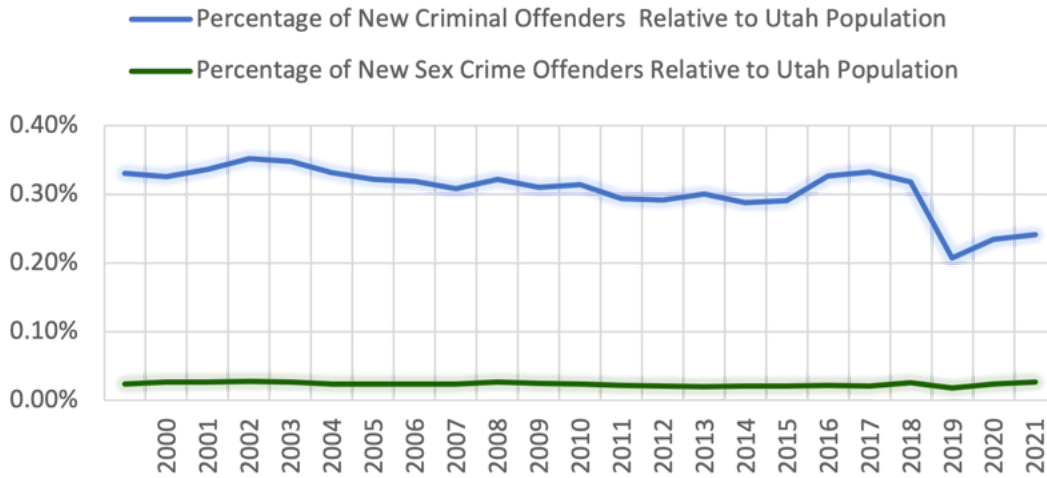


New Sex Crime Offender Rates in Florida
Figure 4



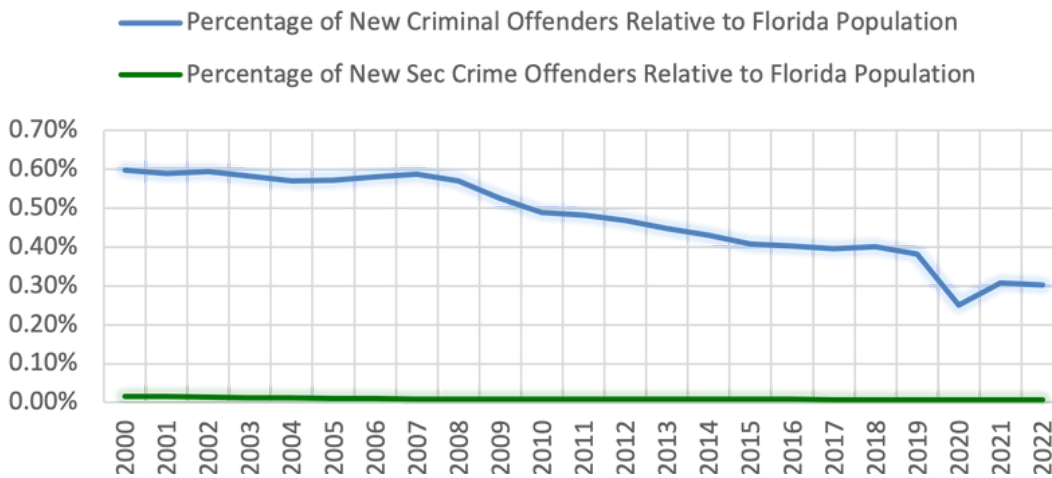
Percentage of New Criminal and Sex Crime Offenders Relative to Utah Population

Figure 5



Percentage of New Criminal and Sex Crime Offenders Relative to Florida Population

Figure 6



Averages from 2000-2022



New Criminal Offenders	New Criminal Sex Offenders	Population	% of New Criminal Offense by Population	% of New Sex Crime Offense by Population
8,490	665	2,798,142	0.03%	0.47%



New Criminal Offenders	New Criminal Sex Offenders	Population	% of New Criminal Offense by Population	% of New Sex Crime Offense by Population
89,504	1,739	19,213,579	0.02%	0.01%

Info from the Department of Corrections and US Census Bureau