

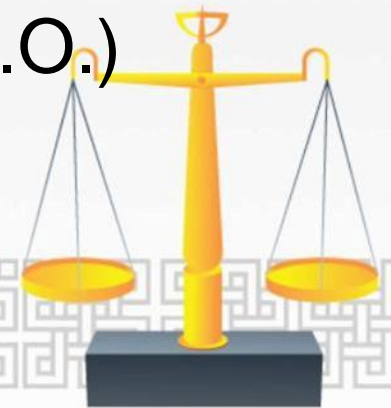
Sentencing & Beyond: Managing Sex Offenders in the Corrections System

Angela Micklos, Vice Chair
Utah Board of Pardons & Parole



Sex Offender Numbers*

- 7000 total prisoners
- 2214 (31.63%) are sex offenders
 - 1° = 1238 (62.18% of all 1° offenders)
 - 2° = 741 (30.95% of all 2° offenders)
 - 3° = 244 (9.69% of all 3° offenders)
- Expire life sentence = 76 (6.14% of 1° S.O.)



Increasing Population

National Average

- 52 sex offenders per 100,000 residents

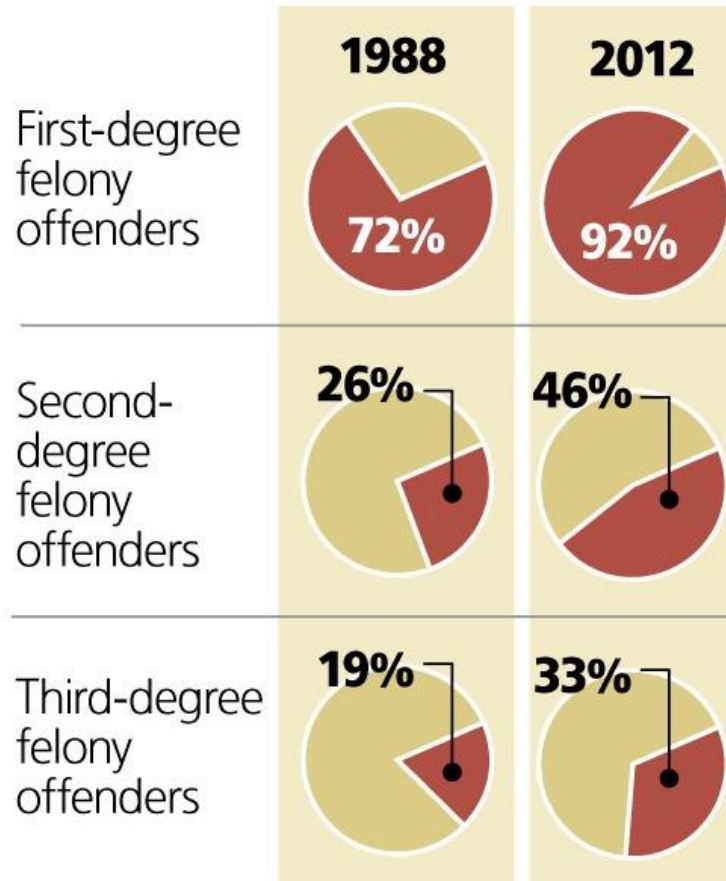
Utah

- 74 sex offenders per 100,000 residents
- Consistent with Idaho & Wyoming



Prison Commitments

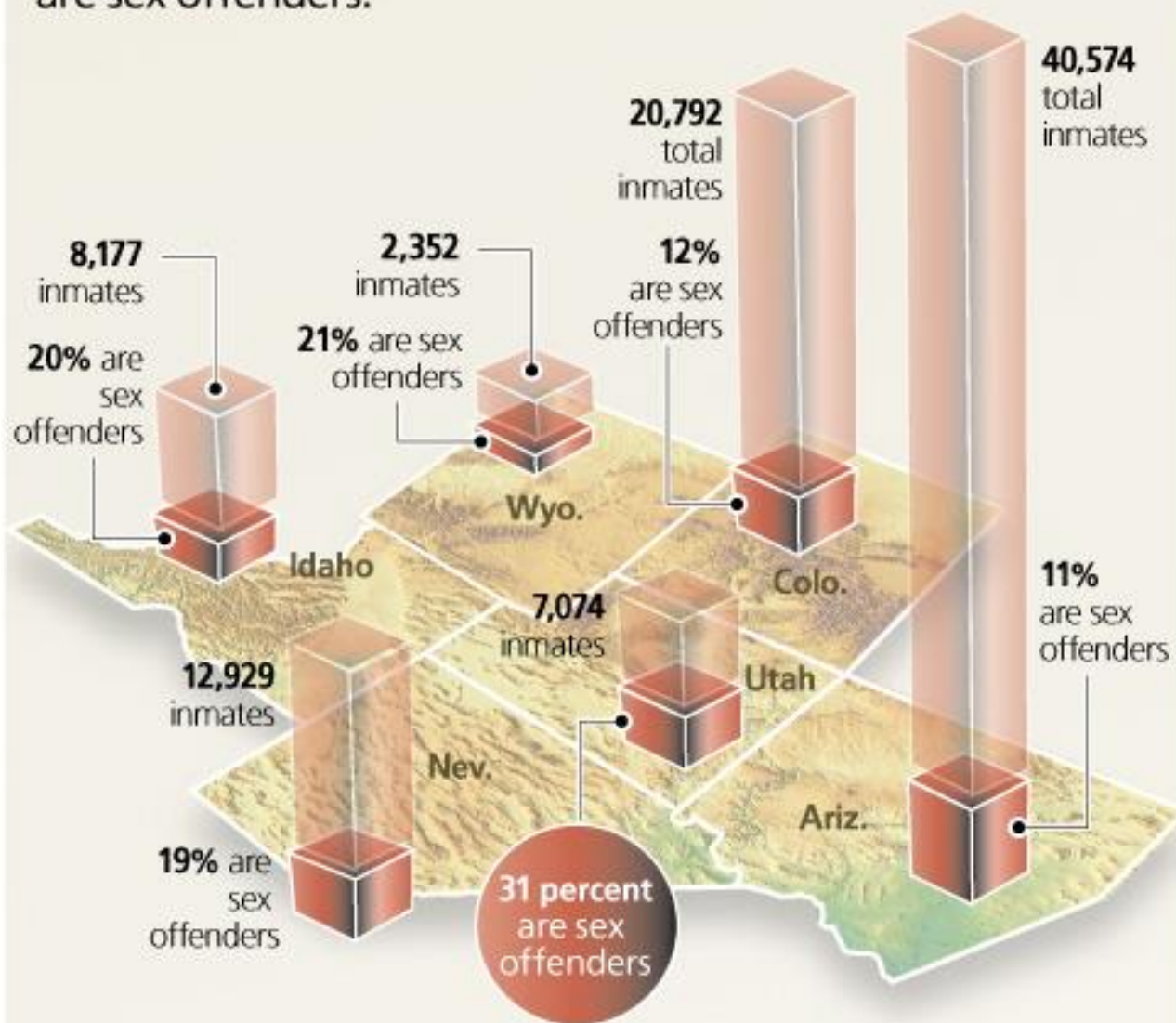
Percent of sex offenders sent to prison, rather than placed on probation, 1988 vs. 2012



Source: Utah Department of Corrections
The Salt Lake Tribune

Comparing sex offender prison populations

Compared to prison populations of surrounding states, a greater percentage of inmates in Utah prisons are sex offenders.



CCJJ: Rape In Utah 2007

- Rape = sole Violent Crime Index offense for which Utah's rate exceeds the Nat'l average.
- All other violent crimes = Utah's rate falls 2-3 times below the Nat'l average.



Costs

- \$28,000+ = annual prison housing (\$76.90/day).
- \$950,000 = ave. spent on S.O. Tx in prison per year.
- \$2.6 million = annual cost for housing approx. 92 sex offenders for treatment in CCCs.



Source: Utah Putting More Sex Offenders in Prison
Salt Lake Tribune, January 7, 2012

Parole Grant Authority

- Board of Pardons has the sole authority to determine if & when an inmate will be released prior to expiration of sentence.
- Statutory presumption is full sentence.



Parole Hearings

- Notice to inmate within 6 months
- Standard schedule for all cases except death
- Sex offenders have a separate schedule



Sex Offense Hearing Schedule

- 1° (16+ to Life): OH at 15 years
- 1° (10-15 to Life): OH at 7 years
- 1° (<10 to Life): OH at 36 months
- 2°: OH at 18 months
- 3°: OH at 12 months
- Class A: OH at 3 months



What occurs at the OH?

- Unlikely the inmate will receive a parole date
- Vast majority of S.O. receive a RH
- Important to see institutional behavior
- S.O. Treatment completion



Importance of Treatment

- BOPP expects/requires the vast majority of sex offenders to complete SOTP prior to release.
- Necessitates rehearings to examine:
 - Progress in treatment
 - Risk to community
 - Continued needs



Sex Offender Treatment

- Prison: Draper & San Juan County Jail
- Community Correctional Centers (CCC)
 - NUCCC (Ogden)
 - Fremont CCC
 - Orange Street (Women) (limited bed space)
- Community Based



Prison Residential Treatment

- Locations:
 - Draper: 344 slots
 - San Juan: 64 slots
 - Sanpete: 32 slots
- Parameters:
 - 18 months completion time
 - Group therapy



Eligibility

- Offender must apply.
- Those with ICE detainers are ineligible.
- Refusal to acknowledge guilt = no.
- Language barriers.



Removal from Treatment

- Variety of administrative reasons
 - Minimizing/denial
 - Failure to progress
 - Conduct
- May reapply for treatment after 6 months



What Happens at the RH?

- SOTP personnel provides a Tx summary
 - Acceptance of responsibility
 - Victim empathy
 - Understanding of risk factors
 - Plan to avoid offense cycle
 - Risk for reoffending*
 - Continued Tx needs
- Discussed with offender in detail
- *Note: risk assessments do not count acknowledged but uncharged conduct.



Prison Time

- Start with S.O. Matrix (Form 3)
- Calculate GL - - - starting point
- Aggravating/Mitigating Circ. (Form 2)
- Information from other sources
 - Police/Prosecutors
 - Victims
 - Judges
 - Defense Counsel



Guideline Considerations

- Pages 14-16 preceding matrix
- Only actual convictions count
 - “Number of Prior Victims”
 - “Time Range”: number of years offending
- Send police reports, letters, etc. to provide a record of prior victims & or years of offending



WEAPONS USE IN CURRENT OFFENSE
(ONLY WHEN CURRENT CONVICTION
DOES NOT REFLECT WEAPON USE OR
WHEN STATUTORY ENHANCEMENT IS
NOT INVOLVED)

NUMBER OF PRIOR VICTIMS
(PRIOR SEX OFFENSE VICTIMS, NOT
INCLUDING PRESENT VICTIM)

TIME RANGE
(NUMBER OF YEARS OFFENDER HAS
BEEN OFFENDING SEXUALLY)

- 1 CONSTRUCTIVE POSSESSION
- 2 ACTUAL POSSESSION
- 3 DISPLAYED OR BRANDISHED
- 4 ACTUAL USE
- 6 INJURY CAUSED
- 0 NO PRIOR VICTIMS
- 3 ONE PRIOR VICTIM
- 4 MORE THAN ONE PRIOR VICTIM
- 1 ONE-TIME INCIDENT
- 2 WITHIN ONE YEAR
- 3 WITHIN TWO YEARS
- 4 TWO YEARS OR OVER

TOTAL SCORE: _____

CRIMINAL HISTORY CATEGORY

III	7+
II	4 - 6
I	0 - 3

RENT
SE

CRIME CATEGORY

1st Degree

2nd Degree

3rd Degree

Class A Misd

A

B

C

D

E

F

G

H

I

J

Mandatory
Prison 15
to Life

Mandatory
Prison 10
to Life

Mandatory
Prison 6
to Life

Mandatory
Prison
5 to Life

Mandatory
Prison
3 to Life

5 yrs
to Life

3 yrs
to Life

1 to 15

0 to 5

0 to 1

CRIMINAL HISTORY

III

21 YRS

14 YRS

100 MOS

75 MOS

75 MOS

75 MOS

75 MOS

64 MOS

42 MOS

II

18 YRS

12 YRS

90 MOS

66 MOS

64 MOS

66 MOS

62 MOS

48 MOS

36 MOS

I

16 YRS

11 YRS

80 MOS

60 MOS

42 MOS

60 MOS

42 MOS

40 MOS

32 MOS

MANDATORY
IMPRISONMENT

IMPRISONMENT

INTERMEDIATE
SANCTION

What Else?

- What information should be considered?
- If you were deciding if & when to parole a sex offender, what would you want to know?



Factors Likely to Increase Time

- Denial/minimization (especially during the hearing)
- Extreme violence
- Lack of remorse
- Multitude of victims (conviction or self-disclosure)
- Severe V injury (physical, psychological, emotional)
- Refusal to complete sex offender treatment
- Public safety risk
- Misbehavior in the prison



Other Sources

THE SPOKESMAN-REVIEW Thurs., Oct. 20, 1988, Spokane, Wash.

A TRUST BETRAYED

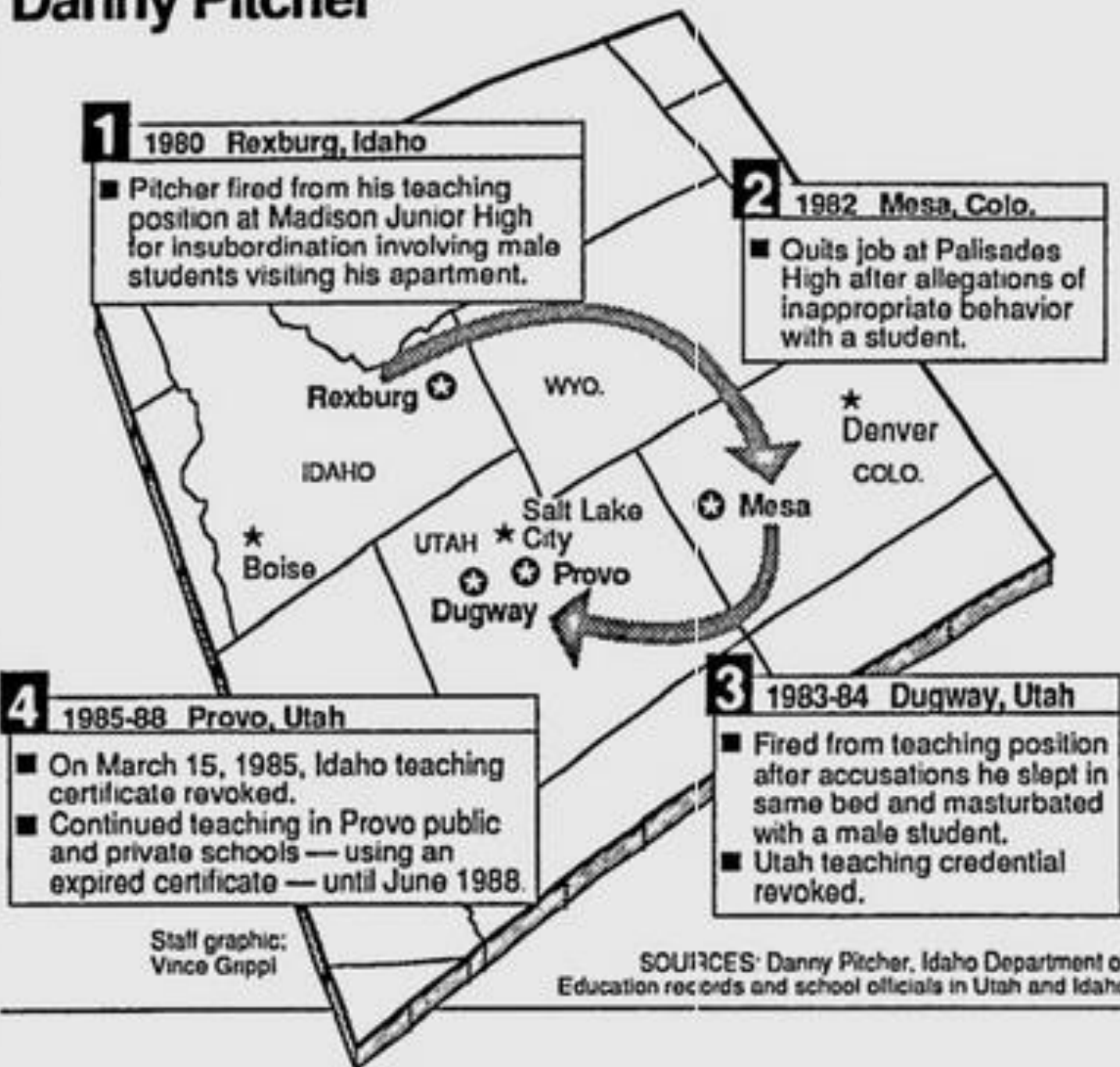
Teachers, Students and Sex

SYSTEM FULL OF GLITCHES

Forced out for misconduct in one state, teacher found work in others



Danny Pitcher



CCC Treatment

- Treatment lasts 12-18 months.
- Approved providers contract to provide both group & individual Tx at the CCC.
- Orientation phase: 2 weeks.
- Post-orientation: offender may leave for structured work search in the community.



Who Does CCC Treatment?

- Typical 3°, but depends on:
 - Criminal history
 - Specific case facts
 - Offender attitude
 - Risk
- Offenders not in SOTP with little time left until sentence expiration.
- S.O. Parolees who need a “tune up.”



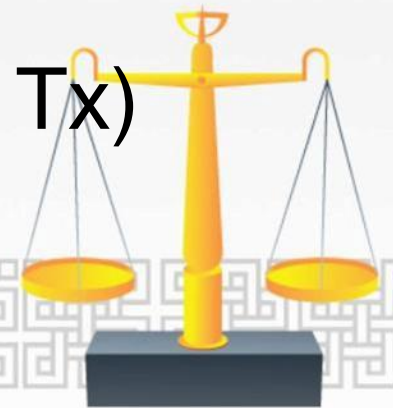
Community Correctional Centers (CCC)

- Orange Street (OSCCC)
- Bonneville (BCCC)
- Fremont (FCCC)
- Northern Utah (NUCCC) (Ogden area)



Orange Street (OSCCC)

- Female offenders
- “Women’s Program”
 - 6 mo.
 - Employment
 - Savings (for rent)
 - Attend treatment (off premises)
- Mentally ill offenders
- Sex offenders (limited beds for S.O. Tx)
- Parole Violator Program (PVP)



Fremont (FCCC)

- Males only
- Specialized population
 - Sex offenders
 - S.O. Tx = 12-18 mo.
 - Inpatient
 - Mentally ill offenders (MIO program)
 - Must have an Axis I diagnosis
 - Schizophrenia, bipolar, severe depression
 - 6 mo. program
 - Mental health Tx
 - Medication management



Northern Utah (NUCCC)

- 160 beds
- Inpatient sex offender treatment
- Environmental Structure Program (ESP): offender pays
- Parole Violator Program (PVP)
 - Lower functioning, but not mentally ill
 - General life skills



Bonneville (BCCC)

- Male offenders only
- No treatment available
- Primarily a transition b/t prison & community
- Most offenders = history of violence
- Most offenders require substantial structure
- Approx. 68 beds
- Parole Violator Program (PVP)



Services Offered at All CCCs

- Transitional: CCC until approved residence.
- Stabilization: CCC until
 - Approved residence
 - Employment
 - Money (at least \$800 for rent)
 - Engaged in treatment (if ordered by the BOPP)
- Cook Program



Fortitude Treatment Center (FTC)

- Not a “halfway house”
- Inmates cannot parole directly to FTC
- Used as a diversion in lieu of returning to prison for a parole violation
- Includes work search & S.A. Tx



S.O. Treatment Effectiveness

- DOC: 1991-2004 SOTP graduates vs. sex offenders released from 2000-2004 who had not completed treatment



Source: Sex Offender Treatment in Utah, November 2010
Utah Department of Corrections & CCJJ

Treatment Effectiveness

12 Month Return Rate for Any Reason

SOTP Graduates

- 19.5% return rate
 - 12.3% new crimes
 - 87.7% technicals

Non-Graduates

- 37.7% - 46.95% return rate
 - 12.4% - 16.2% new crimes
 - 83.8% - 87.6% technicals



Source: Sex Offender Treatment in Utah, November 2010
Utah Department of Corrections & CCJJ

Treatment & Recidivism

- From 2000-2003, return rate for Tx grads < ½ rate for non-grads (19.5% vs. 42.1%)
- Utah's data consistent with nation



Source: Sex Offender Treatment in Utah, November 2010
Utah Department of Corrections & CCJJ

Why so Many Technical Violations?

- Sex offenders are scrutinized more closely than most other offenders.
- Extensive parole conditions



S.O. Parole Conditions

- 20 “standard” parole conditions - - all parolees
- Special Conditions
 - Group A (child victim) (14)
 - Group B (adult victim) (10)
 - Group C (eff. 09/30/2013) (7)
- BOPP may add other SCs



Group A

- Therapy
- Curfew/E.M.
- No contact with V
- No contact w/<18
- Not date person w/kids
- No entering places where kids congregate
- Sexual stimulus material
- Exploitation material
- Entertainment to lure kids
- Polygraph
- Approved employment
- Approved residence & changes
- Abide by interstate compact
- Registration/DNA



Group B

- Therapy
- Curfew/E.M.
- No contact with V
- Sexual stimulus material
- Exploitation material
- Polygraph
- Approved employment
- Approved residence & changes
- Abide by interstate compact
- Registration/DNA



Group C

- S.O. eval & tx
- Curfew/E.M.
- No victim contact
- No dating/contact < 18 (excluding relatives)
- S.O. registration
- DNA requirements
- Random polygraphs



Group C Application

- Offender ≤ 23 y.o. at time of offense.
- Factually consensual conduct, but V cannot legally consent.
- Does **not** apply:
 - Coercion
 - Force
 - Administration of intoxicants



Length of Parole Before July 1, 2008

UCA §76-3-202

- 2° offenses: FSA, SAC, & ASAC (as a 2°)
 - 10 years
 - Includes attempt, solicitation, conspiracy
- 1° sex offenses
 - Lifetime parole
 - Includes attempt, solicitation, conspiracy, & agg. kidnapping involving a sex offense



Length of Parole After July 1, 2008

UCA §76-3-202

- Parole extends to expiration of sentence:
 - Any conviction for an offense in §76-5-***
 - Includes attempt, solicitation, conspiracy



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