



A Performance Audit of Sex Offender Access to Vulnerable Populations

State Agencies Could Improve Controls to Better Protect Children from Registered Sex Offenders

**Sex Offender Registry
Facts**

Number of Utah Registrants:

7,149

Governing Statute:

Utah Code 77-41

Registerable Felony

Convictions: child kidnapping, rape, object rape, sodomy on a child, aggravated sexual abuse of a child, aggravated sexual assault, etc.

Online Registry Access:

[Utah Sex Offender Registry](#)

State agencies that license or approve care for vulnerable populations do not independently verify that individuals registered on the state's Sex and Kidnap Offender Registry (sex offender registry) do not live in facilities prior to approving care. Vulnerable populations reviewed for this performance audit included:

- Children in state licensed or approved child care
- Children in state licensed or certified foster care
- Children in sampled local education agencies (LEAs)
- Individuals residing at the State Hospital
- Individuals residing at the State Developmental Center (USDC)

Implementation of the audit recommendations will further safeguard vulnerable populations by protecting them from individuals with a documented history of sexual abuse. The state's Department of Health, Department of Human Services (DHS), and the State Board of Education already began the process of implementing the nine audit recommendations.

Finding 1: Registered Sex Offenders Lived in Two Homes Approved for Child Care

Two registered sex offenders lived in homes wherein the Department of Health's Office of Child Care Licensing (OCCL) licensed or approved child care. Contrary to background screening and approval requirements, one Department of Workforce Services' child care assistance client did not disclose to the OCCL that the registered sex offender lived in the home. The OCCL revoked the child care provider's eligibility to provide subsidized care shortly after we notified them that a sex offender was registered at that address. Checking the child care provider's address with the sex offender registry prior to authorizing or reauthorizing child care could prevent such occurrences in the future.

In another situation, the OCCL cleared an individual previously convicted of felony sexual abuse to reside at a licensed family child care facility. This individual is currently still classified as a sex offender in Utah, despite Texas setting aside his conviction. Guidance on how to address these circumstances may prevent future such situations.

We recommend that the OCCL:

- Check child care facility addresses with the sex offender registry prior to each inspection.
- Develop child care eligibility policies for sex offenders whose conviction was set aside, dismissed, or expunged.
- Forgo approving child care in facilities where a resident is on the sex offender registry.

Finding 2: Sex Offenders May Have Access to Some Child Care Facilities

Provider files do not clearly demonstrate whether at least 12 registered sex offenders—who each share the same address where licensed or approved child care is provided—are restricted from having unsupervised access to children in these facilities. The OCCL policies require inspections that demonstrate restrictions preventing unsupervised access to the child care facility. However, such documentation does not always exist.

For example, one OCCL-approved provider cares for children living in an apartment of a house divided into five apartments. Registered sex offenders—all whom committed sex offenses against children—live in the four other apartments in the divided house. Offenses committed by the sex offenders registered at this house include:

- Aggravated sexual abuse of a child (First degree felony)
- Sodomy on a child (First degree felony)
- Rape of a child (First degree felony)
- Rape of a child-attempted (First degree felony)
- Sexual abuse of a child (Second degree felony)

Based on documentation in the provider file, it is unclear whether any of these individuals qualify as a “covered individual” and would be required to pass a background criminal investigation prior to approval.

We recommend that the OCCL:

- Ensure all “covered individuals” receive a background criminal investigation.
- Document that individuals residing in the same building as a child care provider could not have unsupervised access to children in care.

Finding 3: No Registered Sex Offenders Are Employed in Selected Schools

Unlike conditions in another western state, no registered sex offenders were employed at selected school districts or charter schools at the time of our review. While testing provides only a point-in-time assessment, it appears that the LEAs reviewed conducted a thorough criminal background check prior to hiring employees.

We recommend that the State Board of Education:

- Review the adequacy of LEA policies and procedures regarding potential for employing sex offenders.
- Direct the State Office of Education to occasionally audit LEA practices to ensure that the agencies do not employ sex offenders.

Finding 4: No Registered Sex Offenders Lived in Foster Homes Nor Were Employed by USDC and State Hospital

No registered sex offenders lived in homes licensed by DHS' Office of Licensing to provide foster care or certified to provide proctor care, nor were any registered sex offenders employed at the USDC or the State Hospital at the time of our review. DHS' Office of Licensing could reduce the risk inherent with sex offenders residing in the home of licensed or certified foster care by checking the home address with the sex offender registry prior to each inspection.

We recommend that the DHS Office of Licensing:

- Check foster and proctor home addresses with the sex offender registry prior to each inspection.