



BACKGROUND MATERIAL

January 16, 2026

WRITTEN PUBLIC COMMENTS

Jenna Mitchell

From: Department of Public Safety <do_not_reply@azdps.gov>
Sent: Wednesday, January 14, 2026 8:48 AM
To: Arizona Sex Offender Management Board
Subject: Webform submission from: SOMB Call to the Public - Written Public Comment

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Arizona Department of Public Safety
2222 W. Encanto Blvd.
Phoenix, AZ 85009

Submitted on Wed, 01/14/2026 - 08:48

Submitted by: Anonymous

Submitted values are:

Your Name

Nathan

Email Address

What part of the agenda does your written comment relate to?

An item on the Consent or General Session portion of the agenda.

Please provide your written comment in the field below.

Dear Members of the Arizona Sex Offender Management Board,

Thank you for the opportunity to provide input during this formative stage of the Board's work. I appreciate the Board's responsibility to balance public safety with effective, evidence-based policy, and I am writing to respectfully encourage the inclusion of a clear, structured pathway for individuals to earn removal from the sex offender registry.

I am a Level 1 registrant in Arizona. My offense occurred approximately twelve years ago, and since that time I have had no contact with law enforcement of any kind. I successfully completed probation and the required sex offender-specific treatment, and I have remained fully compliant with all registration and reporting requirements.

Since completing my sentence, I have focused on rehabilitation and long-term stability. I have been continuously employed for over eight years and have completed an associate's degree, a bachelor's degree, and a master's degree since my offense. In addition, I am married, a parent of two children, and a homeowner, further reflecting long-term stability, consistent responsibility, and successful reintegration into the community. These facts are not offered as excuses or minimization, but as objective indicators of sustained compliance and reduced risk.

At present, Arizona's registry system provides no meaningful mechanism for individuals like me—who are assessed as low risk, offense-free for over a decade, and demonstrably rehabilitated—to earn relief. This absence of a pathway does not

enhance public safety. Research consistently shows that the risk of reoffense declines significantly over time, particularly for individuals who have completed treatment and remained offense-free for many years. A system that treats all registrants as permanently high-risk, regardless of time and conduct, diverts resources away from individuals who require closer monitoring.

I respectfully urge the Board to consider policies that incorporate, as part of the Board's recommendations and guidance to policymakers:

Periodic, evidence-based risk reassessments

Objective eligibility criteria for registry removal after sustained offense-free behavior

Recognition of treatment completion, supervision compliance, and community stability

A transparent process that incentivizes rehabilitation and continued compliance

Providing a path off the registry is not about eliminating accountability. Rather, it aligns accountability with measurable outcomes and allows law enforcement and treatment resources to be focused where they are most effective. It also reinforces the principle that rehabilitation is possible and that positive, lawful behavior over time has meaning.

As the Board develops its mission and foundational policies, I hope you will consider how a fair, data-driven pathway off the registry can support public safety, encourage compliance, and promote long-term stability for individuals who no longer present a meaningful risk.

Thank you for your time, consideration, and service. I appreciate the Board's willingness to hear from those directly affected by these policies and would welcome continued engagement as this process moves forward.

Thank you.

I understand this notice

YES, I Understand this Notice

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Jenna Mitchell

From: Marina Fleetwood
Sent: Wednesday, January 14, 2026 9:22 AM
To: Arizona Sex Offender Management Board
Subject: Lifetime Registration
Attachments: AZ registry modernization proposal.pdf; AZ registry is offense-based.pdf; Lifetime and Attempted.pdf

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Dear Major Mitchell

As a member of AZRSOL and part of working committees to modernize -- with research -- the Arizona sex offender laws, I have been asked to forward this information to you to distribute to the members of the board.

Thank you.

- Evolution of the sex offender registration in Arizona
- Attempted offenses do not equal completed offenses
- Arizona Modernization Proposal

Arizona Registry Modernization Proposal

Modeled on California and Colorado Practices
Targeted Amendments to ARS § 13-3821 (No Statutory Overhaul)

Purpose: Improve public-safety accuracy, transparency, and resource allocation through risk-based public disclosure while maintaining Arizona's existing registration framework.

Public Safety Statement

This proposal enhances public safety by focusing registry disclosure on individuals who present a higher demonstrated risk. By incorporating individualized risk assessment, providing conviction-date context, and reducing unnecessary exposure of low-risk individuals, the legislation improves the accuracy of information available to the public while preserving full visibility for high-risk cases. Comparable models in California and Colorado demonstrate that risk-based disclosure strengthens, rather than weakens, community protection.

Modernizing Arizona's Registry Disclosure Modeled on California & Colorado — Without Overhauling the Statute

Feature	Current Arizona	Proposed Arizona
Basis for Disclosure	Offense-based	Risk-based tiering
Number of Tiers	Limited	Three tiers
Lowest Tier Visibility	Public	Not public
Middle Tier Visibility	Full address	City only
Highest Tier Visibility	Full details	Full details
Conviction Date Displayed	No	Yes (year)
Pending Review Status	Public immediately	Not public until tiered
Attempt Offenses	Felony notch only	Eligible for Tier 1 or 2
Public Safety Focus	Diffuse	High-risk individuals
Vigilantism Risk	Elevated	Reduced
Statute Rewrite Required	—	No

“Arizona’s registry is offense-based.

**Tiering and public disclosure are driven by the statute of conviction,
not by individualized risk assessment.”**

Although Arizona uses risk assessment for classification:

Risk level **affects public notification and community notification requirements** (e.g., who appears on the public registry, what information is shared).

It does **not currently use risk level to govern eligibility for removal from the registry** (e.g., automatic relief after a period of no re-offense).

It does **not use risk assessment as the sole basis for the underlying legal requirement to register** — registration duty and duration are primarily set by statute tied to the offense. All offenders generally must register for life unless specific, limited statutory exceptions apply.

So while Arizona *uses risk assessments to classify levels*, the **statutory framework still makes registration obligations and durations based largely on the conviction offense and state law requirements** — not solely on individualized risk for the purpose of relief or tier removal.

Arizona is risk-based in its classification levels, but its sex offender registry obligations — including who must register, for how long, and statutory duties — remain primarily offense-based. The state does not (yet) use risk tiers for *registry removal or statutory relief* in the way some other states do.

Core Statutes Showing Arizona Is Offense-Based for Registration

ARS § 13-3821 — Duty to Register

This is the controlling statute.

- **Who must register** is determined by a **list of qualifying offenses**.
- **Duration of registration** (often lifetime) is tied to:
 - The offense of conviction
 - Whether the victim was a minor
 - Certain statutory designations (e.g., sexually violent offense)

Key point:

There is **no reference** in § 13-3821 to risk assessment determining *whether* or *how long* a person must register.

Registration is triggered by conviction of a listed offense — not by risk level.

ARS § 13-3825 — Community Notification Levels

This statute governs **Levels 1, 2, and 3**.

- Requires law enforcement to **assess risk** to assign a **notification level**
- Risk level affects:
 - Community notification
 - Scope of public disclosure

Key point:

Risk levels apply **after** a person is already required to register and **do not change**:

- Registration duty
- Length of registration
- Eligibility for termination

This is **risk-based notification**, not risk-based registration.

ARS § 13-3826 — Internet Website; Information Displayed

- Authorizes public posting of registry information
- Does **not require**:
 - Conviction date display
 - Tiered visibility based on time offense-free

- Disclosure is broad once posted

Key point:

Public website disclosure is **not statutorily tiered** by risk in the way CA or CO structure disclosure.

ARS § 13-3827 — Duration; Termination

- Provides **very limited relief**
- Relief is:
 - Narrow
 - Offense-specific
 - Often unavailable for many registrants

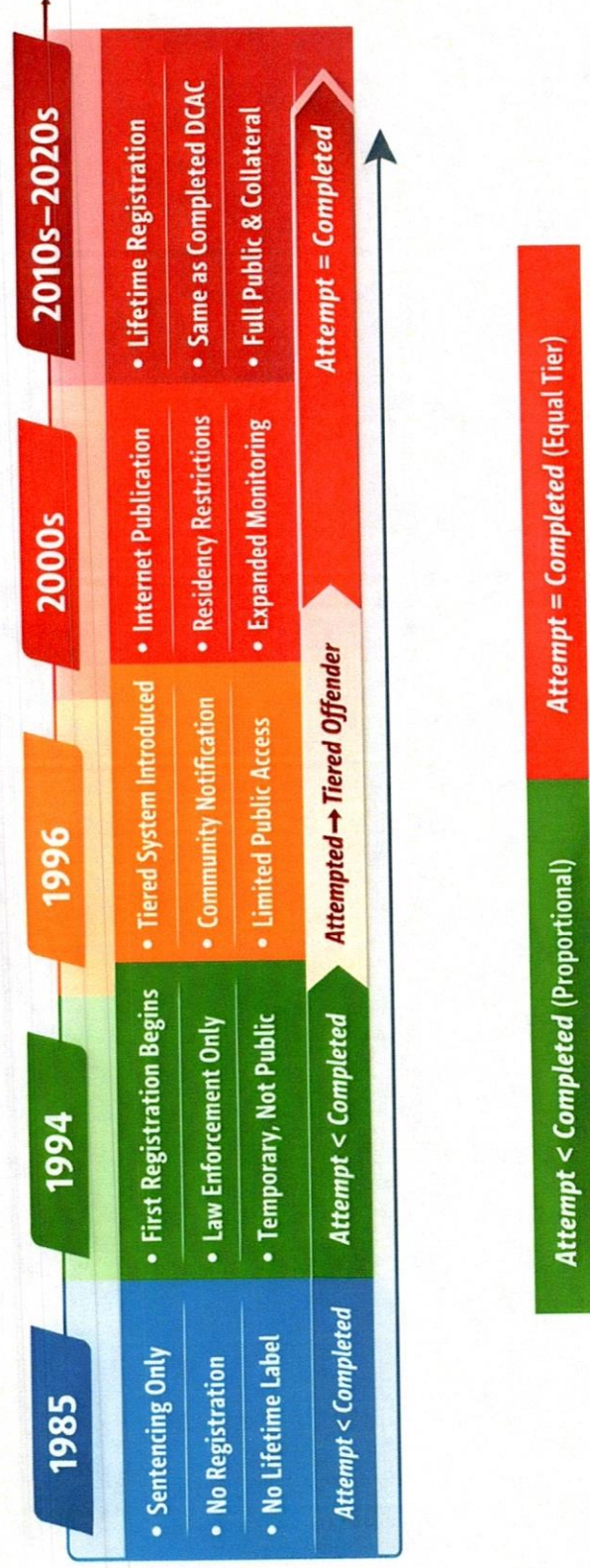
Key point:

Risk level **does not create eligibility** for removal or reduced duration.

What Arizona Uses Risk For — and What It Does Not

Duty to register	§ 13-38:	No
Community notification	§ 13-38:	Yes

Arizona DCAC Attempted Offenses: Evolution of Consequences



At the time Arizona enacted the original DCAC statute in 1985, there was no **mandatory lifetime registration** – for **attempted offenses or any other DCAC offenses**. Here is the break down:

1. DCAC in 1985 (A.R.S. § 13-604.01)

- The statute was purely a **sentencing enhancement law**.
- It applied to **dangerous crimes against children**, including **attempted offenses**, for the purpose of **increasing prison terms**.
- There was **no registry requirement at all in 1985** — the concept of sex offender registration in Arizona **did not exist until 1994**.

The legislature's intent was to target *actual conduct and risk*, not to create a permanent civil label.

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2. Arizona Sex Offender Registration Comes Later

- **1994:** Arizona enacted its first sex offender registration law (pre-SORNA era).
- Registration was **temporary and law enforcement only**.
- It was **not public**, not tiered, and **not lifetime**.
- **1996:** Community notification and tiered registration were introduced.
- Still, **attempted offenses were not automatically subject to lifetime registration**.
- Lifetime consequences were **added gradually in later decades**, especially with the expansion of tiers and public notification.

3. Attempted Offenses Specifically

- Originally included in DCAC for **enhanced sentencing**, not registration.
- **No mandatory registration existed** — the law did not distinguish attempts from completed offenses because **there was simply no registry at that time**.
- When registration became a thing (1994 onward), **some jurisdictions treated attempts differently**, but **lifetime registration was not automatic until much later** (2000s–2010s), depending on tier and statutory amendments.

Jenna Mitchell

From: Department of Public Safety <do_not_reply@azdps.gov>
Sent: Thursday, January 15, 2026 2:23 PM
To: Arizona Sex Offender Management Board
Subject: Webform submission from: SOMB Call to the Public - Written Public Comment

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Submitted on Thu, 01/15/2026 - 14:23

Submitted by: Anonymous

Submitted values are:

Your Name

Joseph

Email Address

What part of the agenda does your written comment relate to?

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To Whom It May Concern,

I'm currently a level 3 registrant. I was convicted of sexual assault September 1987. My crime occurred July 1986, 3 weeks past my 17th birthday. I was transferred from juvenile to adult court. I received 10 flat years in ADOC. I completed my sentence June 1997. In May 1998 I was arrested for failing to register when I moved from Yuma to Tempe to live with my brother. I was sentenced to 16 months and released from prison September 1999. I completed parole November 1999 and have been out of prison, and off supervision ever since. My brother started Williams Floor Covering, Inc. (r.o.c 133062) and was the qualifying party for the license. He asked me to help him as I was finding it difficult to get a job. (I had received my grade 2 operator's licenses from ADEQ in water, wastewater, collections, and distributions, while incarcerated. I applied at a plant in Chandler but never got a response. There were no other openings I could locate.) While working with my brother, he left to join the Marines at age 30 because of 9/11. He was subsequently killed in Iraq on March 23, 2003. I was denied the ability to assume the license, because of my background, and it was revoked. Later, Williams Floor Covering LLC was formed and a new license (r.o.c. 192998) was obtained by new owner Kevin Whitfield. He wanted out eventually and Essie Patterson, who is also a licensed Occupational Therapist, bought the company from Kevin, and became the qualifying party of the license. From the founding of WFC LLC I have served as the operations manager. We have had 20 employees. 4 of them were given jobs right out of ADOC, through Alongside Ministries. 6 others had prior criminal records but came with references and needed a fresh start. I was also able to stay gainfully employed, and bought the home I have been in for over 23 years. In 2022 WFC LLC sued a customer who refused to honor the

contract they signed. We won a judgement against that customer (CC2022-114633 RC) but during the court proceedings, the defendants did some research and discovered my criminal history. They subsequently filed a complaint with the Registrar of Contractors. The only complaint during the entire time I managed WFC. The complaint was filled with allegations of improper conduct on my part, and a statement of disbelief that I was allowed to work in peoples' homes with my criminal history and level 3 status. The Registrar subsequently revoked the license for cause: Ms. Patterson had falsely claimed, on the renewal form for the contractor's license, that none of the qualifying parties/members had a criminal history. Unbeknownst to her, the Corporate Transparency Act of 2020 now required managers of state licensed corporations to be subject to the same screening as the qualifying party/owner. WFC LLC filed an appeal of the revocation with the Administrative Court. We acquired many letters of character reference, regarding me, to present to the court. Prior to the hearing, Ms. Patterson was contacted by Roberto Pulver from the A.G.'s office. She was told that the Legislature's intent was that because of my level 3 classification, I was to never work in anyone's home unless they were given my complete criminal history, and gave their explicit approval for me to work for them. Ms. Patterson was then forced to drop the appeal, and, sign a consent decree. It stated that I would no longer have further association with the company, whatsoever. Additionally, I could not be paid any money due me, from WFC LLC. She was told that if she did not agree to this, and WFC lost the appeal of the revocation, that the revocation of the contractor's license would be taken into consideration when her occupational therapy license came due for renewal. The contractor's license was then allowed to expire without revocation. Mr. Pulver suggested that I go try to find a warehouse job, or something similar. I was subsequently without employment and in danger of losing my home if I couldn't pay the mortgage. Fortunately, I have a very good reputation with my 20+ year list of past flooring customers. I also have many friends and acquaintances. I contacted them and informed them I would be transitioning to odd jobs/handyman work. I let a couple of flooring contractors I have good relationships with know I could work as a w-2 employee when they are overloaded and need an extra hand. With the work that has been generated, and the savings I had accrued, I have been able to stay in my home, so far. Additionally, the losing party of the lawsuit noticed Ms. Patterson's unique name on the licensing info. The defendant then proceeded to contact some mutual acquaintances and notify them that Ms. Patterson had been married to a level 3 sex offender (Ms. Patterson and I are divorced). That defendant then asked those mutual acquaintances for information on our kids, but fortunately was refused. Even though Essie and I had not been together for 5 years we had maintained our friendship through the operation of WFC, and we share a 21 y.o. daughter who is currently an honors student in a Master's Degree program at one of the AZ universities. Ms. Patterson is terrified this will impact our daughters life, as it has hers. It caused our relationship to be strained to the point that we no longer speak more than a couple times in the year. I have also made sure to maintain a healthy distance from my daughter to ensure that she is protected from this. I ask you to explain to me how this serves the public good? The fact that I have been out of prison since 1999, built a legitimate life, in spite of my past, and do volunteer work with my community, makes this level 3 designation without merit. I would argue that, in fact, it proves that my level 3 designation is intended to be punitive in nature. Furthermore, that same losing defendant also called the police and told them they had knowledge that I was actually living in Tucson, in violation of my registration requirements. When I was contacted by Phoenix Police, I replied that the allegation is provably false. The state has access to my cellphone geolocation data. All of my banking records will show that I live and work in the Phoenix Metro area. My neighbors can affirm my residency status. Clearly, my level 3, and registration/notification were being used against me to inflict as much damage as possible.

The church I currently attend has a close relationship with Alongside Ministries(reentry/mentorship program) and through my various activities with residents of the program I have come to know multiple ex inmates with murder convictions. One is an ex Aryan Brotherhood member with multiple murder convictions. He does not have any of these restrictions. He had only been out of prison for a few months when we met. My understanding is that he has since relapsed into drug use and was moved out of the program. Is he less of a risk than I am? Ms. Patterson and I used to go to Sedona for a week, every year, for a family vacation with our kids. My understanding of the current level 3 requirements is that I would now have to go to Coconino County and update my registration because I would be there for more than 3 days. I am guessing this would lead them to contact the resort and notify them. How would this have effected those kids? My concern now is that with the lack of uniformity in requirements across the country, and the constant changes being enacted with regard to my level 3 status, I could very easily find myself in violation and possibly subject myself to imprisonment and the loss of everything I have worked to build over the 26 years since the completion of my parole in November 1999. What productive or constructive purpose is this serving?

According to research promulgated in the AZSROL newsletter, the two primary predictors of re offense are: age of offender at the time of committing the crime, and length of time since commission of the crime.

<https://pmc.ncbi.nlm.nih.gov/articles/PMC11778740/>

I was 17 at the time of the commission of the crime. I am now 57. It has been 26 years since I have been under supervision. How can the state continue to justify this level 3 status. Why is continual public notification still necessary? I would ask you to stop seeing me as simply a statistic and offender. Please provide a way for me to move away from this and have a semblance of a normal life in my remaining years.

Sincerely, Joseph T. Williams

Ashlesha Naik

From: Department of Public Safety <do_not_reply@azdps.gov>
Sent: Thursday, January 15, 2026 6:24 PM
To: Arizona Sex Offender Management Board
Subject: Webform submission from: SOMB Call to the Public - Written Public Comment

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Submitted on Thu, 01/15/2026 - 18:24

Submitted by: Anonymous

Submitted values are:

Your Name

Anna

Email Address

What part of the agenda does your written comment relate to?

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Hello, and thank you for allowing me the opportunity to submit my story. I am the wife of someone that recently became required to register on the registry, as well as serve probation. I wanted to share my experience thus far with what we have experienced. Starting with the interactions we had within the legal team; and those involved. This is in no way to minimize their hard work, and the help and support they offered. While they did what they could to assist, there was a clear lack of information, and the resources available. It has been our experience that the court appointed legal staff, are misinformed as to what truly their clients are up against after a plea deal, or trial. I don't know if this stems from a lack of information being clearly discussed between agencies, or it comes down to not being an area of experience for many within the department. One example is what we were told about how the process works for parents wanting to have visits with their children under eighteen after completing the legal process. We are parents of three children. Two of them are over eighteen, one being twelve. I was told by legal council that I would be able to take the classes, over time and be certified to be a chaperone. During that conversation I was told it can take anywhere from eight months to a year and would cost around \$1500. My husband and I asked what we could do in the meantime, and we were told that there are people available that have already completed the process that we could pay to attend a movie, lunch, etc.

I went with my husband to the first initial meeting with probation. During that meeting I was shocked when we were told that is not true. I was told directly from his probation officer that while I could take the classes, I was not guaranteed to be approved. I was also told that there is not anyone available to chaperone in the meantime. Knowing this information could have definitely impacted my husband's choice on taking the plea agreement that was offered.

Upon meeting with probation at the first appointment we arrived thirty minutes early. We waited sixty full minutes after the assigned time to meet with his assigned officer. While the officer was pleasant, it had the feeling of buying a car. Flip, and sign. Flip, and sign. Much like going over the same script. The officer knew nothing of my husband's case. When I inquired about not knowing, she was speechless, and seemed caught off guard. As someone that works in social work, I couldn't

imagine not knowing what brought my client to my desk, or to my facility. The system is feels very black and white. Everyone is grouped together. Everyone is read the same speech, and the same information even if they do not fit in that particular category. I was surprised being that a level one offender such as my husband and his crime are in no comparison to a level three offender.

My husband came into probation his first meeting with his SO registration complete, his appropriate SO license, he had moved out of the family home and was living in an approved residence. When he inquired about starting testing, and therapy; we were met with it taking sever weeks to months to start. It has now been three months and still no start date.

The effects this has had on our family have been quite detrimental. My son whom is twelve, lived with his father; can now have no contact. This is devastating. Our son has been a honors/gifted student since third grade. He is extremely intelligent, and has and amazing, strong relationship with his father. As someone who grew up without that I can attest to the positive, benefits of such a relationship. This has already started to impact my son. I am now faced with considering putting supportive mental health services in place to offset the possible negative impact this will have during some of the most important years of a young mans life. I as a woman cannot provide that. I don't feel like this situation benefits my son, or his father. My husband has been in his life, and poses no threat to my son.

The financial impact has also severely impacted our family. My husband had to move out of the family home, costing us another rent, utilities, etc. There is a huge expense involved in meeting all of the requirements with SO probation. From therapy session fees, polygraph, testing, classes, and fees after fees. We have an adult son that is fully disabled that we care for as well as trying to still keep a roof over our head.

This situation has the obvious effects on our marriage as well. This is a man I have been married to for twenty five years. The dynamic of our marriage has completely changed.

I am not writing this to excuse or to try and sound like there should not be some accountability. There most definitely should be. I am asking for some advocacy, and understanding that not all crimes that result in someone being on the registry are the same, and should not be treated as such. The law is written in these cases to be incredibly faulted. No two murders are the same, no two crimes are the same. Yet, there is no individual penalties in this aspect of the law. This was a victimless crime. The penalties are extreme in these cases. There is very little hope, or opportunity when you are marked with a "scarlet letter". The opportunity to move forward in a healthy rehabilitation way are made to be extremely difficult for a level one offender. I can only hope for some understanding that not everyone is the same that ends up on this registry, Not everyone has ill intent, nor are they a horrible person. I am hoping for a way to find a middle ground, and for these cases to be looked at with some individuality.

Thank you for your time to accept, and read my statement.

I understand this notice

YES, I Understand this Notice

Arizona Department of Public Safety

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Ashlesha Naik

From: Department of Public Safety <do_not_reply@azdps.gov>
Sent: Thursday, January 15, 2026 6:37 PM
To: Arizona Sex Offender Management Board
Subject: Webform submission from: SOMB Call to the Public - Written Public Comment

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Submitted on Thu, 01/15/2026 - 18:03

Submitted by: Anonymous

Submitted values are:

Your Name

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Email Address

[C](#)

What part of the agenda does your written comment relate to?

An item on the Consent or General Session portion of the agenda.

Please provide your written comment in the field below.

EVIDENCE-BASED RESTRICTIONS - PERMISSIONS

My name is Brian ' ' a registered citizen, who is currently on lifetime probation. I began my probation in August 2022 after serving a 17-year flat sentence in ADOC. While my unreasonable restrictions cover several areas, I want to focus on the one that is critical to my and all probationers' future success in this Life-Revolves-Around-Tech World: Computer and Internet Access.

My conviction was not internet- or pornography-related, yet my probation conditions include restrictions on computers and the internet. These and other restrictions have significantly impacted my ability to work and reintegrate into society. The internet restrictions have severely limited my ability to establish and grow my business and earn a living commensurate with my education, skills, and determination to succeed.

For example, before I left prison, I was contacted by the owner of Vistancia Pools for possible contract accounting work. After I left prison, I interviewed, and he offered me a contract to review his operations and help develop a forecasting model. This would require using a computer at my home and accessing his work server via the Internet. Probation denied this request without providing me with a reason or a path forward, except for "pass a polygraph and we'll talk." (Probation is in control of when one takes polygraphs, and my first one was in Nov 2023.) I've now passed 4 polygraphs, all on first attempts and no violations, yet I was restricted from home use of a computer and Internet access. I lost a \$20k-\$30k contract and support from the owner of Vistancia Pools due to internet permission delays. He waited over a year, but I was never given permission.

In mid-2024, my probation team told me I needed to install Remote-com.com (RemoteCom) surveillance software to obtain

permission to use a smartphone. Also, I would need to install it on any home computer to obtain approval to work from home. The costs include system setup and maintenance charges, plus a monthly fee of \$40.00 per device. I must pay additional setup and maintenance charges for permission to use a computer and the Internet at home. That's an additional \$80.00/month on top of my regular probation fees. Recall: my offense behavior had nothing to do with the Internet, and the polygraphs support this, as well as my full compliance with all probation terms. I'm a good probationer.

It is very depressing, confusing, and stressful to have restrictions placed on me that have nothing to do with my offense behaviors. And that do not reflect the fact that I've completed treatment. What's worse, I see other probationers whose crimes were committed with a computer and the Internet have these permissions within weeks of leaving prison!

Probation restrictions should be:

- reasonably related to the offense,
- proportional to the risk posed, and
- narrowly tailored to serve legitimate public safety and rehabilitation goals.

Research indicates that overly burdensome, arbitrary, or unrelated probation conditions can actually undermine successful completion of probation and reintegration. This analysis examines the legal standards for evaluating probation conditions, with particular focus on internet restrictions for probationers, explores strategies for challenging unreasonable conditions, and provides evidence-based recommendations for reform.

Characteristics of Unreasonable Probation Restrictions

Lack of Connection to the Original Offense: Probation conditions must be directly related to the offense. Restrictions unrelated to the crime, such as internet bans for non-digital offenses or unnecessary travel approvals, are often found to be unreasonable.

Overly Vague or Ambiguous Conditions: Vague or ambiguous rules—such as “be of good conduct” or unclear curfews—are invalid because they give too much discretion to probation officers.

Overbroad Restrictions on Constitutional Rights: Restrictions that broadly limit constitutional rights, like blanket travel bans, are usually struck down.

Restrictions That Hinder Rehabilitation: Conditions that harm rehabilitation—such as surprise workplace visits, job bans without cause, or financial demands on those unable to pay—are especially problematic.

Internet Restrictions as a Case Study

Evaluating Internet Restrictions in Arizona

Arizona courts assess the reasonableness of internet restrictions using specific criteria that emphasize individualized risk assessment and proportionality. These criteria include:

1. **Relationship to the Offense:** Courts require a direct nexus between the restriction and the offense. If the original offense had no digital component, courts are less likely to uphold broad internet bans absent evidence of specific future risk.
2. **Individualized Risk Assessment:** Courts examine the probationer's rehabilitation progress, history of compliance, and expert testimony regarding recidivism risk. Completion of treatment programs and clean compliance records significantly weaken arguments for restrictive monitoring.
3. **Proportionality and Narrow Tailoring:** Restrictions must employ the least restrictive means necessary. For example, a total internet ban for a non-digital offense is typically considered disproportionate, while limited restrictions (e.g., blocking specific sites/apps) may be acceptable if tied to identified risks.
4. **Evidence of Future Criminality:** Courts require case-specific proof rather than generalized assumptions. The state must demonstrate a direct link between internet use and the probationer's risk factors.

The Problem of Overly Restrictive Internet Monitoring

A comparison of monitoring technologies illustrates how some conditions become unreasonably restrictive. In one case study, a probationer (a CPA seeking license reactivation) faced a requirement to use RemoteCom surveillance software instead of the less restrictive Covenant Eyes. This requirement created several problems:

1. **Professional Conflicts:** RemoteCom's conditions directly conflicted with AICPA cybersecurity standards by granting third parties full access to devices potentially exposing confidential client data, disabling security features, and forcing OS updates

that could break compatibility with accounting software.

2. Disproportionality: Where the probationer had no internet-related offense and demonstrated 12 months of compliance with Covenant Eyes monitoring, RemoteCom's 23 added conditions (including full device control) far exceeded the scope needed for public safety.

3. Rehabilitation Obstacles: RemoteCom actively hindered rehabilitation by blocking access to continuing education courses and increasing financial strain (\$480/year vs. \$240/year for Covenant Eyes).

Alternative Monitoring Solutions: Covenant Eyes

Covenant Eyes (used throughout Maricopa County and the country) represents a less restrictive alternative that courts have accepted as reasonable monitoring in many cases[7]. It employs screen accountability rather than invasive full access, using AI to analyze periodic screenshots for concerning content and sending reports to an accountability partner[7]. This approach provides:

1. Comprehensive Monitoring: It captures and analyzes screen activity across browsers and apps, which is more effective than URL-based monitoring in today's encrypted web environment.
2. Privacy Protections: Screenshots are blurred and encrypted to protect sensitive information like financial records.
3. Proven Effectiveness: For individuals motivated to comply, Covenant Eyes serves as an effective deterrent while maintaining a reasonable balance between monitoring and privacy.

Balancing Public Safety with Effective Rehabilitation

Individualized Assessment and Tailoring

Courts increasingly recognize that probation conditions should be tailored to individual circumstances rather than applied universally. The Ricardo P. court emphasized that "hypothetical risks are inadequate" justification for broad restrictions, and conditions must be based on individualized assessment of the probationer's specific risks and needs.

Focus on Evidence-Based Conditions

Research indicates that effective probation conditions are those that:

1. Address demonstrated risk factors connected to the probationer's offense history or behavior patterns.
2. Employ the least restrictive means to achieve rehabilitation and public safety goals.
3. Avoid imposing burdens that interfere with legitimate rehabilitation efforts like employment, education, or treatment.

Recognizing Compliance and Progress

Courts and probation should consider demonstrated compliance and rehabilitation progress when evaluating the ongoing necessity of restrictive conditions. For example, a probationer who has completed treatment programs, maintained employment, and passed monitoring with no violations presents a reduced risk that may justify removing or reducing certain restrictions.

Conclusion: Toward Reform and Reasonable Restrictions

1. Probation conditions should serve the dual goals of public safety and rehabilitation without imposing arbitrary or excessive burdens unrelated to these purposes. Arizona courts have the authority and responsibility to ensure that conditions are reasonably related to the offense, narrowly tailored to the individual's risks, and proportional to legitimate state interests. Probation personnel should follow these principles.

2. Probation departments should have one set of time-sensitive, evidence-based methodologies to grant permissions and/or provide a path to obtain them. It should not differ from one probation office to another or from one probation officer to another. Consistency, integrity, reliability, and evidence-based practice should be the standard.

The case of internet restrictions illustrates how conditions can become unreasonable when they lack connection to the offense, impose disproportionate burdens, or hinder rehabilitation. Courts should embrace a dynamic approach that recognizes compliance and reduced risk over time, modifying conditions accordingly to support successful community reintegration.

By focusing on evidence-based, individualized conditions, the probation system can better fulfill its purpose of supporting rehabilitation while effectively managing public safety concerns. This approach not only respects constitutional rights but also promotes probationers' long-term success in becoming productive, law-abiding community members.

Ashlesha Naik

From: Department of Public Safety <do_not_reply@azdps.gov>
Sent: Thursday, January 15, 2026 6:52 PM
To: Arizona Sex Offender Management Board
Subject: Webform submission from: SOMB Call to the Public - Written Public Comment

Caution: The following message contains information provided by an anonymous user through an online form. Please treat the below message with caution, avoid clicking links, downloading attachments, or replying with personal information.



Arizona Department of Public Safety

2222 W. Encanto Blvd.
Phoenix, AZ 85009

Submitted on Thu, 01/15/2026 - 18:52

Submitted by: Anonymous

Submitted values are:

Your Name

Kathleen

Email Address

What part of the agenda does your written comment relate to?

An item NOT on the agenda

Please provide your written comment in the field below.

I am someone that works within the community with various populations. I am asking for the boards help in helping with a path off of the registry for lower leveled offenders. There are many that would benefit, and i think it would be something that should be thought about in more detail. I have done much research, and been involved in studies within the scope of how addressing mental, and emotional health issues being addressed, rather than the complete dehumanizing these individuals with lifetime probation, and lifelong registration only causes people to become unable to work, find housing, and find true rehabilitation. The severe consequences for many people makes you wonder if their legal representee knew the best approach.

Being on the registry causes the person, and family to carry a stigma, and label for crimes that are often not an clear, and simple as one may think. The way in which people are treated by their own family, the loss of friends, the inability to often times lose housing, and completely end up feeling hopeless is not how this should end up.

I am simply reaching out to advocate for a look into a pathway off the registry for low level offenders.

Thank you

Kathleen

I understand this notice

YES, I Understand this Notice

Arizona Department of Public Safety

2222 W. Encanto Blvd.
Phoenix, AZ 85009