

Is that a Sexual Predator



**hiding behind
that badge?**

Steve A. Mizera, R.S.O

*Stopping Sexual Predators before they strike,
regardless of who they are, should be the primary focus
in the effort to combat child molestation.*

It is not.

*Society has determined to waste its resources dealing with
predators **after** they cause the damage to children.
Although society is certainly justified in using precious
resources to PUNISH predators after due process, it should
consider educating parents and registering adults who
work with and are responsible for children **instead of**
using the millions of dollars it spends registering and
monitoring former predators whose recidivism rate is
extremely low. Current Sex Offender registration causes
unwarranted harm to families of former offenders.*

*The focus of this book is to arm parents and those
responsible for children by providing answers to the
questions: Who is molesting kids and why? When and
where are children molested? How does molestation take
place? And most important, what should be done to prevent
this moral epidemic?*

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CHAPTER ONE

Who Molests Children?

The simple answer is **Anyone**.

View the evening news on any day of the week when a reporter announces that someone was arrested and charged with child molestation, possessing child pornography or a similar charge. And generally most people who know the person who was arrested are in shock. They simply cannot believe their friend or neighbor or relative could do such a thing. They claim they know the person. They vow to support that person. But they will have a rude awakening. They didn't really know the person who was arrested, nor will their support last.

That arrest is only highlighting the tip of the iceberg. No one really knows who is molesting children until they get caught. More must be done than to just wait until the damage to the child has been done. Protection begins when everyone is suspected.

We are taught from an early age that the man or woman who wears the badge is not to be feared but is to be trusted. If anyone can molest children, then today the question must be asked: **Is that a Sexual Predator hiding behind that badge?**

Meet Officer William (Bill) Watson from Alabama. When he was about to be arrested for sexually abusing at least one younger than 16 year old girl, he entered a hospital, and his house caught fire.

His friends, relatives and neighbors were caught off guard and overwhelmed. After all, Bill Watson was a Limestone County Sheriff Deputy.

When the accused sexual predator was stopped in his tracks, not only was his circle of friends knocked over by his arrest, but their questions as to his hospitalization and his house fire only added to their confusion.

On August 17, 2012 the local newspaper in Adison, Alabama reported:

More Victims in Officer Sex Abuse case

Officer William (Bill) Watson is on administrative leave amid allegations of sex abuse against a girl younger than 16 years old.

Authorities have not revealed a specific number of alleged victims, but they do anticipate filing more charges against Watson, who remains at Huntsville Hospital for an undisclosed reason.



Watson will be arrested and charged with first degree sex abuse. William (Bill) Watson will soon be discharged from the hospital. The allegations came over the weekend from the girl's mother. A judge has already set Watson's bond at \$50,000.

Authorities with Limestone County Sheriff's Office said they would possibly bring more charges against Watson. The charges concern not just the first alleged victim but also other young victims.

"We have other victims that are being interviewed. There may be further charges presented to a grand jury at a later date that could involve some other children," said Captain Stanley McNatt with the sheriff's office.

Investigators said the initial investigation shows the girl was sexually abused recently.

Watson was already in the hospital when his home caught fire Wednesday night.

That house on Burgreen Road in East Limestone County has extensive damage, and authorities call the fire suspicious but haven't said why.

Do they believe that fire could be in any way related to the allegations against the officer?

State fire investigators said it is just too early to know if the fire is related to allegations against Watson and that the first step is trying to find out exactly how the fire started, though they said it appears it started in the basement.



Sexual Predators or Child Molesters can be in the middle of their careers or they can be retired. They are generally intelligent and are often an integral part of the community doing volunteer work. They may be married with children and hold trusted positions in the community.

And they can also be wearing a badge. Their crimes can be initiated with phone-“texting” as happened with this Ohio police officer.

Retired Chillicothe officer Richard Eric McKee pleads guilty to sex charges against a 15-year old child.

Saturday, August 18, 2012

CHILLICOTHE, Ohio - A retired Chillicothe police officer entered surprise guilty pleas during a status conference Friday on charges of unlawful sexual conduct.

A two-day trial for **Richard Eric McKee**, 49, was slated to begin Monday on 10 third-degree felony charges of unlawful sexual conduct. On Friday morning, McKee agreed to a negotiated plea with prosecutors, who dropped five of the charges in exchange for guilty pleas on the other five.



"I had no idea what to expect going in (to the status conference). ... It's pursuant to a negotiated plea. He's going to get a definite prison sentence," said Ross County Prosecutor Matt Schmidt, adding he anticipates it will be at least two years.

In May, McKee pleaded guilty to importuning, unauthorized use of the Ohio Law Enforcement Gateway and two counts of sexual imposition. However, the expectation was he would take the remaining counts to a jury because his attorney, Jim Boulger, had filed a motion asking the judge to disallow evidence from the admitted charges.

Boulger could not be reached for comment on the decision to plead guilty.

"The family's biggest concern was they wanted to hear him get up and admit to what he had done ...and that the victim was telling the truth," Schmidt said. "Regardless of what I think about what sentencing he should receive, I'm glad it resolved itself to the satisfaction of the victim."

While many of the initial charges stemmed from inappropriate text messages, the unlawful sexual conduct charge involved actual sexual contact using his hands on the then 15-year-old female victim, Schmidt said.

McKee's sentencing has been rescheduled from later this month to 11 a.m. Sept. 17 to allow time to prepare a victim impact statement.



It is not only those who are charged with enforcing the law, but those legislators who create the law that may depart from the mantel of trust and violate the laws instead. Sometimes legislators make mistakes and repeal laws. But here is a report where a State Representative from Minnesota got caught with his pants down. He claimed he made a mistake. Actually, there were a number of mistakes made. How many can you find?

Representative. Kerry Gauthier Admitted To Rest Stop Sex Acts With Teen, 17

August 17, 2012

DULUTH, Minn. – A Minnesota State Representative was allegedly involved in a sexual act at a public rest room near Proctor, Minn., according to recently released police documents.



The St. Louis County Attorney's Office said they would not pursue criminal charges against 56-year-old Minnesota Rep. **Rep. Kerry Gauthier.**

According to police documents, officers responded to a "suspicious activity" call at the Thompson Hill rest area. After

investigating, they determined that Gauthier and a 17-year-old male had been involved in sexual activity — including oral sex — near the picnic tables on the south end of the rest area.

According to the documents, Gauthier admitted to meeting with the teen after putting an ad up on Craigslist, but said the teen claimed to be 18.

As the age of consent in Minnesota is 16, and as both parties claimed the encounter was consensual, the St. Louis County Attorney's Office said they would not pursue criminal charges.

During the investigation, police were looking into whether money changed hands, which would make it a criminal matter, but Gauthier and the teen both said that money was not exchanged.

Police said that Gauthier was neither arrested nor issued a citation.

Duluth resident Gauthier, who represents an area ravaged by recent flooding, was a no-show at a State Capitol hearing to discuss disaster aid on Thursday. A first-term legislator, he is up for reelection this November.

Democratic House Minority Leader Paul Thissen said Gauthier was being hospitalized for “an unknown health issue” and he expects him to address the incident when he recovers.

“My immediate concern is for Rep. Gauthier's health,” he said.

Minnesota's Democratic Party Chairman, Ken Martin, also withheld comment.



Watching or possessing child pornography is considered a prerequisite to child molestation because it is condoning the sexual exploitation and abuse of children. If there were no commercial interest in child pornography there would be no child pornography and there would be much less child molestation.

This former school resource officer, police dispatcher, and volunteer with the Explorer Program was also a police officer for eight years. He was arrested August 17, 2012.

Note that he was being “looked at” for a variety of reasons including associating with known criminals. Why did it take ten years to discover his deviant sexual interest?

Former. Pensacola officer facing child porn charges

Kevin Britt resigned amid internal investigation

PENSACOLA, Fla. (WALA) - A former officer with the Pensacola Police Department is behind bars in Osceola County, Florida, charged with 10 counts of child pornography.

Deputies say an investigation into 38-year-old Kevin Britt began when Polk County Sheriff's detectives conducting an undercover Internet operation identified Britt as a suspect using the Internet to traffic or distribute child pornography images.



Polk detectives contacted the Osceola County Sheriff's Office when they discovered his residence was located in Osceola County. OCSO obtained a search warrant and seized several computers and electronic devices from Britt's bedroom.

Detectives processed the devices and found at least 10 child pornography images. Britt was arrested on

August 14.

FOX10 News has learned that Britt was a former PPD school resource officer, and was affiliated with the Explorer Program. Britt was hired in 1994 and spent time in dispatch and as a patrol officer.

PPD says Britt resigned in 2002 during an internal investigation. Britt was being looked at for several suspicious activities, including acting as a bailer for people in jail, truthfulness in reports, and for associating with known criminals.

Britt was not under investigation for anything related to these new charges.

FOX10 News contacted PPD Chief Chip Simmons for a comment on the charges, but we were told that Pensacola Police does not comment on the activities of former officers.



The August 16, 2012 sentence received by this former K-9 officer is certainly a double-standard, and a mere slap on the wrist. There is no case where sexual abuse of a minor should be considered anything less than a felony and upon conviction should be punished accordingly. He is now employed as a security guard in Alabama. This case deserves a slap in the judicial face. Will there be future victims? He was not punished and will NOT have to register as a sex offender.

How is this lenient sentence of thirty days protecting children in his future? Because of the extra-lenient sentence, both the prosecutor and judge should be thrown out of office.

Former Richmond police officer enters plea in indecent liberties case

By Bill McKelway - Richmond Times-Dispatch,,: August 15, 2012

Ronald E. Oaks Jr., 42, was sentenced to 12 months in jail, with all but one month suspended.

A former Richmond police officer was sent to jail this morning after pleading guilty to a misdemeanor charge of taking indecent liberties with a minor.

Ronald E. Oaks Jr., 42, left a Henrico County Circuit Court courtroom in handcuffs, sentenced to a 12-month jail term with all but one month suspended.

Oaks, a former K9 officer, is now employed as a security guard in Alabama. He was arrested in November on a felony charge and pleaded guilty to the misdemeanor in a plea agreement today.

Oaks was involved in a situation in which he was standing in line at a fast food restaurant with his son and a 15-year-old female, who later testified that Oaks demanded that she show him nude pictures of herself.

During an investigation, Oaks said that he intended to show the pictures to an administrator at Godwin High School and was concerned about who may have been the intended recipient.

But the victim testified that Oaks made suggestive remarks to her about the pictures and was forceful and threatening about seeing the pictures.

Oaks will not be required to register as a sex offender.



In Rockford, Illinois, a sheriff's sergeant was first arrested for sexual assault of a minor by the sheriff and then arrested by the FBI for trading child pornography over the internet. He had been with law enforcement for ten years.

What took so long to detect his predatory behavior?

Feds charge sheriff's sergeant in child porn case

By SARAH SUTSCHEK

ROCKFORD – A McHenry County sheriff's sergeant accused of sexually assaulting a child has been arrested again, this time on federal charges that he produced child pornography and distributed it over the Internet.



Gregory M. Pyle, 36, who has worked for the sheriff's department for more than 10 years, was taken into custody Tuesday and ordered held without bond until a detention hearing Friday. Formerly of Crystal Lake, Pyle has been living in Crest Hills, near Joliet.

Pyle, who had been head of the evidence division since June 2010, was relieved of his law enforcement duties and placed on administrative leave shortly after his first arrest in January.

According to federal court documents, a person under investigation for child pornography identified the user names of other people with whom he had traded child pornography over the Internet. Pyle allegedly was identified as

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the person using two of those names under which sexually explicit images, including of a minor child, were transmitted.

During an interview with authorities, the minor said Pyle had sexually abused him on multiple occasions, including on a trip to Wisconsin.

According to the criminal complaint, Pyle traveled to Wisconsin in December 2008 with the boy, then 10 years old, with the intent to engage in a sexual act with him and produce child pornography, which was then transmitted through the Internet



The internet is an amazing tool. Employing the internet, by using it to abuse children, is fraught with danger in more ways than one as this Georgia cop found out. One would think he had learned something during his tenure as a law enforcement officer.

Fortunately, he did not.

Former SPD cop faces child sex charges

Aug 14, 2012

By Jim Wallace

SYLVESTER, GA -

A former Sylvester Police Officer was arrested by Sylvester Police this morning, when he tried to meet who he thought was a 14-year-old girl for sex.

48-year-old John Thomas DeGuire, who lives in Tifton, was arrested at 8:30 this morning at Jeffords Park in Sylvester. Investigators from the Sylvester Police Department's Internet Crimes Against Children took pictures from his facebook page.



Investigators say for the last week DeGuire thought he was communicating over the computer with a 14-year-old girl, but really it was a police officer.

They searched DeGuire's home and car and seized his computer. DeGuire is charged with computer child exploitation, intent to commit child molestation, and enticing a child for indecent purposes.

Investigators say more charges could be filed. He was a Sylvester officer in the 1990's.



The following case is one good reason why it is important to ask the question that was presented in the first paragraph of this chapter: Who Molests Children?

This 25-year veteran of the Jacksonville Sheriff's Office was "known" to the news crime analyst who never had an inkling of an idea that this policeman was molesting two very young girls for more than three years. A predator could be anyone. Here it was a trusted and respected police officer. Hopefully the crime analyst learned something useful about predators.

Ex-cop pleads guilty to sexual battery on minors

Aug 9 2012
JACKSONVILLE, Fla. -

A former Jacksonville police officer pleaded guilty Thursday on two counts of sexual battery and faces up to 30 years in prison.

Richard Cannon, a 25-year veteran of the Jacksonville Sheriff's Office, was arrested one year ago and charged with six counts of lewd and lascivious acts with a minor and one count of capital sexual battery on a minor. Additional charges were added in September.

Under a plea agreement, the 49-year-old pleaded guilty to only two of 13 counts: attempted sexual battery, which carries a minimum 20-year sentence, and custodial sexual battery, which carries a 30-year sentence with the possibility of parole.

Evidence showed that from January 2008 through August 2011, Cannon abused two girls, prosecutors said. One girl was younger than 12 and the other was younger than 18.

Prosecutors said none of the victims nor their families wanted to attend the hearing because they did not want to relive the horrible acts. They said the plea deal helped keep the case from going to trial and spared the victims from having to testify.

"These cases involve child victims," Assistant State Attorney Theresa Simak said. "They've already been through enough. This allows us to ensure that justice is done for the community so the community is still protected from this person, but those children don't have to come in and face that. And we do that a lot in these kind of cases."

"I've known this individual throughout his career with the Sheriff's Office and none of us had a inkling of an idea or thought that this sort of thing was going on," said Channel 4 crime analyst Ken Jefferson. "This could have been anybody, but it's not. This time it's a former police officer, and you know, officers are held to a higher standard on a lot of things, many things, particularly the law."

Sentencing was set for Sept. 17. Cannon must also register as a sex offender.

"By him going to prison, he's used to investigating persons and arresting persons, now he's on the other side of that," Jefferson said. "He's going to be the one that has to walk through those bars and hear that door close finally for the last time until he's released. It's going to be a different life for him."



As a liaison officer with the Lesbian, Gay, Bi-sexual and Transgender community, this Phoenix police officer molested two minors while he was "off-duty".

A law enforcement officer is never off-duty because what they do in their private lives should conform to the laws they swear to uphold while on-duty.

Phoenix Cop Christopher Wilson, Liaison to LGBT Community, Admits to Sexual Misconduct With Two Teenage Boys



By Jason Lewis , Aug. 8 2012

Phoenix police arrested now-former fellow officer Christopher J. Wilson last night for alleged sexual misconduct with two teenage boys.

Wilson admitted to having improper sexual relationships with a 14-year-old and a 17-year-old, according to Phoenix police Sergeant Trent Crump.

An investigation into Wilson's misconduct began yesterday afternoon after the parents of the 14-year-old victim came forward to police to disclose Wilson's sexual contact with him, Crump says.

The 14-year-old first told his parents about the incidents over the weekend

Wilson knew the 17-year-old through his liaison duties to the lesbian, gay, bisexual, and transgender community, Crump says.

Facing termination, Wilson resigned his position with the Phoenix Police Department.

Wilson's connection to the 17-year-old was discovered by police during interviews with the 14-year-old victim.

The 17-year-old told police that Wilson had engaged in ongoing sexual contact with him. Police suspect that this contact occurred for three to four months -- the same time period that they suspect Wilson had improper contact with the 14-year-old.

Crump says investigators believe the incidents took place while Wilson was off duty. Police are trying to find out whether there were other victims of such misconduct by the former cop.



Law enforcement officers arrest those who they believe violate the law. The District Attorney makes the final decision after reviewing the evidence and determines if there will be a prosecution. But not even prosecutors are exempt from sexual deviant behavior because of their position.

This prosecutor had been secretly photographing and videotaping woman at least five times during his twenty year career. What took so long to discover and stop his deviant behavior and what took so long to fire him? And why was he not charged with criminal behavior?

He used a pen to make the photographs. He also had a collection of pornography on his computer. He was fired, but not charged with criminal activity. Is this a blatant a double standard or not? How would you like to be a defendant with him as your prosecutor?

Prosecutor fired for secretly taping women

DANBURY, Conn. (AP) — A veteran Danbury prosecutor who's been accused of secretly photographing and videotaping women in the courthouse has been fired.

Documents released Tuesday say senior Assistant State's Attorney David M. Holzbach was terminated after an investigation found he'd secretly recorded women, viewed pornography on his work computer during work hours, photographed women and collected pictures of women, some pornographic, in his office.

The Hartford-Courant reports that in a certified letter to Holzbach, chief state's attorney Kevin Kane describes Holzbach's behavior as "completely intolerable."

An investigation of Holzbach began in mid-April when a woman notified officials that she had seen Holzbach secretly videotaping women with a special pen. The Courant says it was at least the fifth time in 20 years that Holzbach had been accused of similar behavior.



After a twenty-year career as a Syracuse, NY police officer, Stan Dorozynski spent a few years as a child abuse caseworker. He was arrested on federal charges of possession of 2,400 images of child pornography.

Didn't any of his co-workers during his law enforcement career really know this person's character? If not, why not?.



Ex-child abuse caseworker admits possessing child pornography

← Stan Dorozynski July 25, 2012

SYRACUSE, N Y —

A former Oneida County Child Protective Services caseworker pleaded guilty Wednesday to possessing child pornography at his Frankfort home in 2010.

Stanley Dorozynski, who also was a Utica police officer from 1980 to 2000, could face a maximum of 10 years in prison when he is sentenced in U.S. District Court on Friday, Dec. 7. He was immediately taken into custody following his plea.

Dorozynski will also have to register as a sex offender, pay a fine of up to \$250,000 and face a term of supervised release that could potentially last the rest of his life.

During his plea, Dorozynski acknowledged that he knowingly possessed a computer, compact disks and zip disks that contained images of child pornography. And because the images were transported through interstate and foreign commerce using a computer, the allegations rose to the level of a federal crime.

Dorozynski became a county child protective services caseworker in 2008, where he was responsible for investigating child abuse cases.

The allegations first surfaced in October 2010, when Dorozynski's former girlfriend contacted authorities regarding inappropriate images she had seen on Dorozynski's computer in June 2010.

The images were titled with names like “Barely Legal, Teens, Russian Teen, and Voyeur,” and they appeared to depict girls between 11 and 15 in sexual positions with adults, according to facts in Dorozynski’s federal plea agreement.

Dorozynski’s girlfriend then unlocked a trunk in a jewelry box on Dorozynski’s dresser, where she located more than eight zip disks. She moved out of Dorozynski’s house by July 2010.

More than 2,400 images were found on 18 CDs and several zip disks that could be considered child pornography, prosecutors said.

The images were then sent to the National Center for Missing and Exploited Children to be compared with database of known victims. The center identified 664 images from 28 different series of known images of actual children from across the U.S and abroad, prosecutors said.

The case was prosecuted by Assistant U.S. Attorney Lisa Fletcher.



What is the reason why this chapter started by asking Who molests children? The focus was on those we are taught to trust more than anyone else: people who make, interpret and enforce the laws. Police, police dispatchers, prison guards, district attorneys, Highway Patrol officers, legislators and family court judges have been featured here to make a point: Molesters can be ANYONE! Society spends its money trying to find re-offenders instead of offenders.

These headlines and new stories are informative for two different reasons. First, it is both a disservice and embarrassing to the great majority of those who wear the badge and make, enforce and interpret the laws who do NOT molest children.

Second -and most frightening- is the observation that this sampling of reports from a short period of time is just the tip of the iceberg. It must be asked: how many molesters or abusers have not yet been detected? And why not?

Another question that is troubling is: why has it taken so long in so many cases for their co-workers to recognize the obvious signs of the deviant sexual behavior? What can be done to correct this?

Judge's niece speaks out about alleged sexual abuse

By: Sarah Blazonis

A former Onondaga County Family Court judge accused of inappropriately touching his niece when she was five-years-old is prohibited from ever holding judicial office again. That decision to remove Bryan Hedges was handed down by the State Commission on Judicial Conduct earlier this week. Now, Hedges' niece is speaking out.



SYRACUSE, N.Y. -- First, victim after victim came forward to speak out against former Penn State Assistant Football Coach Jerry Sandusky. Then, closer to home, there were the allegations against former SU Assistant Basketball Coach Bernie Fine. The accusations of powerful men sexually abusing children, disturbing as they were, are what Ellen Cantwell Warner says finally set her free

"Forty years of trauma have finally come to an end. I am at peace," Cantwell Warner said Thursday during a news conference at Vera House in Syracuse.

Cantwell Warner says she was five-years-old in 1972 when her uncle, then 25-year-old Bryan Hedges, sexually abused her in a relative's home. Warner was diagnosed as profoundly deaf two years before she was able to tell anyone what had happened.

"An experience like this would be difficult for any child growing up, but it is especially difficult for a deaf child, whose communication is limited. He preyed on my deafness."

It was the SU and Penn State cases that finally inspired her to tell authorities. The statute of limitations to prosecute in this incident has passed, but Wednesday the State Commission on Judicial Conduct issued a decision to remove Hedges from his position as Onondaga County Family Court Judge.

Hedges resigned abruptly in April, but the Commission says it felt the action was necessary given the severity of the charges.

"The commission's determination of removal ensures that Mr. Hedges will never be a judge again, because in New York State, removal from judicial office bars the individual from returning," said Robert Tembeckjian, administrator for the New York State Commission on Judicial Conduct.

Officials involved in the case say the decision sends several messages, including one to would-be judges that says such behavior won't go unpunished, and, to the victims, a message of hope.

"There are remedies, there are mechanisms of government that will respond appropriately when notified," said Tembeckjian.

"Don't be afraid to tell the authorities, seek help, and get counseling. There can be justice for you," said Cantwell Warner.

Commission documents show Hedges admitted to the incident described by Cantwell Warner, but denied he engaged in a sexual act with his niece.

Hedges released a statement Wednesday, saying, "I am devastated by the Commission's actions. The allegations are untrue. The administrative process is deficient in terms of being a fair fact finding procedure. I hope the Court of Appeals will reverse."

Hedges also questioned the Commission's jurisdiction over the matter since it happened 13 years before he became a judge. Tembeckjian said past cases have established that judges can be disciplined for acts committed before they took the bench, though the conduct in question usually is more recent than in this case.



So, again, just who is a child molester?

Is it the strange man lurking in the park who children are told to fear?

Are there female molesters?

In Texas, a former police officer acting in concert with his pregnant wife, was arrested and convicted. His wife was charged and convicted with attempted sexual assault and received a sixty day sentence.

Former Taft Officer Sentenced for Sexual Assault of a Child

SAN PATRICIO COUNTY

A former Taft Police officer is on his way to prison after pleading guilty to sexual assault of a child.

The victim's family said their 16-year old daughter trusted a man, who they say turned out to be a dirty cop.

Cameras weren't allowed into the San Patricio County Courthouse where the former Taft police officer Armando Padilla and his wife were sentenced Friday. We were able to talk to Padilla before he was whisked off to prison. He told our cameras that he regrets the decisions he has made.

Armando Padilla, 24, was lead out of the San Patricio County Courthouse in handcuffs after a judge sentenced him to five years in prison. He will also be forced to register as a child sex offender and pay restitution.

In the meantime, his wife, Angela Padilla, was found guilty of attempted sexual assault of a child and will spend 60 days in jail. She will have to serve community service, must register as a sex offender and pay restitution.

This all stemming from a incident in May 2011, when Padilla, who was a Taft police officer at the time, was accused of raping a 16-year old girl.

His wife, Angela Padilla was pregnant at the time. The victim's parent's tell us what lead up to the crime.

"She had told me she was in labor. She asked if she could take my daughter from school, so she could be with her when she had the baby, and agreed, and I went and let her take her out of school. Her husband went to school, pulled her out of school. Thought they took her to hospital with them, they

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took her home with them instead and that's when they raped her," says the victims mother Patty Alaniz.

"I feel, there is no win-win situation. He got a short time, compared to my daughters lifetime agony. She, she has to live with this, for the rest of her life," says the victim's father Val Alaniz.

The victim's family told us their daughter now feels like she can't trust anyone and she suffers from nightmares.

It took the judge only about 45 minutes to hand down his sentence Friday.



CHAPTER TWO

Where does Child Molestation occur?

Once again, the simple answer is anywhere.

Perhaps the most informative question that needs to be asked and answered to prevent child molestation is WHERE does Child Molestation occur? It should be assumed that our highways are safe from predators because the nation's highways are patrolled by people who are paid to maintain law and order. But are they?

This report is of a Redding, California Highway Patrolman whose wife is a teacher. He was charge with possessing child pornography and eleven other non-sexual felonies involving guns, drugs and explosives. In addition, he was charge with a lesser crime of photographing a young girl's fully clothed crotch at his wife's school.

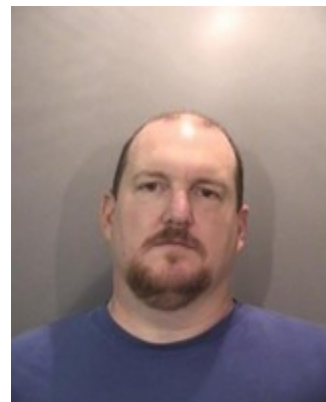
Redding CHP officer charged with having child porn

Photo of girl seized in CHP investigation

By Sean Longoria July 23, 2012

A California Highway Patrol officer accused of possessing child pornography took a photo of a young girl's fully clothed crotch in the classroom of the Anderson school where his wife teaches, CHP investigators said in documents filed in Shasta County Superior Court.

Gerald "Gary" Roland Harris, 45, pleaded not guilty



Monday to two felony counts of possessing child pornography, a felony count of using a computer without authorization, a misdemeanor count of annoying a child younger than 18 and two special allegations.

Those allegations state Harris will serve time in state prison if convicted of the child pornography charges.

Harris was ordered to have no contact with anyone younger than 18.

He also faces 13 felonies and one misdemeanor charge related to a cache of guns, drugs, explosives and driver's licenses found Feb. 21 during a search of his Deschutes Road home.

Harris will be back in court Sept. 4 for a plea disposition and his preliminary hearing was set for the following day.

Retired Shasta County Superior Court Judge Anthony Anderson ordered Harris to have no contact with anyone younger than 18, except family members.

Prosecutors originally requested a blanket order, although Joe Gazzigli, Harris' defense attorney, argued that was overly broad.

"If he is such a hazard, I don't understand why it's taken such a long time" to file additional charges, Gazzigli said in court.

The case has been delayed several times at the request of prosecutors, who have said they needed more time to investigate the child porn charges, which were filed Thursday.

Harris turned himself in Friday at Shasta County jail and was released the same day on \$75,000 bail, a watch commander at the jail said Monday.

The image of his wife's second-grade student dated 2010 was found on a flash drive seized during the CHP's internal investigation into Harris. That same flash drive also contained thousands of adult porn pictures, investigators said.

"Most of the pornographic images were of a past girlfriend of Gerald Harris, and/or Gerald Harris himself, engaged in acts that were intimate and sexual in nature," investigators wrote in the report.

A fellow officer who found adult porn on Harris' department-issued laptop while trying to fix the computer sparked that investigation.

The girl was sitting on a desk in a classroom, which officers later determined was at the Meadow Lane Elementary School, where Harris' wife, Katherine, teaches second grade.

"Based on their inspection, investigators were able to identify and match several items from the background of the photograph of the child victim to items in Mrs. Harris' classroom," investigators wrote in the report.

Officers later interviewed the girl in the photo, who said Harris was at the school almost every day between lunch and dismissal and would frequently take photos in his wife's classroom.

"Although Gerald Harris would yell at the students for talking, the victim did not indicate Gerald Harris did anything inappropriate to her," investigators said.

Anderson police conducted their own investigation into Harris for possible child molestation after several parents called the CHP concerned for their children. A detective didn't find any evidence Harris had molested children but a computer technician at the school told police years earlier he'd found pornographic photographs on Katherine Harris' school computer.

"(Mrs. Harris) related she had no idea how the images came to be on the computer and speculated that her husband, Gerald Harris, may have been one to place them on the school computer," CHP investigators said.

Officers also seized nine more flash drives, six CDs and a second laptop during their initial investigation, although Harris claimed he stole disks containing child pornography from another officer's locker to use for "insurance purposes" in the event the officer was promoted.

The CHP's Computer Crimes Investigation Unit found adult pornography on both of the laptops.

"Additionally, (investigators) discovered a single image of child pornography, which depicted a prepubescent boy and a young female engaged in what appeared to be sexual intercourse, on the departmental Gateway (brand) laptop," investigators wrote in the report.

Also on one of the laptops, investigators found one image of child pornography, four images of child erotica and about 100 images of naked children, which had all been viewed and deleted in the early morning hours by Harris while on duty, according to the report. Officers found many of the same images on one of the flash drives, one of which was Harris' property, found in a laptop bag in his patrol car.

The internal investigation led to a criminal investigation and Harris turned himself in March 2 at Shasta County jail after an arrest warrant was issued the same day.

Further investigation revealed none of the 11 illegal assault weapons found at Harris' house were registered to him. Two of the guns were bought from a retired CHP officer at a sporting goods store in Medford, Ore.

Harris told the retired officer he'd "take care of getting them into California," and the officer "wouldn't have to worry about anything," investigators wrote in the report.

The guns all had "evil" features that made them illegal in California, investigators said. A Redding-area gun dealer sold handguns to Harris, although officers didn't find any records he'd bought the assault weapons locally, according to the report.



When sexual exploitation and molestation of children occur at the hands of those sworn to protect those who use our highways, Their supervisors defend the department by claiming the crimes were not done while the officers were on duty. That claim could not be offered above because the pornography was found in the CHP patrol car.

But the Truckee, California CHP officer below was not on duty when he sexually molested a child. The Sacramento Bee reported this as an off duty crime.

The Bee did its readers a disservice when it used the headline “**Former** CHP.’ In fact, the officer was arrested on Tuesday and he resigned on

Wednesday, the next day. Although the headline conflicts with the story the fact is the CHP officer was a current officer on the payroll at the time of his arrest.

Although both the newspaper and the CHP supervisor pointed out that the crime was committed while the officer was off duty, perhaps the question of possible predation should be asked at the time the officers are hired and trained. The claim that the crimes were off duty offenses is simply not an acceptable defense. If a victim knows the predator is a law enforcement officer, it does not make any difference to the victim if the predator is on duty or off duty. Duty status does not prevent criminal behavior.

September 21, 2012

Former CHP officer arrested, accused of sex with minor

Truckee, CA

A 15-year veteran of the California Highway Patrol has been arrested on suspicion of engaging in sexual acts with a minor while off duty.

Robert C. Holland (pictured), 46, who worked out of the CHP's Truckee office, was arrested at 2:40 p.m. Tuesday after allegations were brought to the attention of the CHP, said Capt. Tim Malone, commander of the Truckee area office. Malone said a search warrant was served at Holland's Loyalton home. He was taken into custody by CHP personnel and booked into Nevada County Jail, with bail set at \$500,000.



Malone said Holland's employment with the CHP ended Wednesday, and the results of the criminal investigation are being forwarded to the Sierra County District Attorney's office.

Holland graduated from the California Highway Patrol Academy in 1997 and worked in the Blythe area before becoming the CHP's resident patrol

officer in Loyalton in July 2003. When the resident officer position was eliminated in 2009, Holland was assigned to the Truckee area office, Malone said.

The CHP released a written statement, saying, "These are serious allegations that are very disappointing and embarrassing to the organization, but they shouldn't be a reflection on the 11,000 other employees who go out every day and do their job to provide safety, service and security to the people of California."

Malone said inquiries or information pertaining to the investigation should be directed to the CHP's Truckee area office, (530) 582-7570.



Beaches are places of relaxation and enjoyment and should be safe from predators.

On the New Jersey coastline they are very crowded and tags are used to control the numbers.

This former Ocean City police officer was superintendent of the beach tag inspectors and was arrested for second-degree sexual assault of a tag inspector under the age of 18.

During his twenty-five years as an Ocean City police officer his duties included bicycle patrol at Ocean City High School. He also worked at the high school as a resource officer. His assignment to the school was made two years before he retired from his twenty-five year career.

Why were his co-workers not aware of his deviant sexual behavior?

Former Cop, Beach Tag Boss Arrested for Sexual Contact With a Minor

Chuck Cusack is charged with second degree sexual contact.

August 6, 2012



A retired Ocean City police officer who is in his second season as a superintendent of the city's beach tag operations was arrested Saturday and charged with second-degree sexual contact with a beach tag inspector.

Charles Cusack, 49, was arrested by city police about 4:30 p.m. Saturday while on duty, Capt. Steven Ang said. Cusack was transported to the Ocean City Police Department, his place of employment until his 2011 retirement.

Cusack, who resides in Egg Harbor Township, was charged with second-degree criminal sexual contact with a female under the age of 18 who was under his supervision, Ang said. He was released after he posted \$150,000 bond.

Ang said Cusack has been suspended from his city post pending outcome of the investigation.

Ang said the alleged sexual contact occurred over a period of time, but he declined to be more specific.

"It's an embarrassment to the city and to the Ocean City Police Department, but we're more concerned about protecting the victim and the victim's family," Ang said.

A condition of Cusack's release was that he have no contact with anyone in the beach tag program, Ang said.

As part of his duties during 25 years in the OCPD, Cusack worked as a bicycle officer for about a year in the community policing division, which has close interaction with Ocean City High School, Ang said. Cusack also worked at the high school as a school resource officer in the two years before he retired from the police department, said Michael Stanton, Ocean City schools solicitor.

The schools then hired Cusack in fall 2011 to replace a retiring "supervisory aide" in the high school, Stanton said. In the hourly security position, Cusack "acted as a presence" in hallways and throughout the school. He was

Is that a sexual predator hiding behind that badge?

Steve A. Mizera

employed under contract from Jan. 3 through June 30. His contract was not renewed because the position was eliminated, Stanton said.

Cusack has three daughters and had been separated from his wife at the time of his arrest.

Second-degree sexual contact encompasses sexual contact with a victim at least 13 but less than 16 years old (with a suspect at least four years older than the victim) or with a victim at least 16 but less than 18 years old and the suspect has supervisory or disciplinary power over the victim. Sexual contact means, at minimum, the intentional touching of intimate parts for sexual gratification.

Second-degree offenses are subject to sentences of five to 10 years in state prison.

A news release from Cape May County Prosecutor Robert Taylor indicated that the alleged victim is between the ages of 16 and 18 but included little other detail.

The case will be investigated by the prosecutor's Major Crimes Unit because of Cusack's employment with Ocean City, Taylor said.

A call to Cusack's cell phone is answered by a message that says the number has been changed or is out of service.

The beach fee staff was advised of the situation at group meetings on Sunday morning.

"I don't have the words to express my outrage over this matter," Mayor Jay Gillian said. "My primary concern is the safety and well-being of our team members. I have directed my staff to make certain that these young people know they have our support in every regard in the days ahead."

The city has arranged for counseling to be made available to any member of the beach fee staff who requests it.

David Elliott will manage the beach tag program for the remainder of the season, according to Ocean City Business Administrator Mike Dattilo. Elliott has worked at all levels of the program beginning as a beach tag inspector eight summers ago. He is an Ocean City resident.

Update: *As of Wednesday, Aug. 8, the Cape May County Superior Court Criminal Division said no attorney has entered an appearance on behalf of Cusack, and no arraignment is scheduled. The case is still in the complaint stage.*



The most dangerous environment for the exploitation of children is in their home. To be more precise, it is the predator that enters their home via the internet. Homeland Security and Immigration and Customs Enforcement investigators discovered this sexual predator with its Operation Predator.

This sexual predator was a probation officer before becoming a police officer.

What is so troubling here is his captain's comments that the allegations had nothing to do with his work as a police officer.

Someone might mention to the captain that police officers are on duty twenty-four hours a day. When they observe criminal activity, they must act to protect society. They must also act to protect society by not committing crimes.

Lawyer Says Fmr Cincinnati Officer Will Plead Not Guilty On Child Porn Charges

Cincinnati, Ohio

A former Cincinnati police officer is indicted on a child pornography charge. Federal agents say they found illegal images at his home. A federal grand jury indicted Randy Grote on one count of possession of child pornography.

The investigation was conducted by Immigration and Customs Enforcement agents and Homeland Security agents.

This federal investigation is called "Operation Predator." The goal is to root out the distribution of child porn on the Internet. And federal agents say they traced child porn accessed on the web to Randy Grote's home.

Last October, when federal agents and Cincinnati Police searched Randy Grote's Green Township home, they say they found computers, a hard drive and other devices containing images of children engaged in sex acts. Grote worked at District 3 in East Price Hill.

"When this information was brought to our attention, Randolph Grote's police powers were suspended and he was placed on limited duty. Through the course of that investigation, the federal agency kept in contact with us, we kept apprised of the situation."

Cincinnati Police Captain Paul Humphries says the allegations had nothing to do with Grote's work at the police department. A federal grand jury indicted Grote on Wednesday. He was placed on unpaid leave and submitted his letter of resignation.

"Shocked. It's unbelievable." Sandra Gerhardt was surprised to hear about the indictment against her neighbor. She didn't know Grote well and hasn't seen him in a while. "You never know. You just don't know. And you don't know until all of the facts are out what's what either."

Captain Humphries explains, "You know there's an old saying that it makes us all look bad. It doesn't make us all look bad because we don't do this as an organization. We don't do this as an agency and cops hate this as much as anybody else."

Randy Grote's attorney, Peter Rosenwald, declined a request for an on-camera interview. But he said Grote resigned rather than go through an internal affairs investigation. Rosenwald says Grote will plead not guilty when he makes his first appearance in federal court next week.

Randy Grote started working at the Cincinnati Police Department in 2003. His personnel file contained a handful of commendations for his work.

Before working for the police department, he worked as a probation officer for Hamilton County.



Sexual abuse often occurs in the victim's home. Called incest, molestation of a son or daughter often goes unreported and the victim suffers for the rest of his or her life.

Children are most vulnerable in a home especially when adults or parents are aware of the abuse and do nothing to stop it. Here a retired police officer and family member is in the process of facing justice.

Former officer goes before judge on child pornography charge

Aug 2, 2012

BIRMINGHAM, AL

A former Birmingham police officer faced a judge on Thursday.

Patrick LeBlanc is charged with attempting to produce and possess child pornography. Hoover police say the victim in the case is 17-years-old and a family member.

LeBlanc was supposed to have a preliminary hearing today, but chose to waive it to the grand jury.

LeBlanc has retired from the Birmingham police department and remains free on bond.



In this report a 19 year veteran of Fort Collins, Colorado's police department used the internet to post pornographic photographs of his victim who he photographed while she took a shower in his home.

During the investigation of that complaint, child pornography was found on the computer in his home.

Former Loveland police officer Rod Bretches appears in court

By Jessica Maher Reporter-Herald Staff Writer
7/30/2012

FORT COLLINS -- Former Loveland Police Officer Rodney Bretches made a brief appearance in Larimer County Court on Monday and was issued a six-week continuance in his case alleging child pornography possession.

Bretches, 48, appeared before 8th Judicial District Judge Stephen Howard for the status conference. He was with his attorney, Derek Samuelson, and was granted a six-week continuance based on incomplete discovery.



Rod Bretches, left, a former Loveland police officer accused of child pornography, talks with his attorney Monday after a status conference regarding his case at the Larimer County Justice Center in Fort Collins

He is due back in court for a disposition hearing on Sept. 6.

Bretches was arrested in late May after his colleagues at the Loveland Police Department searched his home and allegedly found videos and photographs depicting child pornography. Police began investigating the 19-year force veteran after a woman reported that he had secretly recorded her showering at his home and then shared it online.

Bretches faces a felony charge of sexual exploitation of a child, an allegation for which he could receive up to six years in prison if convicted, as well as two misdemeanor peeping charges that carry up to 24 months in prison upon conviction. At his last court appearance, Samuelson asked the judge to set the case over for a possible plea agreement.

Samuelson did not respond to a request for comment on Monday.

Until his mid-June resignation, Bretches had been on paid administrative leave from the Loveland Police



The mayor of Nolanville, near Waco Texas, who also held a job as a technologist in an elementary school, was accused of sexual assault on a 12-year old female student. The assault took place in his home.

He passed all annual background checks. This predator was highly respected because he was town mayor. He had worked for the school district for ten years.

Local Mayor Charged With Child Sexual Abuse Resigns School Job

Charlie Stewart, Sr.(Jail photo)
Waco Texas

NOLANVILLE (July 30, 2012)—Nolanville Mayor Charlie Stewart, Sr., who remains jailed on an aggravated sexual assault of a child charge stemming from incidents involving an elementary school girl, resigned Monday from his job as a technologist at Killeen's Manor Middle School.



The resignation was effective Monday, Killeen Independent School District spokeswoman Leslie Gilmore said

He had worked for the district since October 2001.

The district issued a statement after Stewart's arrest that said, "A background check was conducted in 2001 upon Mr. Stewart's hiring. The district also runs yearly background checks on employees. Mr. Stewart passed each background check that was conducted," the statement said.

Stewart was arrested on July 20 following an investigation that started on June 28 after Scott & White Hospital contacted Nolanville police about a child sexual assault victim, authorities said.

An affidavit released last week says the girl, who was 12 at the time the alleged sexual assaults began in 2011 at Stewart's home, told both her mother and a forensic interviewer from the Children's Advocacy Center that Stewart "inserted his penis into her vagina several times beginning in the summer of 2011."

Stewart was sworn in as mayor of Nolanville in May 2010.



This former Kentucky police officer was a dispatcher when he was arrested, charged with sodomy and convicted of incest, and sexual abuse of a child under 12.

Notice the common thread of these cases: the predators are alone with the child when they commit sexual abuse.

Ford gets 10-year sentence in sex abuse case

July 27, 2012 Staff report Glasgow Daily Times

TOMPKINSVILLE — A Monroe County jury recommended a 10-year sentence earlier this week for a Tompkinsville dispatcher in a sex abuse case.

Darrell Ford, 59, of Tompkinsville, stood trial on charges of first-degree sodomy, forcible incest, a Class B felony; compulsion/incapable of consent or under the age of 18, a Class B felony; and first-degree sexual abuse of a victim under the age of 12, a Class C felony.

Ford was on administrative leave without pay. Prior to working as a dispatcher, he had been a Tompkinsville police officer.

He was found not guilty of first-degree sodomy, but guilty of incest-forcible and first-degree sexual abuse, according to Monroe County Circuit Court records.



In order to have an affair with a 14 year old girl, this Tennessee Trooper had to be alone with her on more than one occasion.

Where were her parents? Were they carrying out the duties and responsibilities for their daughter? Or was their trust of the trooper unreasonable?

Was the trooper feeding his ego when he showed off the sexually explicit photos he had of the minor which fortunately was his undoing.

Tennessee Highway Patrol-Trooper sentenced to eight years for sex crimes with a minor

7/27/2012

By Mary Jo Denton

BYRDSTOWN - Former Tennessee Highway Patrol Trooper Wade Williams went to court yesterday and pleaded guilty to sex crimes with a minor and was sentenced to eight years in prison.

Williams, 38, of Byrdstown, came to Criminal Court in his hometown, his wife by his side, and stood before Judge David Patterson to plead guilty to the following: two counts of aggravated statutory rape, two counts of attempt to commit especially aggravated sexual exploitation of a minor and one count of sexual exploitation of a minor.

The victim in the case was a 14-year-old girl.

The former trooper, who resigned his job earlier this year after he came under investigation by the THP and the District Attorney, was sentenced to a total of eight years for the crimes.

Two of those years must be served day-for-day, according to DA Randy York and Assistant DA Mark Gore.

After serving all of the two-year sentence and 30 percent of the remainder of the sentence, Williams will be eligible for parole.

Williams was sentenced as a "*child sexual predator*" on the aggravated statutory rape charges, Gore said.

He will also be listed on the state's sex offender registry.

Last April, Williams waived his right to a criminal indictment in the case and was formally charged by a criminal "*information*" filed in Pickett County, where the offenses took place.

The case began after authorities received a complaint alleging that the trooper had had an affair with a 14-year-old girl. Among the allegations

Is that a sexual predator hiding behind that badge?

Steve A. Mizera

made at the time was a report that Williams had sexually explicit photos of the girl.

"The guilty plea entered Wednesday by former trooper Wade Williams brings closure to this unfortunate incident and, hopefully, some relief for the victim and the victim's family," said Commissioner Bill Gibbons of the Tennessee Department of Safety and Homeland Security.

"Williams has been sentenced accordingly, he will serve time in prison, and will be placed on the sex offender registry. The actions of Wade Williams do not represent the men and women of the Tennessee Highway Patrol and all those who put their lives on the line to serve and protect the citizens of Tennessee," Gibbons said.

"No one is above the law, and this type of behavior will not be tolerated by the Department of Safety and Homeland Security."

Williams, who was represented in court by attorney Todd Daniels, was taken to jail yesterday following the sentencing. Assistant. DA Gore represented the state in the case



Just what is a policeman thinking, who spends years on the job where he is constantly aware of the arrests, convictions and imprisonment of sexual predators, when that policeman commits a similar crime? They must also be aware of the sex offender registry and how that requirement continues to punish those long after they complete their prison sentence.

This Michigan officer had no criminal record and was an officer for 12 years. The five months he spent using the internet to possess and distribute child pornography will destroy his life.

If he is sentenced to the possible eighteen years, that and additional punishment will continue until he dies because he will have to register as a sex offender. Registration makes employment and housing next to impossible in most jurisdictions. It also punishes the predator's family.

Former Royal Oak police Officer charged with porn possession will stand trial

:Jul 27 2012 ROYAL OAK, Mich

A Royal Oak Police Officer charged with possession and distribution of child pornography will stand trial.

Michael Smith, 41, is accused of downloading and possessing child pornography on his personal home computer between September 2011 through January 2012.



Smith allegedly distributed some pornographic images to other users through a public Internet file-sharing network.

Smith resigned from the Royal Oak police force in January. He was a 12-year veteran and has no criminal record.

If convicted, Smith could face eighteen years in prison.



Once again the simple answer to: where are children molested? is anywhere!

If that is true, how can they possibly be protected?

One of the victims of Jerry Sandusky, the former Penn State coach, who has been convicted of so many counts of child molestation, spent overnights with the predator. When he came home in the morning on more than one occasion, his mother asked: where is your underwear?

The better question should have been asked: why do you want to stay overnight in the home of an adult?

No matter where an act of molestation occurs, there is always a common thread. The predator does not want company when they are committing their crimes.

One important factor in preventing many instances of child abuse is to make sure a child is never left alone for any period of time with someone older who fits the profile of a sexual predator. When an adult takes a child over night or out of town or to secluded public or private locations, that should raise a flag. Denying the predator the opportunity to be alone with your child can prevent your child from being molested.

So many of the news reports here state how much punishment the sexual predator received. But it is much more logical to PREVENT child abuse through education and other means. PUNISHMENT is just revenge and is justice for everyone except the victim.



Chapter Three

What is a Pedophile? What is a Child Molester?

First and foremost it is important to distinguish between a pedophile and a child molester. There is a big difference?

Being a pedophile is NOT a crime. A crime requires an act in addition to thoughts. Many pedophiles have the ability to control their sexual urge for children and refrain from acting out their fantasies.

But when a pedophile loses control and crosses the thought stage and then carries out those thoughts he or she is committing a crime generally known as child molestation or sexual abuse. Viewing child pornography is often considered a pre-requisite to child molestation. There are many more differences which will be discussed later.

Regrettably, most people use the terms interchangeably. Even though some pedophiles never cross the line and are able to control their urges, unfortunately, they get painted with the child molester tag.

Pedophiles can be anyone -- old or young, male or female, rich or poor, educated or uneducated, and non-professional or professional. They can be cops, or judges, or prosecuting attorneys, and they can be family members or janitors. They can be any race.

However, pedophiles often demonstrate similar characteristics, but these are merely indicators and it should not be assumed that individuals with these characteristics are pedophiles. And until they act out, they cannot be called child molesters.

It is the knowledge of these characteristics coupled with questionable behavior that can be used as an alert that someone may be a pedophile on the verge of crossing the line.

It is not yet considered a crime to have a thought process. It takes an act in addition to the thought that may make behavior criminal.

Although the pedophile may still be in his or her teens, most are between 30 and 40 years of age. Many more are senior citizens or retired people.

They may be single with few friends, male or female. But even if married that relationship may be like a companion with no sexual relations.

Persons may often be vague about time gaps in employment which may indicate periods of incarceration,

Predator pedophiles are likely to be fascinated with children and child activities. Does that person appear to prefer those activities to adult-oriented activities?.

Listen to how he or she makes reference to children. Words such as pure, angelic, innocent, heavenly, divine, or words that seem inappropriate and exaggerated should be the reddest of flags.

That potential predator who is in your environment may have unique hobbies such as collecting expensive toys, keeping snakes or exotic pets, or building model cars or model planes.

Be especially concerned if your child, or an intended victim, is close to puberty. Most predators prefer a specific age on either side of puberty. Children at that time in their lives are inexperienced but curious about sex. The pedophile intending to cross the crime-line may be employed in a position that involves frequent contact with children. Remember the child protective case worker cited earlier?

Even if not employed around children, the predator may do volunteer work with children, such as sports coaching, unsupervised tutoring, scouting, mentoring or any activity where there is no adult supervision

If your child is shy, handicapped, or withdrawn, or if a child is from troubled or underprivileged homes, he or she is a target for a predator pedophile. Watch for the predator's next steps. There will be lots of attention, gifts, trips to places like the zoo, concert or beach. This is the grooming stage. The predator needs to gain the confidence of the victim.

The predator can and should be stopped at this point in the seduction process.

A former jailer, whose performance was noted on a wall of fame for his work as a correctional deputy, was arrested for victimizing two children over a period of two years. He was getting ready to deploy to Afghanistan.

Fortunately, a school counselor learned of the molestation and reported him to the police. A short pornographic video was found on his cell phone and will be used as Evidence against him because he is in the video.

Is he a pedophile or a child molester? Note that he was not arrested or charged with being a pedophile.



Shakopee Man Facing Added Felony Criminal Sex Charges

July 11, 2012-09-23

Raul Mascorro is accused of additional charges of criminal sexual conduct and possessing child pornography.

A Shakopee, Minnesota man is now facing five felony charges in a case accusing him of sexual abuse against two girls under age 16 over a period of at least two years.



Raul Rubio Mascorro, 36, was arrested in December on two charges of criminal sexual conduct while he was on a military base in Indiana preparing to deploy to Afghanistan with the U.S. Army.

In late June, an amended criminal complaint was filed in Scott County with a total of five felony charges: first-degree criminal sexual conduct – penetration with a victim under age 16, first-degree criminal sexual conduct – penetration, multiple acts over time with a victim under age 16, second-

degree criminal sexual conduct, multiple acts over time with a victim under age 16, second-degree criminal sexual conduct with a victim under age 13, and possession of pornography.

A 15-year-old girl reported multiple incidents to a school counselor in December and a 13-year-old girl later reported incidents to Shakopee police. Both girls said the crimes occurred multiple times.

Mascorro's cell phone card was analyzed in March and a 28-second pornographic video involving a minor was found, according to the criminal complaint. The complaint further alleges that Mascorro is in the video, identified by his hand and a ring he is wearing.

Mascorro has worked as a jailer for Dakota County for several years and won an award in 2008 for innovation in his work as a correctional deputy, according to a department newsletter. During the first week of November, the department newsletter reported that Mascorro had his name etched on a wall of fame for performance in various physical fitness tests.

Mascorro has been previously convicted for speeding, and window tint, in 2003 and 2005, respectively, according to Minnesota court records.

A settlement conference in the case in Scott County Court is set for 8:30 a.m. Thursday, Aug. 16. He remains in Scott County Jail in lieu of \$200,000 bond.



In sending this former Florida police officer to prison for life, the judge sentenced him as a "rapist, child molester and child pornographer.

Even if he was a pedophile, he will spend the rest of his life in prison for his crimes, not his disease. If society can learn this distinction, perhaps pedophiles can get the help they need to control their urges victimize children.

Ex-Seminole police officer gets life in prison for molesting relative, taking pictures

FORT LAUDERDALE — — Former Seminole police officer Ronald Baker was sentenced Friday to life in prison for repeatedly molesting an underage female relative at his Sunrise home, taking pictures of the girl in compromising positions and storing those pictures on his home computer.



"The crimes which you have been convicted of would be disturbing under any circumstances," said Broward Circuit Judge Michael Usan, who sentenced Baker as a "rapist, child molester and child pornographer."



Here is another police officer whose video evidence shows him setting up the camera. Note the headline inaccuracy again: this felon was a police officer for two different agencies, yet the newspaper called him a man. Cop, or even ex-cop would have been more accurate.

It was not until the final sentence that this important information is revealed.

Man accused of videotaping girl in bathroom



Police charge a Westport man who years ago, secretly recorded a teenage relative using the bathroom in his home.

WESTPORT, Mass. –

A Westport man pleads not guilty to a charge of child pornography after police said he secretly recorded a teenage relative using the bathroom in his home.

Police said Christopher Branco, 43, was charged with possession of child pornography. He was arraigned Monday in Fall River District Court. Branco was released on personal recognizance and is scheduled to be back in court in May.

Police said the video shows a 15-year-old female relative using the bathroom in Branco's home in 2000. Police said part of the video showed Branco setting up the camera.

According to police, Branco's wife found the tape in safe and gave it to investigators.

According to The Standard-Times, the prosecutor told the court Branco also had naked photos and several pairs of women's underwear in the safe.

The victim in the case told police what happened last month.

Branco is a police officer for Bristol Community College and a former police officer in Little Compton and Newport.



In the following report, the British media did accurately call a pedophile a Paedophile. And, they described with accuracy how he groomed his victims.

The question to be asked here is: why did the parents fail in their responsibility to monitor their children's computer use.

Although the internet show's manager gave a warning, it went in the innocent children's ear and out the other. On line game and community networks must share in the responsibility to prevent the victimization of children.

Police worker who coaxed children into performing webcam 'sex shows' is jailed

6 September 2012

A POLICE worker who coaxed children into performing webcam sex shows has been locked up

Former police support officer Ashley Whitfield used the Habbo Hotel internet site to find and groom his victims

Paedophile Ashley Whitfield used animated kids' web-chat site 'Habbo Hotel' to find victims late at night.

Children as young as ten posed indecently for him via webcams in their bedrooms as their parents slept unawares.

The PCSO, who secretly recorded the images, won his victims' trust by pretending to be a teenager.



In reality, Whitfield, 25, was a serving police community support officer with a secret obsession with child porn.

He had been in a £20,000-a-year post with Cheshire Constabulary for two-and-a-half years when he was exposed.

Whitfield, of Redfern Walk, Warrington, had used a string of different email addresses to avoid detection.

He sobbed in the dock as he was jailed for three-and-a-half years at Manchester Crown Court.

He had admitted six counts of causing a child to engage in sexual activity, three counts of taking indecent photographs of a child, and 13 counts of possessing child pornography at an earlier hearing.

Habbo, is the world's largest social game and online community for teenagers but also has users that are younger.

According to the site, users of Habbo Hotel can 'make friends, chill out - (and) get noticed!' with the 10 million youngsters it attracts each month.

The site, which is owned by Finnish company Sulake, states that it bans users from sexually explicit language and it warns players not to exchange pictures or use webcams.

But police found photos and video of four children that Whitfield had incited into stripping off and performing sex acts online, as well as a large stash of child porn he had downloaded.

The crimes came to light last summer after detectives investigating a child grooming case in Scotland learnt that Whitfield had been involved in obscene chats with an 11-year-old boy and tipped off colleagues in Cheshire.

Habbo, is the world's largest social game and online community for teenagers but also has users that are younger.

When officers knocked at Whitfield's parents' home and asked where he was, they were told 'they should know' as he was serving with them at the time.

When questioned, Whitfield admitted to obscene MSN Messenger chats with the 11-year-old boy a dozen times.



Sentencing that are so disparate are contributing to sexual assault crimes. The problem appears to be that those given light sentences are re-offending. There must be a national standard. In this case the former police officer receives less than six months, and is not required to register as a sex offender. How is society protected when leniency is used as a carrot?

Is this predator a pedophile who stepped over the line? Or is he a child molester who is not likely to offend again?

Cedric Webb pleads guilty to 1999 teen sex crimes



Clayton, MO (KSDK) - A former St. Louis County Police officer has pleaded guilty to three statutory sodomy charges stemming from an inappropriate sexual relationship he had with an underage teenage girl in 1999.

In exchange for the plea, 44 year old Cedric Webb of unincorporated north St. Louis County was ordered to serve 160 days in the county jail, and two suspended five year prison terms for the crimes.

Webb was also placed on supervised probation for the next five years.

Investigators brought their case to prosecutors earlier this year after the victim noticed Webb while she was running errands and felt the need to report to police what had occurred more than a decade earlier.



The absence of vetting police officers and failure to monitor those who have had discipline problems are two reasons given for the ultimate criminal behavior officers engage in including crimes against vulnerable women and children.

England's second largest newspaper's greatest scoop has been the breaking of the News International phone hacking scandal in 2011 when it revealed the hacking of murdered teenager Milly Dowler's phone. The investigation brought about the closure of one of the highest circulation newspapers in the world.

An English lawyer who has represented women sexually assaulted and raped by police officers in the United Kingdom, said: "I don't think any [victims] are quite as damaged as those who are victims of police officers. And we echo that point. We also agree that vetting and monitoring would reduce the number of sexual assault crimes committed by those who wear the badge.

Guardian investigation finds sexual predators in police are abusing their power to target victims of crime

The Guardian, United Kingdom
Friday 29 June 2012

Sexual predators in the police are abusing their power to target victims of crime they are supposed to be helping, as well as fellow officers and female staff, the Guardian can reveal.

An investigation into the scale and extent of the problem suggests sexual misconduct could be more widespread than previously believed.

The situation raises questions about the efficacy of the police complaints system, the police's internal whistle-blowing procedures, the vetting of officers and a failure to monitor disciplinary offences.

Police officers have been convicted or disciplined for a range of offences from rape and sexual assault to misconduct in public office relating to inappropriate sexual behaviour with vulnerable women they have met on duty. Others are awaiting trial for alleged offences, though many are never charged with a criminal offence and are dealt with via internal disciplinary procedures.

The problem is to a large extent hidden, as no official statistics are kept and few details are released about internal disciplinary action in such cases.

By analysing the data available – including court cases and misconduct proceedings – the Guardian has attempted to document the scale of the corruption for the first time.

In the past four years, there were 56 cases involving police officers and a

handful of community support officers who either were found to have abused their position to rape, sexually assault or harass women and young people or were investigated over such allegations.

The Independent Police Complaints Commission (IPCC) and the Association of Chief Police Officers (Acpo) are so concerned they are carrying out a rare joint inquiry into the scale of the problem, which will be published in September, the Guardian can reveal.

Their work was prompted by the case of the Northumbria police constable Stephen Mitchell, 43, who was jailed for life in January 2011 for carrying out sex attacks on vulnerable women, including prostitutes and heroin addicts, while he was on duty.

Despite being the subject of previous disciplinary offences, involving one inappropriate relationship with a woman and the accessing of the force computer to find private details of an individual, Mitchell had not been subjected to extra supervision or dismissed by the force.

Those targeted by the officers are predominantly women, but in some cases are children and young people, many of them vulnerable victims of crime.

The Guardian's investigation has uncovered evidence of: Vetting failures, including a concern that vetting procedures may have been relaxed post-2001 during a surge in police recruitment.

- Concerns over the recording and monitoring of disciplinary offences as officers progress through their career.
- A tendency for women who complain they have been sexually attacked by a policeman not to be believed.
- A pervasive culture of sexism within the police service, which some claim allows abusive behaviour to go unchecked.

Debaleena Dasgupta, a lawyer who has represented women sexually assaulted and raped by police officers, said: "I don't think any [victims] are quite as damaged as those who are victims of police officers.

"The damage is far deeper because they trusted the police and ... believed

that the police were supposed to protect them from harm and help catch and punish those who perpetrate it.

"The breach of that trust has an enormous effect: they feel that if they can't trust a police officer, who can they trust? They lose their confidence in everyone, even those in authority. It is one of the worst crimes that can be committed and when committed by an officer, becomes one of the greatest abuses of power."

The officers involved come from all ranks within the service: the most senior officer accused of serious sexual harassment was a deputy chief constable, who was subject to 26 complaints by 13 female police staff.

David Ainsworth, deputy chief constable of Wiltshire police, killed himself last year, an inquest heard this month, during an inquiry into his behaviour. He is one of two officers accused of sexual misconduct to have taken their own lives over the past four years.

In one of the worst cases in the past four years, Trevor Gray, a detective sergeant with Nottinghamshire police, broke into the home of a woman he met on a date and raped her while her young child slept in the house. Gray was jailed for eight years in May for rape, attempted rape and sexual assault.

Many of the cases documented involve police officers accessing the police national computer to gain access to the details of vulnerable women and young people in order to bombard them with texts and phone calls and initiate sexual contact.

Deputy Chief Constable Bernard Lawson of Merseyside police, the Acpo lead on counter-corruption, who is working with the IPCC on the joint report, said: "Police officers who abuse their position of trust have an incredibly damaging impact on community confidence in the service.

"There is a determination throughout policing to identify and remove those who betray the reputation of the overwhelming majority of officers."

In its report on corruption within the police service published last month, the IPCC identified abuse of authority by officers for their own personal gain, including to engage in sexual intercourse with a vulnerable female while on duty, and the misuse of computer systems to access details of vulnerable females, as two of the five key corruption threats to the service.

IPCC figures show that 15% of the 837 corruption cases referred by forces to the watchdog between 2008 and 2011 involved abuse of authority by a police officer, and 9% involved misuse of systems.

Clare Phillipson, director of Wearside Women in Need, who supported some of Mitchell's victims, said: "What you have here is the untouched tip of an iceberg in terms of sexually questionable behaviour and attitudes. The police service, in my experience, has an incredibly macho culture and women are seen as sexual objects

.

"Police officers have a duty to steer away from vulnerable women in distress, some of whom see these police officers as their saviours. It is an abuse of their power to exploit that."

One area to be examined by the IPCC is whether there might have been vetting failures from 2001 onwards during a massive recruitment drive in the police.

Between 2001 and 2007, the overall strength of the service grew by more than 16,000, with around 2,666 officers recruited each year on average.

Six years ago, a study of vetting within the police service by Her Majesty's Inspectorate of Constabulary revealed "disturbing" failures that had allowed suspect individuals to join the service. The report, *Raising the Standard*, exposed more than 40 vetting failures among police officers and support staff. The report concluded: "The potential damage that can be caused by just one failure should not be underestimated."



Police power and authority is so easy to abuse and victims of the abuse suffer so much harm when the trust relationship is violated. Look at where the acts of sexual abuse are taking place in this report. Prohibiting those with a badge from being alone with minors might have prevented one instance of child molestation. The young girl's mother should not have allowed her thirteen year old to be alone with the officer. He should have been required to bring both parent and child to police headquarters.

Police cameras in patrol vehicles would have prevented the sexual assault by the deputy.

Proper vetting may have prevented both crimes.

2 lawmen accused of using authority for sex acts

By Mike Glenn

Thursday, July 12, 2012

Jacinto City Police Capt. Thomas Harmon DeMont, 49, was arrested Wednesday after he was charged with indecency with a child.

Houston, Texas

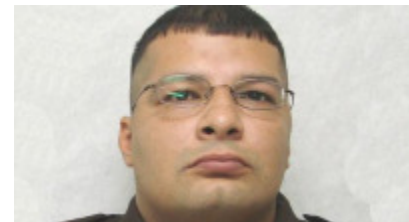
A Jacinto City police captain and a former Brazoria County sheriff's deputy both used their authority as law enforcement officers to commit sexual assaults, officials said.



Capt. Thomas Harmon DeMont, 49, was arrested Wednesday after he was charged with indecency with a child.

On Tuesday, ex-sheriff's deputy Joe Garcia, 37, surrendered at the Brazoria County Jail after a grand jury there indicted him on sexual assault and official oppression charges.

DeMont, now on administrative leave from the department, is accused of exposing himself in April to a 13-year-old girl, according to the criminal complaint filed against him.



The girl had been having problems with a boy at her school, and her mother had sought help from a police officer she knew only as "Sgt. Tom" of the Jacinto City Police Department.

On April 11, DeMont met with the girl at her uncle's apartment. Her mother remained outside.

The teenager later told investigators DeMont gave her a blue pill that he claimed would help her relax.

"She took the pill and began to feel dizzy and sleepy," according to the criminal complaint.

DeMont then exposed himself to the girl and asked her to commit a sex act, the complaint stated. The girl ran outside.

She later told investigators DeMont threatened to kill her family if she reported what happened, the complaint stated. He also sent the girl several text messages telling her that her family members were now in danger.

Houston police juvenile sex crimes detectives contacted Jacinto City police and asked if a "Sgt. Tom" worked there.

DeMont, the officer they talked to, told them there was no "Sgt. Tom" on the rolls. But, the HPD detectives checked the girl's cellphone records and confirmed he sent her several text messages after the alleged assault. She also identified DeMont in a photo lineup, according to the criminal complaint.

DeMont, a Missouri City resident, remains in custody at the Fort Bend County Jail with bail set at \$50,000, officials said.

Garcia, the since-fired Brazoria County deputy, is accused of sexually assaulting a woman he met at the scene of a March 30 vehicle accident, Brazoria sheriff's officials said.

They said Garcia volunteered to drive the 24-year-old woman to her friend's home in Brazoria. Sheriff's officials said he assaulted her soon after they pulled up to the house.

A sheriff's deputies investigation corroborated the woman's account of the incident. Garcia was fired April 10.

On Monday, Garcia surrendered after a Brazoria County grand jury indicted him on charges of sexual assault and official oppression.

He was released from the Brazoria County Jail after posting \$50,000 bail.



How can a six year old girl trust anyone after she has been sexually abuse by a sheriff's deputy, a person who should represent the epitome of trust. This ultimate act of betrayal should be the only reason needed for those who wear the badge take positive action before such betrayal occurs.

Why was he able to accumulate hundreds of pornographic photographs before he was caught?

Ex-deputy admits to taking sexual photos of 6-year-old girl left in his care

Being in the custody of a sheriff's deputy should have been the safest place for a 6-year-old child.

But Mr. Christopher Thomas Davis abused the girl's trust by taking sexually explicit photographs of her to add to his vast collection of images of children being sexually abused.

And on Tuesday, the former White County Sheriff's deputy pleaded guilty to producing child pornography that involved the 6-year-old, according to the U.S. Attorney's Office.

A judge will decide the penalty for his crime on Nov. 27, prosecutors said.

"This defendant committed the ultimate act of betrayal," U.S. Attorney Mrs. Sally Quillian Yates said.

"He violated the trust of the 6-year old victim, who he was charged with protecting, and betrayed the trust of his community by committing this heinous act while employed as sworn law enforcement officer."

Investigators said between May 18 and June 25, 2009, Mr. Davis took photographs of a 6-year-old girl in his custody while she engaged in sexually explicit conduct.

The photographs were taken inside Mr. Davis's Dahlonega home, according to court records.

On Aug. 25, 2011, federal agents executed a search warrant at the deputy's home where they found several hundred additional images of child pornography on an external hard drive and on a laptop computer, prosecutors said.

Mr. Davis, 32, faces a maximum sentence of up to 30 years in prison, a fine of up to \$250,000 and the rest of his life on supervised release.

Also, he will be required to register as a sex offender once he's released from prison, prosecutors said.



Pedophile or Child Molester? What is the correct term? The answer is not that simple. First, there is a very large gray area in between. It is pornography, especially child pornography. Some therapy that is available to those convicted of sex crimes includes a test to determine if the former offender still has desires for sex with minors. That test includes child pornography.

Why can't this test be automatic for anyone dealing with children in a professional capacity before they commit a sexual crime against children?

As a medical diagnosis, **pedophilia**, or **paedophilia**, is defined as a psychiatric disorder in persons who are 16 years of age or older typically characterized by a primary or exclusive sexual interest in prepubescent children (generally age 13 years or younger, though onset of puberty varies). The prepubescent child must be at least five years younger than the adolescent before the attraction can be diagnosed as pedophilia.

If a pedophile is able to control his or her urges to sexual assault children, the focus of child molestation prevention must be on those who cannot. The first target should be those who start down that path by using or creating child pornography.

Those who wear the badge use public computers or phones paid for by the public. As a matter of policy both digital devices should be examined periodically in order to detect public servants who may have an interest in pornography.

Testing the propensity of users and the digital devices of those persons responsible for the safety, recreation and instruction of youth should be mandatory. Had this been public policy, there would be fewer persons serving time in our prisons for child abuse. More important, there would be many fewer victims of sexual predators.



CHAPTER FOUR

When Do Predators Molest Children?

If it is pedophiles that are molesting children, can children molest children? Can children be pedophiles? Should children be required to register in the national database? Are sexual assault laws intended to include children?

These are a few questions that arise from a law suit by angry parents in Wisconsin in November, 2011.

It should be clear that the answers to all questions raised here is an emphatic NO!

Someone needs to convey this information to the district attorney in Grant County Wisconsin

Parents Sue D.A. for Charging Their 6-Year-Old Son With a Felony After He Played Doctor With a 5-Year-Old Girl



thing."

Last week the parents of a Wisconsin boy sued Grant County District Attorney Lisa Riniker for charging their son with first-degree sexual assault, a Class B felony, after he played "butt doctor" with a 5-year-old girl. He was 6 at the time. When the boy's lawyer tried to have the charge dismissed, Riniker replied: "The legislature could have put an age restriction in the statute if it wanted to. The legislature did no such

According to the complaint, the girl is "the daughter of a well-known political figure in Grant County," and her brother, who is the same age, also was involved in playing doctor but was not charged. In addition to Riniker, the lawsuit names as defendants retired Grant County Sheriff's Sgt. James Kopp and Jan Moravits, an investigator with Grant County Social Services "whose regional supervisor...is the political figure's wife's sister-in-law"—i.e., the aunt of the alleged victim.

Although the boy, now 7, is too young to be prosecuted or named in a juvenile delinquency petition, Madison.com reports, county officials are using the felony charge to force his parents into accepting "protection or services" for him. The lawsuit says that once he turns 18, he will be listed as a sex offender.



Do people molest children after viewing child pornography? Society is of the opinion that viewing or possessing child pornography will lead to molestation and that is the primary basis for child pornography laws.

But this former police officer of nine years was convicted of child molestation in Reno Nevada, served twelve years in prison, moved to Texas where he ignored the sex offender registration law and then got busted with an unbelievable amount of child pornography.

He will now serve thirty years for possessing child pornography. It would seem that one crime is not a prerequisite to the other.

Ex-cop gets 30 years for massive child porn stash

By Guillermo Contreras

September 20, 2012

A former police officer who served 12 years for molesting a child was sentenced Thursday to another 30 years in federal prison for a child-pornography stash so large that agents had to stop counting the images.

Charles Leroy Earl, 65, was a police officer in Reno, Nev., for nine years until he was convicted there in 1985 of sexually assaulting a 13-year-old, one of three teens he was accused at the time of sexually assaulting.

Earl moved to Texas after his release from a Nevada prison and was living in New Braunfels, working as a self-employed computer systems administrator.

He didn't register as a sex offender when he moved to Texas.

On Oct. 4, 2011, U.S. Immigration and Customs Enforcement agents working on a national child-porn sweep raided his New Braunfels home and seized 10 computers, eight power-books, 61 hard drives, two digital cameras, and numerous compact disks and DVDs.

Investigators found a huge cache of child-porn images, but agents were told to stop counting because they already had amassed the evidence they needed and had to work on other cases that were backing up.

“It was enormous,” Assistant U.S. Attorney Tracy Thompson said of the collection.

When Earl was first interviewed, “he admitted to the agents that they would find hundreds of thousands of child porn images. ... It's the largest amount that homeland security agents have ever seen in” South Texas.

His lawyer sought leniency, and Earl told the judge he wanted to teach others about computers.

Besides giving Earl the 30-year, no-parole sentence, U.S. District Judge Orlando Garcia also ordered him to serve a lifetime of supervision if he gets out of prison.



Are children at risk when, as in the case below, a policeman is investigated for child molestation but is not charged? This appears to echo the belief that one is innocent until proven guilty. But this belief should have an exception when it comes to allegations of child molestation.

The wife of the predator put officials on notice but her plea was ignored. The state prosecutor's office failed in its responsibility too when it was presented with the facts.

For too long, children who do find the courage to tell an adult about being molested are not believed. Unfortunately, as with this case, other children become victims when society gives a free pass to those investigated but not charged.

When any allegation of child molestation is made, especially against those in a trusted relationship such as police, teachers, scout-leaders and pastors, the victim's word should be given credence and the alleged predator should be watched carefully in the future especially if no charges result.

This sheriff said it all: Criminals are criminals whether they're wearing a badge or not.

Sheriff: Badge or not, 'criminals are criminals'

June 6, 2012

By Steve Campion,



Charlotte County Sheriff Bill Cameron says he's disgusted that a former sergeant his department investigated for child molestation five years ago wasn't charged and is now accused of another crime against children.

Kenneth Barton remains in jail on charges that he downloaded 19 videos of child pornography - disgusting images of children as young as three-years-old.

"They're still humans and they'll do stupid things. Criminals are criminals whether they're wearing a badge or not. It just takes us longer to find them," said Sheriff Cameron.

He sounded off about the retired and well-known former sergeant Kenny Barton's child porn arrest.

Federal agents stormed his house and claim they seized computers full of graphic material including sex videos involving toddlers.

"As far as I'm concerned, there is not a prison deep enough to put him in," Sheriff Cameron said.

He claims his agency did everything in its power back in 2007, when molestation allegations involving a six-year-old girl surfaced against Barton.

"We had no arrestable cases in 2007. And the one we put together state prosecutors decided not to pursue," Sheriff Cameron said.

In an internal investigation, Barton's wife claims his attraction to young girls killed their marriage and that he was in "ecstasy" around them.

But when we stopped by her Englewood home Wednesday, she refused to answer the door.

We also learned Wednesday that after Barton resigned in disgrace, he started working as a DJ at locations which included a campground in DeSoto County.

Employees there say that role put him around children.

But Sheriff Cameron says no matter someone's role - even a life long law enforcement officer - if they're exploiting children then it's just a matter of time before they're caught.

"There's no hiding from it. A lot of people think from the privacy of their home, that they're smart enough to hide. You're not. The programs are there. It's just a matter of time before we're knocking on your door," he said.

He'll get credit for cooperating with the government - but a federal judge will decide what to make of his former career at sentencing

"It's a two-edged sword because of his background. There may be an argument that he knew better and should not have been involved, or he may be given credit for 25 years in loyal service to law enforcement," Marryott said.

Barton faces a maximum 10 years in prison and a \$250,000 in fines.

The 62-year-old will be registered as a sex offender



If children can be charged with molesting children, and those viewing and possessing child pornography can molest children before or after being convicted, what about those who have already molested children, have been sent to prison and are released back into society? What is society's interest in monitoring sex offenders after they paid for their crime?

To what extent must resources be used to secure that interest? Is society willing to afford ex-offenders due process to determine if monitoring is necessary?

Mississippi suffered severe damage from Hurricane Isaac. It had \$5,000,000 in funds available in its budget that was to be used to re-build and protect property interests. The state also wanted to fund a legal process that allows the state to strap an electronic ankle bracelet on released sex offenders deemed by a judge to be sexually violent or a child predator.

A two-step process requires an evaluation by a Sex Offender Assessment Panel (SOAP) six months before the offender's release and results in a judge deciding whether the traditional method of registering with law enforcement and notifying neighbors is insufficient.

This process allows the state to monitor sex offenders' Internet activities, read their emails and require life-time electronic monitoring. But it would cost an estimated \$500,000 to assure due process was followed by hiring attorneys for the sex offenders. Medical experts would also have to be paid.

Should children also be protected from murderers after they are released from prison? Is such protection even possible? If so, at what cost? Perhaps the focus is on the wrong end of the crime.

Wouldn't society save a lot of money if they focused on prevention instead of just punishment? Wouldn't society save more money if they stopped passing more stringent laws intended to protect against ex-offenders?

State to pay lawyers \$110/hour in representing sex offenders

BY MICHELLE MILLHOLLON

September 23, 2012

Louisiana legislators balked Friday at using taxpayer dollars to pay attorneys \$175 an hour to represent convicted sex offenders.

“Whoo! I’m in the wrong area of the law,” state Rep. Tony Ligi said after hearing the Jindal administration’s request for \$500,000 to fund legal representation for the offenders at court hearings that determine their post-prison supervision requirements.

Ligi, R-Metairie, is an attorney.

Other concerns were raised during a meeting at the state Capitol on the issue, including how the Jindal administration can ensure state government has enough money to pay the \$500,000 when storm bills still must be settled.

In the end, the Joint Legislative Committee on the Budget compromised by agreeing to spend no more than \$250,000 and pay attorneys \$110 an hour.

The approval is supposed to end delays that resulted in the release of 13 sex offenders from prison without hearings to determine whether they need stringent monitoring.

Governor’s spokeswoman Shannon Bates said afterward that the reduced funding should be sufficient to jumpstart the court hearings since the committee adjusted attorneys’ hourly rate.

At issue was how to fund a legal process that allows the state to strap an electronic ankle bracelet on a released sex offender deemed by a judge to be sexually violent or a child predator.

The two-step process starts with an evaluation by a Sex Offender Assessment Panel six months before the offender’s release and results in a judge deciding whether the traditional method of registering with law enforcement and notifying neighbors is insufficient.

The SOAP process allows the state to go even further and monitor sex offenders' Internet activities, read their emails and require life-time electronic monitoring.

A legal battle over the law delayed the process. A lack of funding for offenders' attorneys and mental health experts caused further delays, resulting in the release of offenders from prison before a court hearing could be held. One released offender died in the interim.

Under the funding request approved Friday, the Louisiana Public Defender Board will hire civil attorneys to represent the offenders at the hearings.

Several legislators said there were unfamiliar with the SOAP process, which has existed several years.

"We're fighting over whether to fund it or not," state Sen. Dan Claitor, R-Baton Rouge. "I want to know if it actually works."

John DiGiulio, the board's trial-level compliance officer, said it probably is too early to tell.

"No one has been happy with the legislation over the years," he said.

The board's general counsel, Roger Harris, said that even the courts are split on whose financial responsibility the legal representation of sex offenders is.

Questions also arose about the state's ability to pay for the legal bills.

The Legislative Fiscal Office, which reviews state spending proposals, refused to back the funding request amid concerns that the needed dollars will fail to materialize.

"We just don't feel comfortable with it," said John Carpenter, acting legislative fiscal officer.

Barry Dussé, state director of planning and budget for the Jindal administration, pointed out that the state budget shows \$5 million that is not allocated for expenses.

He said the cases need to move forward.

Is that a sexual predator hiding behind that badge?

Steve A. Mizera

State Rep. Jim Fannin, D-Jonesboro, the state budget bill's sponsor, said the state's unexpected expenses for Hurricane Isaac exceed \$5 million. Those bills will have to be paid at some point, Fannin said.

"We've had the cost of the storm, which far exceeds the \$5 million that we have," he said. "I'm trying to figure out how I support this today because, from the budget perspective, I don't think the money's there."

Dussé said the governor will find the revenue.

"You have the possibility of criminals running around without the monitoring devices," Dussé said.



Should a convicted inmate feel safe from sexual predators, especially if the predator was under a duty to supervise that inmate on a work detail?

Where was this predator's supervisor?

Former Sheriff's deputy sentenced to three years for sex abuse

July 20, 2012

Marion County Sheriff's Deputy Mark Samuels appears at a plea hearing in May.

A former Marion County Sheriff's Deputy has been sentenced to three years in prison after pleading guilty to sexually abusing a female inmate under his supervision.



Mark Samuels, 54, pleaded guilty this afternoon to one count of first-degree custodial sexual misconduct, one count of second-degree sex abuse, two counts of second-degree sexual misconduct and two counts of third-degree sex abuse.

The charges stem from an inappropriate sexual relationship Samuels had had with a female inmate at the Marion County Jail Work Center. Samuels had been arrested on March 19 and fired by Sheriff Jason Myers on May 23 following an internal investigation into his conduct.

Upon completing his prison sentence, Samuels will also be placed on four and a half years of post-prison supervision and required to register as a sex offender and turn in his DPSST Corrections certificates, meaning he will no longer be able to serve in law enforcement.



Are potential victims of sexual abuse at risk when the justice system gives predators a slap on the wrist? Two years probation isn't even a slap.

How about if the predator drives while drunk, and uses his badge to obtain free admission to a concert, prior to sexually assaulting his friend's friend.

Should sexual predators get a free pass because they do not have a previous criminal record, or because they have a lot of community support?

Here is a predator who fits that bill. Notice he is not required to register as a sex offender so he is free to continue his sexual assault.

No jail time for Flagstaff cop in bar groping

By Josh Biggs

Robb Evans awaits sentencing at the Coconino County Courthouse on Wednesday. Evans was sentenced to two



years of probation.(Josh Biggs/Arizona Daily Sun)

After being convicted by a jury earlier this summer of sexual abuse for groping a woman in a bar, ex-DPS Officer Robb Gary Evans walked out of a Coconino County Superior Courtroom on Wednesday morning having been sentenced to two years of probation.

Evans received credit for the four days of jail time he served in Coconino County jail.

Prosecutors contended that he drank eight beers and then drove himself to the Green Room, where he flashed his badge in an attempt to get into a concert for free. While inside, he walked up behind the victim, who was a friend of a friend, put his hand up her skirt and then ran his fingers across her genitals.

When bouncers threw him out, Evans told them he was a cop and they would be arrested.

The 43-year-old former Arizona Department of Public Safety officer was facing between six months and 2 1/2 years in prison, but the crime was eligible for probation. He will not be required to register as a sex offender, according to the sentence.

The judge said she considered the defendant's lack of a criminal record and strong community support in her sentencing.

She also advised the victim to be more vigilant.



Is sexual assault any less of a crime when the victim is in this country illegally?

This cop's attorney should be dis-barred for claiming that the sex was consensual. The victim was in handcuffs!

This victim deserves a medal for having the courage to report this crime even though her immigration status could have had her deported.

Alleged rape victim says fired cop 'ruined my life'

by Kevin Reece
September 5, 2012



HOUSTON— The woman who said she was raped by a former Houston police officer is back on the stand Thursday. She broke down in tears Wednesday as she told jurors that Abraham Joseph raped her while she was handcuffed.

Abraham Joseph, 27, was fired from HPD after he was indicted for sexual assault.

The waitress and immigrant from El Salvador said Joseph arrested her and a male companion in January of last year. He dropped off the man by the side of a road and drove her to a dark corner of Townwood Park. She said she was repeatedly sexually assaulted by Joseph.

He "grabbed my skirt and put his hands under my dress," the 37-year-old woman testified.

She told jurors that she was terrified.

"I thought I would never see my children again, that they wouldn't know what happened to me," she said. "I thought he was going to kill me. He looked angry. The more you would beg him the more he would hurt me."

Earlier during the woman's testimony, Judge Denise Collins had to temporarily halt the proceedings so the woman could compose herself.

She sobbed as she turned toward ex-officer Abraham Joseph and said "and that's when he started touching my breasts, do you remember? Do you remember when you did that to me," she said pointing toward Abraham Joseph. "He ruined my life," she said as she collapsed sobbing.

Prosecutors say Joseph used his position as a police officer to target the victim because she spoke little English and was afraid her immigration status would be threatened if she reported the assault.

Is that a sexual predator hiding behind that badge?

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But she did call police. She led officers back to the park several hours later where prosecutors say physical evidence of the assault was recovered.

Defense attorneys say Joseph is guilty of bad judgment, but that whatever happened in that park back in 2011 was consensual.

If convicted, Joseph could get up to life in prison.



The question that remains unanswered here is why was there no accountability for the failure to supervise this police predator?

In spite of the judgment against the City of Anchorage for \$5.5 million, the policeman's supervisors did not even get a slap on the wrist.

How could he have been a decorated officer and a spokesman for the police department while concurrently raping citizens while on duty?

Alaska city pays \$5.5 million to settle sex-assault cases

September 5, 2012

ANCHORAGE, Alaska, Sept 5 (Reuters) - Anchorage has paid more than \$5.5 million to settle civil lawsuits filed by victims of a former police officer convicted of raping women while on duty, city officials said.

The municipality agreed to pay 11 women who said they were victims of former police officer Anthony Rollins and accused officials of failing to properly supervise him, according to a statement released by the city late on Tuesday.

Rollins, once a decorated officer and spokesman for the police department in Alaska's largest city, was convicted last year of committing four rapes and one second-degree sexual assault in 2008 and 2009, and sentenced to 87 years in prison. Some of his victims were women he had arrested for

offenses such as drunk driving, while others were women who accepted rides from Rollins in his police vehicle, according to trial testimony and court records. Among the 11 civil lawsuits filed against Anchorage, some involved women who were not part of the criminal case against Rollins and brought new allegations, said Anchorage Municipal Attorney Dennis Wheeler.



Tennessee Constables are officers of the Tennessee Judicial System as prescribed by the State Construction who are sworn and bonded peace officers with full powers of arrest under Tennessee Code. They are charged with keeping the peace and with the enforcement of the laws of the state, county and its cities. While their powers as peace officers are valid statewide, their activities are generally conducted in the county where they are elected.

Tennessee Code requires that to be certified as a law enforcement officer with powers of arrest the constable is required to participate in 40 hours of in-service training and to be range-qualified each year by a Certified Firearms Instructor prior to carrying a firearm in an official capacity.

Constables often take a variety of courses In addition to the 40 hours of in-service training required, to learn new skills and to sharpen existing law enforcement skills. Tennessee also requires all persons that operate an emergency vehicle to annually attend and pass an Emergency Vehicle Operation Course.

While the constable's position is one of the most misunderstood elected offices in Tennessee, it is historically the oldest law enforcement position in the United States. The agencies of police developed in England served as obvious examples and models for the American colonies. A parish constable was appointed for Jamestown in 1607, thereby becoming the first peace officer in England's new lands.

Many states like Tennessee still actively use constables as an important part of their law enforcement system.

It is clear from this arrest that Tennessee must amend its code to add the prevention of child sexual exploitation to its curriculum for constables.

TBI arrests Dyer County constable on child sex exploitation charge

Tuesday, July 24, 2012



Dyersburg State Gazette

Derick Hundley, 29, 153 Hawthorne St., Dyersburg, Tenn., was taken into custody by the TBI around 12:30 a.m. on Saturday and charged with one count of aggravated sexual exploitation of a minor.

TBI spokesperson Kristin Helm said she could not go into detail about the case at this time, but did confirm federal authorities were involved.

"This is a state charge, but the investigation is ongoing and TBI is working with the FBI on this case," stated Helm.

Hundley is the constable of District H in Dyer County and is a former officer with the Halls Police Department.

Hundley appeared for arraignment in Dyer County General Sessions Court on Monday morning and was issued a \$250,000 bond by Judge Jason Hudson. Hundley is currently being housed in the Obion County Jail.

Tennessee law describes aggravated sexual exploitation as when a person knowingly promotes, sells, distributes, transports, purchases or exchanges material, or possess with the intent to promote, sell, distribute, transport, purchase or exchange material, that includes a minor engaged in a sexual activity or a simulated sexual activity that is patently offensive.



The question asked and answered here is When does molestation take place? The eleven year old girl knows the answer to this question. When a victim tells an adult, molestation will or should stop. By telling the molester's wife she brought this predator's career to an end.

Former jail guard arrested for molesting girl in Santa Rosa

7.25.2012

Jose Armando Herrera // Cameron County Jail
Photo



A former jail guard is facing criminal charges after he allegedly molested a young girl who would spend the night at his home.

Cameron County Sheriff's Department deputies arrested 37-year-old Jose Armando Herrera on an indecency with a child charge last week.

Court records released in the case show that the alleged sexual abuse had been taking place since April.

The records show that the girl knew Herrera through his wife and that she would spend the night at their rural Santa Rosa home to play with their children.

According to an affidavit, Herrera tried to molest the girl on July 11th but the little girl yelled at him and went to tell his wife what happened.

Deputies booked Herrera into the Cameron County Jail but is currently out on a \$35,000 dollar bond.

Texas Department of Criminal Justice (TDCJ) officials confirmed that Herrera was a correctional officer with the Lopez State Jail in Edinburg.

Herrera was hired back on September 18, 2008 but TDCJ records list his employment as "pending" and that he's prohibited from entering the jail.



CHAPTER FIVE

Why Do Adults Molest Children?

Many child molesters claim they are expressing love to a child, many will even say the child initiated the contact by smiling at them or with children "by sitting on the lap" or "holding hands". The abuser is often a relative.

The molester often claims it is natural. They believe they cause no harm, but victims and the families of victims strongly disagree.

Pedophilia is recurrent sexual urges and the sexualization of children. It may be directed toward children of the same sex or children of the other sex. Some pedophiles are attracted to boys and girls, while a few are attracted to adults as well as to children.

Mental health professionals define pedophilia as a mental disorder; it causes significant distress or impairment in most aspects of the pedophiles life. Pedophilia is a psycho-sexual disorder in which the fantasy or actual act of engaging in sexual activity with prepubertal children is the preferred or exclusive means of achieving sexual excitement and gratification.

Some professionals say a pedophile is attracted to children because they have arrested emotional development. Therefore the pedophile is attracted to children because he or she has never matured psychologically. Since children are smaller and usually weaker than adults, they are regarded as non-threatening potential partners.

Another opinion from some experts on pedophilia is; they are born - not made. One expert claims "An afflicted person is the terrible victim of genetic occurrences that are well established before birth." While others are of the opinion that like rape the abuse of children is an act of power, manipulation and force. There is nothing loving about it

Most modern legal systems define the pedophilia's act (or molesting a

child) as a criminal act, a felony as a matter of fact, perpetrated by someone who refuses to control their urges. The affected person must be at least age sixteen and be at least five years older than the child or children who are the objects or targets of attention or sexual activity.

An important distinction generally overlooked when people use the term pedophilia, is some are able to control these urges and never act on them. They, therefore, are not criminal. It takes a thought plus an act to be a crime. We have not yet evolved to where our thoughts can be criminal. When that day comes we will all be behind bars.

With this overview in mind, what do you see in the behavior of this California Highway Patrol officer that would tip you off that he is a predator waiting to strike?

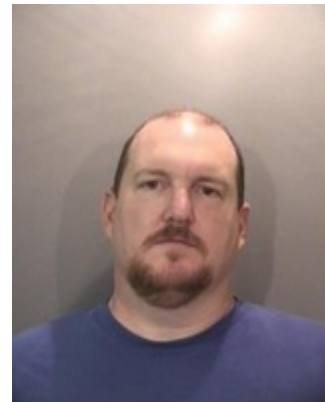
Redding CHP officer charged with having child porn

Photo of girl seized in CHP investigation

By Sean Longoria

Posted July 23, 2012 at 11:36 p.m.

A California Highway Patrol officer accused of possessing child pornography took a photo of a young girl's fully clothed crotch in the classroom of the Anderson school where his wife teaches, CHP investigators said in documents filed in Shasta County Superior Court.



Gerald "Gary" Roland Harris, 45, pleaded not guilty Monday to two felony counts of possessing child pornography, a felony count of using a computer without authorization, a misdemeanor count of annoying a child younger than 18 and two special allegations.

Those allegations state Harris will serve time in state prison if convicted of the child pornography charges. Harris was ordered to have no contact with anyone younger than 18.

He also faces 13 felonies and one misdemeanor charge related to a cache of guns, drugs, explosives and driver's licenses found Feb. 21 during a search of his Deschutes Road home.

Harris will be back in court Sept. 4 for a plea disposition and his preliminary hearing was set for the following day.

Retired Shasta County Superior Court Judge Anthony Anderson ordered Harris to have no contact with anyone younger than 18, except family members.

Prosecutors originally requested a blanket order, although Joe Gazzigli, Harris' defense attorney, argued that was overly broad.

"If he is such a hazard, I don't understand why it's taken such a long time" to file additional charges, Gazzigli said in court.

The case has been delayed several times at the request of prosecutors, who have said they needed more time to investigate the child porn charges, which were filed Thursday.

Harris turned himself in Friday at Shasta County jail and was released the same day on \$75,000 bail, a watch commander at the jail said Monday.

The image of the his wife's second-grade student dated 2010 was found on a flash drive seized during the CHP's internal investigation into Harris. That same flash drive also contained thousands of adult porn pictures, investigators said.

"Most of the pornographic images were of a past girlfriend of Gerald Harris, and/or Gerald Harris himself, engaged in acts that were intimate and sexual in nature," investigators wrote in the report.

A fellow officer who found adult porn on Harris' department-issued laptop while trying to fix the computer sparked that investigation.

The girl was sitting on a desk in a classroom, which officers later determined was at the Meadow Lane Elementary School, where Harris' wife, Katherine, teaches second grade.

"Based on their inspection, investigators were able to identify and match several items from the background of the photograph of the child victim to items in Mrs. Harris' classroom," investigators wrote in the report.

Officers later interviewed the girl in the photo, who said Harris was at the school almost every day between lunch and dismissal and would frequently take photos in his wife's classroom.

"Although Gerald Harris would yell at the students for talking, the victim did not indicate Gerald Harris did anything inappropriate to her," investigators said.

Anderson police conducted their own investigation into Harris for possible child molestation after several parents called the CHP concerned for their children. A detective didn't find any evidence Harris had molested children but a computer technician at the school told police years earlier he'd found pornographic photographs on Katherine Harris' school computer.

"(Mrs. Harris) related she had no idea how the images came to be on the computer and speculated that her husband, Gerald Harris, may have been one to place them on the school computer," CHP investigators said.

Officers also seized nine more flash drives, six CDs and a second laptop during their initial investigation, although Harris claimed he stole disks containing child pornography from another officer's locker to use for "insurance purposes" in the event the officer was promoted.

The CHP's Computer Crimes Investigation Unit found adult pornography on both of the laptops.

"Additionally, (investigators) discovered a single image of child pornography, which depicted a prepubescent boy and a young female engaged in what appeared to be sexual intercourse, on the departmental Gateway (brand) laptop," investigators wrote in the report.

Also on one of the laptops, investigators found one image of child pornography, four images of child erotica and about 100 images of naked children, which had all been viewed and deleted in the early morning hours by Harris while on duty, according to the report. Officers found many of the same images on one of the flash drives, one of which was Harris' property, found in a laptop bag in his patrol car.

The internal investigation led to a criminal investigation and Harris turned himself in March 2 at Shasta County jail after an arrest warrant was issued the same day.

Further investigation revealed none of the 11 illegal assault weapons found at Harris' house were registered to him. Two of the guns were bought from a retired CHP officer at a sporting goods store in Medford, Ore.

Harris told the retired officer he'd "take care of getting them into California," and the officer "wouldn't have to worry about anything," investigators wrote in the report.

The guns all had "evil" features that made them illegal in California, investigators said. A Redding-area gun dealer sold handguns to Harris, although officers didn't find any records he'd bought the assault weapons locally, according to the report.



Most people think there is danger from a stranger with regards to child molestation. That is not true. Most molestation takes place within a home, by a relative or friend of the family, or by someone entrusted to their education or recreation, or safety, such as a teacher, coach, pastor, or policeman.

Focus on that word *friend* because it is misleading. Any new family friend should raise a red flag until the facts and observation deem it safe to lower the flag. Predators become family friends when there is a vulnerable child as a member of the family.

This officer was charged with sexual battery by an authority figure which is defined as unlawful sexual contact involving a defendant who is in a position of trust or has supervisory or disciplinary power, or parental or custodial authority over the victim.

Was he a pedophile who lost control and crossed the line from having a fantasy to acting on it? If he is not a pedophile, what possessed him to abuse a child?

Officer arraigned: Two court dates set for Milan policeman facing sex charge

July 19, 2012

Milan police officer Adam Scott Martin is arraigned Thursday at the Gibson County General Sessions Court in Trenton.

Martin is accused of molesting a 19-year-old woman.



A Milan police officer accused of molesting a 19-year-old woman appeared in court Thursday morning in Gibson County.

The next court dates were set for Adam Scott Martin, 39, in Gibson County General Sessions Court in Trenton. A special prosecutor from Crockett County is representing the state in the case. An investigator with the Milan Police Department, Martin was arrested July 3 on one count of sexual battery by an authority

figure.

An order of protection has been filed to prevent Martin from contacting the alleged victim.

Judge Mark Agee set two court dates for Martin. On Aug. 2, the court will arrange for orders of protection prior to the case moving forward. On Aug. 14, Martin will return to court for his preliminary hearing. The separate court dates were made on request of Martin's attorney C. Timothy Crocker.

According to court documents, Martin was not acting in his official capacity as a police officer and the incident for which he is charged did not occur while he was on duty. Martin is charged as an authority figure because he is related to the victim in some way, said John Mehr, special agent in charge of the Tennessee Bureau of Investigation in Jackson.

According to state law, sexual battery by an authority figure is defined as unlawful sexual contact involving a defendant who is in a position of trust or

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has supervisory or disciplinary power, or parental or custodial authority over the victim. The charge is a Class C felony.

Martin was arrested at a residence in Carroll County and was released from the Gibson County Jail the same day on a \$15,000 bond.

Milan Police Chief Tim Wright said Martin has been suspended with pay pending further investigation. Martin has worked for the Milan Police Department since March 2002.



Here is a Pennsylvania District Attorney who gained the trust of a family. He was also a leader in a Church Youth Group. He furnished alcohol and marijuana to at least two youths, and had sex with one of them every week for three months.

After being sentenced to a mere six months in prison and placed on probation, he argued that being disbarred with inappropriate and a five year suspension of his license to practice law was more appropriate.

Here again it is that friend of the family that causes so much damage. Any new friend of the family where there are minor children should be suspect regardless of his position in the community. Just having a relationship with a boy should have been a tipoff.

Former Bucks County prosecutor disbarred over sex with 17-year-old

**State Supreme Court disbars former Bucks County
assistant DA for trysts with 17-year-old.**

By Peter Hall, Of The Morning Call

July 20, 2012

The state Supreme Court has stripped a former Bucks County assistant district attorney of his law license after he admitted in 2009 to having a sexual relationship with a 17-year-old boy.

Anthony C. Cappuccio resigned from his post as second-in-command in the district attorney's office in September 2008, a day after Richland Township police found him and the boy partially clothed in a car about midnight in a parking lot along Route 309.

In the decision to disbar Cappuccio, Chief Justice Ronald D. Castille wrote that evidence shows Cappuccio gained the trust of the boy's parents because he was a public official and the leader of a church youth group.

"His public persona was that of a law enforcement figure in the county, prosecuting members of the public for similar crimes," Castille wrote. "In our view, any sanction short of disbarment in these circumstances threatens the integrity of the legal system."

Investigators learned Cappuccio, 35, of Hilltown Township had a sexual relationship with the boy that began in the spring of 2008 and involved sex once a week over three months.

As Youth Fellowship adviser at First United Methodist Church in Perkasié, Cappuccio took the boy and at least two others to several rock concerts in 2007 and 2008, when he bought them alcohol and smoked marijuana with them.

He pleaded guilty to endangering the welfare of children, criminal use of a computer, corruption of minors and furnishing alcohol to minors. He served six months in Northampton County Prison and will remain on probation until 2017.

Cappuccio challenged the recommendation by the state attorney disciplinary office that he be disbarred, saying that a five-year suspension from the practice of law was an appropriate penalty.

Castille noted that although Cappuccio had not previously been disciplined as an attorney, had no prior criminal record, cooperated with investigators and expressed remorse, his case lacked other factors that might call for a less severe sanction.

In a similar case, an attorney who plied minors with alcohol and involved them in sexual behavior received a suspension of his law license because, unlike Cappuccio, he could show the behavior was caused by a psychological condition.

Cappuccio's disbarment was also warranted by the fact his misconduct involved a number of minors over an extended period, Castille wrote in the court's unanimous decision.

Attorney Samuel C. Stretton of West Chester, Chester County, represented Cappuccio. He said Cappuccio will be eligible to apply for reinstatement in 2014.



This father of three young girls was in full police uniform when he rapped a lady in the back of his patrol car and then arrested her for reckless driving.

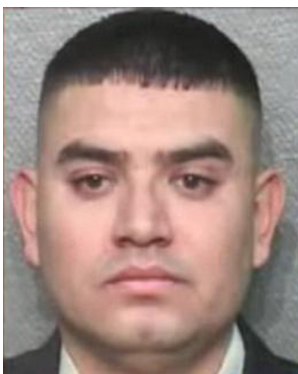
According to court documents DNA evidence was recovered from the patrol car and the surveillance video, coupled with witness statements, corroborate the woman's story.

Is it power that goes to their head when they wear the badge? Is needing to show power a reason why adults molest children?

Cop accused of rape appears in court

Friday, July 20, 2012

HOUSTON (KTRK) -- A Houston police officer who is accused of raping a woman while on duty appeared in court Friday.



The crime reportedly happened on June 18. He was supposed to be doing his job -- instead he allegedly sexually assaulted a woman before he arrested her. But the former HPD officer turned himself in Thursday morning, one month later.

Adan Carranza, 32, was relieved of duty last month while the police department investigated. Now he's

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charged with aggravated sexual assault, accused of assaulting a woman after a traffic accident.

Prosecutors say Carranza raped the woman in the back of his patrol car while in full HPD uniform. Afterward, he booked her for reckless driving, officials said.

We understand based on court documents that DNA evidence was recovered from the patrol car and surveillance video, coupled with witness statements, corroborate the woman's story.

We spoke with some of Carranza's neighbors about the charges against him.

"If he broke the law, the law will take care of it," neighbor Wayne Smiley said. "If the law don't, God will."

Carranza is a husband and father of three young girls. He was sworn in as an HPD officer in 2009 was assigned to the west-side patrol division.

He is in jail on a \$30,000 bond.



If this 14 year veteran with the Kansas Highway Patrol had been trained in sexual assault crimes in his career, perhaps the 14 and 16 year old victims would have not had their lives shattered. Surely every police officer knows what happens when someone is convicted of child molestation?

Trooper Charged With Sex Crimes In Rush County



Thursday, July 19, 2012

A Kansas Highway Patrol trooper is in jail after being charged with eight sex-related felonies and one misdemeanor.

39-year-old Domingo Cardenas is being held in the Rush County Jail on 6 counts of aggravated indecent liberties and one count each of rape, aggravated criminal sodomy, and misdemeanor battery. The crimes involve children between the ages of 14 and 16.

Capt. Scott Herrington with the Kansas Highway Patrol says Cardenas had been a trooper since 1998 and is now on administrative leave without pay pending an outcome of the investigation.

Cardenas made his first appearance on Monday and is being held on \$100,000 bond.



This is a case of stranger danger and the Internet was used to establish a relationship. This officer was charged with 44 felony counts but fled before he could be arrested.

A mere \$1,000 reward was offered to try to locate him

Former LaFollette officer added to state's most wanted list

By [News Sentinel staff](#)

July 19, 2012

A former LaFollette police officer has been added to Tennessee's Top Ten Most Wanted List following his indictment on 44 counts of Internet sex crimes committed against a 13-year-old Georgia girl.

Authorities have been searching for Michael Shane Baker, 39, since he was indicted July 11 by a Campbell County grand jury on 22 counts of especially aggravated sexual exploitation of a minor and 22 counts of solicitation of sexual exploitation of a minor, according to court documents.



He was added to the most wanted list today, according to the Tennessee Bureau of Investigation.

According to a release from the LaFollette Police Department, the allegations against Baker arose several months ago when the Georgia

Bureau of Investigation contacted LPD about Baker's alleged inappropriate Internet contact and text messages with a minor.

The indictment states the inappropriate contact occurred between August and December 2011.

District Attorney General Paul Phillips immediately contacted the Knoxville Police Department because that agency has the regional Internet Crimes Against Children unit.

Baker's last known address was 405 Forks Grove Road in LaFollette, although he was thought to be living in the New Tazewell area of Claiborne County.

When arrested, Baker will be held in lieu of \$100,000 bond.

He is described as bald, white with blue eyes, approximately 5 feet, 11 inches, 220 pounds. As a former police officer, he may be armed.

Authorities ask that anyone with information about Baker's location contact LPD at 423-562-8331 or the TBI at 1-800-744-4000. A \$1,000 reward is being offered for information leading to his arrest.



Here is an arrest for molestation where both women will logically claim they are innocent and did not touch anyone. However, both are mothers whose underage children were having sex with each other with parental knowledge and they did nothing to stop it. One is a deputy and the other an EMT. Both were fired.

Anyone who aids, abets, encourages another one to commit a crime is just as guilty of committing that crime under the law of the state of Georgia as if they committed that crime

Although it is true that this case does not answer the question directly of Why do Adults Molest Children, it is a primary example of adults, parents in this case, who abandoned their responsibility to protect their minor children from sexual abuse. They cannot consent on behalf of their 13 and 15 year old children.

Deputy, EMT indicted for molestation

Sep 25, 2012

CUTHBERT, GA – The Randolph County Sheriff's Office is minus one deputy and the county's EMS service is down an EMT. This, after Joanna Harris and Angle Gregors were indicted on child molestation charges.

"We're not alleging that they physically committed the crime of child molestation themselves, but they are a party to the crime," said Pataula Judicial Circuit District Attorney Craig Earnest.

The Quitman County Sheriff's Office requested assistance from the GBI in the case.



Earnest says the indictment stems from the results of the GBI investigation that revealed the two women knew that their children were having sex and did nothing to stop it.

"The female was 13 and the male was 16," Earnest said.

Prosecutors say they pursued this case against the two women because of the ages of the children involved.

"In this case both defendants were indicted with being a party to the crime. Anyone who aids, abets, encourages another one to commit a crime is just as guilty of committing that crime under the law of the state of Georgia as if they committed that crime,"

Joanna Harris was suspended from the Randolph County Sheriffs Office following the indictment but had previously put in her resignation to take a new job.

She spent 5 years with the sheriff's office earning the rank of Sergeant and most recently ran for sheriff in Quitman County where she was indicted.

Gregors is also suspended from her job pending the outcome of trial.

Earnest says parents need to understand the law if their underaged kids are having sex.

"If you have children committing sex, that is against the law and you, as a parent, have to stop it," aid Earnest.

Harris and Gregors were released from jail on a \$20,000bond. We were unable to reach them for comment or to find out if they have hired attorneys



Why was this correctional officer in the company of minors? Were the parents of the minors aware that their children were sharing his company, his booze and his bed? In short, adults have sex with minors when parents stop exercising parental control.

To continue to answer the question: Why do Adults Molest Children? the question here must be: Is this correctional guard a pedophile who acted on his urges? How does one tell if another person is a pedophile? This guard worked in a prison where there are many convicted child molesters. He knows exactly how they are treated in prison.

If he is not a pedophile, then the definition of pedophile must be re-examined. Woman would line up to date this good-looking man. His interests in minor by hosting swimming parties and providing liquor for minors has got to support the claim that he is a pedophile who crossed the line and acted out his sexual urges in spite of his knowledge of the consequences.

Mule Creek corrections officer arrested following allegations of molestation, providing booze to minors



Jul 18, 2012

AMADOR COUNTY, CA - A corrections officer from Mule Creek State Prison was arrested on Tuesday,

following various allegations of molestation and other inappropriate behavior with minors.

According to an Amador County Sheriff's Office report, the initial complaint was reported on June 2, when parents of a 14-year-old girl informed deputies their daughter had possibly been molested by 38-year-old Johnny Irvin Walters.

Amador County detectives subsequently launched an investigation into the allegations, during which time they received details from multiple sources regarding images posted on social media sites of minors drinking alcohol at Walters' home, according to the Sheriff's Office.

The investigation also revealed that Walters had been hosting pool parties for underage minors and allowing them to drink alcohol and have sex at his property, the report detailed.

Amador County detectives then interviewed two unassociated juvenile girls who reported similar occasions when Walters provided them drinks until they got drunk and passed out. When they awoke, they found themselves in bed with Walters who was sexually assaulting them, the report stated.

A search warrant was obtained for Walters' home, where evidence was procured corroborating claims that the corrections officer had secretly recorded then watched at least one underage girl showering at his home.

According to the Sheriff's Office, the Amador County District Attorney's Office filed a complaint against Walters for using a minor for sex acts, possession of matter depicting a minor engaging in sexual conduct, unauthorized invasion of privacy, lewd act upon a child, child molesting, and multiple violations of furnishing alcohol to a person under the age of 21. Based upon the complaint, a warrant was issued for Walters' arrest, with bail set at \$40,000.

Walters was subsequently arrested at the Amador County Sheriff's Office and booked into the Amador County jail, where he remained in custody through Wednesday on an increased bail of \$80,000.

Due to the number of juveniles exposed to the incidents, the Amador County Sheriff's Office deemed this an ongoing investigation.

Anyone with information regarding this case was asked to contact the Amador County Sheriff's Office at 209-223-6500.



This police officer was involved in youth groups including 4-H, a dance class, and Special Olympics. Although he was in the public eye because he ran for Sheriff in Dawson County, Montana, it was his association with minor children, not his own, that should have been a red flag to his associates. Adults don't establish close relationships with minors unless they have an ulterior motive.

If all adults who have a legitimate reason for associating with youth would have to be registered in a certificated program designed to remind them of the harm molestation does to children, and the consequences molesters have awaiting them, there would be a lot fewer sexual abuse cases.

Former Glendive police officer charged with multiple counts of child sex abuse

Jul 18, 2012 by **Emily Boyles** -



KXGN News

GLENDIVE, Montana - A former Glendive and Malta Police Officer who once ran for Dawson County Sheriff is arrested on child molestation charges.

27 year-old Taylon Bain faces four counts of sexual intercourse without consent, two counts of sexual abuse of children, and one count of solicitation of tampering with physical evidence - all felonies. Emily Boyles, with KXGN News in Glendive, reports Bain appeared in Dawson County Justice court yesterday.

The arrest was the culmination of at least two years of investigation. The charging documents identify four female victims between the ages of 13 and 16 from 2004 through 2009.

The documents allege Bain saved pictures of his alleged victims on his computer and phone. They say he met the girls through community groups he was involved in, including two through 4-H, one through a dance class, and one through Special Olympics.

Bob Norbie, President/C-E-O of Special Olympics Montana, commented on the arrest, saying, "We are deeply saddened to learn that Taylon Bain has been charged with violating an underage volunteer of Special Olympics and others in the Glendive community. As a volunteer, Mr. Bain passed all required volunteer registration and screening processes. Although we have *not been contacted by the authorities, Special Olympics will do anything it can to support the investigation into these serious allegations."

Bain is now held in the Dawson County Correctional Facility on \$50,000 bond. Court records involving another possible suspect are sealed.



This case is unusual because the predator is only 21 years of age and he was given custodial charge of inmates.

Vetting is a process of examination and evaluation, generally referring to performing a background check on someone before offering them employment, conferring an award, etc. A prospective person or project may be vetted before making a hiring decision. In addition, All persons are vetted before given a badge. The question has to be asked: does vetting include determining if the policeman could potentially be hiding paraphilia? .

Paraphilia is a sexual perversion or deviation. A condition in which the sexual instinct is expressed in ways that are socially prohibited or unacceptable or are biologically undesirable, such as the use of a nonhuman object for sexual arousal, sexual activity with another person that involves real or simulated suffering or humiliation, or sexual relations with a nonconsenting partner. Handcuffing his victims involves humiliation and establishes nonconsent.

Because there is so much power that goes along with a badge, it is imperative that vetting looks for paraphilia instead of a mere background check.

County jailer now faces up to 12 sex crime charges



WICHITA, Kansas -- Bond is now set at half a million dollars for the Sedgwick County jail deputy accused of sex crimes.

Two weeks ago, lawyers say an inmate in the Sedgwick County jail claimed that he was handcuffed by a jailer, 21-year-old David Kendall. Lawyers say that inmate claimed he was raped.

On Tuesday, Judge Warren Wilbert set bond at half a million dollars for Kendall at a first appearance.

Judge Wilbert also said there could be up to six potential victims in the case.

Lawyers for Kendall asked for bond to be reduced. Judge Wilbert said no.

"Bonds are also set for public safety concerns and to keep people in detention that could be a public safety concern. These are very serious charges. So your motion is denied," said Wilbert in court.

Kendall's lawyers were asking for bond to be reduced to \$100,000 saying their client was not a flight risk, and he would gladly show up in court.

"I think given the nature of the allegations and the (potential) number of victims involved and the position held by the defendant that stem around the allegations and him being a detention deputy, and these alleged victims had no opportunity for freedom to remove themselves from the situation, I think a \$500,000 bond is appropriate," said Wilbert.

Kendall was mostly quiet in court when the charges were read against him.

Kendall will be back in court July 10 at 9 a.m.



There are more than a few troublesome problems with this conviction of a Canadian police officer. His psychiatrist claims he was not a pedophile. His attorney claims this is just a case of porn addiction gone astray. (Both failed to recognize this was child pornography.) And the court sentenced him to mere 14 days. This should encourage predators to flock to Canada.

If it is not clear it should be. Viewing and possession of child pornography is the sexual exploitation of children. It is not a big step to act out the fantasies that accompany viewing child pornography.

Child pornography begins to answer the question why do adults molest children because it is a contributing factor to child molestation in most cases.

Ex-cop jailed for child porn

B James Turner, Winnipeg Sun

July 18, 2012

A former Winnipeg police officer offered a lengthy apology in court Wednesday — right before he was ordered off to jail for possessing child pornography.

“I stand here in front of you ashamed, disgusted and remorseful and full of guilt,” a visibly shaken Michael Robert Hall, 31, told provincial court Judge Sandra Chapman. “I feel disgusted and ashamed to have been part of such a sickening crime that robs these kids of their innocence and affects them negatively for their entire lifetime.”

Chapman ordered Hall to serve the legislated mandatory minimum of 14 days in jail.

He was granted permission to do his time on weekends and will also serve 18 months of supervised probation.

The Crown sought 90 days jail in the case.

Hall was arrested last July following a lengthy internal police investigation based on a tip he had accessed a Yahoo.com group ‘Perv’s Dream,’ where

users would share uploaded photos, some of which were child pornography, independent Crown prosecutor Rob Gosman said.

Hall's home was raided on June 9, 2011, and computers and electronics were seized. Hall turned in his badge at the St. James police station the next day.

Cops in the Internet Child Exploitation Unit ultimately found 19 illegal images of girls aged 4-12 years old on his computer.

Four of the pictures depicted the children engaged in degrading sex acts with adult men, including one of a girl between the ages of six and eight being anally raped, court was told. In addition to the illegal images, investigators also found more than 3,300 pictures of kids modelling and posing, Gosman said.

"There was an awful lot of stuff involving young girls," he said.

After his arrest, Hall immediately entered intensive therapy and was assessed by a respected psychiatrist as a low risk to re-offend.

Hall was not diagnosed as a pedophile, defence lawyer Saheel Zaman said.

"What you're dealing with in this case is a porn addiction gone astray," said Zaman, as part of a lengthy submission in hopes of Hall receiving no more than the absolute minimum possible jail term.

Hall served with the Winnipeg police for two to three years prior to retiring



The defense attorney here should be disbarred for perpetuating the myth that pornography relieves stress. Pornography is the exploitation and dehumanization of woman. Child pornography is the exploitation and dehumanization of children. It cannot be justified by claiming it relieves stress.

To understand why adults molest children it is important to understand what motivates people who possess child pornography. Limited

research about the motivations of people who possess child pornography suggests that child pornography possessors are a diverse group, including people who are sexually interested in prepubescent children or young adolescents which would include pedophiles. It also includes people who use child pornography for sexual fantasy and gratification (and not to relieve stress). Some people are sexually “indiscriminate,” meaning they are constantly looking for new and different sexual stimuli. There are some who are sexually curious, downloading a few images to satisfy that curiosity. And then there are those interested in profiting financially by selling images or setting up web sites requiring payment for access.

It is a difficult task to try to learn why adults molest children by asking the predators after they are convicted because, as with this police chief, they are in denial.

Former police chief convicted in sex case

October 13, 2012

By Pamela Powers Menomonie News Bureau

MENOMONIE - A Dunn County jury deliberated for nearly four hours Friday before handing down 16 guilty verdicts against the former Wheeler police chief accused of having sexual contact with two teenage boys.

Gary L. Wayerski, 56, who was fired from his police chief job, was convicted of two counts of felony child enticement, two counts of exposing genitals, two counts of exposing a child to harmful materials and two counts of causing a child to view or listen to sexual activity.

He also was convicted of eight counts of felony sexual assault of a child by a person who works or volunteers with children.

The boys, ages 16 and 17, told authorities Wayerski spanked and masturbated them on numerous occasions from March to July 2011. Wayerski denied having sexual contact with the boys or showing them pornography.



As the verdicts were read by Dunn County Judge Bill Stewart, Wayerski shook his head, put his hand over his eyes, then laid his head on the courtroom table and sobbed.

Wayerski's sentencing is set for Jan. 9.

Special prosecutor Ben Webster said the jurors reached the right decision.

"Ultimately it comes down to the details the kids provided, the stories they told about what they endured," Webster said.

Wayerski's attorney, Lester Liptak, said he will appeal the conviction.

"My client still maintains his innocence," Liptak said.

During closing arguments, Webster said Wayerski violated the trust of two teens boys whom he was mentoring after they were arrested for breaking into a church.

"What he did was predatory, premeditated," Webster said. "They were vulnerable boys at the time and that is exactly what the defendant was looking for."

Webster said Wayerski groomed the boys before touching them sexually on multiple occasions. Police say he viewed pornography with them, and they discovered pornographic images and videos on Wayerski's computer.

"The significance of those pictures shows the defendant's mindset," Webster said. "He was sexually attracted and interested in teenage boys."

During closing arguments, Liptak said the two boys were thieves and drug users. Wayerski isn't a criminal because he had sexual images on his computer, Liptak said.

"Some people watch porn to release stress," Liptak said. "There is nothing wrong with that."



The question **Why do Adults Molest Children** deserves the most scrutiny because stopping child molestation is contingent on understanding the answer.

Perhaps the one who most frequently asks that question is the molester him or herself. When they ask: why did I do it (after being arrested and convicted), they do not want to believe the answer: you did it because you wanted to do it.

There is no fancy, psychological reason or answer. The molester is not sick for which there is a cure.

They molest children because it feels good, so they do it again and again. It is not sickness. It is evil.

Molesters care only about themselves when they are victimizing children. They do not care about what they are doing to their victim or the victim's family, or to society. That is why it is evil.

If it were sickness, it would be up to a doctor to cure it. Because it is evil it is up to the perpetrator to control it. The molester makes a choice to sexually abuse a child.

Sexual offenses against children are not mysterious. The reason why they occur is not unknowable. Sexual offenses are a victory of base human nature over higher human qualities. They do not differ from other selfish and cruel acts. If we make believe they are different we are just avoiding the acceptance of our own nature. We will not stop child molestation and we are making the situation worse.

Most persons will claim and believe that child molestation is a sickness. But if we are not afraid to examine adult sexual attraction to children we find that it is biologically natural,

All recorded civilizations have laws or rules against adults having sexual access to children, especially when the adult is male and the child is female. Penalties for violating these laws range from banishment to death.

If sexual activity between adults and children is biologically natural or highly desirable, wouldn't that imply that many of us want to do it? If not, then why do we need all the laws and punishments to keep us in line?

In the 1989 Journal of Child Abuse and Neglect, Briere and Runtz administered an anonymous questionnaire to 193 male college students. Many (21%) acknowledged sexual thoughts about children. Some said they

masturbated to these fantasies, and 7% thought they would act on their fantasies if they could be sure of remaining undiscovered.

Medical science supports the idea that adult sexual attraction to children is common, at least among males. In the early fifties, Kurt Freund developed a sensor for an instrument call a plethysmograph, a biofeedback device for measuring changes in the blood volume of a human organ. Dr. Freund measured these changes in the penis.

Since the 1960's, studies using this device have been done with thousands of men. Subjects sit in a private room while the operator exposes them to a series of slides, videos or audio tapes with sexual content. Many so called "normal" men who have not committed illegal sex acts show considerable arousal to stimuli depicting naked children or children involved in sexual activity. (Freund, et al, 1972, Behavior Therapy) Based on this kind of evidence, it's easy to see that adult sexual attraction to children is rather natural

But just because something is natural does not mean it is good or right. We may feel a natural or urgent need to urinate, but refrain from doing so unless it is done in a private place, even if there is a great discomfort by delaying this call of nature.

How many people haven't had a momentary thought of killing an out-of-control and misbehaving child or an insensitive spouse or an unreasonable boss? Although we acknowledge our human nature in these areas, we recognize how important it is to keep our impulses under control and most of us do, most of the time.

When it comes to urination, acquiring the property of others or dealing with interpersonal violence, we are able to separate thoughts from behavior. But when it comes to sex, especially sex with children, we go beyond mere controlling our human nature in favor of civilized behavior.

Society declares war and deems sexual arousal to children is unnatural and sick. This flies in the face of the historical and scientific evidence. We refuse to accept our "selves" pretending instead that we are naturally pure in this sexual domain.

That is indeed unfortunate because we are doing exactly the same thing as the child molester. We complicate and mystify ordinary selfishness and evil and thus relieve the criminal of responsibility. *He is sick. This justifies his conduct.*

In reality, the psychology of child molesting isn't very different from the psychology of most socially deviant acts. First there is a natural impulse or desire. Then there is the process of becoming civilized which consists of values and rules based on those values. There are punishments for breaking the rules and rewards for following the rules. (This we know as conscience.)

There can be a general failure to develop conscience or the failure of a conscience to function so that the desire to gratify forbidden impulses is thought to be stronger than the environmental or social forces prohibiting it.

This process of inhibiting natural impulses in favor of the greater social good is called "socialization" or "growing up," and it isn't simple at all. It involves a great many influences. We start with the basic personality each individual is born with - a kind of "hard wiring."

Then we proceed to other biological factors, like pre and post natal environment and care. There are early social influences of mother, father, siblings and other family members. There is economics, formal education, media influence, religious training or lack of it, neighborhood culture, and peers one has available in his or her environment - the list is almost endless.

In a sense, trying to understand the answer "why" someone molested children may not be all that simple. Examining the interplay of his particular experiences, beliefs, feelings, relationships and the relevance of all this to his pattern of sexual offenses would take a long time. And, it would take courage for the questioner.

But the answer isn't mysterious, because sexual offenses against children aren't mysterious - they are simply a victory of base human nature over higher human qualities. Sexual offenses are not essentially different from other cruel and selfish acts. When we make believe they are, we are simply avoiding acceptance of our own nature. We are looking for answers in all the wrong places and it is this that makes child molestation more difficult to understand and eliminate.

It is important to know the distinction between a child molester and a pedophile. And it is important to know that pedophilia is an illness and child molester is an evil. The former can be controlled, but not yet cured. The latter is when a choice is made and not based on an illness.

So how does one know if someone is a pedophile? New studies suggest that the urge to prey on children may come from how a brain is wired.

New research suggests that pedophiles can be identified before the mental illness turns into a crime, potentially keeping many children out of harm's way. The analysis comes at a crucial moment, amid a wave of pedophilia cases dominating headlines, from Penn State's infamous Jerry Sandusky's predatory activity for a few decades to allegations of sexual abuse and cover-up within the Boy Scouts.

Many persons with pedophilia who are able to control their sexual urges remain underground due to the hysteria that accompanies child sexual assaults. This is because people use both labels interchangeably and incorrectly. So identifying pedophilia through MRIs and IQ studies may seem like quack science.

Many experts say pedophilia is a mental illness and it can be treated just like clinical depression or bipolar disorder. There is hope that one day it may also be cured.

At least five studies conducted in the past two years have dealt with various abnormalities detected in the brains of pedophiles. Research has varied, from discerning irregularities in the frontal lobe to observing brain activity as pedophiles viewed images of naked children.

According to research conducted by James Cantor, an associate professor of psychiatry at the University of Toronto, pedophiles appear to have significantly less white matter—a substance that connects different parts of the brain—than non-pedophiles. Cantor is working with new types of MRI scans known as diffusion tensor imaging to get a better sense of what he calls “the literal cross-wiring of the brain” commonly found in pedophiles.

Cantor has said that a lack of connection between separate parts of the brain could mean that pedophiles have serious trouble differentiating between sexual objects. His research has also found that pedophiles

generally have lower IQs than people with sexual interest in adults, and that pedophiles are also disproportionately left-handed compared to the overall population.

One cause of pedophilia may be a biological problem that some are simply born with, Cantor says. He believes that whatever chain of events leads to pedophilia, the first link in that chain seems to be before birth.

Cantor admits that there is no smoking gun yet to say definitively how pedophilia develops. Cantor wrote in a scientific journal that it could form from “maternal stress while the mother is still pregnant, or a combination of maternal stress or poor nutrition, or household stress during childhood. If we take out one of those ingredients, we may break the chain and understand the whole system that ends in pedophilia.”

The search for a cause for pedophilia has intensified in recent years. Much of the most recent research has focused on medical treatments for pedophilic urges.

Medications such as Depo-Provera—which is commonly prescribed for prostate cancer—lower testosterone and libido levels and are being tested as effective “chemical-castration” treatments, and some say cures, to pedophilia. Those few pedophiles who do seek help are often treated with talk therapy and cognitive behavioral therapy in addition to using medicine.

Treating pedophilia is particularly difficult because many of the sex offenders that authorities consider pedophiles are not pedophiles at all. Instead of targeting children specifically, offenders will target anyone they can get. Many pedophiles who become sex offenders have more than one diagnosis. They may have substance-abuse disorders, impulse-control disorders, or personality disorders. Finding a solution to that potentially combustible combination of diseases may be much more complicated than it appears.



Chapter Six

How Do Adults Molest Children?

In a word: the answer is SEDUCTION!

What gets most attention are the news reports of child abduction, where readers learn that the abduction was followed by sexual assault and often by murder. So the first question that needs to be addressed is: Is there a relationship when the child is abducted?

Put it another way: Should the focus of prevention be on *stranger danger*?

Let us look at the findings of the Federal Bureau of Investigation posted on their website.

Child Abductions: Known Relationships are the Greater Danger

By Ashli-Jade Douglas



According to the National Center for Missing and Exploited Children (NCMEC), every year, more than 200,000 children are abducted by family members. An additional 58,000 are taken by non-relatives with primarily sexual motives. However, only 115 reported abductions represent cases in which strangers abduct and kill children, hold them for ransom, or take them with the intention to keep.¹

Media news outlets have portrayed that

abductors primarily consist of strangers or registered sex offenders (RSO), which has proven invalid in the past 2 fiscal years (FY). When a child is reported missing, members of the media advise parents to check sex offender registries to prevent their child from possible abduction or sexual victimization. However, FBI reporting indicates that RSOs are a minimal part of the problem. In FY 2009, an RSO was the abductor in 2 percent of child abduction cases; in FY 2010, this figure dropped to 1 percent.²

Although parents teach their children to stay away from strangers, most neglect to teach them not to allow anyone, even someone they know, to take them without parental consent. Additionally, children frequently are instructed to obey elders without question, adding to their vulnerability to offenders known to the child victim.

Over the past 4 years, the FBI has seen a decrease in abductions committed by a stranger or RSO. However, it is important to note that abductors with sexual intentions are, in fact, sexual offenders who have not yet been identified and, therefore, are unknown to local law enforcement agencies.

A majority (68 percent) of the child abduction cases the FBI's Child Abduction Rapid Deployment (CARD) team has assisted in has resulted in the identification of an offender who had a relationship with the child victim.³ Moreover, an RSO was involved in only 10 percent of the investigations, 5 percent of who knew the victim.

In FY 2009, 63 percent of child abduction cases involved an offender known to the victim; only 1 percent were RSOs.⁴ In FY 2010, 70 percent of child abduction cases resulted in the identification of an offender who had a known relationship with the victim; less than 1 percent of the abductors were RSOs.⁵

RSOs contribute to a miniscule part of the child abduction problem. In contrast to media reporting, the number of cases involving a registered sex offender is decreasing. In addition to the FBI reporting, NCMEC has revealed that there were no RSOs involved in AMBER Alert cases in 2009.⁶

Although abductors can vary in age, race, or physicality, the FBI assesses with high confidence that the majority of child abductors involved in FBI child abduction cases, CARD team deployments, and AMBER Alerts have a relationship with the child victim. Moreover, despite media reporting, the FBI confidently assesses that the majority of child abductions are committed by persons with a relationship to the child they abduct.



A relationship between a predator and a child abuse victim may begin where both are strangers.- But the internet allows for predators to establish a relationship in a hurry.

The label *stranger* soon fades. The danger is just beginning. Seduction creates a relationship and a victim.

Unfortunately, the justice system let this predator deputy off with a mere sentence of probation. Fortunately, he was arrested prior to seduction and before he could actually harm children.

Former Boulder County deputy guilty of Internet sexual exploitation of a child

By Pierrette J. Shields Longmont Times-Call
8/28/2012

BOULDER -- A former Boulder County deputy pleaded guilty to felony Internet sexual exploitation of a child Tuesday morning, sparing himself a scheduled December trial on multiple felonies.

Under the deal with prosecutors, Rick Jon Ferguson will be sentenced to probation on the exploitation count and will only risk prison time if he later violates the terms of that probation or if a judge decides that prison is appropriate for a felony obscenity count, according to the deal. Ferguson is scheduled to return to Boulder District Court on Oct. 30 for sentencing.



He pleaded guilty to felony sexual exploitation of a child, felony obscenity, and official misconduct, a petty offense. Seven other counts were dismissed.

Ferguson was accused of using his Boulder County Sheriff's Office-issued computer to carry on sexually explicit online chats with girls as young as 11.

According to the sheriff's office, county IT employees noticed unusual activity on the laptop in Ferguson's patrol car and uncovered the sexually explicit conversations. Further investigation revealed that the conversations were with people on the Internet who claimed to be young girls, according to reports. District attorney investigators and sheriff's investigators secured a search warrant for Ferguson's Lafayette home and seized his personal computers, which were also searched.

Ferguson initially entered pleas of not guilty to the charges and was scheduled for a trial to begin on Dec. 10. The plea spares him the trial and any lengthy prison time that could have come with multiple felony convictions.



Seduction can begin by offering minors alcohol. Sexual abuse is easy to accomplish when the child's thought processes are blurred with booze. Seduction is easy when there is a relationship and especially if the predator is a police officer. Trust is an element of seduction. Alcohol is often a tool.

That the victim, who was a relative of Officer Otero-Ortiz, did not want to pursue prosecution of the sexual assault allegations, should not have been a consideration by the justice system. Neither should the consequence for this abuse have been a mere two year probation sentence. Dropping many of the charges was an injustice for the victim.

The state has a compelling interest in protecting children precisely because children cannot protect themselves. They are not able to consent to sex because they are minors.

Former Trenton police officer sentenced to two years probation for child abuse

Lisandro Otero-Ortiz, 27, pleaded guilty in June to one count of fourth-degree abuse of a child as part of a plea deal with the Mercer County Prosecutor's Office. He was sentenced this morning before Judge Thomas Brown in Superior Court.

The deal called for the dismissal of several charges including sexual assault and endangering the welfare of a child. If he had not accepted the plea deal, Otero-Ortiz faced a maximum of 15 years in prison.



Casey DeBlasio, spokeswoman for the prosecutor's office, said today that the victim, who was a relative of Otero-Ortiz, did not want to pursue prosecution of the sexual assault allegations.

In addition to the two year probationary sentence, Brown ordered that Otero-Ortiz is to have no contact with the victim and to undergo a drug and alcohol dependence evaluation. Otero-Ortiz, who was wearing grey sweatpants and a hooded sweatshirt during the hearing, did

not make any official statement to the court.

Otero-Ortiz was off-duty at a Trenton residence in June 2010 when he and the girl drank alcohol before the incident. The sex does not appear to have been forcible, DeBlasio said.

Otero-Ortiz, a Trenton resident, worked for the police department for four years before he was arrested in the fall of 2010 by detectives from the prosecutor's office.

As a patrol officer in the West district, he earned a \$50,480 salary in 2009. Following his arrest Otero-Ortiz was suspended from his job without pay. He is no longer employed by the department



This Cycling Australia official developed a relationship with a sixteen year old cyclist. He used seduction to evolve that relationship to one including sex until her mother involved the police.

The court gave the official a suspended sentence but this did not sit well with the victim who took matters into her own hand a few years later and stabbed the official.

The motivation for the relationship predators establish is the beginning of the seduction process. Unfortunately, the intended victim cannot see cannot see the relationship for what is will become. Innocence and trust blind the victim and allow the predator to have the upper hand.

Young woman avoids jail for stabbing sex offender

By court reporter Loukas Founten

Oct 17, 2012

A former promising cyclist has been given a suspended jail sentence for stabbing an official who sexually abused her as a teenager.

Former Cycling Australia official Warwick Phillips was given a suspended sentence in 2009 for numerous child sex offences.

The South Australian Supreme Court heard his victim, who is now 20, went to Phillips's house at Kilburn in northern Adelaide in September last year and stabbed him on the doorstep when he refused to come outside to talk to her.

The young woman pleaded guilty to intentionally causing serious harm to Phillips and assaulting his wife, Christine.

The court was told the woman was a committed and talented cyclist at 16 and met Phillips in a group cycling training session in 2008.

The pair developed a sexual relationship which lasted about five months until the girl told her mother and police were called in.

Justice Anne Vanstone said there was a direct connection between the offences committed against the woman and the offences she committed.

But Justice Vanstone said people had a right to feel safe in their own homes.

"You found the suspension [of Mr Phillips's sentence] too much to bear and attempted suicide by overdose," she said.

"It is clear that the effect of Mr Phillips's offences against you have been catastrophic."

Despite the fact the woman carried the knife with her, Justice Vanstone said she could not find that the attack was premeditated.

"On the front doorstep you tried to get Mr Phillips to come outside. You had the knife behind your back. You told him you wanted to talk about your relationship," she said.

Justice Vanstone said when Mr Phillips refused to move outside, the woman lunged at him and stabbed him in the torso, then waved the knife at Christine Phillips.

Justice Vanstone said the offence was extremely serious because of the potentially lethal consequences.

She said but for rapid medical intervention, Mr Phillips would have died.

"Two of Mr Phillips's children witnessed these events," she said.

"In addition, the offending occurred on the threshold of the victims' home where they are entitled to feel safe and secure.

"The entire situation for both families has been disastrous."

Justice Vanstone jailed the woman for a minimum of 18 months but suspended the sentence and imposed a \$500 three-year bond.

The woman is also prevented from making contact with Phillips and his family.

Before she left the court the young woman told the judge she had learnt her lesson.

"I intend to get on with my life and I'll never commit a crime again," she said.

"I've been punished very hard and I just want to get on with my life."

Mr Phillips and his supporters were present in court but did not comment on the outcome as they left the building.



Secrecy is a component of seduction and it is how predators get away with much child sexual abuse. In late 2012 there are said to be 750,000 convicted sex offenders on the National Sex Offender Register. Is the registry preventing child abuse? How many more predators are continuing to victimize and have not been stopped?

One reason is that predators often threaten their victims. Initially they coerce their victim by getting them to agree that “this is our secret”, and then warn that they will harm the victim’s family if the victim tells anyone.

Both seclusion and secrecy envelop most crimes of the sexual abuse of children.

The scoutmaster can easily detect vulnerable boy scouts and acts quickly to isolate his victim in his seduction process. So too does the evil Catholic priest who can guarantee that the altar boy will be alone with him as he carries out the molestation.

But then there are cases where the predator has been molesting kids for decades and his cloak of secrecy falls. This happened with Jerry Sandusky, the infamous Penn State football coach. His molestation of a teenager was observed by a janitor and an assistant coach. Perhaps Sandusky had victimized so many children he thought he no longer needed the security blanket of secrecy and seclusion.

In so many of the reported abuse convictions a common thread is seduction, seclusion and secrecy. That is reason enough why schools, scouting, sports and church leaders must implement a rule that dictates that adults cannot be left alone with children under their care. Eliminating secrecy will minimize the chances children can be victimized. A mandatory two-adult rule will prevent seclusion and secrecy.

Notice the court’s sentence given to this predator. He will be required to be under supervised visitation of any minor during the two years of his probation. This will merely suspend his criminal conduct, not end it.

Ex-cop pleads guilty to sex crime

September 25, 2012

A former Andalusia, Alabama police officer and unsuccessful 2006 candidate for sheriff will now have to register as a convicted sex offender after pleading guilty Monday in two separate cases.

Kevin Owens, who was 39 when arrested in 2007, faced charges of sexual abuse, rape, sodomy and intimidating a witness in the incidents following

allegations that he engaged in sexual intercourse with a female by forcible compulsion and he subjected a child under the age of 12 to sexual conduct.

On Monday, and moments before his trial was set to begin, counsel was able to negotiate a plea deal in the cases. Owens admitted to the behavior before Circuit Judge Ashley McKathan, pleading guilty to sexual misconduct in the first case and assault III in the second.

Members of the victims' families were pleased with the day's outcome.

"I'm just happy he admitted in open court that he was guilty," said the mother of one of the victims. Her daughter was 3 at the time of the incident, she said. "We didn't want to push for trial to protect our daughter from any more bad things."

The state was represented by Trishia Mellburg and Barry Matson, both members of the Office of Prosecutorial Services.

"These families were very patient, and now, very relieved," Mellburg said. "The victims and their families were able to get closure and move on. They're the importance of getting this case resolved."

Owens, who was represented by Monroeville attorney Chris King, was given a one-year suspended sentence, placed on two years of supervised probation and ordered to pay an assortment of fees and fines in each case. The time is to run concurrently.

He was also ordered to refrain from contact with the victims and the victims' families, as well as unsupervised visitation with any minor while on probation.

Owens is also required to provide the state a DNA sample and to register as a convicted sex offender; however, since sexual misconduct is a misdemeanor offense, it is not required that his information be posted on the online database.



Not all sexual abuse is accomplished by seduction. As in the following report from South Africa, terrorism was used to prevent the

predator police from being brought to justice. Notice that the police removed their badges so they could not be identified.

This type of sexual abuse has got to be the worse kind. In addition to the sexual abuse, these prostitutes were also fined by their system of justice

AFRICA – Most sex workers abused by police (study)

08/22/2012

Johannesburg - About 70 percent of sex workers have been abused by police, according to a study released in Johannesburg on Wednesday. *“The human rights abuse of sex workers in South Africa is alarming and demands immediate attention,”* reads the study issued by the Sex Workers Education and Advocacy Taskforce (SWEAT) *“Sex workers experience violence during arrest by police officers who routinely beat them, pepper spray them and sexually assault them.”*

The study was based on interviews with 308 sex workers, mostly in Cape Town, by the Women’s Legal Centre. The sex workers were mostly women, but included men and transgender persons.

The report included first-person narratives from people who recounted being forced to perform oral sex or being gang-raped by police officers. They reported police officers assaulting them, often with pepper spray.

The study found police officers did not identify themselves or wear name tags when committing their offences.

“Police officers commit these crimes with impunity. They remove their name tags so that sex workers are unable to identify them and they instill such fear in the sex workers that they are afraid to report these crimes to the authorities,” reads the report.

Arbitrary arrest was still common, despite a 2009 order from the Western Cape High Court that police could not arrest sex workers unless they intended to prosecute them.

Of the sex workers interviewed, 138 said they had been arrested, but only 21 ever appeared in court.

“This is a clear violation of the right to defend oneself in court and not to be arbitrarily deprived of one's freedom.”

Western Cape police could not immediately be reached for comment.

Most of those arrested, 117, were fined.



Child Molesters work to master their manipulative skills and often unleash them on troubled children by first becoming their friend and selfishly building up the child's self esteem. They may refer to the child as special or mature, appealing to their need to be heard and understood then entice them with adult type activities that are often sexual in content such as x-rated movies or pictures. They offer them alcohol or drugs to hamper their ability to resist activities or recall events that occurred.

The following report is significant for two reasons: the length of time the predator has been collecting pornography and his position in the community. Prosecutors are trying to determine the identity of the children in his pornographic collections before they can bring charges of child molestation. Pornography is but a tool used by child molesters. It is generally the first step toward victimization of children.

It is not unusual for the child to develop feelings for the predator and desire their approval and continued acceptance. They will compromise their innate ability to decipher good and bad behavior, ultimately justifying the criminal's bad behavior out of sympathy and concern for the adult's welfare. This is often compared to the Stockholm Syndrome - when victims become attached emotionally to their captors.

Many times child molesters will develop a close relationship with a single parent in order to get close to their children. Once inside the home, they have many opportunities to manipulate the children -- using guilt, fear, and "love" to confuse the child. If the child's parent works, it offers the child molester the seclusion needed to seduce and abuse the child.

Molesters also work hard at stalking their targets and will be patient when developing relationships with them. It is not uncommon for them to be developing a long list of potential victims at any one time. Many predators actually believe that what they are doing is not wrong and that having sex with a child is actually "healthy" for the child.

Almost all child molesters have a collection of pornography. Many of them also collect "souvenirs" from their victims. This was the case with this former member of the school board, the city council and mayor of this Alaskan city who videotaped himself with his victim.

Ketchikan ex-mayor faces 80 new child porn charges

By LISA DEMER
Anchorage Daily News

November 11th, 2011 04:27 PM

One of Ketchikan's most prominent political leaders, already accused of possessing child pornography, now finds himself charged with 80 additional counts including one involving a homemade video featuring himself unclothed with a young girl, according to police.



John W. "Jack" Shay, 80, now is accused of 90 counts of possessing child pornography. He turned himself in to the Ketchikan jail Thursday afternoon.

Shay served as both city and Ketchikan Gateway Borough mayor, as well as on the school board, the city council and the borough Assembly. He worked more than 13 years for the state Department of Labor, including 3 1/2 years in the mid-1980s as a division director. On Monday, after the initial round of charges, he resigned his current elected position, a seat on the Ketchikan City Council.

Almost all of the new charges involve photos printed off the Internet and stored in boxes in his home office, said deputy police chief Josh Dossett. Some of the images involve adults attempting sex acts with infants and toddlers, according to the charges. In at least one, a little girl is duct-taped. Some photos were of young boys.

Police began investigating Shay on Nov. 4 after he brought his laptop to a Ketchikan computer shop for repair. He had been having trouble printing. The shop discovered that the items lined up in his printing queue were of child pornography, police have said. Police seized his laptop and printer and got search warrants for his home and home computer. They found the boxed photos during the search, Dossett said.

They also seized hundreds of videos including home movies but have only gone through only a small portion so far, Dossett said. Many of the home movies were the Hi8 format; some were VHS.

One of those seized videos contained a pornographic scene featuring Shay, the charges say. The camera showed what appeared to be a child's room. There was a poster on the wall to measure a child's height. A closet contained children's clothing as well as that for an adult man.

The charges say Shay stepped into the frame talking to a girl about getting dressed for the day. He looked maybe 10 years younger than his current age, though police haven't yet dated the video. The girl was somewhere between age 6 and 10, police say.

Shay took off his clothes and sat in front of the camera, according to the charges. At first the child was playing on the bed, out of the frame. Shay got the girl onto his lap and touched sexually her as she tried to squirm away, the charges say. The same tape also contains another home movie scene in which a man's hand can be seen touching a female child's genitals, the charges say.

The same tape also contains another home movie scene. In this one, the camera was placed between the sheets toward the pelvic area of a sleeping young girl, the charges say. There's a light source. A man's hand can be seen touching the child's genitals, the charges say.

Dossett said police are trying to identify and locate the girl. She could be grown by now. They also want to determine where the video was made. City police haven't charged Shay with sexual abuse of a minor or child exploitation because they don't yet know if the video was made in Ketchikan, Dossett said.

It seems like almost everyone in Ketchikan knows Shay as a community leader. People are having a hard time wrapping their minds around what he is accused of doing, the deputy chief said.

Shay's political life there spans decades, beginning with an appointment to the school board in 1972 and including two terms for both city and borough mayor, largely ceremonial positions. He's also active in community theater. He has a long-time girlfriend.

"Everybody's in disbelief," said Ketchikan Mayor Lew Williams.

The case has people talking.

"It's definitely big news in Ketchikan," Williams said.

Two detectives, two police officers, a lieutenant and a department computer expert all are working on the case, Dossett said. They are conducting interviews and trying to track down people who may know who the girl is and who could identify the pictured room. They are wading through hundreds of videos as well as material on Shay's computers.

The girl in the video and the children in the photos are all victims, Dossett said. Some of the pictured children already have been identified by law enforcement from pornography cases elsewhere.

As of Thursday evening, Shay was still being held in the Ketchikan Correctional Center on \$100,000 bail, plus a requirement he be watched by a third-party custodian. His next court hearing is scheduled for Tuesday afternoon.

More charges could be filed, Dossett said.

"We've got a lot of work ahead of us."



How do adults get so close to children in order to carry out the molestation? This former policeman was a volunteer wrestling coach at a middle school. Alone with so many vulnerable youth, he was finally charged with 207 counts of sexual exploitation or contact.

This is yet another reason why an adults should never be allowed to be alone with children not their own unless there is another adult present. It eliminates seclusion, minimizes the opportunity for seduction and halts secrecy.

Former Officer Returns To Court As 2nd Trial Looms

Southern Colorado - A disgraced former police officer returns to court Friday as attorneys hammer out details for his upcoming trial.

It will be the second trial for Joshua Carrier, who was found guilty in April on 21 counts of sexual exploitation and not guilty on 36 counts involving

alleged sexual contact with young boys. The jury failed to reach a decision on 150 counts involving sexual assault, enticement of a child, and unlawful sexual contact.

Carrier is accused of touching more than 20 children inappropriately while working as a volunteer wrestling coach at Horace Mann Middle School.

Friday, Carrier will be in court for a motions hearing, which is when attorneys will ask a judge to issue a ruling or order on a legal matter. During a motions hearing, both sides can argue their position.

Last month, Carrier's legal team filed a motion to change the venue of the upcoming trial, which the judge denied. At this time, it's unknown what Friday's hearing will be about.



This Canadian police officer seduced his twenty victims with his badge and the promises implied with his modeling agency he ran as a side business.

The sad point raised by this trial is the defense's claim that this predator only committed low level offenses which were brief, that he was an all-around good guy in the community, and he would not do it again!

Judge reserves sentencing decision in former cop's sexual assault convictions

Aug. 24, 2012

A Winnipeg judge has reserved his decision in the sentencing of a former Winnipeg police officer who pleaded guilty to numerous sexual assaults earlier this year.

In May, Richard Dow pleaded guilty to 11 counts of sexual assault and one charge of simple assault in connection with a series of incidents involving a modeling business he ran.



At a sentencing hearing Aug. 24, the Crown asked for five years of prison time for Dow. Lawyer Marty Minuk said, "Mr. Dow was in a position of trust, and he violated that trust."

Dow's lawyers asked for a conditional sentence of two years less a day. They requested Dow serve his time in the community under a curfew, as well as perform 240 hours of community service.

They said negative media coverage has ruined and humiliated Dow and served as a punishment in itself. The lawyers said the 58-year-old's sexual assaults were "brief and low level," adding that he was an "all around good guy in the community." The defence further argued he was unlikely to re-offend.

Victim impact statements were also heard in court on Friday.

One of the victims told CTV News she is hoping for a stiff sentence.

"House arrest and community service is a joke, and it's actually a slap in the face," she said.

The victim was 21 years old when she was sexually assaulted by Dow.

"When you are that young, you feel super naïve and you have dreams. And there are definitely people out there who take advantage of it," she said.

The woman is now 32 and still waiting for justice to be served.

The judge in the case has reserved his decision until Sept. 13, extending a lengthy court process.

In May, Dow entered his guilty plea and had 13 other sexual assault charges stayed. The case against him centered on 20 victims who alleged Dow sexually assaulted them over a period ranging from 2000 to 2005.

The victims ranged in age from 17 years old to 23 years old and most were assaulted at photo shoots at Dow's home. Dow ran a side modeling agency while working for the Winnipeg Police Service.

On Friday, Dow was asked in court if he had anything to say. He told the judge he was humbled and extremely remorseful. He cried while saying, "I can only assure the court this will never happen again. I know I did wrong."

One of his victims said she doesn't believe Dow is sorry. "It made me sick to my stomach, actually," she said. "It's like tears of a crocodile. You're not upset that you stole the cookie out of the cookie jar, but you are upset you got caught."

In a separate case, Dow pleaded not guilty and was found not guilty of sexually assaulting an 18-year-old woman in May 2012, prior to this more recent trial involving 20 women. The maximum sentence for sexual assault is 10 years in prison.



Chapter Seven

What you must know and do to prevent children from being molested

It is generally believed that as of November, 2012, there are 750,000 former sex offenders on the nation's National Sex Offender Registration list. A closer look at that number will reveal that some named on the list cannot be found because they have changed their name or gone underground. Many are homeless due to restrictions on where they can live and the public cannot be informed of their whereabouts. Some are on the list more than once because they are required to register with every jurisdiction they travel through. Then there are the typical errors that add to the confusion of just how many sex offenders are being "tracked."

Whatever the real number, it should be noted that this is the number of **convicted** sex offenders. Try to guess how many predators are currently offending and have yet to be caught or may never be caught. How is the public being protected from them? What is needed to stop them?

Registration is the primary tool used by law enforcement to assure the citizenry that knowing where the sex offenders are will protect their children from sexual predators. The current laws are not protecting children because the number of sexual assaults is increasing every day. Instead, the registration scheme has unintended consequences that are harmful to the wives, relatives and children of former offenders.

Shouldn't citizens want to know if a murderer lived in their neighborhood? If so, shouldn't there be a registry to track them?

Well that is being tried in Hawaii. Will Hawaii become the first state with a murder registry?

HAWAII TO CREATE REGISTRY FOR MURDERERS

Hawaii would join other states with a registry of convicted murderers — similar to the state's sex-offender registry — under legislation that may be introduced next year.

State Senator Will Espero, head of the state Senate's Public Safety

Committee, plans to introduce a bill that would create a registry patterned after Hawaii's seven-year-old sex-offender registry. Among other things, the registry allows people to find out if a convicted sex offender lives in their neighborhood.

Two convicted murderers were recently accused of committing violent crimes while on parole, which prompted Espero, D-20th ('Ewa Beach, Waipahu), to pursue the idea of mandatory registration.

"We wouldn't be reinventing the wheel with a murder registry," Espero said. "The template's already there. People who are committing these crimes have to realize they have to be accountable. There is a price you pay for committing these crimes against society."

Kansas, Montana and Oklahoma are among states that have violent-offender registries, which include names of convicted murderers. Illinois has a specific Child Murderer and Violent Offender Against Youth Registry.

"I still need to do research," Espero said, "but Hawaii could become the first state in the country with a murder registry."

A Honolulu criminal defense attorney said the sex-offender registry fails to identify who might pose an actual danger, and a potential murderers' registry would do no better.

There are 2,513 convicted sex offenders on Hawaii's sex-offender registry.

State officials last week could not immediately say how many murderers are currently on parole.

State Attorney General Mark Bennett said through his spokeswoman that he's aware of other states' efforts, but his office is not focused on a murder registry.

Instead, Dana Viola, special assistant to the attorney general, said Bennett wants to deal with complying with the federal Adam Walsh Child Protection and Safety Act of 2006, which requires sex offenders to provide additional information.

"We are not currently looking at a murder registry because our focus

currently is on legislation dealing with the sex-offender registry and the Adam Walsh Act," Viola said.

The American Civil Liberties Union of Hawaii has challenged Hawaii's sex-offender registry but officials with the ACLU did not respond to repeated requests for comment last week on Espero's idea.

But Brook Hart, a prominent Honolulu criminal defense attorney, said the Texas murder conspiracy conviction of Hawaii bounty hunter and television personality Duane "Dog" Chapman illustrates the ineffectiveness of listing all convicted murderers in the same category.

"There would be no need to put him on the registry," Hart said. "That's the problem. Who's a danger now and who's not a danger? We lose sight of the people who actually might be a threat to us. Just as it's illogical to have all sex offenders registered, all people convicted of murder have circumstances that may or may not suggest that they are a danger to others. I'd be much more concerned with a robber next door than a guy that got into a fight with his wife 20 years ago and got convicted of manslaughter."

"Sex offenders have to be registered," Espero said. "Why aren't we having murderers being registered and notifying government and the public about where they are living? Wouldn't you want to know if a murderer moved into your neighborhood?"

Espero has yet to research the cost of maintaining a murderer registry. But Norma Ueno, who supervises the state's criminal history records check unit that includes the sex-offender registry, said the state's portal vendor, Hawaii Information Consortium, maintains the site for free.

"There is no cost to the state," she said. "It's a public service to the state."

The sex-offender registry was taken down in 2001 following legal challenges and went back online in 2005. The Web site lists the names, prior names, aliases, photographs, residence addresses, personal vehicles, street name of employment, college/university affiliation and crime for which the sex offenders were convicted.



If the sex offender registration laws are there to prevent registrants from committing more sexual offenses, a list in one small Iowa community seems to indicate it is working and that it justifies the law enforcement resources it consumes.

In fact, what it really has found is that those former offenders on the list are not re-offending.

Sex offender laws working well in area

Friday, October 12, 2012

By DANA LARSEN / A Pilot-Tribune Special Report

Iowa's sex offender laws continue to be under fire, sometimes described as "one size fits none," but in Buena Vista County, the existing laws seem to be working well, according to Major Doug Simons, who heads up enforcement of the Sex Offender Registry for the county sheriff's department.

The problem is, he adds, that the workload in tracking the offenders continues to grow as additional people are convicted.

"Over the 12 years we have seen more and more and more people on that list, and that trend is only going to continue - a few years ago laws were changed and a lot of people stay on the offender list much longer now, some for 25 years instead of the 10 years it used to be, and in more cases, for life."

The department is charged with knowing exactly where those people are, for as long as they reside in the county, and conducting checks.

There are about 52 people currently on the Sex Offender List in Buena Vista County, the third highest in the northwest quarter of the state and trailing only Woodbury County (the Sioux City metro area) and Cherokee County which is higher than BV because it is required to count residents of an inpatient treatment program for sexual abusers.

The sheriff's department has three people working on the sex offender registry enforcement at any given time, trying not to tie up any one officer's time from attending to other duties, according to Sheriff Gary Launderville.

Sex offenders who are new convicts, releases or have moved into the county are required to register with the sheriff's department. At that point, Simons said, they informed of the rules and given a written copy to sign.

The newest laws passed created a "tier" system, requiring those on the list to check in periodically based on the level of concern for risk to the public - one level must check in quarterly, one every six months, and one annually.

"On top of that we periodically do a quality control check, just to make sure they all are where they are supposed to be," Simons added. "If they are not, we have to either get them back in compliance, or they will be charged with violating the registry law."

Often, the best tip that there may be a problem comes from the public, who have recognized an offender from the registry online.

"We check into every public concern that we get as quickly as we can," Simons explained. "It's not always someone trying to hide - often it's a case of a person who didn't fully understand the rules, and it turns out to be a non-issue."

The department feels confident that at any given time, it knows where nearly all of the convicted residents of the county are at.

In most cases, Iowa's controversial "2,000 foot rule" has been dropped. In the past, sex offenders were barred from living within 2,000 feet of a school, day care, park or library where children would be gathered.

"Now, the 2,000 foot rule is applied only where the court feels it is specifically needed. We only have two or three in this county who cannot live inside the 2,000-foot barrier; most can live anywhere," said Simons.

He finds the change to be a good one. "The problem was, in small towns like we have, it meant there were hardly any places where a person could still live, and if there was no where to live legally, there was more incentive for people to try to hide from us."

While it is not unusual for persons on the offender list in the county to get charged for violating registry rules, the department has not seen a problem with them committing additional sexual offenses, according to Simons.

"I can't sit here and think of a single one that has re-offended."

The offender registry has been a strong step in public protection, he feels.

"It's a big deal. People do use it, and we encourage them to look at it," Simons said.

"It does take a lot of our time to enforce, but the system does seem to work well."

Last session, both houses of the Iowa Legislature passed the Adam Walsh Child Safety & Protection Act on a near-unanimous vote. Some of the highlights include: better tracking of the most dangerous sex offenders; new exclusion zones for child sex offenders; and new work and volunteer restrictions for child sex offenders at places with children.

A new tool has also been added to the offender registry that lets the public track offenders by neighborhood.

Still, according to an Associated Press report recently, Iowa is among 34 states that remain unable to meet the conditions of a 2006 federal law that requires them to take part in a nationwide effort to track sex offenders. Five of them - Arizona, Arkansas, California, Nebraska and Texas - have completely given up on the effort, even though it means forfeiting millions of dollars in federal grants.



Does the responsibility to prevent sex offenses only require zealous monitoring of previous sex offenders by using the Sex Offender Registry to track their whereabouts? If it does not, then the money and time spent on it is giving society a false sense of security

A more important question is answered with the evidence the following report presents. There is a much larger number of potential or active sexual predators that are not on any sex offender list and nothing is being done to protect society from them.

A different take on sex offender lists

By Tom Lyons September 20, 2012.

A local psychologist sees a lesson in the news of 43 men just arrested in Manatee County, Florida, and charged with driving to a house to have sex

with girls under 14 years of age. The girls they had met in online chat-rooms were fictional. As in many similar operations, the “girls” were actually cops. The house where the men went was full of law officers with handcuffs.

When Sue Krinsk called me about this, I first thought she was criticizing the operation. But she wasn't, she just saw a different key point than most of us might not see.

Krinsk is a psychologist who works with sex offenders of various sorts. Most are sent to her by court order. Part of her job is trying to determine which are beyond any likelihood of reform.

But she believes many don't fit that stereotype and usually aren't pedophiles, either. She insists the huge majority of those she deems fit for her therapy programs, and who can "graduate" from them, do not offend again.

But they are still branded as likely offenders for life. That branding is a serious problem, for two reasons, she says. It's not just that it makes the former offenders' lives very difficult, often in ways not helpful at all. She says it also gives the public the false notion that preventing sex offenses mostly just requires zealous monitoring of previous sex offenders.

Doesn't it?

Well, Krinsk says, a far greater number of potential or active offenders have never been caught. And Manatee Sheriff Brad Steube's sex sting just provided more evidence of that, she insists.

Of the 43 men arrested, only one was a registered sexual predator or offender.



Is the sex offender registration scheme the reason for a low recidivism rate?

A New Mexico Sheriff attributes certain tactics he uses, like what his deputies do on Halloween, as the reason there is such a low percentage of re-offenders.

You can judge for yourself: is it the list or the monitoring those on the list that accounts for low recidivism? Although 35 percent go back to prison,

it is not for new sexual offenses but for probation violation for not complying with every letter of the Sex Offender Registration laws.

Repeat Sex Offender Numbers Low in County

By Patrick Lohmann Sep 19, 2012

Every Halloween night, between 30 and 50 Bernalillo County Sheriff's deputies spread out all over the county and knock on the doors of registered sex offenders, as a reminder that the county knows where they are and what they're doing.

The Halloween blitz is just one of the tactics the Sheriff's Department says could be behind the county's remarkably low sex offender re-offense, or recidivism, rate.

Of more than 1,200 registered offenders that include sex offenders as far back as the 1970s, the sex offender registry unit has identified only seven who have re-committed a sex crime since 2009 – or 0.6 percent who re-offended over that three-year period.

Fourteen Bernalillo County sex offenders released in 2010 did end up back in prison within 18 months of their release dates, but they were there for such things as failing to register as an offender or for probation violations, according to data from the New Mexico Department of Corrections...

"We do have a very low recidivism rate in Bernalillo County," Sheriff's spokesman Sgt. Sam White said. *"We believe part of that is our proactive stance."*

A New Mexico Sentencing Commission study followed 126 sex offenders released from state prisons in 2004.

The study is still only in draft form and has not yet been reviewed by the Department of Corrections, but according to the draft, 5.6 percent of offenders went back to prison after committing a new sex offense between 2004 and when the study began earlier this year. More than 35 percent of the total number of sex offenders were sent back to prison, but largely for probation violations.

A national Bureau of Justice Statistics study is in the works that will look at sex offender recidivism for offenders released in 2005. The bureau's last study found that 5.3 percent of almost 1,000 sex offenders released in 1994 re-committed a sex offense within three years.

That rate is considerably lower than for violent offenders, 61 percent of whom were arrested for similar crimes within three years, and for property offenders, who had a recidivism rate of almost 74 percent, according to the same BJS study.

White said he doesn't know what his department might be doing differently than other counties, but it does make prevention of sex crimes a high priority. He said deputies use their spare time to check up on sex offenders at their homes.

Whether the sex offender registry is effective in preventing sex crimes depends on whom you ask.

Governor Susana Martinez, who specialized in prosecuting sex crimes during her career as a district attorney, said Bernalillo County's low recidivism rate doesn't necessarily mean offenders aren't re-offending, just that they're not being caught.

Martinez said the registries are effective, because they allow parents to monitor offenders who might be re-offending without punishment in their neighborhood. Martinez has also pressured the state Legislature during her time as governor to become fully compliant with the Adam Walsh Act, a 2006 federal sex offender registration law.

The state's sex offender laws do not require offenders to scan palm prints in addition to fingerprints, which is out of compliance with the federal act, nor do they have a juvenile sex offender registration, GPS monitoring or email notifications for when an offender moves into a neighborhood, said Regina Chacon, the state Department of Public Safety spokeswoman.

Despite this, New Mexico has so far avoided fines of between \$100,000 and \$250,000 from the U.S. Department of Justice, since it is one of many noncompliant states, Chacon said.

Senator Cisco McSorly, D-Bernalillo, voted against the Adam Walsh Act each time it came before the Legislature, and received a standing ovation

after speaking at the national Reform Sex Offender Laws conference in Albuquerque.

McSorley said the Adam Walsh Act is a politicized, unfunded mandate that doesn't differentiate between the worst predators and offenders convicted of milder crimes. As a result, he said, law enforcement and parents are unable to zero in on who poses the greatest threat.

"New Mexico citizens are less safe today because politicians have been trying to prove how strong they are against sex crimes," McSorley said. *"They're diluting our efforts at getting the most serious predators."*

The national conference for Reform Sex Offender Laws, an organization that claims sex offender registries are ineffective and unjust, was held at an Albuquerque hotel earlier this month to the dismay of some residents and law enforcement officials who were concerned about the conference's proximity to schools.

Lloyd Swartz, the organization's New Mexico branch president and a registered sex offender who was convicted of sexual assault in Texas in 1987, said the response to the conference by the city and residents underscores the need to have a conversation about sex offender laws, which he said are bad policy written out of emotion, not data.

"How do we put this hysteria aside, put all these misconceptions aside, and sit down and have an honest conversation?" Swartz said. *"We need to acknowledge that what we're doing may make us warm and fuzzy inside, but it's not working."*

Swartz said the registry misinforms parents about who threatens their kids, and parents should instead learn to identify signs of a possible sex offender within their homes or neighborhoods.

"It's telling people to look in the wrong places, so they can't protect themselves," Swartz said during the conference at the Ramada Hotel and Conference Center on Sept. 7.

Both Martinez and Swartz said the vast majority of sex crimes are committed by perpetrators who know the victim – as relatives, neighbors, coaches or through other means.

While Swartz argues that's a reason the registry is not effective, Martinez said that fact makes the registry all the more important, because parents need to be able to find out if their acquaintances or family friends pose a threat to their children.



One of the most often contested provisions of the sex offender registry is the requirement prohibiting those on the list from living within a short distance of school, parks and other locations where children frequent.

Although this person was never sent to prison for his low-level crime, he was required to register his address, but the community prevented him from having an address by pressuring potential landlords. The Department of Corrections had to find him a place to live on the prison property.

Can the Public Keep Sex Offenders From Moving To Their Community?

Sep 25, 2012

By Ryan Gustafson, News Reporter -

Gregory Eugene Ward, the Level Three sex offender who has been trying to find a place to live in our area for the past few months, has been released from the Moose Lake Treatment Center and moved to the state prison in Lino Lakes, Minnesota.

Department of Corrections officials say Ward will remain at that facility until he finds a place to live.

But he has already been turned down from four separate locations, and there have been two notification meetings where the public was able to influence the decisions of local landlords.

Officials worry this could become a trend.

Blue Earth County Community Corrections director Josh Milow says, "I think it could get worse. I think we are setting some difficult precedent with this situation. I've worked in the system a long time, working with sex offenders, Level II and Level III sex offenders, and I haven't seen a situation like this."

The odd thing about so many of these Level III sex offender cases we've covered over the years is the offender often received no prison sentence for the sexual assault.

Dino Bastian, a level III moving to New Ulm last November... Christopher Schueler, moving to Le Center back in 2008, and now Ward, only went to prison after violating their probation.

Jim Fleming says, "His initial sentence - he pleaded guilty and received a stayed sentence. So he was in the community."

Fleming finds many aspects of the sex offender program troubling, including the subjective nature of deciding whether an offender is Level 1, 2 or 3.

And budget restraints for a fast growing population may force the Legislature to take a closer look at how we deal with the problem.

Milow says, "We don't dictate who gets to come out of prison, or who comes out of facilities. So we have to do the best job we can do when they're in our community."



How and why did the Sex Offender Registry originate? What is its affect on victims, on ex-sex offenders and on the general public?

How do other countries deal with former sex offenders? How do they view America's Sex Offender Registry?

America's unjust sex laws

An ever harsher approach is doing more harm than good, but it is being copied around the world

Reprinted from *The Economist*, August 6th, 2009

It is an oft-told story, but it does not get any less horrific on repetition. Fifteen years ago, a paedophile enticed seven-year-old Megan Kanka into his home in New Jersey by offering to show her a puppy. He then raped her, killed her and dumped her body in a nearby park. The murderer, who had recently moved into the house across the street from his victim, had twice before been convicted of sexually assaulting a child. Yet Megan's parents

had no idea of this. Had they known he was a sex offender, they would have told their daughter to stay away from him.

In their grief, the parents started a petition, demanding that families should be told if a sexual predator moves nearby. Hundreds of thousands signed it. In no time at all, lawmakers in New Jersey granted their wish. And before long, “Megan's laws” had spread to every American state.

America's sex-offender laws are the strictest of any rich democracy. Convicted rapists and child-molesters are given long prison sentences. When released, they are put on sex-offender registries. In most states this means that their names, photographs and addresses are published online, so that fearful parents can check whether a child-molester lives nearby.

Under the Adam Walsh Act of 2006, another law named after a murdered child, all states will soon be obliged to make their sex-offender registries public. Such rules are extremely popular. Most parents will support any law that promises to keep their children safe. Other countries are following America's example, either importing Megan's laws or increasing penalties: after two little girls were murdered by a school caretaker, Britain has imposed multiple conditions on who can visit schools.

Which makes it all the more important to ask whether America's approach is the right one. In fact its sex-offender laws have grown self-defeatingly harsh. They have been driven by a ratchet effect.

Individual American politicians have great latitude to propose new laws. Stricter curbs on paedophiles win votes. And to sound severe, such curbs must be stronger than the laws in place, which in turn were proposed by politicians who wished to appear tough themselves. Few politicians dare to vote against such laws, because if they do, the attack ads practically write themselves.

In all, 674,000 Americans are on sex-offender registries—more than the population of Vermont, North Dakota or Wyoming. The number keeps growing partly because in several states registration is for life and partly because registries are not confined to the sort of murderer who ensnared Megan Kanka. According to Human Rights Watch, at least five states require registration for people who visit prostitutes, 29 require it for consensual sex between young teenagers and 32 require it for indecent exposure. Some prosecutors are now stretching the definition of

“distributing child pornography” to include teens who text half-naked photos of themselves to their friends.

How dangerous are the people on the registries? A state review of one sample in Georgia found that two-thirds of them posed little risk. For example, Janet Allison was found guilty of being “party to the crime of child molestation” because she let her 15-year-old daughter have sex with a boyfriend. The young couple later married. But Ms Allison will spend the rest of her life publicly branded as a sex offender.

Several other countries have sex-offender registries, but these are typically held by the police and are hard to view. In America it takes only seconds to find out about a sex offender: some states have a “click to print” icon on their websites so that concerned citizens can put up posters with the offender's mug shot on trees near his home. Small wonder most sex offenders report being harassed. A few have been murdered. Many are fired because someone at work has Googled them.

Registration is often just the start. Sometimes sex offenders are barred from living near places where children congregate. In Georgia no sex offender may live or work within 1,000 feet (300 metres) of a school, church, park, skating rink or swimming pool. In Miami an exclusion zone of 2,500 feet has helped create a camp of homeless offenders under a bridge.

There are three main arguments for reform. First, it is unfair to impose harsh penalties for small offences. Perhaps a third of American teenagers have sex before they are legally allowed to, and a staggering number have shared revealing photographs with each other. This is unwise, but hardly a reason for the law to ruin their lives. Second, America's sex laws often punish not only the offender, but also his family. If a man who once slept with his 15-year-old girlfriend is barred for ever from taking his own children to a playground, those children suffer.

Third, harsh laws often do little to protect the innocent. The police complain that having so many petty sex offenders on registries makes it hard to keep track of the truly dangerous ones. Cash, which might be spent on treating sex offenders - which sometimes works - is spent on huge indiscriminate registries. Public registers drive serious offenders underground, which makes them harder to track and more likely to re-offend. And registers give parents a false sense of security: most sex offenders are never even reported, let alone convicted.

It would not be hard to redesign America's sex laws. Instead of lumping all sex offenders together on the same list for life, states should assess each person individually and include only real threats. Instead of posting everything on the internet, names could be held by the police, who would share them only with those, such as a school, who need to know. Laws that bar sex offenders from living in so many places should be repealed, because there is no evidence that they protect anyone: a predator can always travel. The money that a repeal saves could help pay for monitoring compulsive molesters more intrusively—through ankle bracelets and the like.

In America it may take years to unpick this. However practical and just the case for reform, it must overcome political cowardice, the tabloid media and parents' understandable fears. Other countries, though, have no excuse for committing the same error. Sensible sex laws are better than vengeful ones.



But three years after that 2009 article, Great Britain's prestigious news service, the British Broadcasting Company found itself immersed in a sex offender scandal.

Jimmy Savile, a prominent and legendary celebrity of a children's television show, molested hundreds of children over a four decade span. BBC was preparing to air a documentary exposing the molestation but instead swept this crisis under the proverbial rug.

Sex abuse scandal prompts crisis at the BBC

Heads may roll at the UK broadcaster after a TV star is exposed as a “sexual predator” who assaulted dozens of underage girls.

LONDON, UK — Here is the BBC news: The UK's leading broadcaster is in a state of turmoil after one of its legendary celebrities was exposed as a predatory sex offender, a revelation critics say undermines the public trust it needs to safeguard its future.

The alleged crimes of Jimmy Savile, a radio DJ and television personality who died last year, would be enough to prompt widespread outrage and revulsion under any circumstances. Police have described him as a “sexual predator” who may have raped or molested dozens of underage girls.

But Savile’s behavior is seen as especially scandalous because he was a prominent children’s entertainer whose status afforded him unsupervised access to a near-endless supply of potential victims. To make matters worse, it is alleged that senior figures at the BBC who were aware of his predilections chose to turn a blind eye.

The dark accounts of Savile’s assaults over four decades from the late 1950s have prompted claims of a wider culture of sexual harassment at the BBC after several female personalities recounted how their complaints about being molested were treated as a joke.

While the allegations focus on past events for which subsequent BBC managers are clearly not culpable, the 85-year-old institution has been taken to task for attempting to sweep the crisis under the carpet.

The response could come back to haunt the broadcaster: Government-appointed oversight officials are already indicating that heads may roll following police and internal investigations.

“The BBC’s squeaky-clean image is already dented, and the questions now are about how severe the dents will get,” said media strategy analyst Claire Enders. “The issues of complicity and of cover-up are ones that will be floating around the BBC for months if not years.”

The public impact of Savile’s crimes may be substantial. A onetime coal miner who claimed to have invented disco, he held the status of a rock star in his heyday. He drove a Rolls-Royce, adorned himself with gold jewelry and smoked cigars the size of chair legs.

He was a relentless charity campaigner who raised millions of dollars including for Stoke Mandeville, a hospital that gave birth to the Paralympic movement, which earned him a knighthood from Queen Elizabeth II.

But he was also an oddball whose eccentricities, even before the sex allegations, were often as unappealing as they were fascinating. He sported an outrageous mane of blond hair, wore garish tracksuits opened to show string vests and claimed to have an obsessive devotion to his dead mother.

The BBC honored Savile with flattering tributes when he died last year. Its executives also made a controversial decision to kill an item on the current affairs show “Newsnight” involving interviews with women who claimed he had abused them.

Those claims resurfaced this month in a documentary on ITV, a commercial network and longtime BBC rival. At the same time, newspapers reported details about how “Newsnight” staff were ordered to spike their earlier investigation.

Since the ITV documentary aired, dozens more women have stepped forward to recount gruesome tales of abuse by Savile at the BBC or at schools, hospitals and other institutions that opened their doors to him.

Meanwhile two BBC household names, Sandi Toksvig and Liz Kershaw, told how male colleagues fondled their breasts while they were live on radio during the 1980s. Their complaints at the time were met with derision.

Toksvig has said her treatment reflects wider problems in the media industry of the period and shouldn’t be used to attack the BBC. But experts say the broadcaster still has serious questions to answer, not least for its stumbling response to the Savile scandal.

As the accusations against him snowballed, the BBC initially tried to sidestep the issue, saying its own investigations had revealed no record of allegations or misconduct. It also said the “Newsnight” report was dropped for “editorial” reasons rather than as part of a cover-up.

Under mounting pressure, George Entwistle, the broadcaster’s newly appointed director general, eventually issued an on-air apology to Savile’s victims and pledged to launch an internal inquiry once police conclude their own investigations.

The BBC’s government-appointed chairman, Chris Patten, also criticized for failing to comment on the issue, finally spoke this week to deny knowledge of any cover up. He called the affair a “cesspit” and said executives could lose their jobs as a result of the inquiry.

For many of the BBC’s critics — chiefly commercial media outlets that view themselves as the broadcaster’s self-appointed watchdogs but also covet its publicly funded budget — Entwistle’s delayed statement, the deferred post-mortem, and the “Newsnight” excuses aren’t enough.

“A terrible signal has been sent to future whistleblowers wanting to approach the BBC,” wrote Dan Sabbagh, the Guardian newspaper’s head of media and technology. He said the mixed response “leaves the BBC without a clear voice” at a time of crisis.

Enders, the media strategy analyst, said the Savile accusations raise questions about trust even though sufficient procedures and safeguards have been put in place to stop potential abusers at the BBC from targeting children.

“The kind of stories coming out about lack of supervision tend to support that at the very least the BBC was turning a blind eye, and that’s not how the public wants the BBC to behave,” she said. “This is going to be a very public scandal.”

Although more negative headlines will probably have repercussions for prominent figures found at fault, she said they’re unlikely to have an impact on future negotiations over the unpopular “license fee” household tax that provides the broadcaster’s main funding.

Angela Philips, a lecturer in media and communications at London’s Goldsmith’s University, agrees. She says public affection for the broadcaster is robust enough to weather the Savile scandal and BBC opponents’ attempts to turn it into an issue of governance.

She said Entwistle will probably face tougher challenges as he attempts to fulfill pledges to improve quality while streamlining the service in line with budget cuts prompted by the financial downturn.

“The biggest issue is whether it will manage to hold its own and absolutely stand by the need for public broadcasting at a time when news organizations in particular are under enormous pressure,” she said.

As new allegations continue to surface, the most significant damage so far has been to Savile’s once-respectable legacy. Buildings and streets named in his honor are to be rechristened. Even his \$6,400 tombstone has been removed, along with its eerily prescient epitaph: “It was good while it lasted.”

And the BBC, under heightened scrutiny over its coverage of the scandal, must resign itself to the prospect that it will be the subject of its own news bulletins for many months to come.



This chapter plans to suggest What you must know and do to prevent children from being molested? Accordingly, it is necessary to scrutinize the current Sex Offender laws to determine if they are working or if they should be replaced with other tools and rules.

Reason.com Senior Editor Jacob Sullum penned a critique and an overview of Sex Offender Laws in which he views it a a triumph of outrage over reason.

Perverted Justice: Sex offender laws represent the triumph of outrage over reason.

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Reason.com's Senior Editor Jacob Sullum
is a nationally syndicated columnist.

"If we had been aware of his record," says Maureen Kanka, "my daughter would be alive today." She is referring, in a statement on the website of an anti-crime group she founded, to Jesse Timmendequas, a neighbor in Hamilton Township, New Jersey, who raped and murdered her 7-year-old daughter, Megan, in 1994. Three months later, the state legislature enacted Megan's Law, which created a publicly accessible registry of sex offenders.

"Without the registry," says Shirley Turner, "he would still be alive today." She is referring, in a 2006 interview with Human Rights Watch, to her 24-year-old son, William Elliot. He was murdered that year by a pedophile-hunting Canadian gunman who found his name and address in Maine's online database of sex offenders. Elliot's crime: When he was 19, he had sex with his girlfriend, who was three weeks shy of 16, the age of consent in Maine.

The panic that followed Megan Kanka's murder produced an alarm system that often fails to distinguish between dangerous predators like Timmendequas, who had a record of assaulting little girls, and nonviolent lawbreakers like Elliot, who posed no discernible threat to the general public. They are all mixed together in the online registries of sex offenders that every state is required to maintain as a condition of receiving federal

law enforcement funding—a mandate imposed by another Megan’s Law, enacted by Congress in 1996.

Registration only rarely leads to murder, but it routinely ruins relationships, triggers ostracism and harassment, and impedes education and employment. These burdens are compounded by state and local laws that ban sex offenders from living near schools, parks, day care centers, and other locations where children congregate. Such restrictions, which often apply even if an offender’s crime had nothing to do with children, can be so extensive that entire cities are effectively off limits. In Miami local residence restrictions have given rise to a colony of more than 70 sex offenders who live under the Julia Tuttle Causeway, a bridge that crosses Biscayne Bay.

Some sex offenders, including nonviolent ones, will not live to see the underside of a bridge because they receive sentences that keep them behind bars until they die. Two decades of ever-more-punitive legislation have produced sentencing rules so bizarre and byzantine that the punishment for possessing images of sexually abused children can be more severe than the punishment for sexually abusing them. And even prisoners who complete their sentences may not go free, since the federal government and about half of the states have laws authorizing the indefinite civil commitment of sex offenders who would otherwise be released.

American policies regarding sex offenders mark them as a special category of criminals for whom no stigma is too crippling, no regulations are too restrictive, and no penalty is too severe. This attitude, driven by fear and outrage, is fundamentally irrational, and so are its results, which make little sense in terms of justice or public safety. Like the lustful predators of their nightmares, Americans pondering the right way to deal with sex offenders seem captive to their passions.

The public branding of sex offenders through online registries is a reaction to horrible, highly publicized crimes, such as Megan Kanka’s murder, in which strangers abduct, rape, and kill children. But this sort of crime is exceedingly rare. Data from the Justice Department’s National Crime Victimization Survey indicate that more than 90 percent of sexually abused minors are assaulted by relatives or acquaintances—people they trust. (According to the same survey, strangers commit just one in four sexual assaults on adults. They commit only 14 percent of sexual assaults reported to police.) Furthermore, according to a 1997 Justice Department study, nearly nine out of 10 people arrested for sex offenses have no prior

convictions for this category of crime, so they would not show up in sex offender registries.

Meanwhile, the people on sex offender lists may pose little or no threat. A 2007 report by Human Rights Watch found that “at least 28 states require registration as a sex offender for someone convicted of having consensual sex with another teenager, if the offender was either age 17 or two years older than the other party.” Eleven states set no minimum age difference. “It’s one thing if you are a 40-year-old having sex with a 13-year-old,” says the report’s co-author and editor, Jamie Fellner, senior adviser to the U.S. Program of Human Rights Watch. “It’s another thing if you’re a 17-year-old boy having sex with your 16-year-old or 15-year-old girlfriend. Registration as a sex offender is just completely inappropriate there, does nothing to promote public safety, but ruins lives.”

A man who was convicted of statutory rape when he was 16 for having consensual sex with his 14-year-old girlfriend told Human Rights Watch: “We were in love. And now we are married. So it’s like I am on the registry for having premarital sex. Does having premarital sex make me a danger to society? My wife doesn’t think so.”

The Human Rights Watch report also found that at least five states required registration for offenses related to adult prostitution, at least 13 required registration for public urination, and at least 32 required registration for exposing one’s genitals in public. And from the information given in a registry, which typically is limited to a vague legal description of the offense, it is often hard to tell what someone did to end up there. “Without any further information, it is difficult to provide reasonable steps that people can take to help keep themselves safe,” says Maia Christopher, executive director of the Association for Treatment of Sexual Abusers. “Just knowing that there is someone living next door to you who’s committed a sexual offense doesn’t necessarily give you enough information to know what you’re supposed to do about it.” In fact, when the U.S. Supreme Court upheld Connecticut’s sex offender registry in 2003, it did so partly because the state expressly disavowed any claims about the “current dangerousness” of the people in its electronic pillory, which meant they did not have a due process right to a hearing on that question.

Consider the case of Tony Washington, a promising college football player whose professional career was derailed by a conversation-stopping offense he committed almost a decade ago: At the age of 16, he had consensual sex

with his 15-year-old sister. A 2010 profile of Washington in ESPN magazine explained the context of this forbidden liaison: a troubled, dispiriting childhood in the rougher sections of New Orleans, where Washington was constantly threatened by violence and had few sources of emotional support. Although he overcame a deprived background to become a star player at Abilene Christian University in Texas, his taboo-breaking transgression has deterred professional teams from drafting him and will mark him until the day he dies.

If you search for Washington's name in the Texas sex offender registry or the U.S. Justice Department's nationwide database, you will see photographs, a physical description, his date of birth, and his home address. His offense is listed as "prohibited sexual conduct," which most people, given the context, will assume refers to some sort of predatory crime. Few people will bother to look up the Texas statute explaining that consensual sex with several different kinds of relatives, including adopted siblings and first cousins, qualifies for this label, triggering the same lifelong registration requirement that applies to rapists and child molesters. (On its face, the law even covers sex between first cousins who were legally married in one of the 25 states that allow such unions.) Whatever you may think of Washington's crime, it hardly marks him as a public menace whom women and children should fear, let alone as someone who will be a danger to others even when he is old and infirm.

Washington's case illustrates another way in which the legal treatment of sex offenders is unusual. Although the records of juvenile offenses typically are sealed, sex registration is public, and it applies even to people who, like Washington, committed their offenses as teenagers or children. According to The Dallas Morning News, the sex offender registry in Texas, where Washington lives, includes about 4,000 people who were minors when they committed their crimes, a quarter of whom were under 14. Human Rights Watch interviewed the father of a 10-year-old boy accused of touching his 5-year-old cousin's genitals. "My son doesn't really understand what sex is," he told the group, "so it's hard to help him understand why he has to register as a sex offender." This policy of tarring minors as sex offenders undermines a central aim of the juvenile justice system by burdening people with the mistakes of their youth for the rest of their lives.

Like registration, residence restrictions are ostensibly aimed at protecting potential victims from known sex offenders, in this case by creating a geographical buffer. But the logic of these rules, which have been adopted

by more than 20 states and hundreds of municipalities, is hard to understand. “I don’t know of any research that suggests the residency restrictions are effective,” says Christopher. “People don’t necessarily offend where they live.”

In 2005 Iowa banned people convicted of sex offenses involving minors from living within 2,000 feet of a school or day care center. Almost immediately, the ban prompted complaints from police and prosecutors, who worried that the residence restrictions were so burdensome that they discouraged sex offenders from pleading guilty and from registering after conviction, making them impossible to track. In a 2006 statement, the Iowa County Attorneys Association said the law “does not provide the protection that was originally intended” and called for its repeal, citing “the cost of enforcing the requirement and the unintended effects on families of offenders.” After the law took effect, the number of sex offenders whose whereabouts were unknown more than doubled. The prosecutors reported that “the residency restriction is causing offenders to become homeless, to change residences without notifying authorities of their new locations, to register false addresses or to simply disappear.”

Jerry Behn, the Republican state senator who introduced the law, conceded that he might have gotten carried away. “If you draw a map, pretty soon you can make it so no area in town is available to live in,” Behn told *The Atlanta Journal-Constitution* in 2006. “It would have been better if we had put it at 1,000 feet.” In 2009 the legislature replaced the 2,000-foot rule with a law prohibiting anyone convicted of “a sex offense against a minor” from working at a school or day care center, visiting an elementary school or day care center without permission, or loitering within 300 feet of a facility intended primarily for use by children.

Iowa’s unhappy experience with residence restrictions did not deter Georgia legislators from enacting an even more onerous set of rules in 2006. Their law, which extended existing residence restrictions, banned all registered sex offenders (not just those who had committed crimes against children) from living, working, or loitering within 1,000 feet of schools, churches, child care facilities, or other places where minors congregate, including parks, playgrounds, swimming pools, skating rinks, and school bus stops. Even a sex offender who did not currently live within one of these exclusion zones could be forced to move in the future, depending on how his neighbors decided to use their property. For the law’s sponsors, its indiscriminate breadth was a feature, not a bug. Georgia House Majority Leader Jerry Keen

(R-St. Simons) said he hoped sex offenders “will want to move to another state.”

Under the 2006 law, all 490 registered sex offenders in DeKalb County, most of them men who as teenagers had consensual sex with younger girls, were required to move because their residences were within 1,000 feet of a covered location. The law applied even to sex offenders dying in nursing homes. One Georgia woman, labeled a sex offender because she performed fellatio on a 15-year-old boy when she was 17, had to move in 2005 because she was too close to a day care center. When the legislature added school bus stops to the list of prohibited locations in 2006, her new home became illegal as well.

In 2007 the Georgia Supreme Court struck down the residence restrictions, citing the perpetual insecurity they created. The court was responding to a lawsuit by Anthony Mann, who in 2002 was sentenced to four months in jail and five years of probation for flashing two minors during a business trip to North Carolina. In 2003 Mann married and bought a house in Hampton, Georgia. At the time, it was a legal location. But then a day care center opened nearby, rendering his residence illegal. “Under the terms of that statute,” the state Supreme Court noted, “there is no place in Georgia where a registered sex offender can live without being continually at risk of being ejected.” Concluding that the law “precludes appellant from having any reasonable investment-backed expectation in any property purchased as his private residence,” the court unanimously ruled that it violated the Fifth Amendment’s ban on uncompensated takings of private property.

The Georgia law also prevented Mann from working at a barbecue restaurant in Lovejoy that he co-owned, since it was within 1,000 feet of a day care center that opened after the restaurant was established. But because Mann did not present enough evidence of economic harm, the Georgia Supreme Court did not overturn the law’s work restrictions.

Constitutional issues aside, closing off employment opportunities for sex offenders, who are already handicapped by criminal records and public registration, does not seem like an effective way of encouraging them to put their lives in order. Neither does forcing ex-convicts to cluster in the boondocks, far from jobs, family, churches, and treatment programs.

“Once someone is zoned out that far, a lot of the resources that help reduce the risk to re-offend are taken away,” says Maia Christopher. “People who

are coming out of prison, who have whatever deficits and risk factors they have, are put into situations that really high-functioning people would find very challenging. I don't think anybody finds it particularly easy to be living under a bridge. When you have someone who's already got a lot of issues, part of what we're doing is increasing that challenge. Once you make the restrictions so broad, you tend to take away a lot of the resources that we know help keep people safe, such as community stability, employment, family services, spiritual support—the relationships that help people stay crime-free.”

Human Rights Watch's Jamie Fellner likewise argues that the rules aimed at discouraging sex offenders from committing new crimes can produce the opposite effect. “One of the most powerful things that keep people from breaking the law is a sense of what they will lose if they do,” she says. “If you're treating someone like a cur, a dog that is being kicked out of the village, how are you strengthening that person's desire or ability to follow the law?”

Politicians who push ever-harsher laws routinely argue that sex offenders are almost certain to commit new offenses anyway. “The rate of recidivism for these crimes is astronomical because these people are compulsive,” said Rep. Jennifer Dunn (R-Wash.) in 1994, making the case for the federal Megan's Law. In 2005 Rep. Mark Foley (R-Fla.), later notorious for sending sexually suggestive email messages to teenage pages, claimed: “There is a 90 percent likelihood of recidivism for sexual crimes against children. Ninety percent. That is the standard. That is their record. That is the likelihood. Ninety percent.” His source may have been California Assemblyman Bill Hoge (R-Pasadena), who in 1996 told *The New York Times* that child molesters, upon being released from prison, “will immediately commit this crime again at least 90 percent of the time.”

There is no basis for these numbers. “Though often thought of as the most persistent and dangerous criminals, sex offenders are among the least likely criminals to recidivate,” write Florida Institute of Technology psychologist Timothy Fortney and three co-authors in a 2007 article published by the journal *Sexual Offender Treatment*. A 2003 Justice Department study of 9,700 sex offenders found that 5 percent were arrested for new sex crimes within three years of being released from prison. (By comparison, 23 percent of burglars were arrested for new burglaries, and 22 percent of people who had served time for nonsexual assault were arrested for new assaults.) Studies that cover longer periods find higher recidivism rates for sex

offenders, but still nothing like those claimed by panic-promoting politicians. Two meta-analyses of studies involving a total of 29,000 sex offenders, published by the Journal of Consulting and Clinical Psychology in 1998 and 2005, found a recidivism rate of 14 percent after four to six years. A study of 4,700 sex offenders, published by Public Safety Canada in 2004, found that 24 percent were charged with a new sex crime over a period of 15 years.

Since the National Crime Victimization Survey indicates that most sex crimes go unreported, these numbers do not tell the whole story. But Karl Hanson, a senior research officer at Public Safety Canada who co-authored many of the recidivism studies, believes the unreported sex crimes largely fall into two broad categories: those deemed too minor to bother calling the police (such as a drunken groping at a party) and those involving relatives or trusted members of the victim's social network—neither of which fit the pattern that legislators have in mind when they argue that registration, public notification, and residence restrictions can help protect children and women from attacks by strangers.

The research on recidivism helped change the mind of at least one prominent advocate of sex offender registries. In 1989 Patty Wetterling's 11-year-old son, Jacob, was kidnapped by a masked gunman while riding his bike home from a convenience store in St. Joseph, Minnesota. He has not been seen since. The crime inspired the 1994 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the federal law that created the state registries that Megan's Law made publicly accessible two years later. "The high recidivism rates I assumed to be true do not exist," Patty Wetterling told Human Rights Watch in 2007. "It has made me rethink the value of broad-based community notification laws, which operate on the assumption that most sex offenders are high-risk dangers to the community they are released into."

People convicted of molesting children have demonstrated a dangerous proclivity, even if they are less likely to repeat the crime than is popularly believed. But what about people who are convicted of possessing child pornography? Although conventional wisdom assumes child-porn consumers are undiscovered or future molesters, that assumption is also wrong.

This year Michael Seto, a psychologist who advises the Integrated Forensic Program of the Royal Ottawa Health Care Group, published a study of this

question, co-authored by Karl Hanson and Kelly M. Babchishin of Public Safety Canada, in the journal *Sexual Abuse*. Seto, Hanson, and Babchishin performed meta-analyses of 24 studies that looked at the criminal histories of “online offenders” (mainly consumers of child pornography) and eight studies that calculated their recidivism rates. They found that one in eight had an official record of committing a contact offense. In the six studies that included self-report data (drawn from treatment sessions and polygraph examinations), one in two child pornography offenders admitted to having sexual contact with children.

Looking forward, Seto says, “C.P. offenders are relatively unlikely to commit contact offenses in the studies that have followed them.” Over all, the recidivism studies indicate that only 2 percent of child pornography offenders committed a sexual offense involving physical contact during the follow-up period, which ranged from 18 months to six years. In short, says Hanson, “there does exist a distinct group of offenders who are Internet-only and do not present a significant risk for hands-on sex offending.”

Why would anyone look at this horrible stuff if he was not inclined to imitate it? Troy Stabenow, an assistant federal public defender in Missouri who is a prominent critic of child pornography sentencing policies, put it this way in a 2009 interview with *ABA Journal*: “People who watch movies like *Saw* and *Friday the 13th* are being titillated by the act of torture and murder. That doesn’t mean that they’re going to go out and commit torture and murder.”

Dean Boland, an Ohio defense attorney specializing in child pornography cases, says a substantial share of defendants were themselves victims of sexual abuse as children and look at these images as a way of working through the trauma. He recalls one client, a 65-year-old former pastor who received a sentence of more than 17 years, saying, “When I’m looking at these images, I’m not envisioning myself as the adult. I’m envisioning myself as the kid.”

Yet the legal treatment of people caught with child pornography is so harsh that they can end up serving longer sentences than people who actually abuse children. Under federal law, receiving child pornography, which could mean downloading a single image, triggers a mandatory minimum sentence of five years—the same as the penalty for distributing it. Merely looking at a picture can qualify someone for the same charge, assuming he does so deliberately and is aware that Web browsers automatically make copies of

visited sites. In practice, since the Internet is almost always the source of child pornography, this means that viewing and possession can be treated the same as trafficking. The maximum penalty for receiving or distributing child porn is 20 years, and federal sentencing guidelines recommend stiff enhancements based on factors that are extremely common in these cases, such as using a computer, possessing more than 600 images (with each video clip counted as 75 images), and exchanging photos for something of value, including other photos.

In a devastating 2008 critique of these sentencing policies, available on his office's website, Stabenow shows that Congress ratcheted the penalties for looking at child pornography upward through a series of ill-considered, undebated dictates driven by little more than public outrage and disgust. The upshot: Between 1997 and 2007, the number of people sent to federal prison for possessing, receiving, or distributing (but not producing) child pornography quintupled, from 238 to 1,170, while the average sentence more than quadrupled, from 21 to 91 months. Among the baffling results of these policies: A defendant with no prior criminal record and no history of abusing children would qualify for a sentence of 15 to 20 years based on a small collection of child pornography and one photo swap, while a 50-year-old man who encountered a 13-year-old girl online and lured her into a sexual relationship would get no more than four years. The comparison, Stabenow writes, "demonstrates the absurdity of the system."

The absurdity has not gone unnoticed by the judiciary. In a 2010 survey by the U.S. Sentencing Commission, 70 percent of federal judges said the recommended penalties for possessing or receiving child pornography are unreasonable. Although the Supreme Court has ruled that the guidelines are only advisory and not mandatory, judges still must justify deviations in written explanations that are subject to review by appeals courts. Many have not been shy in expressing their opinions about the fairness and wisdom of the penalties they are asked to impose.

In a 2008 child pornography case, Robert Pratt, a U.S. district judge in Des Moines, gave the defendant a sentence of seven years instead of the recommended 18. The guidelines "do not appear to be based on any sort of empirical data," Pratt said, "and the Court has been unable to locate any particular rationale for them beyond the general revulsion that is associated with child exploitation-related offenses."

The following year, Lynn Adelman, a U.S. district judge in Milwaukee, cited Stabenow's critique of the sentencing guidelines when he gave a

middle-aged funeral director who was caught swapping child pornography a six-year sentence instead of the 18 years sought by prosecutors. “The flaws identified by Stabenow were certainly evident in this case,” Adelman wrote in his sentencing memorandum. “I could not conclude that under the circumstances of this case, given all of the flaws in the guideline discussed above, that the range deserved deference.”

Jack Weinstein, a U.S. district judge in Brooklyn, has been fighting for years, sometimes through rulings of questionable legality, to spare a married father of five not only the 11-to-14-year sentence recommended by the guidelines but the five-year statutory minimum for receiving child pornography. “Imprisonment of at least five years for this defendant is cruel,” Weinstein wrote in a 2008 opinion.

State penalties for possessing child pornography can be even harsher. In Arizona, one count of possessing child pornography carries a 10-year mandatory minimum sentence, each image qualifies as a separate count, and the sentences must be served consecutively. That’s how Morton Berger, a former high school teacher with no criminal record, ended up with a 200-year sentence in 2003.

In 2006 the Arizona Supreme Court upheld Berger’s sentence, rejecting his argument that it violated the Eighth Amendment’s prohibition of cruel and unusual punishment. Writing in dissent, Vice Chief Justice Rebecca Berch noted that “Arizona’s sentence for this crime is by far the longest in the nation and is more severe than sentences imposed in Arizona for arguably more serious and violent crimes.” For example, “the minimum sentence for possession of an image of child pornography is longer than the presumptive sentence for rape or aggravated assault. A presumptive sentence for possession of two images of child pornography...is harsher than the sentences for second degree murder or sexual assault of a child under twelve....For molesting a child, one might receive the same sentence that Berger has received for possessing one picture.”

It is hard to make any sense out of such a sentencing scheme. Ostensibly, the law punishes people for possessing child pornography because their demand for this material encourages its production, which necessarily involves the abuse of children. That is the main rationale cited in *Osborne v. Ohio*, the 1990 Supreme Court decision that said mere possession of child pornography can be banned without violating the First Amendment. But the minimal, indirect role that any one consumer of child pornography plays in

creating a market for the stuff can hardly justify sending him to prison for years or decades, and this argument has little relevance now that people who look at child pornography typically get it online for free. “They are not protecting a single child,” says Dean Boland, the defense attorney. “They are throwing people in prison for having dirty thoughts and looking at dirty pictures.” The harsh treatment of people who like to look at child pornography seems to rest on the mistaken premise that they are equivalent to child molesters. In essence, they are being punished for the crimes they are expected to commit.

The same could be said of sex offenders who are confined indefinitely to mental institutions after they have completed their prison sentences. In the 1997 case *Kansas v. Hendricks*, the Supreme Court upheld this policy of post-sentence detention, ruling that a state law authorizing civil commitment of “sexually violent predators” was not punitive and therefore did not violate the Constitution’s Double Jeopardy Clause or its ban on ex post facto laws. The Court also concluded that the criteria for commitment satisfied the requirements of substantive due process.

Under the Kansas law, an offender can be committed if a jury decides he is likely to engage in “predatory acts of sexual violence” due to a “mental abnormality” or “personality disorder.” The law defines “mental abnormality” as “a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others.” Writing for the majority, Justice Clarence Thomas said these criteria “serve to limit involuntary civil confinement to those who suffer from a volitional impairment rendering them dangerous beyond their control.” Thomas added that the “lack of volitional control, coupled with a prediction of future dangerousness, adequately distinguishes [sexually violent predators] from other dangerous persons who are perhaps more properly dealt with exclusively through criminal proceedings.”

The thing is, the child molester who brought this case, Leroy Hendricks, did go through criminal proceedings, a fundamental premise of which was that he was able to control his behavior and could have chosen to act differently. Based on that premise, he was convicted of “taking indecent liberties” with two 13-year-old boys and served a 10-year sentence, whereupon the state declared that Hendricks could not go free because he was unable to control his behavior.

That was not the only apparent contradiction in the case. The Court ruled that indefinite commitment was not tantamount to a life sentence because the prisoner-cum-patient is “permitted immediate release upon a showing that the individual is no longer dangerous or mentally impaired.” At the same time, the Court said the state is not constitutionally required to provide treatment that might help eliminate the danger. Indeed, the state legislature suggested that sex offenders covered by the law cannot be successfully treated. The preamble to the statute called them “a small but extremely dangerous group of sexually violent predators...who do not have a mental disease or defect that renders them appropriate for involuntary treatment” under the state’s general civil commitment statute. These offenders, the law said, “generally have anti social personality features which are un-amenable to existing mental illness treatment modalities.”

Predictably, offenders confined under sexually violent predator laws after completing their prison sentences are almost never declared well enough to release. In 2007 the Washington State Institute for Public Policy counted discharges by the 20 states that had implemented such laws at the time. Of the 4,534 offenders who had been committed since the first such law was passed in 1990, 188 (about 4 percent) had been released based on a “program staff recommendation.” According to 2011 legislative testimony by Rob Siedlecki, acting secretary of the Kansas Department of Social and Rehabilitation Services, only two out of 247 prisoner/patients (less than 1 percent) have successfully completed that state’s Sexual Offender Treatment Program since it was created in 1994. Taxpayers are paying a pretty penny for these dismal results. The Washington state study found that committing a sex offender cost an average of \$97,000 annually, compared to \$26,000 for a year of prison, a gap that a 2007 investigation by The New York Times attributed to “higher costs for programs, treatment and supervised freedoms.”

Contrary to the beliefs of legislators, there is not much evidence that psychiatrists or psychologists can predict which individuals will commit sex crimes. While sex offenders can be sorted into high-risk and low-risk groups based on their criminal histories, says Karl Hanson, the Public Safety Canada researcher, “the best that we can do for identifying high-risk offenders is identifying groups that have approximately 50 percent observed recidivism rates.”

What’s theoretically possible, of course, is not necessarily what government

agencies actually achieve. A 2006 report from the Washington State Institute for Public Policy concluded that the methods used by the state to classify registered sex offenders by risk had “little or no accuracy in predicting sex offender recidivism.” By contrast, a 2004 study by Lynn University psychologist Jill Levenson, reported in the *International Journal of Offender Therapy and Comparative Criminology*, found that sex offenders recommended for commitment in Florida “scored significantly higher on actuarial risk assessment instruments” and were more likely to have “other risk factors that have been empirically correlated with sexual recidivism” than sex offenders who were recommended for release.

Even when evaluators do the best they can, per Hanson’s estimate, the most they can say is that half the offenders who meet certain criteria will commit new offenses if they are released, which means half will not. Such probabilistic assessments, even for crimes that have already occurred, are not usually considered sufficient grounds for depriving people of their liberty. “This is prison,” says Jamie Fellner. “We shouldn’t pretend otherwise. Basically, this is a form of preventive detention.”

When you strip away the quasi-medical language, what states are really saying when they indefinitely commit odious individuals like Leroy Hendricks to mental hospitals is this: “Whoops. We should have given this guy a longer sentence.” But it is no mere formalistic quibble to point out that a defendant’s sentence should be imposed at the time of his conviction as determined by a judge within the parameters set by statute. These are basic requirements of due process and the rule of law, and we make exceptions to them at our peril. Clarence Thomas may be confident that preventive detention won’t be extended to “other dangerous persons,” but I am not. It seems to me that all it would take is a new law attached to a new scientific-sounding label invented by legislators or grabbed from the *Diagnostic and Statistical Manual of Mental Disorders*. How many convicted criminals could qualify for a diagnosis of, say, anti-social personality disorder?

In a 2004 *Criminal Law Bulletin* article, William Mitchell College of Law professor Eric Janus argued that “sexual predator laws provide a model for undercutting...constitutional protections.” The process, Janus said, starts with a universally despised group of people who, like suspected terrorists, attract no public sympathy. He warned that “we are at risk of becoming a ‘preventive state,’ in which the paradigm of governmental social control has shifted from solving and punishing crimes that have been committed to identifying ‘dangerous’ people and depriving them of their liberty before

they can do harm.” To most Americans, I fear, this prospect is not nearly as scary as the possibility that a sex offender lives down the street.



America distinguishes itself as a country where everyone is protected under the rule of law. Sex Offender laws seem to be a budding exception to the protection promised.

Is there an exception being carved out with the implementation of the sex-offender preventive-detention laws?

Are we at our peril authorizing government to detain indefinitely those who are deemed “*sexually dangerous*”, instead of waiting for them to commit a wrong,

This abstract from the Journal of Criminal Law and Criminology seems to make that case.

Corey Rayburn Young,
University of Kansas School of Law

September 4, 2012

The emerging war on sex offenders, as typical of wartime mentality, has been marked by substantial deviations from established legal doctrine, constitutional protections, and the rule of law. Because of a high level of panic among the general population about sex offenders the use of preventative detention for sex offenders has received little attention or scrutiny. While the population of the detention facility at Guantanamo Bay has slowly decreased, the number of persons in state and federal detention centers dedicated to sex offenders has continued to climb. With the courts largely rubber stamping the federal civil commitment of sex offenders allowed under the Adam Walsh Child Protection and Safety Act in 2006, the path has been cleared for an enormous expansion of sex offender detention.

Because of the limited attention given to these detentions, they represent a particularly dire threat to American liberties. The normal societal and institutional checks against government abuse embodied in the media, public, Constitution, and courts have essentially been removed. We authorize government to detain indefinitely those who are deemed “*sexually dangerous*” at our peril. Instead of waiting for someone to commit a wrong, the government acts to restrict liberty of persons who have yet to commit a wrong (but the government believes will likely do so in the future). The

criminal justice system offers plenty of opportunities for the government to prosecute someone before harm is done using inchoate and conspiracy crimes. To go beyond those already broad tools, the circumstances should be highly exceptional, the danger should be real and imminent, and the net should be cast narrowly. In the case of sex offender civil commitment, the circumstances are no more dangerous than for other serious crimes, the risk is speculative based upon pseudo-science, and the net is far too broad. Because of these aspects of sex offender civil commitment laws, America should fundamentally reconsider its approach to fighting sexual violence. Laws like AWA, premised on myths that allocate substantial resources in a never ending war, do not create a just or better society.



Although it is a crime for anyone to access the Sex Offender Registry databases and act on its information as a vigilante, that crime is seldom prosecuted. Police argue they do not have the resources to prosecute offenders. Sometimes consequences require the police to enforce this law.

What follows is surely an unintended consequence of society's rush to judgment in passing the Sex Offender registry laws.

Lake County man gets prison in killing of neighbor he thought was child molester

By [GLENDA ANDERSON](#)
THE PRESS DEMOCRAT

August 29, 2012

A Lake County man was sentenced Wednesday to 32-years-to-life in prison for killing a neighbor he mistook for a convicted child molester.

Ivan Oliver, 34, was convicted two weeks ago by a jury of first-degree murder for stabbing Michael Dodele 65 times at a Lakeport mobile home park.

He also was found guilty of a special allegation of using information from the Megan's Law website to



commit a felony. A confusing entry led Oliver to believe Dodele was a convicted child molester. Dodele, 67, was listed for being a serial rapist of adult women. He'd served more than 20 years in prison for his crimes and had been released just a month before he was killed.

Oliver had previously been convicted of stabbing a security guard who confronted him after he and some friends left a restaurant without paying.

At trial, Oliver testified he killed Dodele in self-defense. Oliver said he believed Dodele may have touched his son and that Dodele tried to stab him after he confronted him.

Oliver claimed he grabbed the knife and, out of fear, began blindly stabbing Dodele.

Lake County Chief Deputy District Attorney Richard Hinchcliff said Oliver will be eligible for parole when he's 61 years old but he's likely to spend the rest of his life in prison.

"Between his prior history and the brutality involved, I don't ever expect him to get released," he said.



If the Sex Offender Registration laws are not the answer to preventing child molestation, what is?

When a sex offender is given a prison sentence they are not coddled. On the contrary, life can be a living hell.

When Penn State football coach Jerry Sandusky was arrested last year and charged with 52 counts of molesting young boys, America's universal hatred for pedophiles was once again put on prominent display. A society is defined by what it despises as much as what it loves, and though the United States has a history of a great many scorned communities, none is as broadly reviled as men who have sex with children. When Sandusky was finally convicted earlier this year, Twitter exploded with people wishing for him to be raped or killed while incarcerated, both of which are good possibilities in our country's prison system. Outside of jail, it's not uncommon for average citizens to harass and assault pedophiles, crimes which both law enforcement and courts have been known to ignore.

Finding housing for pedophiles who are arrested and eventually put back into communities is a problem. In Florida, where Miami-Dade County has grown increasingly restrictive about where people who commit sexual crimes can live, the department of corrections once housed a small group of pedophiles under a bridge. Elsewhere in America, with neighborhoods both informed and alarmed by a growing number of sex-offender tracking sites, it's now become easier than ever to harass and intimidate a pedophile in your neighborhood until he moves away. But to where? Nobody seems to care as long as it's not near them.

If, as some experts believe, pedophilia is an illness, should public policy be changed while still protecting children?

In an ABC News article from 2003, a corrections officer from Los Angeles told reporter Michael S. James that imprisoned pedophiles "usually don't make it" without protective custody. Leslie Walker, a prisoner's rights activist, told James, "[Child sex offenders] are at risk of being murdered, having their food taken, having their cells defecated and urinated in. Their life is truly a living hell." Good, most people will say. But there is a growing number of researchers, many of them out of Canada, whose work suggests that pedophilia is an illness deserving of the public's sympathy the way any brain disorder is.

Some of the scientists say pedophilia is a sexual orientation, meaning that it's unchangeable, regardless of how much jail time or beatings or therapy someone is dealt. Others have reason to believe that pedophiles are born that way, and that some of them will suffer through entire lives without hurting a single child. If this research proves to be correct, it should help shape both our public policy and our public attitude, so that we're protecting kids while also protecting pedophiles from angry mobs, cellmates, and themselves.

Until then the news reports like the one that follows will continue.

KILLER OF RSO GETS SENTENCED

Man who gunned down sex offenders gets life in prison

September 18, 2012

PORT ANGELES -- A man who gunned down two sex offenders on the Olympic Peninsula was sentenced Tuesday to life in prison without

possibility of parole, but a judge warned those sympathetic to his cause to back off.

Patrick Drum, 34, shot Gary Lee Blanton, 28, on June 2 at a home Drum was renting near Sequim. Blanton was renting a room in the home. Drum then drove to the home of Jerry Wayne Ray, 57, in the Agnew area near Port Angeles where Ray was killed the next morning.

Later that day, Drum abandoned a rental car he had been driving and was soon located after witnesses reported seeing a suspicious man in a remote area of the northern Olympic Peninsula.

Responding deputies found the car and a note inside that led to the victims and identified Drum as a suspect. Police said the note offered an apology for what he had done and that he took full responsibility for "taking care of some problems."

Dozens of officers responded to the area. Drum was tracked down by a dog team and flushed out of a wooded area following a three hour manhunt.

Investigators say Drum knew both men were sex offenders, and both victims were shot multiple times.

During sentencing Tuesday, the judge made it clear there should be no kind of vigilantism and told Drum's supporters to back off from the attacks on the victims' families. The wife of one of the victims says people who support Drum and consider him a "hero" have stalked their house, thrown things at their car, spat on them and more.

The sheriff's office online record of sex offenders shows Blanton was convicted in November 2001 of third-degree rape. Ray was convicted in August 2002 of child rape.



Where should sex offenders be allowed to live after they are released from prison?

Californians were clear with their answer to that question in passing Proposition 83 which banned ex-sex offenders from living within 2,000 feet of a school or park. This was known as Jessica's Law.

Does this law offer the public's children protection? Is the law reasonable?

Judge Rules San Diego Sex Offender Residency Restrictions Unreasonable

Friday, September 14, 2012

By Lorraine Bailey, Courthouse News Service

It is "unreasonable" and "oppressive" to forbid registered sex offenders from living within 2,000 feet of a school or park, a California appeals court ruled.

California voters adopted Proposition 83, also known as Jessica's Law, in 2006 to impose strict regulations on registered sex offenders.

One provision in particular prohibits sex offenders from living within 2,000 feet of any school or park.

In 2010, the California Supreme Court ruled that the housing restriction applies to all paroled sex offenders, regardless of when they committed their crime, but the court said it did not have enough evidence to rule on law's constitutionality.

Following this ruling, William Taylor, Jeffrey Glynn, Julie Briley and Stephen Todd, all registered sex offenders living in San Diego County, challenged the residency restriction in Superior Court.

All four parolees were unable to find housing after their release: Taylor and Briley lived in an alley behind the parole office on the advice of their parole agents, Todd lived in the San Diego riverbed with other registered sex offenders who had no place to live, and Glynn lived in his van.

In 2011, Judge Michael Wellington held an eight-day evidentiary hearing in which experts testified that 24.5 percent of San Diego residential properties comply with the Jessica's Law residency requirement, but most of these dwellings are single-family homes. Less than 3 percent of multifamily housing meets the requirement.

Wellington subsequently ruled that the parole condition was "unconstitutionally 'unreasonable'" because it "violated petitioners' right to intrastate travel, their right to establish a home and their right to privacy and

was not narrowly drawn and specifically tailored to the individual circumstances of each sex offender parolee."

California's Fourth Appellate District affirmed Tuesday, finding that the law's "blanket enforcement as a parole condition in San Diego County has been unreasonable and constitutes arbitrary and oppressive official action."

San Diego's housing market for registered sex offenders is "grim," according to the ruling.

"Given the county's low vacancy rate, the petitioners' general inability to pay more than \$850 to \$1,000 per month for rent, and the unwillingness of many landlords to rent to petitioners with their criminal histories, significantly less than three percent of the county's multifamily residences are realistically available to registered sex offender parolees in the county," Justice Patricia Benke wrote for a three-member panel. "There are so few legal housing options in urban areas in the county that many offenders face the choice of living in rural areas or becoming homeless."

The panel also noted how the residency restriction limits parolees' access to rehabilitative and medical treatment services, which "are generally located in the densely populated areas of the county."

"Relegated to rural areas of the county, petitioners are cut off from access to employment, public transportation and medical care," Benke wrote.

"We find the blanket residency restriction, as applied in San Diego County, excessive and unduly broad in relation to its purpose - namely, to establish predator free zones around schools and parks where children gather," she concluded. "The statute limits the housing choices of all sex offenders identically, without regard to the type of victim or the risk of reoffending."



It has been argued that the death penalty should be abolished to prevent one innocent person from being put to death. Only China executes more people than America. California will once again ask its voters if it wants to abolish the death penalty in November.

Where is the justice for someone who is jailed for not registering when he is not required to register as a sex offender?

Cobb man wrongfully kept on sex offender registry

COBB COUNTY, Ga. —

A Cobb County man said he's not bitter after spending more than a year in jail on a sex-offender registry violation when he wasn't even supposed to be on the registry.

Leonard Swanagan said he's been homeless at times during the ordeal, sometimes living in his van.

His lawyer says it's frightening he wound up with a home in the jail, though key people in the system have now stepped up to make it right.

"You know how the movie — 'Waiting to Exhale.' Finally able to exhale and just say, 'Wow. Thank you God, it's finally over,'" Swanagan said.

His new lawyer said Swanagan was not supposed to be on the sex offender registry when he was arrested for violating the sex offender registry law in 2008.

But that fact didn't register with the criminal justice system until this year and he did 14 months in jail as a result.

"What gave you the strength to get through all this?" Channel 2 investigative reporter Mark Winne asked Swanagan.

"Knowing that I was innocent. Knowing I was innocent and trusting in God," Swanagan said.

"He should never have spent a single day in jail," attorney Ashleigh Merchant said.

Merchant said Swanagan had a 1994 misdemeanor in another state that required he register until 2004. But an officer mistakenly told him he had to remain on the registry beyond that.

"It's absolutely terrifying the system doesn't catch this until so far down the line," Merchant said.

Merchant said though Swanagan had a letter from the state where he got the misdemeanor, the jury never heard he didn't need to be on the registry and he was convicted of breaking the registry law.

"Seem like everything just broke inside of me. Because I never thought that I would be found guilty with all of the evidence," Swanagan said.

Merchant said when she got on the case after Swanagan was convicted, she brought the issue to Cobb County Senior Assistant D.A. Anna Cross, who quickly grasped what had happened, spoke to the D.A. and agreed to void the conviction.

"It's not often that we get to undo a wrong like that, and to be able to tell your client that this nightmare's over finally is a really good feeling," Merchant said.

Merchant said the original misdemeanor involved an inappropriate-touching allegation.

She said the retired GBI in-house counsel, Mark Jackson, who for years played a key role with the sex offender registry, played a key role as an expert in establishing that Swanagan had been done wrong.

Merchant said Jackson deserves credit too.



If the nation's sex offender registries were abolished, how would society's children be protected from predators? There are at least three things that must be done.

Law enforcement must registration all adults who are responsible for the education and recreation of children BEFORE sexual assaults occur.

Legislation must be passed requiring schools to teach SEX ABUSE education. Society must insist that parents be responsible for preventing the sexual abuse of their children and punish those who neglect to do so.

Together, these three actions would virtually eliminate child molestation by adults.

Registration must be mandatory for all persons who come into contact with children under eighteen who are not their own. This would include pastors, scout leaders, teachers, police, coaches, day care workers, mentors, baby-sitters, and volunteers.

If the argument is offered that background checks are already required for most of these adults, that argument is insufficient. Background checks only report those allegations or convictions that have already harmed a child. Furthermore, have background checks stopped the Catholic Church's sexual abuse of children? Have background checks stopped the Boy Scout molestations? Background checks are used routinely for teachers nevertheless there are daily reports of teachers abusing students.

Registration has to include rules that must be followed when working with children. New policies and procedures in place at institutions that have been nearly destroyed by sexual deviance—the Catholic Church and even the Boy Scouts—should serve as a model for individuals and child-focused organizations trying to prevent sexual abuse. One important procedure would require no less than two adults to be present with a minor, and a single adult should not have an opportunity to sexually abuse a child by being alone with that child.

Society does not require licensing of drivers and registration of vehicles so they can track bad drivers after accidents. Society requires knowledge of the highway and its laws and registration of vehicles before one can drive on its highways.

Teenagers are required to view demonstrations of wrecked cars to emphasize the consequences of driving under the influence of alcohol or speeding, to prevent accidents.

Likewise the registration of adults who are involved with children must know the consequences for molesting children before they are permitted to carry out their responsibilities to children.

Part of the registration process should include the details of the arrest and the insensitivity of the incarceration process, the advise and continuous publicity, the loss of present and future employment, the loss of family and friends, the financial cost of legal assistance and a trial. A clear understanding of what prison will be like upon conviction should be emphasized. Finally, making sure those who are being register know the difficulties of finding housing and employment after conviction and upon release.

If the sex offender registries are not abolished, registering adults must also be informed of the requirement of a lifetime of annual registration along with all of the restrictions as to housing, employment and travel.

Registering adults as part of their ability to work with children is only the beginning of stopping sexual abuse. Adults required to register should have no objection to registration as its purpose is to prevent child abuse before it starts.

Registering ex-sex offenders or background checks are used on the wrong end of the problem. Registering adults who are responsible for the academic and spiritual education, and recreation of minors must focus on the beginning of a professional relationship with children.

Registration should also include an in-depth study of the profile of a sex offender. It should include information and knowledge of pedophilia and what causes pedophiles to cross the line and become child sex abusers.

Although pedophilia should be considered a public-health issue that requires a hybrid of biological, psychological, and social treatments rather than a criminal predilection or a disease easily treated with a pill, society has not arrived at that conclusion yet.

Registration should define how one reports another confidentially who is even suspected of child abuse.

The most controversial requirement of registration would be the administration of a plethysmograph. As most molestation is committed by males, there should be an initial plethysmograph test administered and another test whenever one is suspected of child molestation. These should be a condition of employment.

The plethysmograph is a test where a pressure sensitive wire is connected to the registrant's penis while being shown various sexual images. The test is designed to detect "sexual deviance."

If society is serious about preventing sexual abuse, this minor embarrassment and voluntary, temporary loss of privacy, is a small price to pay.

If the registrant fails this test he should be prevented from pursuing the profession or activity that puts him in contact with minor children.

For so many years sex education was not the domain of schools but parents were charged with that responsibility. It has utterly failed. Most parents do not discuss sex with their children. And just as many abandon their responsibility to protect their children from sexual abuse through ignorance.

It is common knowledge, that most sexual abuse happens in the home by a friend of the family, the baby-sitter and a family member.

If sex abuse awareness in the home included what is now being mandated for schools, there would be a lot less child molestation.

Erin Merryn, a sex abuse victim herself, is showing the way by demanding legislation requiring schools to assume the duties parents are failing to perform by legislating Sex Abuse education.

Sex abuse education bill to be introduced

by JB Clark/NEMS Daily Journal

TUPELO - A law aimed at educating Mississippi's children on identifying and reporting sexual abuse will be introduced into the Mississippi House and Senate during the 2013 legislative session.



The law, Erin's Law, was inspired and spearheaded by Erin Merryn, who has used her own story to help bring up a conversation about sexual abuse in America.

Merryn spoke at Tupelo's Families and Communities Together Conference at First Baptist Church in Tupelo on Tuesday morning, encouraging the audience to push elected officials to pass the law and to talk to children about safe and unsafe touching.

Sen. Nancy Collins, R-Tupelo, and Rep. Tom Miles, D-Forest, will introduce the bill in their respective chambers in the following session.

The model legislation passed in Illinois requires a task force to gather information concerning child sexual abuse in the state, take reports and testimony, create goals for policy that would prevent child sexual abuse and then submit a final report to the Legislature.

The program in schools would focus on increasing teacher, student and parent awareness of issues regarding sexual abuse, talk about actions a child who is a victim can take to get assistance and intervention and point out available counseling options for students affected by sexual abuse.

Merryn said the focus is on age-appropriate education and many organizations already receive federal grants to teach about sexual abuse in schools.

The National Center on Domestic and Sexual Violence says one in four girls and one in six boys are sexually abused before their 18th birthday and the Crimes Against Children Research Center Shows 93 percent of those cases are abuse from someone they know and trust. "Only seven percent of the time is it stranger danger," Merryn said.

Merryn spoke about being sexually abused as a child by an authority figure and a family member and not knowing how to tell anyone due to shame and

fear of being in trouble. She has used her experiences and books about them as a platform for change.

"We learn tornado drills, bus drills, fire drills, stranger danger, Mr. McGruff, bully intervention, Internet safety - I have my D.A.R.E. graduation card - but what's missing?" Merryn asked Tuesday morning. "I never had to duck and cover or run out of a burning building but I didn't have the words to explain what happened to me. I didn't have a tell, tell, tell drill." She tells her story in the books "Stolen Innocence" and "Living for Today."



It is because the signs of sexual abuse are not learned in school or at home that the crime of child molestation flourishes.

This bill being proposed in Pennsylvania makes sense because it is focused on the prevention side, not the punishment side. More prevention means less need to waste resources punishing as the number of sex crimes diminish.

If parents opt out as this bill allows, they would be abandoning their responsibility as parents and their children could become targets of children who are prevented from being armed with this information. They should be held accountable if molestation occurs to their children.

Legislation would make child sexual abuse awareness part of school curriculum

Sep 25, 2012

HARRISBURG, Pa. —

So far, lawmakers are showing unanimous support for new legislation designed to help school-aged children protect themselves against sexual abuse.

The bill would make Pennsylvania the fifth state in the country to require children to be taught in school about sexual abuse. Tuesday morning, the House education committee voted to advance the bill to the full House of Representatives without an objection.

If the bill becomes law, public schools would have to incorporate child sex abuse awareness into their health curriculum. Parents could opt their children out of the program, but only after they themselves review the materials.

Lebanon County Rep. Mauree Gingrich introduced the bill. She says child sex abuse is a sensitive topic and one that, as things stand today, children may not learn the signs of at home or school.

"It's too important to wonder if they know what to do. We need to know they know what to do. And this definitely will make a difference on the prevention side," said Gingrich.

The numbers are staggering: one in four girls and one in seven boys will be sexually abused by the age of 18.

State Representative Mauree Gingrich's bill would require schools, beginning in kindergarten, to teach kids how to recognize sexual abuse and tell someone about it. She knows it's a tough topic for parents.

"All I have to do to move me off the dime to have that conversation is think about some predator rubbing the leg of my granddaughter or six-year-old grandson," Gingrich said.

The legislation is named Erin's Law after Erin Merryn, of Illinois, who was abused by a cousin and an acquaintance as a little girl. She kept their secrets but is now on a mission to help victims find the voice she never could.

"They're getting the message from predators, 'we keep this a secret,'" Merryn said. "They're not getting the other message, 'tell, don't keep this a secret.'"

The bill would require age appropriate training for K-8 students in public and private schools. The content would be added to existing and state required health classes so the cost would be minimal. Merryn points out the cost of doing nothing, as Penn State proves, could be far greater.

"In the end, this curriculum on teaching kids how to tell, protecting them before they're even abused, will end up saving millions of other children because as we know these sexual predators do not stop after abusing one kid. They'll get as many kids as they can possibly get until they're caught," she said.

The bill calls for age-appropriate lessons nearly every year from kindergarten through eighth grade. Gingrich hopes the bill might get a vote in the House by next week.

The bill will also have to be taken up by the Senate and signed by the governor before it becomes law.



Registration of adults and legislation aimed at arming children would be two powerful weapons against predation. Lauren Book's program "Safer, Smarter Kids" inspired Florida to launch its initiative. Her program deals with the secrecy aspect of child abuse by showing children how to eliminate it from the predator's tool box.

Florida teaching kindergarden kids about sex abuse.

The state launched a new initiative Thursday that educates elementary school about sex abuse prevention. The effort is inspired by sexual abuse survivor Lauren Book, who's also the creator of the new program called "Safer, Smarter Kids."

In a kindergarten classroom of Tallahassee's Apalachee Tapestry Magnet School of Arts, Lauren Book read a book called "Do You Have A Secret?" As she was reading, she continually asked the kids questions as part of the "Safer, Smarter Kids" curriculum.

"Do you think it's okay to keep an unsafe secret if someone asks you too," asked Book.

"No," replied the kids.

"Louder, I can't hear you," exclaimed Book.

"Nooo," screamed the kids.

"Very Good," Book told the kids. "It is not okay for somebody who has done something that they're not supposed to do to tell you to keep that secret."

Lauren Book is a sexual abuse survivor, who was abused by her nanny for six years when she was a child. She and her father now run “Lauren’s Kids,” a group that aims to educate adults and kids about sexual abuse. But, Book says she didn’t want to stop there, and unveiled her new initiative that educates elementary school kids statewide about child abuse prevention in six, 30-minute lessons:

“They learn things like their safety stop sign, which gives them five or more seconds to stop and think about a situation makes them feel. They talk about their TFA, which is ‘Think, Feel, and Act.’ What do they think about a situation, how does it make them feel, and how are they going to act upon that? We do address the difference between safe touch and unsafe touch. And, we do that from a place of fun, not fear,” said Lauren.

"And, we go over strangers! 90-percent of the time children are abused by someone they know, they love and they trust, and a lot of times, kids think it’s somebody wearing black, with messy hair, a bad nose, that has a gun, a knife, or a sword, who’s about to kidnap them.”

Both sides of the aisle worked together in the 2011 Florida Legislature to make sure Book's initiative got funding. Democratic Senator Bill Montford says as a result of Book’s lobbying efforts, her initiative was able to get off the ground of Florida.

“When you can get the Florida Legislature to put out millions of dollars for a program that has this much of an impact and do it so quickly, you know it’s a good program,” remarked Montford. "I have four grandchildren, got another one on the way, October 29th, and I’m so glad that they will have the opportunity to go through this program themselves. So, as a grandfather, as a legislator, as a senator, I fully embrace this effort.”

Book was joined by other lawmakers, like Representatives Alan Williams and Michelle Rehwinkel-Vasilinda as well as the state’s Department of Children and Families Secretary David Wilkins and Superintendent of Leon County Jackie Pons Schools in launching the effort.



If society does not want to abolish its ex-sex offender registries it may have to deal with a lot of unintended consequences.

If the reason for registries is to protect sexually abused children, where is the protection for the falsely accused. The so-called victim in the following report admitted to lying about being abused. Not only was the so-called sex-offender jailed, he was killed because he was on a sex offender registry when he should not have been.

Neighbors, family shocked at shooting death of 92-year-old Flint man

By Daviid Harris
October 31, 2012
Flint, Michigan

Iris Gardner, 92, heard a knock on his door around 2:15 p.m. Tuesday at his home on Race Street near Myrtle Avenue, police said. When he opened the door, someone shot him once in the torso and fled the scene, police said. Police have no suspect information.

Flint Police Capt. T.P. Johnson said he can't remember an older homicide victim in his 27 years with the department.

"Obviously he was no threat to anyone," he said. "This was a random act of violence that did not have any rhyme or reason to it."

Genesee County Prosecutor David Leyton said Gardner was one of the older homicide victims he's heard of during his time as prosecutor.

"It's terrible, just terrible," Leyton said. "It's very difficult to imagine how a 92-year-old was a threat to anyone."

Gardner did have a brush with the law. He was on the state sex offender registry for a 1993 conviction of misdemeanor criminal sexual conduct, fourth degree, according to records. He served 90 days in the Genesee County Jail. Cooper said his family maintains that he was innocent, and his accuser later recanted her story.

Gardner's niece, Joann Cooper, 55, of Flint, said her family is shocked that her uncle would die that way.

"I never figured he would get gunned down in his own house," she said. "One part is anger, and the other part is grieving. It's like two emotions wrapped into one."

Detective Robert Dunham said police have very little information to go on and that the crime is disturbing.

"The worst thing about the whole thing is the people that did it aren't talking," he said. "They are out running the streets. If they are willing to kill a 92-year-old, who wouldn't they kill?"

Cooper said her uncle grew up during the Great Depression in a small town in Georgia. He would talk about being so poor that he had to walk to school in his bare feet during the winter, she said.

He came to Flint in the 1950s or 1960s and worked as a supervisor at a junkyard for 30 years, Cooper said. In his older age, he still remained active, continuing to drive, walk around in the neighborhood and do yard work, family said.

"If you would have saw him, you would have thought he was still 78," Cooper said.

He was a World War II veteran and a big fan of the Detroit Tigers who was excited about the team's recent playoff run.

Neighbor Elois Thames, 26, said Gardner was a friendly man. She was upset that he would die in a violent manner.

"It's just senseless, he didn't bother anybody," she said.

Cooper said Gardner did not have any children and was the last surviving member of his siblings. Funeral arrangements are being handled at Lawrence E. Moon Funeral Home.

In the meantime, his family will continue to grieve his death.

"It's like somebody ripped out your heart and took it," Cooper said.

Anyone with information is asked to call Flint police at 810-237-6801 or CRIMESTOPPERS at 1-800-422-JAIL.



Two thirds of the states or thirty six states have serious doubts that the national registries work and they are too expensive. The reason appears to be the federal government. It grants law enforcement money and wants the sex-offender registry to be uniform. If states fail to comply they lose ten percent of the grant money. For example, California loses \$800,000 for not being in compliance but it would cost the state \$32 million to comply with the range of laws and rules the federal government requires to be enacted.

It may be that sex offender registries will one day fail and be abolished. The report below reveals just how ineffective and unjust the registry is.

Perhaps the most significant opposition to registration by many states not in compliance with the federal demands is that it focuses on the crime that was already committed and does nothing to deal with the risk of re-offending by a very small number of those on the list.

Registration does not prevent re-offending. Adults likely to sexually abuse children in their charge are not registered and may offend. Children whose parents do not bother to discuss sexual abuse share responsibility when the abuse occurs. Children who are the victims of abuse need to be trained in school on what to do when a predator approaches them. Dealing with sexual abuse before it occurs will prevent it.



Federal Sex Offender Laws: Arizona, Many Other States Don't Meet Standards

OKLAHOMA CITY -- Nearly three dozen states have failed to meet conditions of a 2006 federal law that requires them to join a nationwide program to track sex offenders, including five states that have completely

given up on the effort because of persistent doubts about how it works and how much it costs.

The states, including some of the nation's largest, stand to lose millions of dollars in government grants for law enforcement, but some have concluded that honoring the law would be far more expensive than simply living without the money.

"The requirements would have been a huge expense," said Doris Smith, who oversees grant programs at the Arkansas Department of Finance and Administration. Lawmakers weren't willing to spend that much, even though the state will lose \$226,000.

The Adam Walsh Child Protection and Safety Act, named after a boy kidnapped from a Florida mall and killed in 1981, was supposed to create a uniform system for registering and tracking sex offenders that would link all 50 states, plus U.S. territories and tribal lands. When President George W. Bush signed it into law, many states quickly realized they would have to overhaul their sex offender registration systems to comply.

Some lawmakers determined that the program would cost more to implement than to ignore. Others resisted the burden it placed on offenders, especially certain juveniles who would have to be registered for life. In Arizona, for instance, offenders convicted as juveniles can petition for removal after rehabilitation.

The deadline to comply with the law was July 2011. Thirty-four states have still been unable to meet the full requirements, and five of those have decided they won't even try. Arizona, Arkansas, California, Nebraska and Texas will instead forfeit 10 percent of the law-enforcement funding made available through the Justice Department.

In Texas, a Senate committee conducted two years of hearings and recommended that the state disregard the law, citing concerns about juvenile offenders and other new mandates. The committee's report acknowledged the loss of an estimated \$1.4 million. But that figure paled when compared with the cost to implement the changes, which could have exceeded \$38 million.

The Arizona Legislature drew a similar conclusion, rejecting the law in 2009 after a committee determined it would cost about \$2 million to fulfill all

requirements – far more than the estimated \$146,700 in grants that would be withdrawn.

California, the nation's most populous state, risked losing nearly \$800,000 in funding this year, but a 2008 estimate put the cost of complying at \$32 million.

The five states that have given up on the program still have the option to reapply for the withheld money. The 29 states that are in partial compliance have asked to have their withheld money released to help them meet conditions of the law.

Richard Kishur, an Oklahoma City counselor who has worked with sex offenders for more than 30 years, said his biggest reservation was that the law categorized offenders by the crime they commit, not the risk they actually pose.

"What we need to do is be rational about it and apply resources to people who are dangerous and quit wasting our money and time on people who aren't dangerous," Kishur said. "The law is making a lot of people's lives miserable because a lot of it should apply to psychopathic murderers instead of people who are situational and opportunistic offenders who aren't real likely to offend."

Proponents of the law had hoped it would ease the risk that states with less-stringent registration would become havens for sex offenders.

Mark Pursley, who managed sex offenders for nearly a decade at the Oklahoma Department of Corrections, recalled hearing offenders discuss moving to states with relaxed rules.

"They were very in tune with what requirements were in different states, and they would frequently migrate to other states," said Pursley, who is now retired.

James Womack, a convicted sex offender from Oklahoma who now works for a nonprofit agency that helps recently released felons, said he understands the need for consistent registration rules. But he cautioned that registration alone will not stop them from re-offending.

"It doesn't do anything to stop crime," said Womack, who was convicted in 2005 of indecent liberties with a child and served nearly two years in prison.

"A true pedophile, if they're going to offend, they're going to offend, whether or not they live one mile or 10 miles from a school."



Perhaps insight can be had by reading a guest editorial by the fiancé of a registered sex offender who advocates effective laws for families of sex offenders. One thing she points out that I had not is that the sex abuse crime rate has not gone down since the registries have been in effect for more than two decades.

Guest column: Sex offender registry benefits are a myth

October 3, 201

Shana Rowan is a New York-based advocate for effective laws and voice for families of sex offenders nationwide. She maintains a blog at www.iloveasexoffender.blogspot.com.

As a registry reform advocate and fiancée to a registered sex offender whose crime was committed as a minor, the editorial "Sex offender registry protects community" (Sept. 27) was a frustrating read.

For nearly two decades, sex offender laws have been based on emotion and anecdote rather than facts. Also absent have been considerations for the often-forgotten victims: the children and family members of registrants. The most disturbing results? Sexual crime rates that remain unchanged.

The ineffectiveness of the registry probably comes as a surprise to most. It is the goal of advocates like myself to raise awareness and remind society that while revenge-based laws may feel good, they aren't making us or our families any safer.

Several pervasive myths have formed the political and social climate responsible for today's sex offender laws. One is the belief that registrants have high sexual recidivism rates, which has been proven incorrect by dozens of academic, federal and state studies. (They actually have the lowest

re-offense rates of all criminals except murderers.) Another is the fallacy of “stranger danger,” when in reality 90-97 percent of children are sexually abused by a family member or trusted acquaintance, according to the U.S. Department of Justice. Short of a few tragic, high-profile cases, instances of children being abducted and/or abused by convicted sex offenders are actually very rare.

In their 2008 study, “Does a Watched Pot Boil?”, researchers found recidivism rates of convicted sex offenders to be indistinguishable from what they were 10 years before the registry became public. They also found that 96 percent of sex crimes were committed by those not on the registry — which means that at best, our laws target a very small number of would-be predators. While we can all agree that any re-offense is too many, it’s equally true that no law will deter someone intent on committing a crime. Instead, they negatively impact the majority of law-abiding registrants, and prevent them from becoming productive members of society.



Pariah is not often used in America. The word originally stems from the caste system of India, which put pariahs in a very low place in society. In the United States, it refers to those of low social class or social status.

But America is creating a caste system and has assigned ex-sex-offenders to the lowest class. Any person on a sex offender registry list, regardless of what kind of crime he or she committed, regardless of how long ago the crime was committed is a member of that class for the rest of their lives.

Pariahs among us:

Sex offender laws in the 21st century

Stringent sex offender laws in the United States destroy lives and do little to mitigate repeat offences.

Charlotte Silver is a journalist based in San Francisco and the West Bank. She is a graduate of Stanford University.

14 Oct 2012

Maybe it is not so surprising that all we can think to do with a subject we are simultaneously obsessed with and repulsed by is to shout our alarm about it at every opportunity.

Sex crimes: The only kind of offence in the United States that compels all convicted perpetrators to register their name, address, date of birth, fingerprints and a photograph on a public website.

And what constitutes a sex crime? The breadth of this damning classification is alarming and includes public urination, consensual teen sex, sale of sex and exposure of genitals (including in the case of children) - as well as violent rape.

Sex offenders are often required to be tracked by a GPS bracelet and prohibited from living in certain areas.

One poignant example of the irrationality and senseless devastation of overreaching sex offender laws is the story of Evan B, as told by Lara Geer Farley. When Evan was in high school he was arrested for exposing himself to a group of his female peers. A court sentenced him to four months in prison, but after he was released he was obliged to register as a sex offender. The stigma drove Evan to drop out of school, leave his home in Salina, Oklahoma and move to Tulsa, where the arduous requirements associated with his sex offender status meant that he could not maintain employment. A month before he should have turned 20, Evan shot and killed himself.

And this: A comprehensive Human Rights Watch report, published in 2007, draws attention to the common case of teenage boys aged 15, 16, 17, who have consensual sex with their teenaged girlfriends, finding themselves charged with pedophilia. They will be labeled and publicly registered as "pedophiles" for the rest of their lives.

In some states, boys as young as 10 who expose themselves to their female friends or relatives are forced to register as a "sex offender" before they understand what sex - or exposure - is.

Additional laws that govern the lives of sex offenders after they are released from prison (if time is served) vary from state to state. But for all, surveillance and stringent notification guidelines are key. In addition to publicising one's status on a website, some states require registrants (the preferred moniker) to inform their neighbours, future employers, landlords,

delivery men - or any other solicitor or visitor who knocks on their door - of their status as a "sex offender".

Some states require convicts to wear GPS devices, so that law enforcers can monitor their whereabouts at all time.

Louisiana requires registrants to advertise their status in large red type on their driver's licence.

Other states require periodic plethysmograph tests, in which a pressure sensitive wire is connected to the registrant's penis while being shown various sexual images. The test is designed to detect "sexual deviance" and like a lie-detector test, it is not admissible in a court of law.

The registrant is required to attend therapy and "behaviour modification" sessions, check in with probation officers, as well as, of course, engage the services of an attorney, none of which is cheap. Most of these costs are carried by the offender, or as is often the case, his parents.

In addition to adopting legislation that inverts the life of anyone cast as a sex offender - making him quite literally a public spectacle - hundreds of counties have established "exclusion zones". These are areas that surround various public places - parks, schools, libraries, etc - where registrants may not live, work or even walk by.

The proliferation of sex offender registration and residency restriction laws began in 1994 when the US Congress and Senate unanimously passed the Wetterling Act, which required convicted sex offenders to register their information with the state of their residence. Over the past two decades, the federal government has passed law after law that publicised the registry, tightened its stringency and perhaps most crucial, broadened its domain.

In 2006, Congress passed the Adam Walsh Act, which aimed to eliminate the inconsistencies among different states' sex offender laws. However, the ugly reality is that it expanded the "sex offences" that demanded registration and thus doomed juvenile, non-violent offenders to, potentially, a lifetime of registration. The law was easily renewed by the US House of Representatives this August - a true indicator of just how politically expedient these laws are.

Even Patty Wetterling, the woman responsible for the enactment of the Wetterling law, in 2006 lamented the direction the country had taken to

handle sex offences: "People want a silver bullet that will protect their children, [but] there is no silver bullet. There is no simple cure to the very complex problem of sexual violence."

Advocates of "sex offenders" speak up

Hard evidence and reason suggest that registries and residential requirements do nothing to protect society from sexual assaults. Arguments in support of registration laws rest on a fear-based assumption that notification will protect children, but that assumption is baseless: As many as 90 percent of sexual assault cases are conducted by family members or acquaintances. Furthermore, recidivism rates among sex offenders are under 5 per cent.

While sex offender laws provide the illusion of "security", the reality remains that rapists continue to walk free. According to statistics compiled by the US Department of Justice, 91 per cent of rapists will never be prosecuted, and only a fraction of those will be convicted or spend time in jail.

Nevertheless, these laws keep coming.

This year in Southern California, as Halloween approaches, some counties have passed ordinances banning registrants from decorating their houses with cobwebs and pumpkins, instead requiring they post a placard that notifies all passersby that there are "No candy or treats at this residence". Furthermore, registrants may have no outside lighting on October 31.

California's branch of the national coalition, Reform Sex Offender Laws, has filed a lawsuit against the ordinance on behalf of five unnamed sex offenders, as well as three of their spouses and two of their children. The suit claims the ordinance violates the plaintiffs' first amendment rights - by both forcing speech and denying their right to celebrate the holiday

In the meantime, a San Francisco law firm has filed a case against the stringent residency restrictions placed on registrants in four counties in Southern California.

These lawsuits in California are some of the first legal challenges to the mounting set of restrictions placed on a broad class of "criminals" throughout the country.

News of lawsuits challenging punitive legislation is appearing next to headlines reporting that some states may well reject the Adam Walsh Act because they simply don't have the funds to implement its burdensome requirements (Texas estimated it would cost \$38m) or are ethically opposed to legislation that would place juvenile offenders on a registry for life.

The hypocrisy of sex offender laws that allege to combat sexual crime by pouring millions into surveillance and registry programmes is reflected in the difficulty experienced by rape support centres that are struggling to merely survive.

The National Alliance to End Sexual Violence (NAESV) reported in a 2012 Rape Crisis Center Survey that 67 per cent of rape crisis centres were forced to reduce the amount of hours they spend dedicated to prevention and awareness programmes; 50 per cent of programmes have eliminated staff in the past year; and 65 per cent of programmes have a waiting list for counseling services.

Sex offender laws have enabled the creation of a being - the pariah - the very notion of which is rooted in an unenlightened (and assumed by most of us to be discarded) view of humanity. A society must surely protect its vulnerable members from violence and assault. Draconian sex offender laws do not further that aim. They have simply accorded the state the power to brand an individual as undeserving of the most basic human and civil rights.



Sometime persons are convicted of sexual assaults and given a prison sentence and then listed on the national and state registry. But then they are removed from the list. How can that happen?

Willie Grimes was one such person. His name was removed from the list after he spent 24 years in prison for a crime he did not commit. How many more innocent people are included on registration lists?

Innocence Commission judges determine Grimes is innocent of 1987 rape in Hickory

NEWTON N.C. -- It took the three-judge panel less than 30 minutes to decide that Willie Grimes was innocent of a 1987 rape conviction for which he had served more than 24 years.

Judge David Lee read the panel decision, and said the charges of rape and kidnapping were dismissed, as well as having his name removed immediately from the sex offender registry. Then Lee paraphrased the Rev. Martin Luther King's famous 1963 speech and said, "Free at last! Free at last! Thank God Almighty. Thank Jehovah, Willie Grimes is free at last!"

District Attorney Jay Gaither told the judges, "The State cannot argue any conclusion other than for the innocence in the case of Willie Grimes." He then rested the state's case and sat down.

Christina Mumma, Director of The North Carolina Center on Actual Innocence in charge of Grimes' defense, said she would not go through a thorough repetition of the evidence presented over the week in light of Gaither's statement.

She said evidence that could have overturned Grimes conviction had been either lost or destroyed. She lauded Grimes for his persistence of innocence "to anyone who would listen," and at one point preferring to stay in prison rather than be labeled as something he wasn't.

In overturning his conviction, Mumma said, "It is our hope that through this review process Willie Grimes can overturn his injured faith in the judicial system as well."

Grimes, 66, was convicted and served time for the 1987 rape of a 69-year-old woman in Hickory. In July 1988, a jury found Grimes guilty of two counts of first-degree rape and one count of second-degree kidnapping and he was given a life sentence in prison.

Grimes was released on parole in May after spending more than 24 years in prison for the crime he has said he did not commit.

The three-judge panel began hearing arguments and testimony Monday.

The eight-member Innocence Commission held its hearing on Grimes' case in April and unanimously agreed that enough credible evidence exists to refer Grimes' case to a three-judge panel.



If the national registry is not to be abolished, how much further can it be expanded? Should it include violations of invasion of privacy?

Should it include those spouses who interfere with custodial rights? Pennsylvania has just broadened its laws to include invasion of privacy or interference with custodial rights. The new law will take effect on December 20, 2012.

Megan's Law just got tougher

Changes will force more defendants to register as sex offenders; thousands of appeals could result.

By Kevin Amerman, Of The Morning Call

October 13, 2012

When former DeSales University custodian John Bednarik II was sentenced to jail in September for secretly filming partially naked co-workers — one while she pumped breast milk — there was no mention in court that he would have to register with the state as a sex offender.

That's because he doesn't have to — yet.

But come December, Bednarik and scores of others will have to register as sex offenders under sweeping changes to the state's Megan's Law. The changes, which will take effect Dec. 20, will increase the number of years sex offenders have to register and broaden the law to include more crimes, such as invasion of privacy.

Under Megan's Law, photos and addresses of registered offenders are placed on the Megan's Law website, <http://www.pameganslaw.state.pa.us/>, for everyone to see and defendants face penalties for failing to register properly or on time.

Authorities say the changes are necessary to close major loopholes. Under the current law, out-of-state sex offenders who move to Pennsylvania are not required to register and homeless people are exempt. The new law closes

those loopholes and also forces sex offenders to register for longer and update their information more frequently — as often as four times a year.

Some of the new crimes listed as Megan's Law offenses deal with custody interference and unlawful restraint of a child. Others don't necessarily have to involve minors.

"We used to think of Megan's Law as protection against pedophiles," Lehigh County Chief Deputy District Attorney Matthew Falk said. "It has expanded beyond that."

But defense attorneys say the changes may violate some offenders' rights, mainly because the new law is retroactive for some offenders. Anyone serving jail time on the newly included crimes or serving probation or parole on them will now have to register — a move some attorneys say is sure to set off a firestorm of appeals.

Bednarik, 33, of Blandon, Berks County, pleaded guilty to invasion of privacy. His attorney, Jay Nigrini, said he advised Bednarik of the possibility he may have to register as a sex offender under the new law. The changes show Bednarik will have to register for 15 years.

If that happens, Nigrini said he likely would appeal. He figures others will too.

"There are going to be problems with this logistically, absolutely," Nigrini said. "This will be litigated all the way to the Supreme Court."

One major problem, Nigrini said, is that nothing had been put on the record about Megan's Law registration during his client's guilty plea hearing and hearings for thousands of others like him. Therefore, it wasn't part of the deal and may be unconstitutional, he said.

Lehigh County public defender Earl Supplee said it's simply not fair to retroactively force people to register as sexual offenders.

"I don't think it's right to increase penalties retroactively," he said. "The question is: Is Megan's Law [registration] a punishment?"

Supplee said defendants who pleaded guilty or no contest to offenses that didn't require them to register as sex offenders might argue that they wouldn't have entered the pleas had they known they'd have to register.

"The person could say, 'I would have fought the case if it was a Megan's Law case,'" Supplee said. "That's where I think you could have legitimate constitutional challenges."

Supplee said appeals courts could rule that registering as a sex offender is not a punishment and is a "collateral consequence" and can therefore be applied. Collateral consequences are considered non-direct results of prosecutions that are not part of a sentence. They can include the loss of a certain license, welfare benefits, voting rights or deportation and are viewed as being beyond the realm of a sentencing judge.

Lehigh County Judge Douglas G. Reichley, who was a state representative when the bill was passed, said he doesn't recall any concerns expressed by lawmakers that retroactive registration could violate a defendant's rights.

The law's changes, based on the federal Adam Walsh Child Protection and Safety Act, create three tiers of offenders with registration requirements of 15 years, 25 years or life. Currently there are two types of registration: 10 years or life.



It is certainly true that not all Sexual Predators hide behind a badge. Some are in charge of maintaining the sex offender registry in their jurisdiction. Read what this Randall County Texas Sheriff's Office deputy has to say. He has been in charge of registering ex-sex-offenders for more than the past decade.

Registration system does not fit all sex offenders

October 13, 2012

It is true that tracking registered sex offenders is expensive and costly to taxpayers.

Law enforcement agencies all across the U.S. continue to see the number of convicted sex offenders grow. Most offenders are sentenced to some jail time and/or probation, but most receive a lifetime order to register as a sex offender.

I have been the sex offender registrar for the Randall County Sheriff's Office since 2001.

I am responsible for all sex offenders who live in rural Randall County outside the city limits of Amarillo and Canyon. In 2001, Randall County had approximately 25 registered sex offenders living in the rural part of the county. Today, that number has tripled to 75.

The sex offender registration system is broken nationwide.

Most people think that if a person is a registered sex offender, that offender cannot live in close proximity to schools, day cares, parks, etc. That is not the case. The location where a sex offender lives or works can only be dictated if the offender is on supervised release and if it is in the terms of his/her probation or parole requirements. Once a sex offender is off parole or probation, he/she can live where they like.

The main reason the system is broken is because the system is clogged with offenders who are not true sexual predators. There are hundreds of cases where a young offender had consensual sex with his underage girlfriend — she being 16 and him being 20 constitutes an aggravated sexual assault of child charge. There are cases where girls lie about their age or go to bars with fake identifications and participate in consensual sex. The male will still be charged with aggravated sexual assault of a child and will have to register for life if convicted. The girls have no culpability according to the law. The sex offenders in these types of cases are not sexual predators.

I have had two cases in the past where the offender was married to his victim, but he still had to register for life. These are just a few of many scenarios that make the current sex offender registration system inadequate.

Once a young man or woman is convicted of a sex offense in these circumstances, their ability to be a productive citizen is quite diminished. They have received a life sentence and will find it difficult to find a decent job. There is much hysteria connected to the label of registered sex offender. They are not all child molesters or rapists. In fact, of all the offenders that I register right now, 75 percent are not sexual predators and will likely never offend again. Many of these registrants have no other criminal record other than the sex offense.

In my opinion, the last thing we need is for the federal government to dictate sex offender registration rules to the states. Texas has a decent system in

place, but the sheer numbers we in law enforcement have to deal with is staggering.

The solution is to put in place a system, whether locally or nationally, where the true sexual predators are dealt with differently than the one-time offenders. The way it is now, the system is not fair and just. Plus, it is costly and impossible to manage.

Our justice system works because criminals are charged in relation to the seriousness of their crimes, i.e. misdemeanors, felonies, etc. In sex offender registration, all offenders are treated equally regardless of the circumstances of the cases. Once an offenders name, address and photograph appear on a public sex offender website, they are branded for life as a sexual predator whether they are or are not.

Danny Alexander is a deputy and Public Information Officer for the Randall County Sheriff's Office.



In spite of all the complaints and arguments about having an ex-sex-offender registry, the requirement to register does have a useful function in some cases.

In the following case, the judge gave this deputy a sentence of 3 years probation for molesting a minor who was participating in the Los Angeles Sheriff Departments Explorer Program. In this case requiring the predator to register will protect future victims. A prison sentence should have been his sentence because that is what prevents future sexual abuse. The registry only informs the public that the person list has already committed a sexual assault or similar offense.

The LASD's Law Enforcement Explorer Program began in 1969 to help "create new inroads of understanding between youth, law enforcement, and the general citizenry." Deputy Explorers not only help represent the sheriff's department and individual stations in the community, they also receive extensive training and actively participate in community affairs and non-hazardous law enforcement activities.

Deputy Explorers from the Cerritos Sheriff's Station are extremely visible and active in the community, often helping the department at

community events and programs throughout the city. Most recently, the Explorers assisted Cerritos deputies in promoting the bi-annual Neighborhood Watch-Town Hall meeting by going door-to-door to speak to area residents.

Former Cerritos Sheriff's Deputy Gets Probation for Teen Explorer Sex Case

The 10-year veteran pleaded no contest to sex with a 16-year-old girl enrolled in the station's Explorer Program.

A Los Angeles County sheriff's deputy who oversaw the Explorer Program at the Cerritos Sheriff's Station has been sentenced to three years probation and 200 hours of community service on charges of having sex with a 16-year-old girl enrolled in the program.

Manuel Enrique Perallon Jr., 36, pleaded no contest to one count of oral copulation of a person under 18 on July 27, according to the Deputy District Attorney.

Perallon must also undergo six months of sexual offenders counseling and pay restitution -- the amount of which will be determined upon completion of his probation. The former sheriff's deputy is also required to register as a sex offender.

At the time of the incident -- which occurred between April 29, 2011 and May 1, 2011 -- the 10-year veteran was working at the Cerritos Station, where he met the girl through the Explorer Program.

The department launched an investigation into the allegation last year and Perallon was relieved of duty with pay in August 2011. He was arrested on April 25, 2012.

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Appendix A summarizes the Sex-Offender Registration and Notification (SORNA) and the legal issues that have resulted. The courts are being overwhelmed with new cases and new issues because politicians in so many jurisdictions get elected and re-elected by exploiting the hysteria surrounding SORNA.

The ex-sex-offender registries can only get larger, be modified, or be abolished. Whatever its future, the goal should be the protection of children from predators. It seems that serious prevention is adequate protection. It is clear that punishment by imprisonment is adequate for both the victim and the predator. The Sex Offender Registries are punishment, but do nothing to protect our youth from predators.

Judge for yourself.



Note: This book is still being written. I decided to give it limited distribution while it is being completed. Even when it is finished, it will still need to be corrected, edited and in places re-written. Please bear with me.

This is your opportunity to include your opinion or suggestion in the effort to reduce the overwhelming cases of child abuse.

Because there is enough hate and anger relating to these crimes, please don't waste your time and energy commenting unless you have a positive contribution.

Should you have such an interest or if you would like to be notified when this book is published, please email

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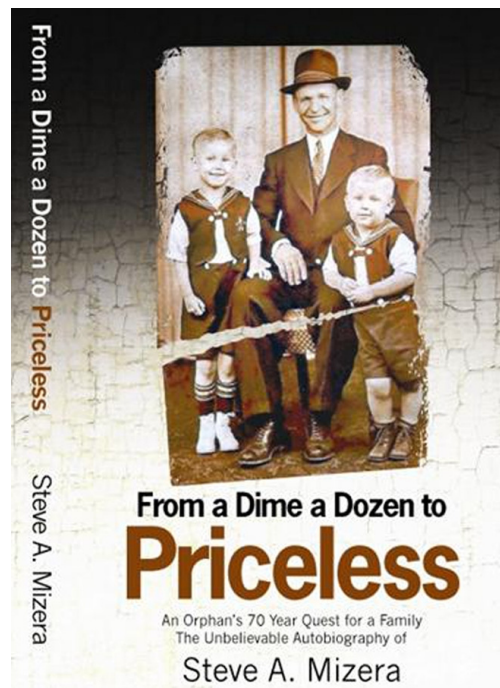
and write BADGE in the subject line. Thank you.

Should you wish to learn about the author, his unbelievable autobiography

FROM A DIME A DOZEN TO PRICELESS

is available in paperback and as an eBook on Amazon and most other outlets.

Is that a Sex Predator hiding behind that badge will be printed in January 2013. If you are interested in being notified when it is available for sale, email vistagraphs@gmail.com and put BADGE in the subject line. Thank you.



Appendix A

Sex Offender Registration and Notification in the United States: Current Case Law and Issues July 2012

I. Overview of US Sex Offender Registration¹

Sex offender registration and notification systems have been established within the United States in a variety of ways. There are a number of resources which are referred to loosely, as “sex offender registries.” For the purposes of clarification, we start this summary with an outline of those systems.

A. Registration is a Local Activity

In the United States, sex offender registration is conducted at the local level and the federal government does not have a system for registering sex offenders. Generally speaking, sex offenders in the United States are required to register with law enforcement of any state, locality, territory, or tribe within which they reside, work, and attend school.

Each State has its own distinct sex offender registration and notification system. The District of Columbia and the five principal U.S. territories each have their own systems, as well, and an increasing number of federally-recognized Indian Tribes have their own sex offender registration and notification systems as well.

Every one of these systems has its own nuances and distinct features. Every jurisdiction (meaning each State, Territory, or Tribe) makes its own determinations about who will be required to register, what information those offenders must provide, which offenders will be posted on the jurisdiction's public registry website, and so forth.

Even though sex offender registration is not directly administered by the federal government, the federal government is involved in sex offender registration and notification in a number of meaningful ways.

B. Federal Minimum Standards

Over the last two decades Congress has enacted various measures setting "minimum standards" for jurisdictions to implement in their sex offender registration or notification systems. The first of these was passed in 1994 and is commonly referred to as the "Wetterling Act ." This Act established a set of minimum standards for registration systems for the States. Two years later, in 1996, "Megan's Law " was passed as a set of minimum standards for community notification.

The most recent set of standards can be found in the Sex Offender Registration and Notification Act (SORNA), which was passed in 2006. SORNA currently governs the federal minimum standards for sex offender registration and notification systems.

If a State, Tribe, or Territory chooses to refrain from substantially implementing SORNA's standards, the jurisdiction risks losing 10 percent of its Edward R. Byrne Justice Assistance Grant (Byrne JAG) funds.

To date, 15 States, 2 Territories, and 27 federally-recognized Indian Tribes have substantially implemented SORNA. It is important to note that there are still variations in the registration and notification laws among jurisdictions that have substantially implemented SORNA. Practitioners are advised to become familiar with the specific registration and notification systems in any and all jurisdictions within which they will be working.

C. National Sex Offender Public Website

The National Sex Offender Public Website (NSOPW), located at www.nsopw.gov, was administratively created by the U.S. Department of Justice in 2005 and is administered by the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART).

NSOPW works much like a search engine: jurisdictions that have their own public sex offender registry websites connect to NSOPW by way of a web service or automated upload to enable NSOPW to conduct queries against the jurisdictions' websites. Only information that is publicly disclosed on a jurisdiction's own public sex offender registry website will be displayed in NSOPW's search results, and only the jurisdiction's registry website page will be displayed on the results page of NSOPW. The Department of Justice does not administer any of the registration information that is searched whenever a query is made through NSOPW, and only ensures that the information that is available on jurisdictional websites can be queried through NSOPW.

The National Sex Offender Public Website

D. Federal Law Enforcement Databases

Federal law enforcement databases are utilized by law enforcement across the country to access accurate information about registered sex offenders. Registering agencies and other units of state and local law enforcement submit the information necessary to populate these databases:

The National Sex Offender Registry

(NSOR) is a law-enforcement only database that is a file of the National Crime Information Center (NCIC) database managed by the Federal Bureau of Investigation Criminal Justice Information Services (CJIS) division. It was created in the late 1990s to store data on every registered sex offender in the United States, and to provide law enforcement access to that data nationwide.

IAFIS: The Integrated Automated Fingerprint Identification

System (IAFIS) is a national fingerprint database housed with the FBI. IAFIS records are linked to the offender's corresponding NSOR record at CJIS; approximately 95% of the records in NSOR have a corresponding fingerprint in IAFIS.

NPPS: The National Palm Print System (NPPS) is a new database for palm prints housed with the FBI.

CODIS: The Combined DNA Index System (CODIS) is the national DNA database administered by the FBI.

SORNA requires that jurisdictions submit registration information about their registered sex offenders to NSOR, and to ensure that offenders' fingerprints have been submitted to IAFIS, palm prints to NPPS, and DNA to CODIS.

Federal Corrections

Part of the federal government's involvement with sex offenders who are required to register concerns the handling of those offenders as they are housed and subsequently discharged from federal correctional institutions. 18 U.S.C. §4042(c) requires that the Federal Bureau of Prisons (BOP) or Federal Probation Officer provide notice to the chief law enforcement officer and registration officials of any state, tribe, or local jurisdiction whenever a federal prisoner required to register under SORNA is released from custody.

As of early 2012, BOP does not register sex offenders prior to their release from incarceration, as registration is primarily a state function. The Bureau of Indian Affairs (BIA) operates a number of Detention Centers. However, there are no statutory or administrative requirements for these centers to provide notice to local law enforcement when a sex offender is released from custody. In practice, offenders in BIA facilities generally are not registered prior to their release from incarceration.

Federal Law Enforcement and Investigations

SORNA designated the United States Marshals Service (USMS) as the lead agency in investigations of suspected violations of the federal law regarding failure to register as a sex offender, which is found at 18 U.S.C. §2250. In order to further their investigative capacity, the USMS has established the National Sex Offender Targeting Center (NSOTC).

Military Registration

As previously mentioned, the federal government does not register sex offenders. However, certain components of the Department of Defense have started to adopt policies and procedures to register and monitor sex offenders who are either active duty members, civilian employees, contractors or dependents of active duty members located on U.S. military installations at home and abroad.

These policies do not yet connect any military registration system to the greater network of databases and websites described above. If a person resides, works, or attends school on a military base, depending on the source and manner of the land held by the federal government and housing that base, a state might have no jurisdiction at all over matters occurring on the military base. In other words, the base may be a "federal enclave" where only federal law applies.

However, offenders convicted by military tribunals of registerable sex offenses are required under SORNA to register with any jurisdiction where they live, work or go to school.

Summary

This hybrid framework of state, territorial, tribal, local, and federal laws and policies is the context in which the case law regarding sex offender registration and notification has developed. The summary which follows intentionally avoids a discussion of the legal issues and case law surrounding prosecutions under 18 U.S.C. §2250, the federal failure to register statute.

Who is Required to Register?

Nearly all registration requirements in the United States are triggered by a conviction for a criminal offense.

Most jurisdictions limit their registration and notification systems to persons convicted of sex offenses and non-parental kidnapping of a minor. The inclusion of kidnapping offenses is a legacy of the federal standards discussed above; they have remained required included offenses since the passage of the first federal legislation regarding sex offender registration in 1994. Inclusion of kidnapping offenses in a jurisdiction's sex offender registry has been largely upheld by the courts.

Some states also include other violent or dangerous offenders in their registration and notification system.

When jurisdictions specifically outline the offenses that require registration, there is little question as to who is required to register. Most jurisdictions, however, also include "catch-all" provisions which, in varying forms, generally require any person convicted of an offense which is by its nature a sex offense to register as well. A more difficult situation arises when a convicted sex offender moves from one jurisdiction to another, and the new jurisdiction has to make a determination as to whether the person is required to register there. When a person has an out-of-state conviction, most jurisdictions require registration for any offense which is 'comparable,' 'similar,' or 'substantially similar' to a listed jurisdiction offense.

However, when a state's registration system treats persons convicted of in-state offenses differently from those convicted out-of-state, equal protection problems may exist.

Making the determination as to whether an offense fits under one of these "catch-all or "comparable" provisions has led to a great deal of litigation.

Some jurisdictions look at just the elements of the offense of conviction, while others will also look at the facts underlying the conviction.

Often, courts take an expansive view of which offenses will trigger registration requirements; at other times, the approach can be quite narrow. Further complications may arise when an offender lives on tribal land but was convicted of a state or federal offense. For example, in New Mexico, the State cannot impose a duty to register on enrolled tribal members living on tribal land who have been convicted of federal sex offenses.

At the same time, in neighboring Arizona, persons living in Indian Country are required to keep their registration current with both the state and the tribe.

Federal courts have interpreted SORNA as directly imposing a duty on a person to attempt to register if they meet the definition of “sex offender” under SORNA.

SORNA’s standards call for jurisdictions to register all persons who have been convicted of a tribal, territory, military, federal, or state sex offense.

In addition, certain foreign sex offense convictions will also trigger a registration requirement under SORNA.

Generally speaking, however, a jurisdiction will not register an offender unless *that jurisdiction’s laws* require that the offender be registered.

III. Registration of Juvenile Offenders

State juvenile justice systems within the United States have handled juvenile sex offender registration in different ways. For example, in the years prior to SORNA, many jurisdictions chose to require certain juveniles adjudicated delinquent of sex offenses to register as sex offenders, while others did not. SORNA’s minimum standards, however, do require registration for certain juvenile offenders adjudicated delinquent of serious sex offenses.

RESUME

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Despite SORNA’s requirement that juveniles adjudicated delinquent of certain

offenses register for SORNA, as with all sex offender registration requirements, the

implementation of this provision varies across jurisdictions. Some jurisdictions do not register any juveniles at all; some limit the ages of the offenders who might be registered; some limit the offenses for which they might be registered; and others limit the duration, frequency, or public availability of registration information.³⁴ Some jurisdictions have mandatory registration provisions for certain juveniles, some are discretionary, and some have a hybrid approach.³⁵

As with adult registration requirements, registration requirements for juveniles are generally triggered by the equivalent of a conviction of a sex offense in juvenile court, which is typically referred to as an “adjudication of delinquency.” Most jurisdictions mandate registration for juveniles transferred and convicted for sex offenses in adult court.

Because of the varying nature of juvenile justice systems across jurisdictions, problems often arise when a juvenile is adjudicated delinquent in one jurisdiction and then moves to another.³⁶ Many of those issues mimic the issues discussed above regarding adult offenders.

Nevertheless, there are some issues unique to juvenile court cases. When a jurisdiction requires that juveniles be subject to registration requirements more onerous than those imposed on adults convicted of the same offense, equal protection issues exist.³⁷ In one state, the automatic lifetime registration requirement as applied to adjudicated juveniles was held to violate due process and the prohibition against cruel and unusual punishment.³⁸ When a juvenile court judge refuses to order a juvenile to register, as required by statute, a writ of mandamus may be successfully pursued by the

State.³⁹ In 2010 the U.S. Supreme Court granted certiorari in the case of *U.S. v. Juvenile*

Male, a case where the Ninth Circuit had held that the juvenile registration provisions of

SORNA were unconstitutional when applied retroactively.⁴⁰ In its decision, however, the

Supreme Court did not in any way address the question of the constitutionality of the

retroactive application of SORNA's requirement that certain adjudicated juveniles

register as sex offenders.⁴¹

IV. Retroactive Application & Ex Post Facto Considerations

One of the first issues to be litigated as sex offender registration systems were

established across the country was whether or not an offender who had been convicted

prior to the passage of the laws requiring registration could be required to register.⁴²

Numerous challenges to the retroactive application of registration laws were heard

throughout the 1990s and 2000s.

In 2003, the United States Supreme Court seemingly settled the issue in the case of

Smith v. Doe, a challenge from a sex offender in the State of Alaska who argued that the

imposition of registration requirements on him violated the ex post facto clause of the

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Constitution.⁴³ The Court held that registration and notification—under the specific facts

of that case—were not punitive, and could, therefore, be retroactively imposed as

regulatory actions.⁴⁴

While the issue was settled for a time, litigation has since ensued based on the

increased stringency of sex offender registration and notification requirements in some

jurisdictions since the *Doe* decision.⁴⁵

There have been four State Supreme Courts in recent years that have held that the

retroactive application of their sex offender registration and notification laws violate their respective State Constitutions.⁴⁶ On the other hand, many state courts have stood by the reasoning of the *Doe* case in continuing to affirm the retroactive application of their own registration laws.⁴⁷ For example, in one case, a federal court enjoined the enactment of a state's SORNA implementing legislation based on ex post facto concerns brought forward by the ACLU,⁴⁸ although that injunction has since been lifted.⁴⁹ On the other hand, some offenders have been able to be removed from the registry when the statute is changed in a way which inures to their benefit,⁵⁰ and another court has held that increasing the penalties for a failure to register does not violate the ex post facto clause.⁵¹ In addition, one state requires a due process hearing before any offender is ordered to comply with its full registration requirements, including those convicted prior to the registration statute's effective date.⁵²

V. Other Constitutional Issues

As previously mentioned, nearly all persons required to register as sex offenders must do so because they have been convicted of a criminal offense. Accordingly, by the time a person is actually required to register, a number of constitutional protections have already been afforded—namely, those which inure to a defendant throughout the course of a criminal trial and sentencing. Even after those initial protections, however, offenders often raise constitutional concerns that lead to litigation. In prosecutions for state-level failure to register cases or civil challenges to registration requirements, offenders have launched unsuccessful challenges based on the following arguments: double jeopardy,⁵³ procedural due

process,⁵⁴ substantive due process,⁵⁵ equal protection,⁵⁶ ineffective assistance of counsel,⁵⁷ the Sixth Amendment right to a trial by jury,⁵⁸ cruel and unusual punishment,⁵⁹ full faith & credit,⁶⁰ the supremacy clause,⁶¹ and separation of powers.⁶²

Recently, however, in *Bond v. U.S.*,⁶³ the Supreme Court has granted standing to sex offenders to challenge SORNA on 10th Amendment grounds, where previously they had no standing to do so.⁶⁴

Although the vast majority of constitutional challenges to sex offender registration and notification requirements have been unsuccessful, there have been some notable

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decisions based on constitutional grounds. Examples include opinions issued by state or

federal courts which have held that SORNA preempts state law to the extent that any

state constitutional concerns are not implicated;⁶⁵ the collection of internet identifiers

violates the First Amendment;⁶⁶ being ordered to register as a sex offender triggers the

protections of procedural due process;⁶⁷ publishing information about an offender's

"primary and secondary targets" violates due process;⁶⁸ being ordered to register as a

parole condition violates due process when the underlying convictions are not sexual in

nature;⁶⁹ requiring registration for a conviction for solicitation, and not prostitution, when

each offense had the same elements, violates due process;⁷⁰ an affirmative misrepresentation that an offender would not have to register as a sex offender is

ineffective assistance of counsel; ⁷¹ incorrect advice to an offender regarding whether he

would be required to register as a sex offender is ineffective assistance of counsel;⁷² a

"three-strikes" sentence based on a failure to register offense is cruel and unusual

punishment;⁷³ mandatory life imprisonment for a second conviction of failure to register

is cruel and unusual punishment;⁷⁴ and requiring an offender to continue to register when

he had been convicted of having consensual sex with his 14-year old girlfriend (he was

18 at the time) and had his case successfully dismissed under a deferred disposition is

cruel and unusual punishment.⁷⁵

There are a number of cases recently decided by the U.S. Supreme Court which will

have a bearing on future litigation in the field of sex offender registration and

notification. For example, the case of *Apprendi v. New Jersey* has spawned a number of

challenges to registration requirements; namely, contending that a jury should be required

to determine whether an offender should be subject to the additional “punishment” of sex

offender registration.⁷⁶ This test as to whether sex offender registration constitutes

“punishment” is the same as that used to determine whether something is “punitive” for

purposes of an ex post facto analysis as discussed above. To date, most challenges under

Apprendi have been unsuccessful.⁷⁷

Another Supreme Court case which will impact sex offender registration litigation is

Padilla v. Kentucky,⁷⁸ which held that counsel’s failure to correctly advise a client that a

conviction would count as a deportable offense under the Immigration and Naturalization

Act was deficient assistance under the Sixth Amendment.⁷⁹ Since the decision in

Padilla, a number of cases have addressed the issue of whether counsel’s failure to advise

their client that a conviction would result in sex offender registration also runs afoul of

the Sixth Amendment.⁸⁰

VI. Community Notification

Every State, Tribe and Territory that registers sex offenders also makes publicly available certain information about at least some of their sex offenders. While this community notification was originally handled via public meetings, fliers, and newspaper announcements, notification has now expanded to include publicly available and searchable websites, which are linked together via NSOPW. At least one Canadian province also makes information publicly available via a website,⁸¹ and other countries also have community notification procedures.⁸²

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VII. Failure to Register

For an offender to have any motivation for compliance with the sex offender registration process, there must be an enforcement component. Nearly all jurisdictions

which require sex offender registration also have a criminal penalty for failure to register.

Many jurisdictions hold that a failure to register is a “continuing offense,” much like

larceny or escape, such that a person cannot be prosecuted for multiple failures to register

within a given time frame.⁸³ Many jurisdictions require a *mens rea* of some sort to be

proven prior to permitting a person to be convicted of failure to register,⁸⁴ while others

hold that it is a strict liability offense.⁸⁵

All jurisdictions require that some kind of notice be given to a sex offender prior to

being held criminally liable for a failure to register. That notice can be “imperfect” and

still be sufficient.⁸⁶ In other cases, the notice can be constructive, and still valid.⁸⁷

Generally speaking, the proper venue for a failure to register case is the jurisdiction in

which the person has failed to comply with his registration requirements. In addition,

tribal court convictions for a sex offense can form the basis of a failure to register conviction.⁸⁸ However, one state has held that there is no need to prove where an offender was during the time that he failed to register.⁸⁹ The federal failure to register statute, 18 U.S.C. §2250, can also be utilized in cases where there has been interstate travel.

VIII. Residency Restrictions

One of the most debated collateral consequences of a conviction for a sex offense occurs when a jurisdiction chooses to impose residency restrictions on registered sex offenders, that is, restrictions that prohibit registered sex offenders from residing within a certain perimeter of schools, day care centers, parks, and other locations frequented by children. These residency restrictions are generally passed and enforced on a local or municipal level, although, in some circumstances, a state, tribe, or territory might pass such provisions.⁹⁰ SORNA's minimum standards do not address or require residency restrictions in any way.

In some cases, municipal residency restrictions have been invalidated because they were deemed to have been preempted by state law.⁹¹ In another case, the residency restriction was deemed to be punitive and therefore not retroactively applicable.⁹² More frequently, however, these provisions have been upheld.⁹³

IX. Miscellaneous

One collateral consequence of a lifetime sex offender registration requirement is that a person is no longer permitted, pursuant to federal law, to be admitted to any "federally assisted housing."⁹⁴ However, once a person has been admitted to a program such as

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Section 8,95 they cannot be thereafter terminated because of a new, or newly-discovered, lifetime sex offender registration requirement.⁹⁶ A person may be prosecuted for perjury if they have lied on an application for Section 8 housing about the status of a lifetime registered sex offender living in the residence.⁹⁷ Homeless or transient sex offenders have generated a great deal of litigation as states have tried to enforce registration requirements. Many states are rewriting their laws in such a way that these offenders are clearly required to register.⁹⁸ In most cases, an offender's homelessness has not prevented a successful prosecution for failure to register, although sometimes statutory or evidentiary problems have prevented successful prosecution.⁹⁹ In one case, the Court found that when an offender repeatedly uses a "mail drop" address as his legal address, he "resides" at that location for the purposes of a prosecution for failure to register as a sex offender.¹⁰⁰ Convictions for a failure to register have spawned deportation proceedings in some cases. However, a conviction for a state failure to register offense has been found not to be a crime involving "moral turpitude" under the immigration code and, therefore, a person is not removable because of that conviction.¹⁰¹

X. Conclusion

The statutes, regulations and laws addressing sex offender registration and notification in the United States are varied and complex. While this handbook seeks to provide updated and accurate information, practitioners are advised to conduct their own research to confirm that they are utilizing the most current information available. For any questions about SORNA itself or for more information about any of the SMART Office projects described in this resource, please feel free to contact us at

getsmart@usdoj.gov or visit our website at www.smart.gov.

1 The Department of Justice makes no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the contents of this update, and expressly disclaims liability for errors and omissions in the contents of this update. The information appearing in this update is for general informational purposes only and is not intended to provide legal advice to any individual or entity. We urge you to consult with your own legal advisor before taking any action based on information appearing in this update.

2 Except for military offenders, addressed in section I(G).

3 Federally-recognized Indian Tribes located in “PL-280” states will typically have their registration functions handled by the state within which their lands are located. 42 U.S.C. §16927(a)(2)(A), *citing* Public L. No. 83-280, c. 505, 67 Stat. 588 (1953), *codified at* 18 U.S.C. §1162 (2006).

4 The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, Public L. No. 103-322, §170101, 108 Stat. 2038 (1994). This was an incentive-based system, where States would be penalized (via loss of Federal grant funds) for a failure to implement its terms. The five principal U.S. territories (American Samoa, Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands) were included under Wetterling’s requirements by way of Final Guidelines issued in April of 1996. Final Guidelines for the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, 61 Fed. Reg. 15110 (April 4, 1996).

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5 In the same way that the Wetterling Act’s provisions were incentive-based (*see supra* text accompanying note 4), so were the provisions of Megan’s Law.

6 42 U.S.C. §16901 (2006), *et seq.* All United States Code references are current as of May 2012.

Two sets of guidelines have been issued to assist in the implementation of SORNA. [The National](#)

[Guidelines for Sex Offender Registration and Notification](#), 73 Fed. Reg. 38030 (July 2, 2008) [*hereinafter*

Final Guidelines], [Supplemental Guidelines for Sex Offender Registration and Notification](#), 76 Fed. Reg.

1630 (Jan. 11, 2011) [*hereinafter* Supplemental Guidelines].

7 For any State or Territory, the penalty is contained in 42 U.S.C. § 16925:

For any fiscal year after the end of the period for implementation, a jurisdiction that fails,

as determined by the Attorney General, to substantially implement this title shall not

receive 10 percent of the funds that would otherwise be allocated for that fiscal year to

the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe

Streets Act of 1968 ([42 U.S.C. § 3750](#) *et seq.*).

If the 10 percent penalty is assessed, the jurisdiction can apply for reallocation of those funds to

use for purposes of implementing SORNA.

For Tribes that elected to function as registration jurisdictions, the penalty contained in 42 U.S.C.

§ 16925 may apply, if the tribe qualifies for that funding, which is determined by formula. However, there

is a separate and significant penalty for non-compliance by tribes contained in 42 U.S.C. § 16927: For

federally-recognized Indian Tribes that the Attorney General determines have “not substantially

implemented the requirements of this subtitle and is not likely to become capable of doing so within a

reasonable amount of time,” the statute creates automatic delegation of SORNA functions:

. . . to another jurisdiction or jurisdictions within which the territory of the tribe is located

[and requires the tribe] to provide access to its territory and such other cooperation and

assistance as may be needed to enable such other jurisdiction or jurisdictions to carry out

and enforce the requirements of [SORNA].

The meaning of “provide access” and other issues regarding delegation of registration and

notification responsibilities under SORNA for federally-recognized Indian Tribes is discussed in

documents #12 and #13 of the SMART Office's "[Topics in SORNA Implementation](#)" series.

8 Current as of July 5, 2012. For the current list of implemented jurisdictions, please visit

http://www.smart.gov/newsroom_jurisdictions_sorna.htm.

9 The precursor of NSOPW was NSOPR, the National Sex Offender Public Registry, which was the official name of the website from the time of its administrative creation in 2005 until the passage of

SORNA in 2006. Press Release, Dep't of Justice, Office of Justice Programs, Department of Justice

Activates National Sex Offender Public Registry Website (July 20, 2005), *available at*

http://www.amberalert.gov/newsroom/pressreleases/ojp_05_0720.htm. By

July of 2006, all fifty states

were linked to the Website. Press Release, Dep't of Justice, Office of Justice Programs, All 50 States

Linked to Department of Justice National Sex Offender Public Registry Web Site (July 3, 2006), *available*

at http://www.justice.gov/opa/pr/2006/July/06_ag_414.html.

10 The SMART Office does administer [TTSORS](#) (the Tribe and Territory Sex Offender Registry

System), which is a system developed particularly for federally-recognized Indian Tribes and U.S.

Territories which had not previously operated a sex offender registration system or website. All of the

information in TTSORS is supplied and administered by the jurisdictions.

The SMART Office, through its

contractor, administers the network capacity and connectivity of TTSORS to NSOPW.

11 For example, a local police department might submit an offender's fingerprints to the FBI at the

time of arrest.

12 *See* The Pam Lychner Sexual Offender Tracking and Identification Act of 1996, Public L. No.

104-236, 110 Stat. 3093.

13 Conversation with Kimberly Lough, FBI CJIS Division, NCIC Operations and Policy Unit, 2010.

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14 In many cases, an offender will have had their fingerprints, palm prints or DNA submitted prior to the registration process, as part of their arrest, sentencing, incarceration, or at some other point in the processing of their case. Registration agencies are not required to submit duplicate entries to federal databases where a fingerprint, palm print, or DNA record already exists. Final Guidelines, *supra* note 6, at 38057.

15 [18 U.S.C. §4042\(c\)](#). The Bureau of Prisons is a Department of Justice subdivision and part of the Executive Branch. Federal Probation Officers are governed by the Administrative Office of the United States Courts, a Judicial Branch Office.

16 BIA is part of the Department of the Interior, in the Executive Branch. *See generally* [Bureau of Indian Affairs' Detention Facilities](#), Office of the Inspector General Report # WR-EV-BIA-0005-2010

(“BIA reported that as of September 2009, the detention program consisted of 94 detention facilities: 23 bureau-operated facilities, 52 tribally-operated facilities under Public Law (P.L.) 93-638 contracts, and 19 tribally-operated facilities under self-governance compact agreements”).

17 *See* Army Regulation 190-45, §2-7 (2007).

18 “Federal Enclave” is a legal term of art which refers to property that is either in whole or in part under the law enforcement jurisdiction of the United States Government. *See generally* the “Enclave Clause,” U.S. CONST. Art. I, §8, cl. 17 (“[The Congress shall have Power...] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings”); *see also* 40 U.S.C. §3112 (2006) (concerning federal jurisdiction). A similar issue

arises regarding offenders located within National Parks or other federally-held land that holds the status of “federal enclave.”

19 In some jurisdictions, registration is required when a person has been civilly committed, received a withheld adjudication, found Not Guilty by Reason of Insanity or incompetent to stand trial, or when ordered to register by a probation officer. *See Mayo v. People*, 181 P.3d 1207 (Colo. Ct. App. 2008) (civil commitment triggered requirement to register); *Price v. State*, 43 So.3d 854 (Fla. Dist. Ct. App. 5th Dist. 2010) (withheld adjudication); *State v. Olsson*, 958 N.E.2d 356 (Ill. App. 2011) (defendant found incompetent to stand trial was required to register); *In re Kasckarow*, 2011 N.Y. Misc. LEXIS 5074 (Oct. 25, 2011) (nolo contendere plea and withheld adjudication in Florida registerable in New York); *but see United States v. Moore*, 449 Fed. Appx. 667 (9th Cir. 2011) (probation condition under SORNA requiring registration for a tier I offender more than 15 years after the conviction was invalid). In addition, some jurisdictions require registration even if an offender has been pardoned of the underlying offense, *In re Edwards*, 720 S.E.2d 462 (S.C. 2011), *citing* S.C. Code § 23-3-430(F), and in some jurisdictions an offender can remain on the public registry website even if that offender no longer has any meaningful ties to the jurisdiction, *Doe v. O'Donnell*, 924 N.Y.S.2d 684 (N.Y. App. Div. 3d Dep't 2011).

20 *See Rainer v. State*, 690 S.E.2d 827 (Ga. 2010) (non-parental false imprisonment is registerable); *Moffitt v. Commonwealth*, 360 S.W.3d 247 (Ky. Ct. App. 2012) (citing the legislative history of the Wetterling Act to support registration for kidnapping); *People v. Knox*, 903 N.E.2d 1149 (N.Y. 2009) (nonparental kidnapping and unlawful imprisonment is registerable); *State v. Smith*, 780 N.W.2d 90 (Wisc. 2010) (non-parental false imprisonment is registerable).

21 For example, Montana's Violent Offender registry (<http://svcalt.mt.gov/svor/search.asp>) is displayed

together with its sex offender registry information. *Cf.* Mont. Code §46-23-502(13) (definition of “violent offense”).

22 *See Doe v. Board*, 925 N.E.2d 533 (Mass. 2010) (Maine conviction for unlawful sexual contact registerable in Massachusetts); *Skaggs v. Neb. State Patrol*, 804 N.W.2d 611 (Neb. 2011) (California conviction registerable in Nebraska); *Lozada v. South Carolina Law Enforcement Division*, 719 S.E.2d 258

(S.C. 2011) (Pennsylvania conviction for unlawful restraint registerable as kidnapping in South Carolina);

In re Shaquille O’Neal B., 684 S.E.2d 549 (S.C. 2009) (North Carolina juvenile adjudication for ‘indecent liberties between children’ registerable in South Carolina); *but see People v. Brooks*, 2012 Colo. App.

LEXIS 456 (March 29, 2012) (Texas conviction not registerable in Colorado); *Sharma v. State*, 670 S.E.2d

494 (Ga. App. 2008) (Texas conviction not registerable in Georgia); *State v. Frederick*, 251 P.3d 48 (Kan.

2011) (Minnesota adjudication for criminal sexual conduct not registerable in Kansas because it is not a

“conviction” under Kansas law); *State v. Hall*, 252 P.3d 770, *cert. granted*, 2011 N.M. LEXIS 363 (N.M.

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2011) (California conviction for “annoying or molesting children” not registerable in New Mexico); *Ex*

parte Harbin, 297 S.W.3d 283 (Tex. Crim. App. 2009) (California conviction for “annoying or molesting a

child” not registerable in Texas); *State v. Howe*, 212 P.3d 565 (Wash. 2009) (California conviction for

“lewd acts upon a child” not registerable in Washington); *State v. Werneth*, 197 P.3d 1195 (Wash. App.

2008) (Georgia conviction for Child Molestation not registerable in Washington State).

23 *See Doe v. Pa. Bd. of Prob. & Parole*, 513 F.3d 95 (3d Cir. 2008) (Pennsylvania’s disparate

treatment of in-state and out-of-state offenders violated the Equal Protection Clause of the 14th

Amendment).

24 *See* United States v. Dodge, 597 F.3d 1347 (11th Cir. 2010) (18 USC §1470 registerable under SORNA, even though it is not listed); United States v. Byun, 539 F.3d 982 (9th Cir. 2008) (conviction for alien smuggling which had underlying facts of sex trafficking properly triggered registration); United States v. Hahn, 551 F. 3d 977 (10th Cir. 2008) (probation conditions properly required registration in a fraud case when there was a prior state conviction for a sex offense); United States v. Jensen, 278 Fed. Appx. 548 (6th Cir. 2008) (Conspiracy to Commit Sexual Abuse is a registerable offense); *but see* United States v. Jimenez, 275 Fed. Appx. 433 (5th Cir. 2008) (where only evidence of sexual misconduct was three unsubstantiated police reports, registration requirement was inappropriate); State v. Coman, 273 P.3d 301 (Kan. 2012) (bestiality is not a registerable offense); State v. Haynes, 760 N.W.2d 283 (Mich. App. 2008) (bestiality not registerable).

25 *See, e.g.*, Doe v. Sex Offender Registry Bd., 925 N.E.2d 533 (Mass. 2010) (may not consider facts underlying the conviction).

26 *See, e.g.*, State v. Duran, 967 A.2d 184 (Md. 2009) (highlighting the narrow approach, the Court determined that Indecent Exposure was not registerable because the lewdness element of the crime incorporated conduct that was not sexual in addition to that which could be sexual).

27 State v. Atcitty, 215 P.3d 90 (N.M. 2009).

28 United States v. Begay, 622 F.3d 1187 (9th Cir. 2010).

29 42 U.S.C. §16911(1). The bulk of these cases have been appeals of convictions under 18 U.S.C. §2250 and interpret the “initial registration” requirement contained in 42 U.S.C. §16913. *See* Carr v. United States, 130 S. Ct. 2229 (2010).

30 “Sex Offense” is defined in 42 U.S.C. §16911(5)(A). For guidance on which persons convicted of UCMJ offenses are required to register, see United States v. Jones, 383 Fed. Appx. 885 (11th Cir. 2010), *citing* Department of Defense Instruction 1325.7 (*available at*

http://www.militarylawyers.com/uploads/DoD_Updated_Sexual_Offense_Reporting_Requirements.pdf).

31 42 U.S.C. §16911(5)(B).

32 In other words, there will be situations where SORNA imposes a registration requirement directly on an offender, but the jurisdiction where that offender lives, works or attends school refuses to register him, because the jurisdiction's laws do not require registration for the offense of conviction.

33 SORNA's minimum standards require that jurisdictions register juveniles who were at least 14 years old at the time of the offense and who have been adjudicated delinquent for committing (or attempting or conspiring to commit) a sexual act with another by force, by the threat of serious violence, or by rendering unconscious or drugging the victim. "Sexual Act" is defined in 18 U.S.C. §2246. The

Supplemental Guidelines for Sex Offender Registration and Notification give jurisdictions full discretion over whether they will post information about juveniles adjudicated delinquent of sex offenses on their public registry website. Supplemental Guidelines, *supra* note 6 at 1636-37.

34 *See, e.g., Clark v. State*, 957 A.2d 1 (Del. 2008) (lifetime registration requirement for juvenile was not contravened by requirement to consider the "best interests of the child" in fashioning a disposition).

Some states go beyond SORNA's requirements. *See, e.g., In re J.L.*, 800 N.W.2d 720 (S.D. 2011) (14 year-old boy adjudicated delinquent for consensual sex with his 12 year-old girlfriend was ordered to register for life).

35 *See, e.g., N.V. v. State*, 2008 Ark. App. LEXIS 207 (March 5, 2008) (due process hearing required prior to juvenile being required to register).

36 *See, e.g., In re Crockett*, 159 Cal. App. 4th 751 (Cal. App. 1st Dist. 2008) (juvenile adjudicated delinquent of sex offense in Texas was not required to register when he moved to California).

37 *See In re Z.B.*, 757 N.W.2d 595 (S.D. 2008) (treating juvenile sex offenders convicted of the same

crimes as adult sex offenders differently and more harshly than the adult sex offenders served no rational purpose and violated the Equal Protection Clause of the 14th Amendment); *cf. In re C.P.T.*, 2008 Minn.

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App. Unpub. LEXIS 929 (Aug. 5, 2008) (lifetime registration requirement for juveniles does not violate due process).

38 *In re C.P.*, 131 Ohio St. 3d 513, 2012-Ohio-1446, 967 N.E.2d 729.

39 *People v. Birkett*, 909 N.E.2d 783 (Ill. 2009).

40 581 F.3d 977 (2009), *vacated and remanded*, 131 S. Ct. 2860 (2011), *appeal dismissed as moot*, 653 F.3d 1081 (9th Cir. 2011).

41 In a case decided after the Supreme Court matter, it was held that SORNA's registration requirement did not contravene the confidentiality provisions of the Federal Juvenile Delinquency Act, which is found at 18 U.S.C. §503. *United States v. Juvenile Male*, 670 F.3d 999 (9th Cir. 2012).

42 SORNA requires that jurisdictions register offenders whose "predicate convictions predate the enactment of SORNA or the implementation of SORNA in the jurisdiction" when an offender is:

- (1) incarcerated or under supervision, either for the predicate sex offense or for some other crime;
- (2) already registered or subject to a pre-existing sex offender registration requirement under the jurisdiction's law; or
- (3) reenter the jurisdiction's justice system because of a subsequent felony conviction.

Final Guidelines at 38046; Supplemental Guidelines at 1639.

43 *Smith v. Doe*, 538 U.S. 1009 (2003).

44 *Id.*

45 *See, e.g., Jensen v. State*, 905 N.E.2d 384 (Ind. 2009) (person convicted after the initial passage of the law could be required to comply with amended requirements).

46 *Doe v. State*, 189 P.3d 999 (Alaska 2008); *Wallace v. State*, 905 N.E.2d 371 (Ind. 2009); *Maine v.*

Letalien, 985 A.2d 4 (Me. 2009); *State v. Williams*, 952 N.E.2d 1108 (Ohio 2011). One additional case,

Doe v. Phillips, 194 S.W.3d 833 (Mo. 2006), has subsequently been rendered moot. *See* Doe v. Keathley, 2009 Mo. App. LEXIS 4 (Jan. 6, 2009).

47 *See, e.g.,* State v. Henry, 228 P.3d 900 (Ariz. Ct. App. 2010); Buffington v. State, 2008 Ark.

LEXIS 71 (Jan. 31, 2008); Finnicum v. State, 673 S.E.2d 604 (Ga. 2009); State v. Yeoman, 236 P.3d 1265

(Idaho 2010); People v. Birkett, 909 N.E.2d 783 (Ill. 2009).

48 ACLU v. Masto, 2:08-cv-00822-JCM-PAL (D. Nev., Oct. 7, 2008).

49 ACLU v. Masto, 670 F.3d 1046 (9th Cir. 2012).

50 State v. Jedlicka, 747 N.W.2d 580 (Minn. App. 2008); *see also* Flanders v. State, 955 N.E.2d 732

(Ind. App. 2011).

51 Buck v. Commonwealth, 308 S.W.3d 661 (Ky. 2010).

52 See the procedure followed in Massachusetts, where the Sex Offender Registry Board must find

that the offender poses a danger to the community before requiring registration: 803 CMR 106(B),

available at <http://www.mass.gov/eopss/docs/sorb/sor-regulations.pdf>.

53 State v. Larson, 2008 Minn. App. Unpub. LEXIS 1525 (Dec. 30, 2008); State v. Sparks, 657 S.E.

2d 655 (N.C. 2008); State v. Green, 230 P.3d 654 (Wash. App. 2010).

54 Meza v. Livingston, 607 F.3d 392 (5th Cir. 2010) (defendant had a liberty interest in being free

from registration requirements where he had not been convicted of a sex offense); State v. Arthur H., 953

A.2d 630 (Conn. 2008) (no due process hearing required); Doe v. Dep't of Public Safety, 971 A.2d 975

(Md. App. 2009) (presumption of dangerousness flowing from a rape conviction was permissible).

55 Woe v. Spitzer, 571 F.Supp.2d 382 (E.D. N.Y. 2008) (when amended statute extended the

registration period by ten years three days before petitioner's registration requirement expired, there was no

protected liberty interest).

56 Doe v. Jindal, 2011 U.S. Dist. LEXIS 100408 (E.D. La., Sept. 7, 2011). California has a long line

of cases litigating equal protection issues in sex offender registration cases, based on People v. Hofsheier,

129 P.3d 29 (Cal. 2006).

57 Nearly all of these cases have focused on sex offender registration as a “collateral consequence” of conviction, and cases involving whether a guilty plea is knowing, voluntary and intelligent also discuss the issue. *See* United States v. Cottle, 355 Fed. Appx. 18 (6th Cir. 2009); *Mireles v. Bell*, 2008 U.S. Dist. LEXIS 2451 (D. Mich. Jan. 11, 2008); *State v. Flowers*, 249 P.3d 367 (Idaho 2011); *Magyar v. State*, 18 So.3d 807 (Miss. 2009) (citing thorough collection of controlling caselaw across the country); *People v. Gravino*, 928 N.E.2d 1048 (N.Y. 2010) (Guilty Plea); *State v. Nash*, 48 A.D.3d 837 (N.Y. App. Div. 3d Dep’t 2008); *see also* United States v. Molina, 68 M.J. 532 (U.S.C.G. CCA 2009) (mutual misunderstanding of registration requirement was grounds for withdrawing a guilty plea entered pursuant to

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a plea agreement); *State v. Bowles*, 89 A.D.3d 171 (N.Y. App. Div. 2d Dep’t 2011) (offender has the right to the effective assistance of counsel in a risk level assessment (SORA) hearing).

58 *See* *Thomas v. United States*, 942 A.2d 1180 (D.C. 2008) (underlying misdemeanor charges which required registration upon conviction were “petty” for purposes of the Sixth Amendment, and a jury trial was not required); *In re Richard A.*, 946 A.2d 204 (R.I. 2008); *but see* *Fushek v. State*, 183 P.3d 536 (Ariz. 2008) (because of the seriousness of the consequences of being designated a sex offender, jury trial must be afforded when there is a special allegation of sexual motivation in a misdemeanor case).

59 *People v. Nichols*, 176 Cal. App. 4th 428 (3d Dist. 2009) (28 years to life sentence for failure to register under California’s three-strikes law did not violate the 8th Amendment); *People v. T.D.*, 292 Mich. App. 678 (2011) (requiring a juvenile to register was not cruel and unusual punishment).

60 *Rosin v. Monken*, 599 F.3d 574 (7th Cir. 2010) (offender convicted in New York was promised in

his plea agreement that he would never have to register as a sex offender, but when he moved to Illinois and was required to register under its laws, it was not a violation of the Full Faith and Credit Clause).

61 *United States v. King*, 431 Fed. Appx. 630 (10th Cir. 2011).

62 *State v. Caton*, 260 P.3d 946 (Wash. Ct. App. 2011).

63 131 S.Ct. 2355 (2011).

64 *See United States v. Reynolds*, 132 S.Ct. 975 (2012); *United States v. Smith*, 655 F.3d 839 (8th Cir. 2011).

65 *Doe v. Keathley*, 2009 Mo. App. LEXIS 4 (Jan. 6, 2009).

66 *Doe v. Shurtleff*, 2008 U.S. Dist. LEXIS 73787 (D. Utah Sept. 25, 2008), *vacated after legislative changes*, 2009 U.S. Dist. LEXIS 73955 (D. Utah Aug. 20, 2009).

67 *Brown v. Montoya*, 662 F.3d 1152 (10th Cir. 2011).

68 *State v. Briggs*, 199 P.3d 935 (Utah 2008).

69 *Ex parte Evans*, 338 S.W.3d 545 (Tex. Crim. App. 2011)

70 *Doe v. Jindal*, 2012 U.S. Dist. LEXIS 43818 (E.D. La., March 29, 2012).

71 *United States v. Rose*, 2010 CCA LEXIS 251 (A.F.C.C.A. June 11, 2010)

72 *People v. Fonville*, 804 N.W.2d 878 (Mich. Ct. App. 2011)

73 *Gonzalez v. Duncan*, 551 F.3d 875 (9th Cir. 2008).

74 *Bradshaw v. State*, 671 S.E.2d 485 (Ga. 2008).

75 *State v. Dipiazza*, 778 N.W.2d 264 (Mich. Ct. App. 2009).

76 530 U.S. 466 (2000).

77 *See Colorado v. Rowland*, 207 P.3d 890 (Colo. Ct. App. 2009); *State v. Meredith*, 2008 Minn.

App. Unpub. LEXIS 324 (April 8, 2008).

78 130 S. Ct. 1473 (2010).

79 *Id.* Certiorari has been granted in a case for the October 2012 term which will take up the issue of whether the decision in *Padilla* should apply retroactively. *Chaidez v. United States*, 132 S. Ct. 2101 (2012).

80 *Rodriguez-Moreno v. Oregon*, 2011 U.S. Dist. LEXIS 151123 (D. Or. Nov. 15, 2011) (failure to

advise of registration requirements is not ineffective assistance of counsel); *Taylor v. State*, 698 S.E.2d 384

(Ga. Ct. App. 2010) (counsel was deficient for not advising of sex offender registration requirements);

People v. Fonville, 804 N.W.2d 878 (Mich. Ct. App. 2011) (counsel was ineffective for not advising of sex

offender registration requirements).

81 The Canadian Province of Alberta maintains a website listing high-risk sex offenders:

http://www.solgps.alberta.ca/safe_communities/community_awareness/serious_violent_offenders/Pages/high_risk_offenders_listing.aspx.

82 There is a disclosure scheme in place in the United Kingdom authorizing law enforcement to

provide details of certain sex offenders,

<http://www.homeoffice.gov.uk/crime/child-sex-offenderdisclosure/>,

and a bill has recently passed which will enable website and other public notifications in the

province of Western Australia, Community Protection (Offender Reporting) Amendment Bill (No. 2) 2011,

Bill No. 236 (Assented to March 15, 2012).

83 *See* United States v. George, 625 F.3d 1124 (9th Cir. 2010); State v. Cook, 187 P.3d 1283 (Kan.

2008); Longoria v. State, 749 N.W.2d 104 (Minn. App. 2008).

84 *In re* C.P.W., 213 P.3d 413 (Kan. 2009); People v. Haddock, 48 A.D. 3d 969 (N.Y. App. Div.

2008); State v. Vick, 2010 Wash. App. LEXIS 2462 (Nov. 2, 2010).

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85 Christie v. State, 2008 Ark. App. LEXIS 10 (Jan. 9, 2008); State v. T.R.D., 942 A.2d 1000 (Conn.

2008).

86 Petway v. State, 661 S.E.2d 667 (Ga. App. 2008) (pre-release notice of registration requirements

is not a prerequisite to the obligation to register); Commonwealth v. McBride, 281 S.W.3d 799 (Ky. 2009)

(lack of notice did not relieve offender of absolute duty to register).

87 *See* United States v. Leach, 2009 U.S. Dist. LEXIS 104703 (D. Ind. Nov. 6, 2009); United States

v. Benevento, 633 F. Supp. 2d 1170 (D. Nev. 2009); State v. Bryant, 614 S.E.2d 479, 488 (N.C. 2005) (“the

pervasiveness of sex offender registration programs [combined with additional factors in this case]

certainly constitute circumstances which would lead the reasonable individual to inquire of a duty to

register in *any* state upon relocation”).

88 *See* United States v. Shavanaux, 647 F.3d 993 (11th Cir. 2011) (domestic violence prosecution).

89 State v. Peterson, 186 P.3d 1179 (Wash. App. 2008).

90 *See, e.g.*, Cal. Penal Code §3003.5 (2012); Idaho Code § 18-8329 (2012); 57 Okla. Stat. §590 (2012).

91 People v. Oberlander, 880 N.Y.S.2d 875 (N.Y. Sup. Ct. 2009) (Rockland County residency

restriction preempted by New York State law); People v. Blair, 873 N.Y.S.2d 890 (Albany City Ct. 2009)

(Albany County residency restriction preempted by New York State law); G.H. v. Twp. of Galloway, 951

A.2d 221 (N.J. 2008) (New Jersey law preempted municipal residency restrictions); *contra* United States v.

King, 2009 U.S. Dist. LEXIS 94582 (W.D. Okla. Oct. 9, 2009) (Oklahoma's residency restrictions did not

present an obstacle to complying with federal sex offender registration requirements).

92 *See* Commonwealth v. Baker, 295 S.W.3d 437 (Ky. 2009) (Kentucky's residency restrictions

exceeded the nonpunitive purpose of public safety and thus violated the ex post facto clause); *but see*

McAteer v. Riley, 2008 U.S. Dist. LEXIS 26209 (M.D. Ala. March 31, 2008) ("The court expresses no

opinion today on whether McAteer could present evidence and arguments to establish by the clearest proof

that the residency and employment restrictions violate the ex post facto clause and leaves that question for

another day"); R.L. v. State Dep't of Corr., 245 S.W.3d 236 (Mo. 2008) (by attaching new obligations to

past conduct, residency restrictions violate the bar on retrospective laws).

93 State v. Stark, 802 N.W.2d 165 (S.D. 2011) (discussing state-level loitering and safety zone provisions).

94 42 U.S.C. §13663.

95 'Section 8' is the common shorthand reference to the housing assistance provisions contained in

the United States Housing Act of 1937, ch. 896, Title I, § 8 (Sept. 1, 1937), as amended.

96 Miller v. McCormick, 605 F.Supp.2d 296 (D. Me. 2009).

97 Johnson v. California, 2011 U.S. Dist. LEXIS 101623 (C.D. Cal. July 25, 2011).

98 Santos v. State, 668 S.E.2d 676 (Ga. 2008) (registration requirements unconstitutionally

vague); *see also* State v. Crofton, 2008 Wash. App. LEXIS 1283 (June 2, 2008) (weekly registration requirement for homeless offenders permissible).

99 *See* Branch v. State, 917 N.E.2d 1283 (Ind. Ct. App. 2009) (homeless defendant was successfully

prosecuted for failure to register when he failed to inform authorities that he had left a shelter); Milliner v.

State, 890 N.E.2d 789 (Ind. Ct. App. 2008) (offender kicked out of house by wife and staying with friends

had to update his registration every time he moved); Tobar v. State, 284 S.W.3d 133 (Ky. 2009) (when

offender did not notify authorities of leaving homeless shelter, conviction for failure to register was proper)

; State v. Samples, 198 P.3d 803 (Mont. 2008) (when offender failed to notify authorities of leaving shelter,

conviction was proper); Breeden v. State, 2008 Tex. App. LEXIS 2150 (March 26, 2008) (offender who

moved out of hotel into car in parking lot of hotel properly convicted and sentenced to 55 years); *but see*

Commonwealth v. Bolling, 893 N.E.2d 371 (Mass. App. 2008) (offender did not need to update his address

when he found a friend willing to take him in for a few days);

Commonwealth v. Wilgus, 975 A.2d 1183

(Pa. Super. 2009) (where there was no “residence” to register, a homeless person could not be convicted of

failure to register); State v. Dinkins, 339 Wis.2d 78 (2012) (offender was charged with failure to register,

prior to release from incarceration, for failure to provide a residence address, and this was not permissible).

100 United States v. Pendleton, 2009 U.S. Dist. LEXIS 85347 (D. Del. Sept. 18, 2009).

101 Efang v. Holder, 642 F.3d 918 (10th Cir. 2011); Plascencia-Ayala v. Mukasey, 516 F.3d 738 (9th

Cir. 2008), *overruled on other grounds by* Marmolejo-Campos v. Holder, 558 F.3d 903 (9th Cir. 2009).