

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Nancey Harrington at 10:45 a.m. on March 6, 2003 in Room 245-N of the Capitol.

All members were present except: Senator Vratil, excused

Committee staff present: Theresa Kiernan, Office of the Revisor
Nikki Kraus, Committee Secretary

Conferees appearing before the committee: Judy Smith, Concerned Women of America

Others attending: Please see attached.

Chairperson Harrington announced to the committee that it would be addressing the four gambling bills next week, and if anyone wished to submit testimony, they would need to submit a written copy to the committee secretary, Nikki Kraus.

Chairperson Harrington then asked the committee for bill introductions.

Senator Barnett asked the committee for the introduction of a bill designed to help prevent the tragedies of the kind of events that recently took place in clubs in Rhode Island and Chicago. He stated that he had obtained permission from the Senate President and the Chair because he realized that this was beyond deadline. He stated that the bill would send a message from the state that we are serious about safety and that their licenses may even be dependent upon compliance.

Senator Barnett made a motion to introduce the bill. Senator Gilstrap seconded the motion. The bill was introduced.

Chairperson Harrington invited Judy Smith, Concerned Women of America, to come before the committee

Ms. Smith presented the committee with a packet and slide show entitled, "Sex Offenders and Victims" (Attachment 1)

Following discussion, Senator O'Connor stated that she would like to make a formal request for an interim study of sexual predator laws and their effects on Kansas citizens.

Chairperson Harrington stated that she appreciated the cooperation of the committee and that in the following few days, Ms. Kiernan would be providing briefings on the gaming bills.

The meeting adjourned at 11:54 a.m.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE: March 6, 2003

NAME	REPRESENTING
Alba English	CWA
Diane M Meyer	CWA
Lois Sladkey	CWA Concerned Women for America
Linda Highland	CWA
Raeen Koushaker	CWA
Holly Bashaw	CWA
Joy E Borders	CWA (Concerned Women for America of Kansas)
Tharsha Stalder	CWA of Mo.
Shari Hoffman	CWA of KS
Judy Smith	CWA of KS
Tanya Doff	PSRS
Marilynn Ault	KCSDV
Sandy Barnett	KCSDV
Julienne Masler	Gov. office
Amber Kjelhus	Sen. Brungardt
Chris Mechler	CWA
Glenn Thompson	Stand Up For KS.
Gina Portner	Sen. Barnett
Michelle Whit	KC DAA



“Sexual Offenders & Victims”

March 6, 2003

Concerned Women for America
of Kansas

Senate Fed & State
Date: 03 / 06 / 2003
Attachment # 1



“Sexual Offenders & Victims”

March 6, 2003

Concerned Women for America
of Kansas

Hank the Tank



“Mr. Antioch Park”

Victim: Fatherless 11-year old boy

Residence: Less than 1,000 feet from the back property of Antioch Park, Johnson County’s most popular park.

Conviction: Aggravated Indecent Liberties with a Child

Facts of Case: Offender had boy sleep over at his residence 400 to 500 times. *The state alleged multiple incidences against the boy and the boy testified to the incidences. Offender showed the boy homosexual pornographic videotapes. Evidence found at offender’s residence included pornographic videotapes, six types of pornographic magazines, assorted pictures of children, and boy’s underwear.*

Sentence: Prison: 49 months
Post-release supervision: 60 months

Easy Access



Easy Access



Easy Access



Real Kids - not just Headlines.



Legal Changes Have Left Women and Children at Greater Risk

1949 General Statutes

- Rape
- Adultery; indecency; lewd cohabitation
- Crime against nature

1974 Sex Offenses

- Rape
- Indecent liberties with a child
- Adultery
- Enticement of a child
- Indecent solicitation of a child
- Sodomy
- Aggravated sodomy

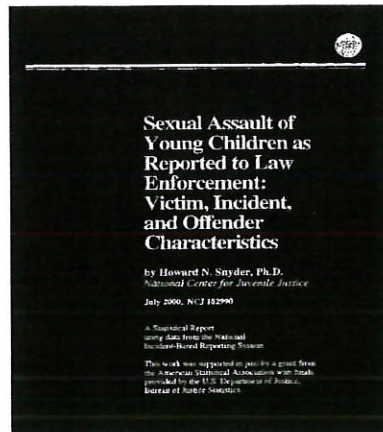
1988 Sex Offenses

- Rape
- Indecent liberties with a child
- Adultery
- Enticement of a child
- Indecent solicitation of a child
- Sexual Battery
- Aggravated Sexual Battery
- Criminal Sodomy
- Aggravated sodomy

1995 Sex Offenses

- Rape
- Indecent liberties with a child
- Aggravated indecent liberties with a child
- Criminal Sodomy
- Aggravated Criminal sodomy
- Indecent solicitation of a child
- Sexual Battery
- Aggravated Sexual Battery
- Romeo and Juliet Law
- Aggravated Indecent Solicitation of a child
- Sexual Exploitation of a Child

U.S. Dept. of Justice Released its Sex Crime Data for victims under 12



The National Incident-Based Reporting System admits that, "the only existing national data collection effort that explored the incidence of sexual assault ignored crimes against young victims."

[July 2000, *National Incident-Based Reporting System*, p. 1.]

Eliminated Statutory Rape Statistics

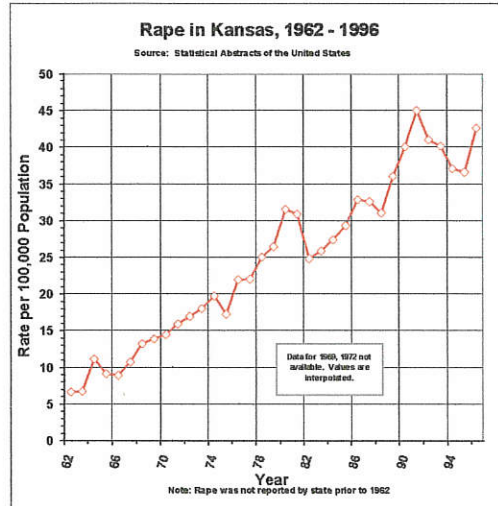
National Incidence-Based Reporting System: Unreported Sex Crimes



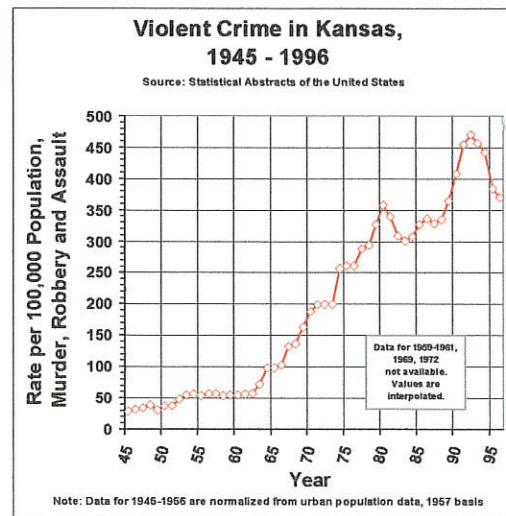
According to the US Department of Justice NIBRS, just 33% of all reported sex abuse victims are over 17 years old. 43% are between the ages of 12 and 17, and 24% are 12 years old or younger.

However, three years of Bureau of Justice Statistics National Crime Victimization Surveys indicate that 68% of sexual assaults are not reported.

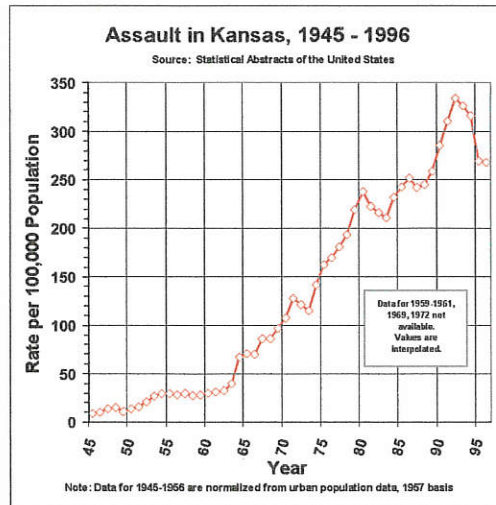
Increase in Incidents of Rape



Increase in Incidents of Violent Crime



Increase in Incidents of Assault



Model Penal Code Introduced

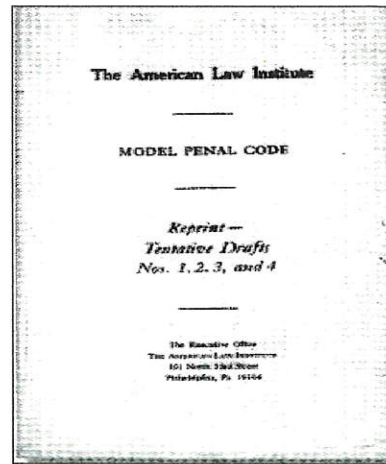
- Professor Herbert Wechsler in an article entitled “The Challenge of a Model Penal Code,” published in the Harvard Law Review May 1952, led a chorus of distinguished legal professionals calling for the American Law Institute “to prepare a Model Penal Code...”
- A cry for “science-based” legal reform.
- Present laws are “ineffective, inhumane, and thoroughly unscientific.”

1955: American Law Institute's Model Penal Code Debut

The main objective of the Model Penal Code was nothing more than to simply, merely, “*define and clarify*, the common law principles that exist in our country.”

(italics added)

[Robert Rothenberg, *The Plain-Language Law Dictionary*, 1981, p.19]



Kansas Law Changed in 1969

Model Penal Code proposed to “simplify, consolidate, condense, and modernize Kansas law to conform to modern penal legislation.” [Kansas Law Review, 1969]

“Taken as a whole, the proposed code does not depart widely from present standards. Most conduct that is prohibited by the present law is unlawful under the proposal. Where new crimes have been created it was in response to recognized social problems for which the present law does not provide a satisfactory solution.” [P. E. Wilson, 1968, “New Bottles for Old Wine: Criminal Law Revision in Kansas”, Kansas Law Review, vol. 16, p. 586]

Not said: There was a downward trend in penalties and severity for the newly created crimes.

Result of Model Penal Code: “Therapeutic” Intervention is Born

- Sentencing power taken away from the jury except in death recommendation.
- Constitutional power vested in the jury of one’s peers is replaced with “experts” in behavior.
- The focus shifts from the offended and the offense to the offender.

The Criminal as a Patient

“In recent years there has been recognition that society can best be protected from repeated criminal acts by rehabilitating the offender and restoring him in the community as a law-abiding productive citizen. Rehabilitation focuses on the individual rather than upon the offense. Accordingly punishment is determined upon consideration of the individual’s background, personality, education and other factors rather than upon his offense.”

[Raymond Baker, “Sentencing Felons to Imprisonment Under the Kansas Criminal Code: The Need for a Consistent Sentencing Policy.” Washburn Law Journal. Vol. 10, 1971, p.271]

States Adopt Model Penal Code

- In 1955, the American Bar Association's American Law Institute's "Model Penal Code" was sent to state legislatures across America.
- Kansas Legislature bypassed by Review Board
- By adopting the ALI Model Penal Code, legislators relied upon what was represented to them as the latest in "pure objective scientific research."

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1968 pp 585-603

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Kansas Law Review Board Institutes Model Penal Code

"Taken as a whole, the proposed code does not depart widely from present standards. Most conduct that is prohibited by the present law is unlawful under the proposal. Where new crimes have been created, it was in response to **recognized social problems** for which the present law does not provide a satisfactory solution."

[Wilson, P.E. 1968. "New Bottles for Old Wine: Criminal Law Revision in Kansas." Kansas Law Review, vol. 16, p. 586.]

Model Penal Code Introduced in Kansas

Topeka Daily Capital, Jan. 21, 1969, p. 1

“A sweeping revision of the Kansas criminal code...”

New Crime Code Faces Opposition

A sweeping revision of the Kansas Criminal Code has reached the legislative stage. But indications are the revision won't become law until several minor controversies are resolved.

The revision would be the first since the code was adopted in 1955.

Key elements in the coming discussion of the new document are revised provisions on criminal abortion, repeal of the Habitual Criminal Act and a change in the definition of mental illness in criminal proceedings.

Other points of opposition include repeal of posthumous homicide statutes and deletion of a person's right to resist an unlawful arrest — among Monday morning the first committee hearing on the criminal code bill.

“I know there are several areas of the new criminal code which are likely to be controversial,” admitted Sen. Stedman Hill, Hutchinson, chairman of the Senate Judiciary Committee, which is working on the 99-page document.

But Hill added, “I don't think any of the controversy will be serious enough to block the bill.”

Most discussed aspect of the bill is a proposed change in Kansas abortion provisions similar to changes being considered in other states.

The abortion section of the bill is a five-line statement that reads, “Criminal abortion is the... which might amount to \$50,000 to \$250,000.”

Solons May Move to Tax Blue Cross

By ROGER MYERS
Staffhouse Writer

There were reports Monday that a bipartisan group of Shawnee County legislators might re-introduce bills to remove the property tax exemption of Blue Cross and Blue Shield.

The move would be designed to spur the big hospital medical insurance organization into paying Shawnee County an amount that would be considered in lieu of taxes.

Blue Cross Blue Shield officials said last year they were considering such a payment, which might amount to \$50,000 to \$250,000.

(Continued on Page 2, Col. 1)
Country Press

Source of “Scientific Research”

100% of the Code's Sex Science citations are to Kinsey's findings in 1948 and 1953.

Westlaw, America's most prestigious law journal, cites Kinsey in 799 separate journals from 1982-1996, a most impressive collection of credits unmatched by any other “social scientist.”

The change in Law failed to do what it promised.

WHY?

Law Leads the Culture

Justice Louis D. Brandeis:

“[T]he conduct of life is to so large an extent determined by the existing legal institutions...”

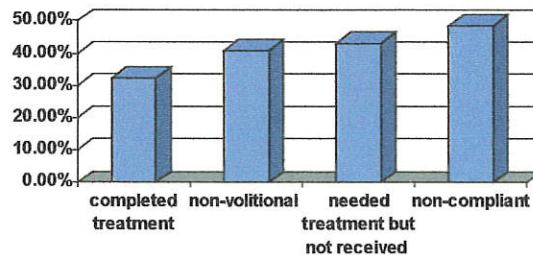
[Leonard Baker, 1986. *Brandeis and Frankfurter: A Dual Biography*. Washington Square, NY: New York University Press, p. 29.]

Is Hank Safe
on the Swing Set?

The Predator Profile

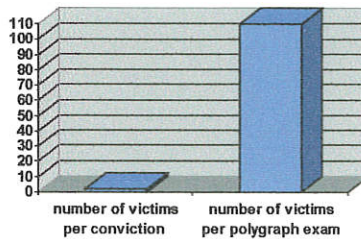
- In Kansas, an average of 71% of all sex crimes are committed against children.
- Nationwide, 60% of all sex offenders are in community supervision, and 1/2 of that 60% are re-offending.
- Child molesters average over 120 acts upon more than 27 victims before being caught.
- Pedophiles victimize an average of 16 years before their first apprehension.
- In Kansas, sex offender recidivism is nearly 50%, holding with national averages.

Has the Emphasis on the Offender Worked? Kansas Recidivism Rates



[Kansas Department of Corrections "Program Evaluation, Volume IV," p. 40]

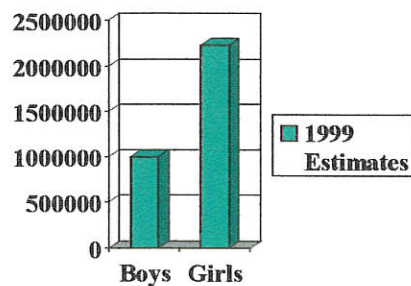
Many Unreported Crimes Precede Convictions



Studies using polygraph examinations discovered that offenders who were convicted of victimizing one or two children actually committed an average of **318 offenses** against **110 victims**.

[Center for Sex Offender Management (CSOM), findings of Ahlmeyer, Heil, McKee, and English, 2000]

Abel and Harlow Estimates



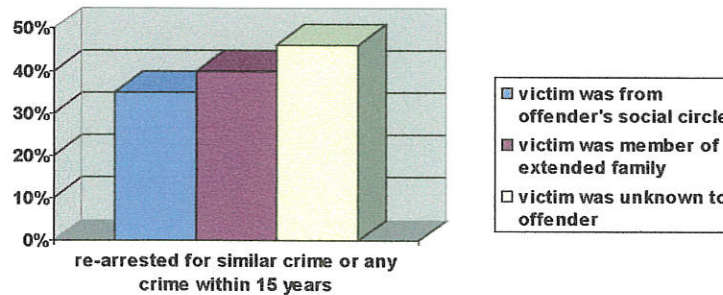
- 1,004,117 sexually abused boys under the age of 13.
- 2,231,372 sexually abused girls under the age of 13.

An estimated 68% of sex crimes are **NOT** reported.

“Mr. Repeat Offender”

Victim: Offender’s 6-year-old daughter
Residence: 1 block from a children’s park, 0.8 miles from an elementary school
Conviction: Attempted Aggravated Indecent Liberties with a Child
Facts of Case: Conviction carries a “border box” sentencing guideline (imprisonment at the judges’ discretion.) Sentenced to 60 days in jail. Ordered to have no contact with his daughter. After 30 days the no contact order was lifted. *30 days after his release from custody, he was arrested a second time for a similar offense.*
Sentence: Jail: 60 days
 Probation: 24 months
 Post-release supervision: 36 months
2nd Sentence: Prison: 34 months
 (re-offense) Probation: 60 days
 Post-release supervision: 60 days

Sex Offenders Commit Other Violent Crimes



[Greenburg, Bradford, Firestone, and Curry; “Recidivism of Child Molesters: A Study of Victim Relationship with the Perpetrator;” *Child Abuse and Neglect*, Vol. 24, Number 11. November, 2000. Pages 1485-1494.]

“Mr. Multiple Offenses”

Victim: Girl under 14

Residence: 0.4 miles from Johnson County’s most popular park

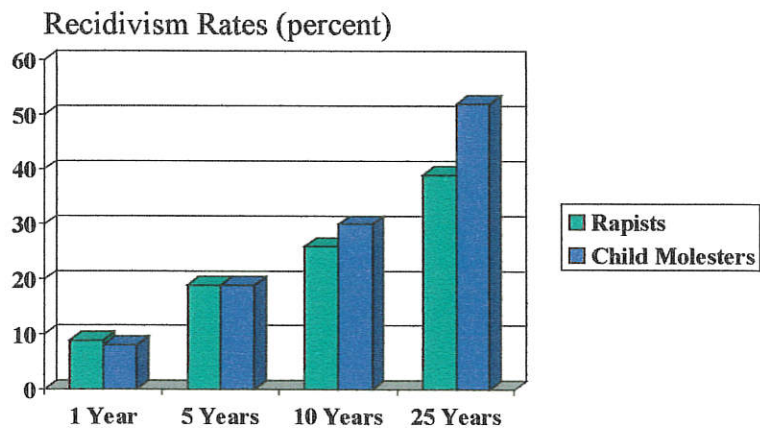
Conviction: Attempted Aggravated Indecent Liberties with a Child

Facts of Case: Offender was arrested for aggravated indecent liberties with a child, and pleaded guilty to an amended complaint of *attempted* aggravated indecent liberties with a child.

Sentence: Prison: 24 months
Probation: 24 months
Post-release supervision: 30 days

Other Convictions: Assault (MO), Indecent exposure (KCMO), possession of marijuana (WY), theft (KCMO-1977), theft (JOCO-1978), theft (KCKS-1981), theft (KCKS-1983), drinking in public, unlawful use of credit card

Recidivism Increases Over Time



[Prentky, Lee, Knight, and Cerce (1997)]

Recidivism

Meet the child molester next door

By Janet Kornblum
USA TODAY

Cover story
SAN FRANCISCO — When Jake Goldenflame makes his annual pilgrimage to register at police headquarters, it is with the knowledge that anyone — employers, neighbors, friends, strangers — will be able to look up his name or address and discover the most shameful fact of his life. Goldenflame, 65, is a child molester.

Released from prison in 1991 after serving five years for molesting his 5-year-old daughter, he once tried to hide his past. But Goldenflame has become one of the most unlikely — and most outspoken — advocates for Megan's Law, which requires states to make the names and addresses of registered sex offenders available to the public.

"Each year when I go in, I'm reminded of who I was so I don't become him again," he says. "The first weapon in every sex offender's arsenal is deceit. Megan's Law removes that as a possibility. The public has a right to know who we are."

Goldenflame makes himself available to speak to both offenders' and victims' groups, as well as to the media.

"It's very rare that the offenders themselves are going to give us a window into their true being, their true personality," says children's advocate Marc Klaas, the

▶ Challenging Megan's Law, 8D
▶ Beware online predators, 5D

father of 12-year-old Polly Klaas, who was kidnapped and murdered in 1993.

Klaas doesn't know Goldenflame personally, but "I'll listen to the guy," he says. "Don't trust him, but listen to him."

And interest in what Goldenflame has to say is growing, now that Megan's Law, signed by President Clinton in 1996, is under Supreme Court review.

Critics say that public registries punish people who have paid their debt to society, and that not everyone on the list presents a risk. Registries, they say, also may push abusers and their families underground, where they're more likely to abuse again and less likely to seek help.

But many law enforcement officials

Please see COVER STORY next page ▶

"You react usually (afterward) with guilt and shame and paranoia. You believe it'll never happen again. And it happens again."

"Mr. Concurrent Sentencing"

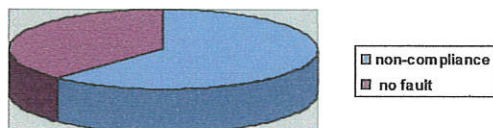
Victim: Girl under 14, and boy 14-16
Residence: 0.8 miles from public pool
Conviction: Indecent Liberties with a Child; Enticement of a Child *
Facts of Case: *Although the offender received 12 months prison for each of the two counts for which he was convicted, he was allowed to serve them concurrently.*
Sentence: Prison: 12 months
Probation: 36 months
Post-release supervision: 24 months

* The offender entered a plea agreement with the state.

The state dismissed the counts of sexual intercourse with a girl under 14, sodomy with a girl under 14, and oral copulation with boy 14-16.

The conviction was for lewd fondling/touching of boy 14-16, and enticement of a child.

Non-compliance



Of 884 offenders who received exposure to Kansas' sex offender program, 36.5% of participants did not complete the program, either through no fault of their own or because they failed to comply with program requirements.

“Mr. Two-Pools”

Victim: Girl under 14, and girl 14-16

Residence: 0.6 miles from one public pool, 0.8 miles from another

Conviction: Attempted Aggravated Indecent Liberties with a Child

Facts of Case: Offender pleaded guilty to one count of attempted indecent liberties with a child in exchange for the state not filing for an upward sentencing departure and dismissing the count against the second girl.

Sentence: Prison: 41 months
Probation: 36 months *
Post-release supervision: 36 months

* Offender's probation was revoked. While under house arrest, offender was sanctioned for 47 various non-compliance violations, arrest for speeding and driving with suspended license, and failure to report to the probation officer. Offender wrote, in a letter to the sentencing judge, "This place isn't as bad as you made it out to be. In fact, it's more like high school with more yelling."

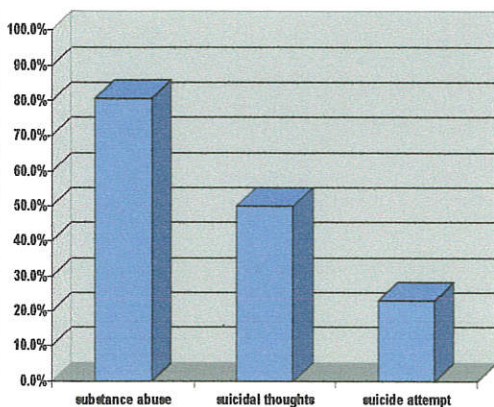
“Mr. Victim”

Victim: Offender’s 15-year-old daughter
Residence: 0.4 miles from large public pool
Conviction: Aggravated Indecent Liberties with a Child
Facts of Case: Offender pleaded no contest to charges of aggravated indecent liberties with his 15-year-old daughter.
Offender pleaded mitigating factors: *He claimed his daughter was the initiator of the incest and “the degree of harm or loss attributed to the crime . . . was significantly less than typical for such an offense.”*
He was given a downward sentencing departure to 20 months.
Sentence: Prison: 20 months
Probation: unknown
Post-release supervision: 36 months

Consent

“Children, because they are children, do not have the ability to consent to interactions of a serious nature with adults. They cannot sign legal documents. They cannot sign consent forms for surgery. They cannot be responsible for their own bank account or consent to an adult’s request to drive a car. And, they have no ability — being children — to consent to sexual interactions either with much older children or with adults. Their agreement to such an interaction does not constitute consent. The adult’s role is to protect the child from the dangers of engaging in behavior with potentially serious consequences.” — Abel and Harlow

The Victim



["The Psychological Impact of Sexual Abuse: Content Analysis of Interviews with Male Survivors" David Lisak; Journal of Traumatic Stress, Vol 7, No . 4, 1994.]

"There's nobody else that's going to back you up. Even if there is 100 people watching you, you get raped. Nobody is going to say or do a d--n thing."

"It's like, where is my childhood? It feels like somebody put it in a box somewhere and I'm not allowed to look at it. Like it's locked up . . . It's like I want my box, I know I got one. And who took it and who had the right to steal it from me?"

THE PROBATION RESPONSE TO CHILD SEXUAL ABUSE OFFENDERS: HOW IS IT WORKING?

Executive Summary

ABA
AMERICAN BAR ASSOCIATION

"An unresponsive legal system, by interminable theoretic debating over treatment of the offender, has lost touch with the reality that skyrocketing child abuse statistics represent defenseless children."

[Judy Smith, State Director, Concerned Women for America of Kansas]

**We Would Like to See
Kids and Parents
RELEASED
from the Prison of Fear**

Longer and more consistent sentencing.

Raise the severity levels.

Raise the categories.

A new category for crimes against kids
under 12.

**Put the
OFFENDER
in Prison**

Make the punishment fit the crime.

Ensure that judges actually follow guidelines.

**Children Cannot be
OVER-PROTECTED
by the Law**

Uniformly raise the age of consent.

Overturn Romeo and Juliet laws.

**Make the Punishment
Fit the Crime**

Complete review of sex crime laws.

Complete review of rehabilitation programs.

Please join CWA of Kansas
in making Hank safe again.



“Sexual Offenders & Victims”

March 6, 2003

Concerned Women for America
of Kansas



**“Sexual Offenders & Victims”
A research paper**

Tuesday, March 04, 2003

Co**n**c**e**r**n**e**d** **W**o**m**e**n** **f**o**r** **A**m**e**r**i**c**a**
of **K**a**n**s**a**s

In January Governor Kathleen Sebelius asked, "Are we keeping the most dangerous people behind bars?"¹

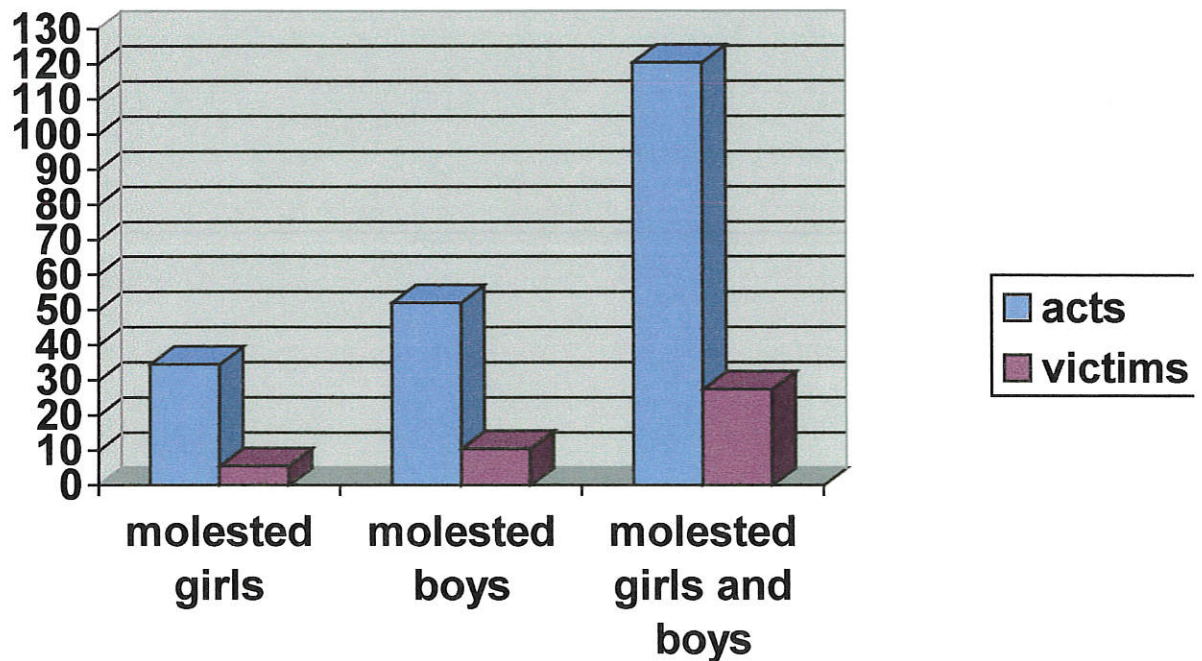
Concerned Women for America believes the answer to that question is "*No, we are not.*"

Multiple Crimes and Multiple Victims- The Under Reporting of Child Sexual Victimization

In the *Stop Child Molestation* study from *The Stop Child Molestation Book*, researchers Gene G. Abel, M.D. and Nora Harlow write that many, if not most, child victims are molested repeatedly.²

In their study of 2,429 adults who admitted to having molested children for more than a year, those who reported molesting only girls averaged over 34 acts upon more than 5 victims each. Those who reported molesting only boys averaged 52 acts upon more than 10 victims each. Those who reported molesting both boys and girls averaged over 120 acts upon more than 27 victims each.³ (see figure 1.)

Figure 1: The "number of victims and acts reported...are at the low end of the spectrum."



Of the men in their study who reported molesting children of both sexes, Abel and Harlow had this to say: "Although they numbered only 468, these men had more than 12,700 child victims."⁴

Unfortunately, *Abel and Harlow believe survey subjects "will minimize the number of their child victims and acts"⁵ and the "number of victims and acts reported...are at the low end of the spectrum."⁶* This conclusion is based on the design of their study as well as a similar study conducted by Dr. Abel in 1983.

The 1983 study generated higher numbers of victims and acts reported by the subjects than the *Stop Child Molestation* study but differed from the *Stop Child Molestation* study in significant ways. Unlike the *Stop Child Molestation* study, the 1983 study consisted of offenders who were not incarcerated at the time of their interview but were living in their communities and were guaranteed confidentiality.

Based on the difference in findings between the two studies, Abel and Harlow advise that to put the research results of the *Stop Child Molestation* study in context *"the reader should assume that the reported numbers represent a minimization of what is actually happening in our society."*⁷

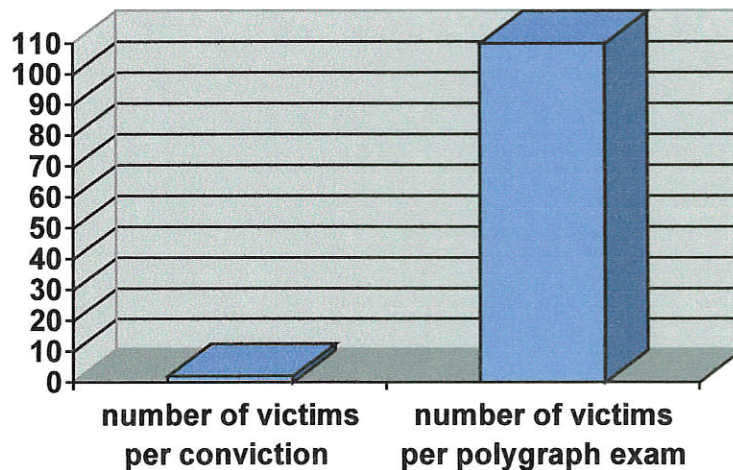
In a separate study, researcher David Lisak interviewed 26 men who had been sexually abused as children. Over 92% of the men reported that their abuse involved multiple incidents,⁸ supporting conclusions found by Abel and Harlow.

The Center for Sex Offender Management (CSOM) analyzed various studies that compared official sources of information on sex offenses with unofficial sources.

One of these studies found that the number of sex offenses actually committed was 2.4 times higher than that which was documented in official reports.⁹

Other studies used polygraph examinations to discover that offenders who were convicted of victimizing one or two children actually committed an average of 318 offenses against 110 victims.¹⁰ (see figure 2)

Figure 2:



A similar polygraph examination study on a different set of offenders found that *offenders had committed sex crimes for an average of 16 years before being caught.*¹¹

Three years of Bureau of Justice Statistics National Crime Victimization Surveys indicate that 68% of sexual assaults against persons 12 or older are not reported.¹² One can assume that the rate of under-reporting for sexual assaults against children *under* 12 is even higher given their trusting innocence and particular vulnerability to manipulation and threats.

Due to the influence of Alfred Kinsey and *The Kinsey Reports*, throughout the 1950's and 1960's our judicial system converted from common law to the Model Penal Code. As a result, government oversight agencies (the Federal Bureau of Investigation , Health and Human Services, Department of Justice) redefined rape to *exclude* incest, sodomized boys, and statutory rape. Child victimization has been systematically under-reported by these agencies ever since.¹³

The reality, as confirmed by the U.S. Department of Justice National Incident-Based Reporting System (NIBRS), is that 67% of all reported sex abuse victims are children between the ages of 0 and 17 years; 37% of these attacks were made on children under 12 years of age. 64% of forcible sodomy victims are boys 12 years old or younger.¹⁴ (see figure 3)

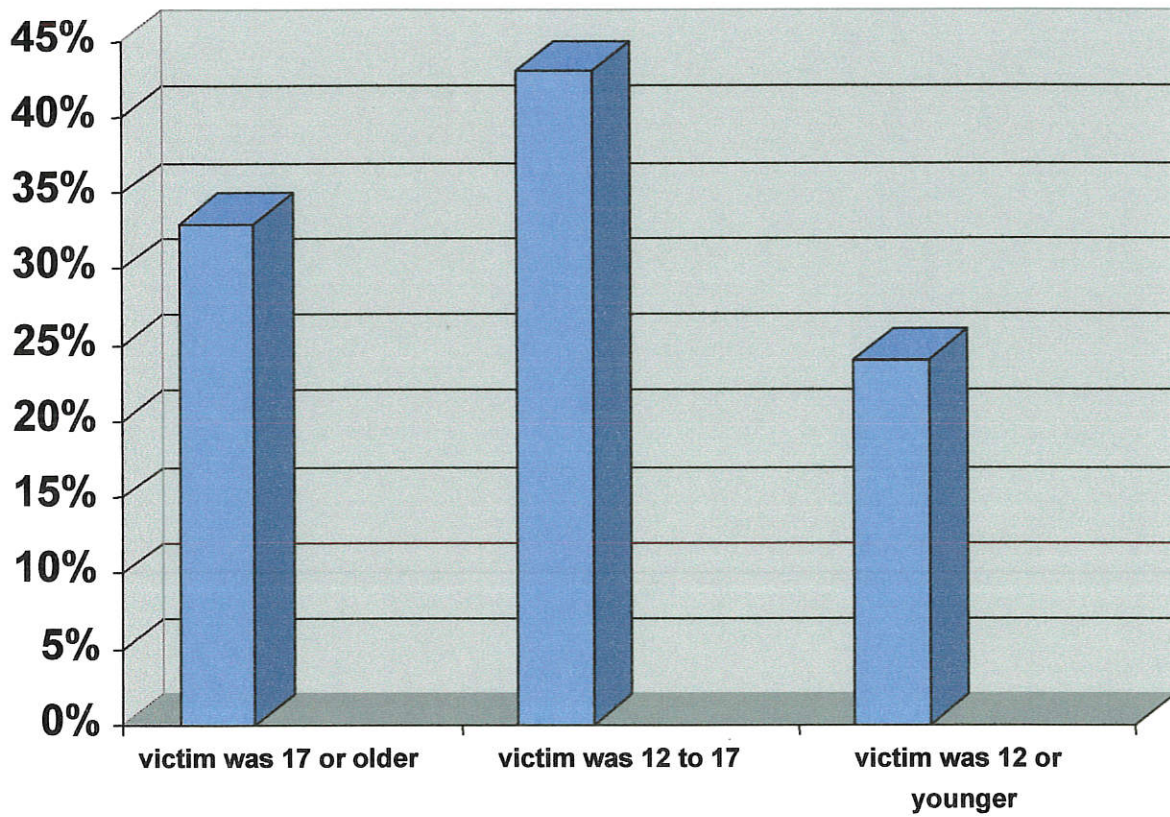
In 2000 the NIBRS acknowledged this decades-long flaw in governmental reporting:

"The only existing national data collection effort that explored the incidence of sexual assault *ignored crimes against young children.*"¹⁵ (emphasis added)

The Under Reporting of Child Sexual Victimization

Figure 3: According to the U.S. Department of Justice National Incident-Based Reporting System, just 33% of all *reported* sex abuse victims are over 17 years old. 43% are between the ages of 12 and 17, and 24% are 12 years old or younger.

However, three years of Bureau of Justice Statistics National Crime Victimization Surveys indicate that 68% of sexual assaults are *not reported*.



Offender Profile 1

Victims: girl under 14 and boy between 14- 16

Offender lives: ***0.8 miles from a public pool***

Filed Complaint: count I: sexual intercourse with girl under 14
Count II: sodomy with girl under 14
Count III: lewd fondling/touching of boy between 14-16
Count IV: oral copulation with boy between 14- 16
Count V: enticement of a child

Facts of case: offender entered a plea agreement with the state. Offender pled guilty to counts III and V of complaint. State dismissed counts I, II, IV.

Although the offender received 12 months prison for each of the two counts for which he was convicted, he was allowed to serve them concurrently.

Conviction: Indecent Liberties With A Child; Enticement of a Child

"Indecent liberties with a child is engaging in any of the following acts with a child who is...under 16 years of age: sexual intercourse; or any lewd fondling or touching...or soliciting the child to engage in any lewd fondling or touching... Indecent liberties with a child is a class C felony." (K.S.A. 21-3503)

Enticement of a child is inviting, persuading or attempting to persuade a child under the age of sixteen (16) years to enter any vehicle, building, room or secluded place with intent to commit an unlawful sexual act upon or with the person of said child. Enticement is a class D felony. (K.S.A. 21-3509)

Sentencing
Guideline: for counts III and V:
prison: 11 mos mitigated, 12 mos standard, 13 mos aggravated
probation: 24 mos
post-release supervision: 24 mos

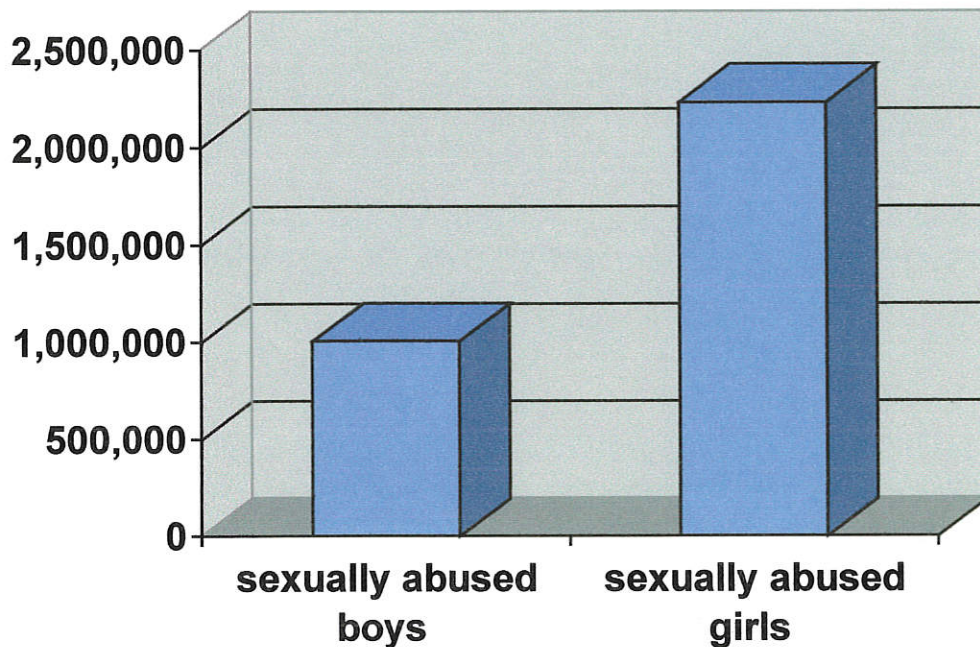
Sentence
Received: for counts III and V:
prison: 12 mos
probation: 36 mos
post-release supervision: 24 mos

In a study of adults who admitted to having molested children for more than a year, those who reported molesting both boys and girls averaged over 120 acts upon more than 27 victims each

Abel and Harlow estimate that in 1999 there were:¹⁶

1,004,117 sexually abused boys under age 13

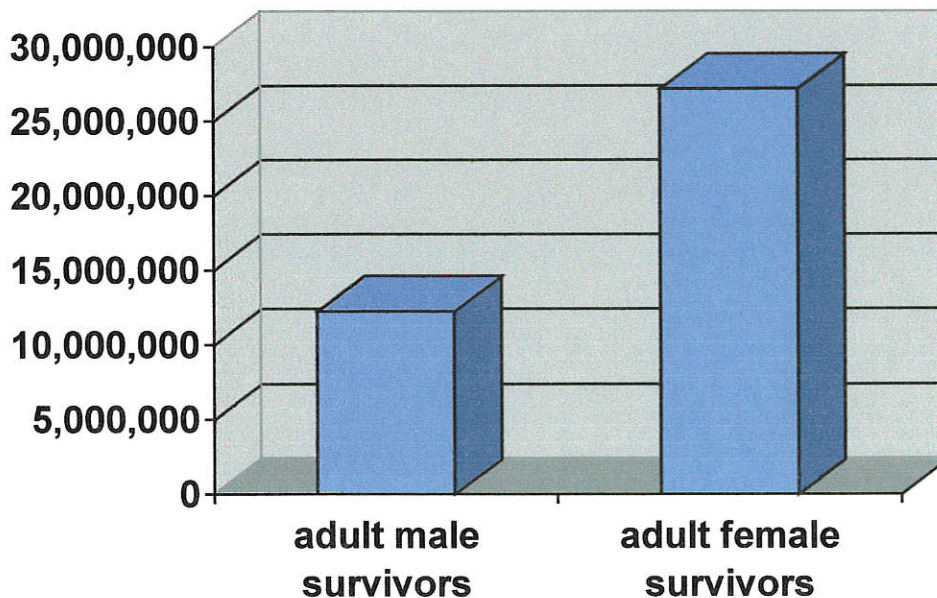
2,231,372 sexually abused girls under age 13



and:

27,160,752 adult female survivors of childhood sexual abuse

12,222,388 adult male survivors of childhood sexual abuse



A Vicious Cycle of Abuse

Sadly, statistics show that sexual abuse tends to be a self-perpetuating cycle. *Almost half of the self-admitted child molesters in the Abel and Harlow study had been sexually abused as children. This group of molesters started abusing children at an earlier age and had more child victims* than the molesters who reported having not been abused in their childhood.¹⁷ (see figure 4)

Likewise, many of the sex abuse survivors in Lisak's study reported sexually assaulting children later in life.¹⁸

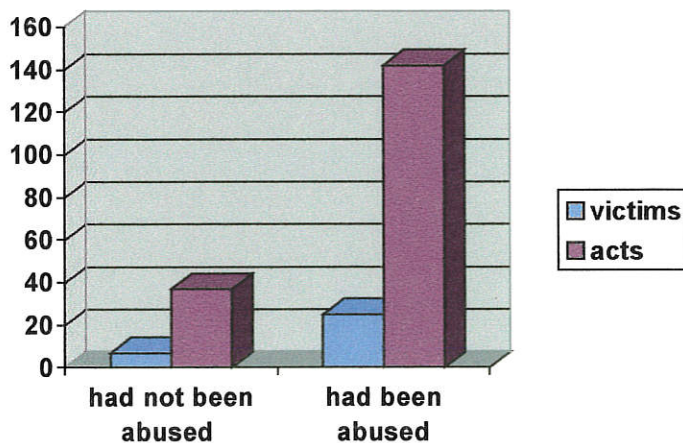
Children who are sexually molested frequently sexually victimize peers and younger children. In addition, they may manifest a tendency to use sexual language beyond their age, to act out sexually in school and to engage in sexually harassing behavior.¹⁹

Abel and Harlow write that "it is an unfortunate fact that some children who are molested also develop their own inappropriate sexual interest in other, younger children..."²⁰

Research shows that child molesters are, in the main, married, employed, educated, religious, and representative of five major ethnic groups. "These results suggest that the act of molesting a child is prompted by a factor outside of the molester's social status or his ethnic group."²¹

Figure 4: Almost half of the self-admitted child molesters in the Abel and Harlow study had been sexually abused as children. *This group of molesters started abusing children at an earlier age and had more child victims.*

Those molesters who were not sexually abused as children committed an average of 37 acts upon 7 victims. However, *molesters who had been sexually abused as children averaged 142 acts upon 25 victims.*



Offender Profile 2

Victim: fatherless 11 year old boy

Offender lives: *offender lives less than 1,000 feet from the back property of Antioch Park in Johnson County, the county's most popular park per-acre. The park's back property abuts the end of a secluded and wooded dead-end street. Park property is surrounded by a chain-link fence, and there is an un-gated opening in the fence at the end of the dead-end street. From the end of the street, through a wooded utility easement, can be seen a park swing-set.*

Facts of the case: offender befriended a fatherless 11-year-old boy, having him sleep over at his residence 400 to 500 times. *The state alleged multiple incidences against the boy and the boy testified to the incidences.* Offender showed the boy homosexual pornographic videotapes.

Evidence found at offender's residence included pornographic videotapes, six types of pornographic magazines, assorted pictures of children, and boy's underwear.

Conviction: Aggravated Indecent Liberties with a Child

"Aggravated indecent liberties with a child is the commission of indecent liberties with a child...by any guardian...to whose charge the child has been committed or entrusted...a class B felony."
(K.S.A 21-3504)

Sentencing Guideline:

prison: 46 mos mitigated, 49 mos standard, 51 mos aggravated
probation: 36 mos
post-release supervision: 36 mos

Sentence Received:

prison: 49 mos
post-release supervision: 60 mos

In 1998, researchers Hanson and Harris looked at 400 sex offenders who had been released to community supervision. Approximately 50% committed a new sexual offense while under supervision. These recidivists were "less likely to show remorse or concern for the victim", and were less likely to avoid situations that put them at a high risk for re-offending.

About 60% of all sex offenders managed by the United States correctional system are under some form of conditional supervision in the community.

Who's Children are at Risk?

In November 2000, researchers Greenburg, Bradford, Firestone, and Curry reported on a study of 400 adult men who had molested children. They found that in the majority of cases, the perpetrator was from outside the family, but that the victim knew their perpetrator.²²

Abel and Harlow found that 68% of molesters abuse children in their own families and ***40% of molesters abuse children in their social circle, i.e.- children of their friends or neighbors.*** Nearly 24% of the men who were molesting children in their family were also molesting the children of their friends and neighbors.²³ (see figure 5)

In David Lisak's group of survivors, perpetrators had included mothers, fathers, siblings, aunts, uncles, priests, scout masters, neighbors, and strangers. 46.2% of the men were abused by people outside the family.²⁴

18% of Abel and Harlow's molesters reported abusing nieces or nephews, and 12% had molested younger brothers and sisters. 10% reported molesting children who were unknown to them.²⁵

Abel and Harlow also found that molesters were representative of the general population both in their general demographics of marriage, education, employment, and religiosity, and in representing five major ethnic groups.²⁶

According to CSOM, about ***60% of all sex offenders managed by the United States correctional system are under some form of conditional supervision in the community.***²⁷

Concerned Women for America surveyed several counties in Kansas and found that an average of 71% of registered sex offenders had committed crimes against children. (See figure 6)

Who's Children are at Risk?

Figure 5: Of the 3,952 men in Abel and Harlow's study, 40% had abused children in their social circle, i.e.- children of their friends or neighbors. 10% reported that their victim was a stranger to them.

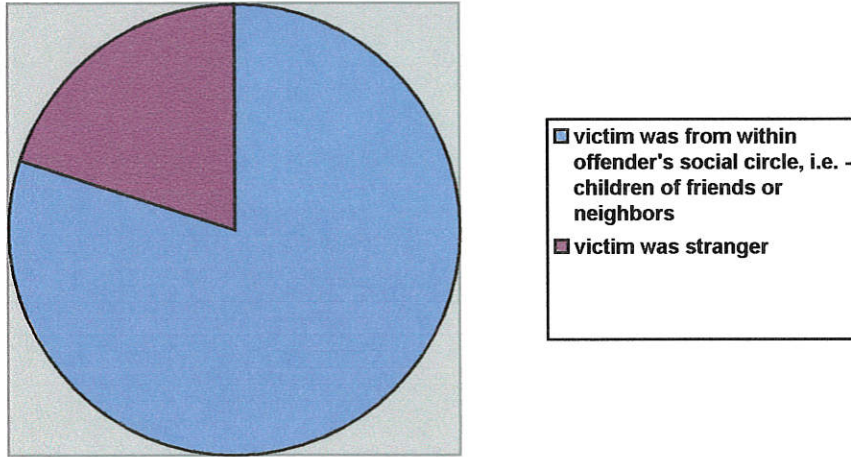
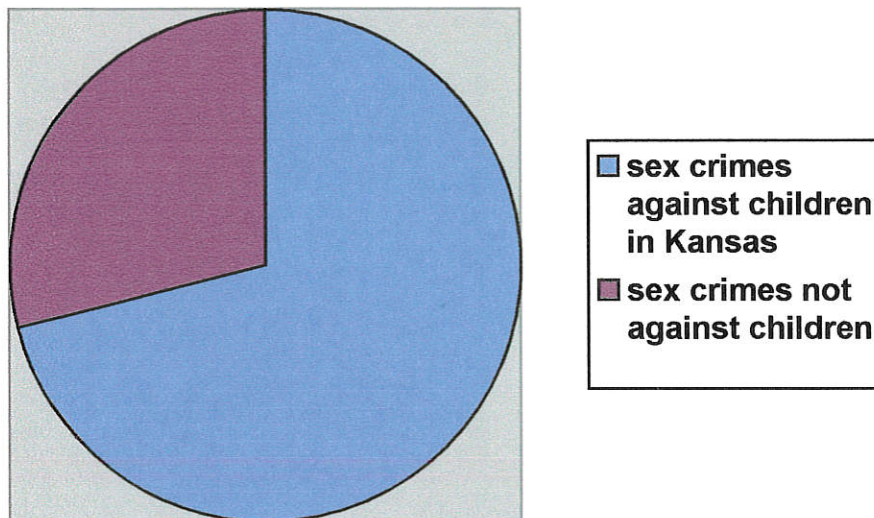


Figure 6: Concerned Women for America surveyed several counties in Kansas and found that an average of 71% of registered sex offenders had committed crimes against children.



Offender Profile 3

Victims per complaint: girl under 14 and girl between 14 - 16
Victim per conviction: girl under 14

Offender lives: *0.6 miles from one city pool, and 0.8 miles from another*

Facts of the case: offender pleaded guilty to one count of attempted indecent liberties with a child in exchange for the state not filing for an upward sentencing departure and dismissing the count against the second girl.

offender's probation was revoked. While under house arrest, offender was sanctioned for 47 various non-compliance violations, arrest for speeding and driving with suspended license, and failure to report to probation officer

offender wrote, in a letter to the sentencing judge, "This place isn't as bad as you made it out to be. In fact, its more like high school with more yelling."

Filed Complaint: Rape

Conviction: Attempted Aggravated Indecent Liberties with a Child

"Aggravated indecent liberties with a child is the commission of indecent liberties with a child...by any guardian...to whose charge the child has been committed or entrusted...a class B felony." (K.S.A 21-3504)

Sentencing
Guideline:
aggravated

prison: 38 mos mitigated, 41 mos standard, 43 mos

probation: 36 mos

post-release supervision: 36 mos

Sentence
Received:

prison: 41 mos

probation: 36 mos

post-release supervision: 36 mos

Other convictions: theft

Studies that used polygraph examinations found that offenders who were convicted of victimizing one or two children actually committed an average of 318 offenses against 110 victims. In research conducted by Prentky, Lee, Knight, and Cerce, child molesters who were followed for a 25-year period had a 52% percent re-conviction rate.

Sex Offenders- Linked to Other Crimes

Abel and Harlow report that more than 60% percent of pedophiles have other paraphilias.²⁸ (see figure 7) They conclude from their research that "**men who have sex with children are nearly always committing additional sex crimes.**"²⁹

In their sample of pedophiles who molested girls, 17% were found to also be exhibitionists and 36% were found to also be voyeurs. Of the pedophiles who molested boys, the figures were 20% and 33%, respectively.³⁰ (see figure 8)

Most researchers agree that many **sex offenders who violate the rights and trust of children are not content to limit their victimization to our youngest citizens.** In 1999 researchers Ahlmeyer, English, and Simons found that 71% had victimized both children and adults.³¹ (see figure 9)

In studies reviewed by the CSOM, re-conviction rates of child molesters for other crimes, including crimes against persons, ranged between 26% and 36.9% over a four to five year period.³²

In Lisak's study, 31% of the adult male sexual abuse survivors had victimized others at some point in their life. **The types of victimization included rape and battery of women, and sadistic physical assaults against men.**³³

Researchers Greenburg, Bradford, Firestone, and Curry have found 35% of child molesters who knew their victim but were not related to them were re-arrested for a similar crime or for any other type of crime within 15 years. 40% of molesters who belonged to the victims' extended families were re-arrested for a similar crime or other types of crime within 15 years. More than 45% of molesters who were strangers to their victims were re-arrested for a similar crime or other types of crimes within 15 years.³⁴ (see figure 10)

According to the CSOM's review of juvenile sex offender treatment programs studies, rates of non-sexual recidivism can be as high as 50%.³⁵

Sex Offenders Linked to Other Crimes

Figure 7: Abel and Harlow report that more than 60% percent of pedophiles have other paraphilias.

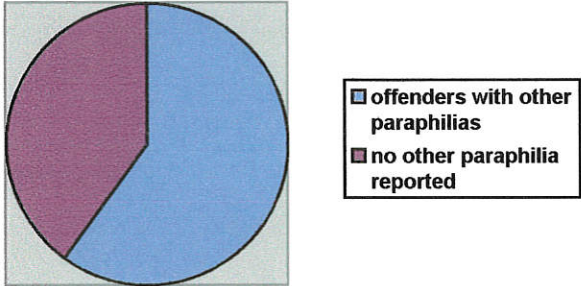
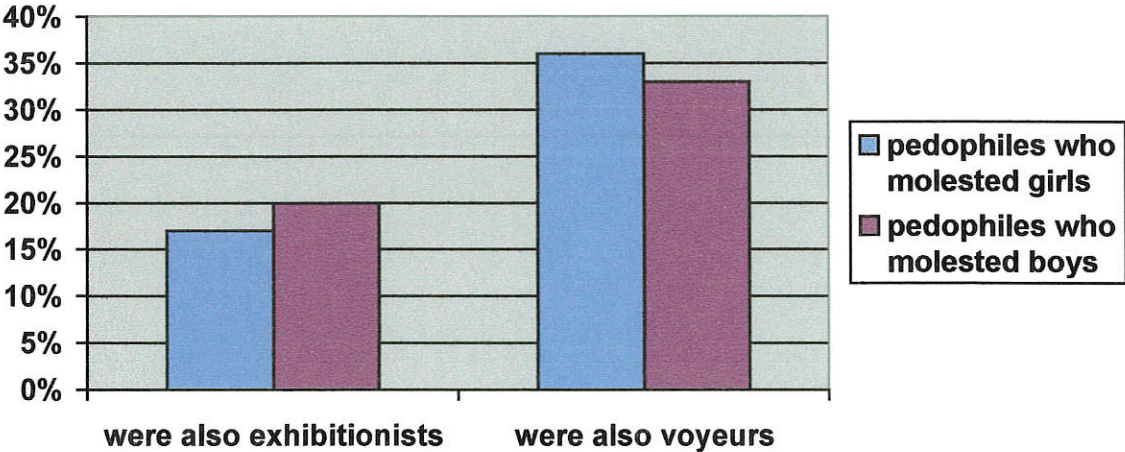


Figure 8: In Abel and Harlow's sample of pedophiles who molested girls, 17% were found to also be exhibitionists and 36% were found to also be voyeurs. Of the pedophiles who molested boys, the figures were 20% and 33%, respectively.



Sex Offenders Linked to Other Crimes

Figure 9: Researchers Ahlmeyer, English, and Simons found that 71% of child molesters had also victimized adults.

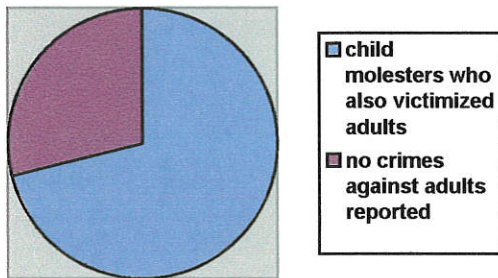
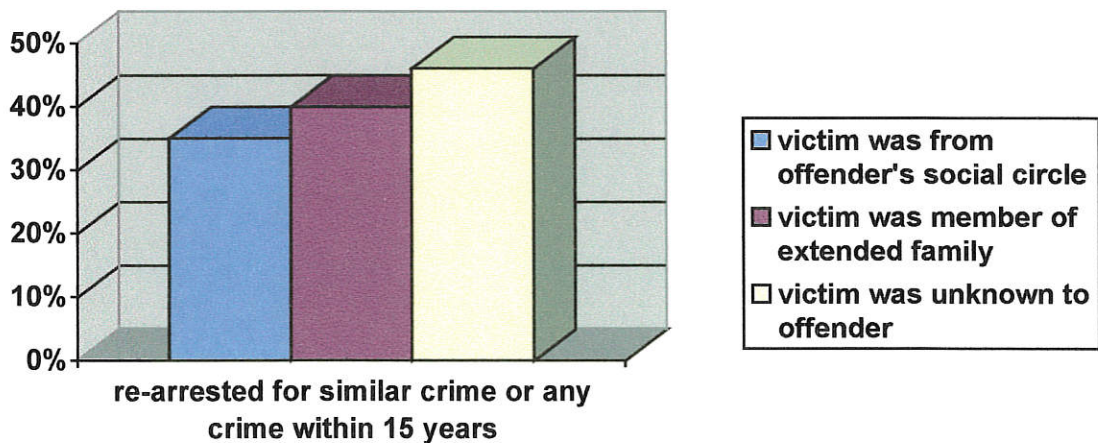


Figure 10: Researchers Greenburg, Bradford, Firestone, and Curry have found 35% of child molesters who knew their victim but were not related to them were re-arrested for a similar crime or for any other type of crime within 15 years. 40% of molesters who belonged to the victims' extended families were re-arrested for a similar crime or other types of crime within 15 years. More than 45% of molesters who were strangers to their victims were re-arrested for a similar crime or other types of crimes within 15 years.



Offender Profile 4

Victim: girl under 14

Offender lives: *0.4 miles from Johnson County's most popular park (per-acre)*

Facts of the case: offender was arrested for aggravated indecent liberties with a child and pleaded guilty to an amended complaint of attempted aggravated indecent liberties with a child.

Conviction: Attempted Aggravated Indecent Liberties with a Child

"Aggravated indecent liberties with a child is the commission of indecent liberties with a child...by any guardian...to whose charge the child has been committed or entrusted...a class B felony."
(K.S.A 21-3504)

Sentencing Guideline:

prison: 22 mos mitigated, 24mos standard, 26 mos aggravated
probation: 24 mos
post-release supervision: 24 mos

Sentence Received:

prison: 24 mos
probation: 24 mos
post-release supervision: 30 days- JOCO Adult Detention Center

Other convictions: *assault (MO), indecent exposure (KCMO), possession of marijuana (WY), theft (KCMO- 1977), theft (JOCO- 1978), theft (KCKS- 1981), theft (KCKS- 1983), drinking in public, unlawful use of credit card*

Sex offenders who violate the rights and trust of children are not content to limit their victimization to our youngest citizens. Researchers Ahlmeyer, English, and Simons found that 71% of offenders in a sample group had victimized both children and adults.

Abel and Harlow report that more than 60% percent of pedophiles have other paraphilias. They conclude from their research that "men who have sex with children are nearly always committing additional sex crimes."

In a sample of pedophiles who molested girls, 17% were found to also be exhibitionists and 36% were found to also be voyeurs.

Recidivism Rates

When looking at recidivism rates, it is important to keep in mind that "*reliance on measures of recidivism as reflected through official criminal justice system data obviously omit offenses that are not cleared through an arrest or those that are never reported to the police...* for a variety of reasons, sexual assault is a vastly underreported crime."³⁶

Marshall and Barbaree's review of recidivism show that some studies have revealed re-conviction rates as high as 40% for child molesters who victimize little boys, and almost 30% for molesters who victimize little girls.³⁷

Researchers Rice, Quinsey, and Harris tracked a group of child molesters who had been convicted of molesting children outside their family. During an average of six years 31% of the molesters were re-convicted for a subsequent sexual offense.³⁸

In research conducted by Prentky, Lee, Knight, and Cerce, *child molesters who were followed for a 25-year period had a 52% percent re-conviction rate.*³⁹ (see figure 11)

In 1998, researchers Hanson and Harris looked at 400 sex offenders who had been released to community supervision. Approximately 50% committed a new sexual offense *while under supervision*. These recidivists were "less likely to show remorse or concern for the victim", and were less likely to avoid situations that put them at a high risk for re-offending.⁴⁰ (see figure 12)

Greenburg, Bradford, Firestone, and Curry compared re-arrest rates of child molesters with the relationship of the molesters to their first victim.

16% of the molesters who knew their victims but were unrelated to them were re-arrested for a similar crime within 15 years of the first crime. Almost 11% of molesters who's victims were members of the extended family were re-arrested for a similar crime within 15 years. Almost 10% of molesters who were strangers to their victims were re-arrested for a similar crime within 15 years.⁴¹

The CSOM acknowledge the reality of what statistics attest to: "Some sex offenders will inevitably commit subsequent sex offenses, in spite of our best efforts to identify risk factors and institute management and treatment processes aimed at minimizing these conditions."⁴²

In Kansas, the sex offender recidivism rate ranges between 32.3% and 48.5% depending on sex offender treatment program exposure.⁴³ (Figure 13)

Recidivism Rates

Figure 11: In research conducted by Prentky, Lee, Knight, and Cerce, child molesters who were followed for a 25 year period had a 52% re-conviction rate.

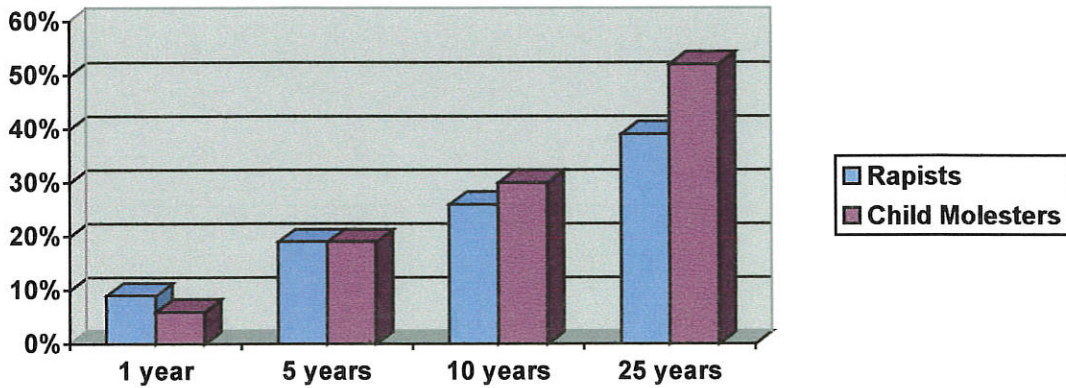
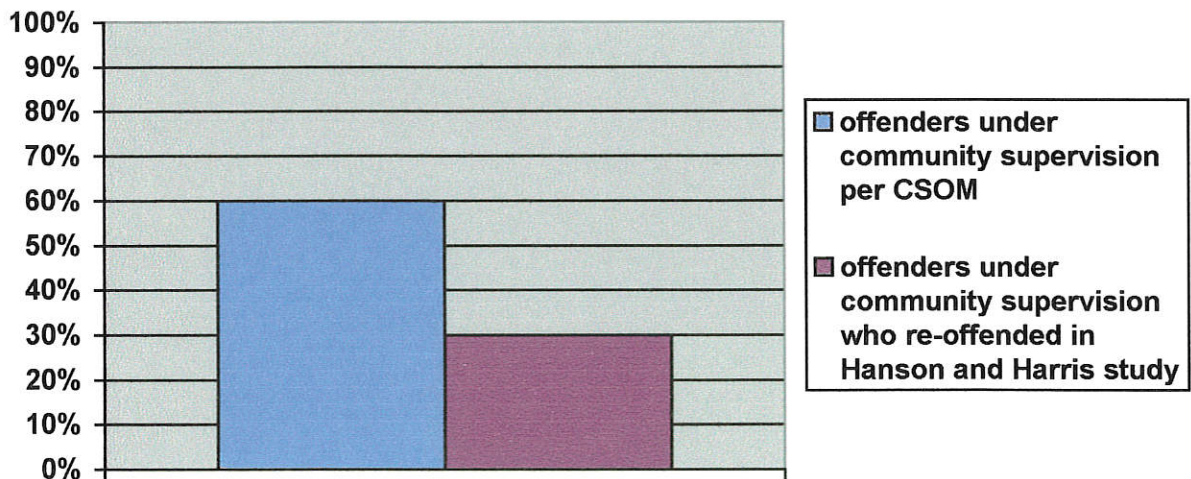


Figure 12: According to CSOM, about 60% of all sex offenders managed by the United States correctional system are under some form of conditional supervision in the community. In 1998, researchers Hanson and Harris looked at 400 sex offenders who had been released to community supervision. Approximately 50% committed a new sexual offense while under supervision.



Recidivism Rates

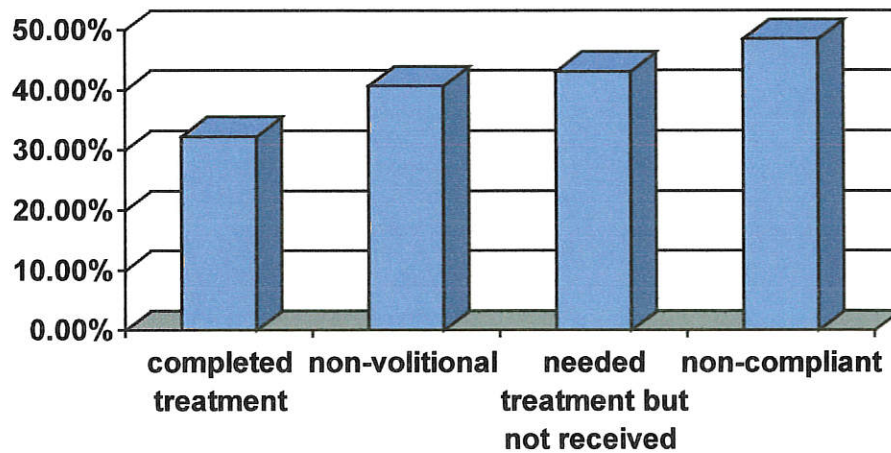
Figure 13: Kansas recidivism rates*:

treatment completers = 32.3%

non-volitional (ex: transferred) treatment non completers = 40.7%

those in need of treatment but did not receive treatment = 43.1%

volitional (refused to cooperate) treatment non completers = 48.5%



*For discussion of definitions of completers and non-completers see section entitled " Kansas' Sex Offender Treatment Program" this report, page 20.

Offender Profile 5

Victim: offender's 15 year-old daughter

Offender lives: *0.4 miles from a large public pool*

Facts of the case: offender pleaded no contest to charges of aggravated indecent liberties with his 15 year-old daughter. Offender pleaded mitigating factors: *he claimed his daughter was the initiator of the incest and "the degree of harm or loss attributed to the crime...was significantly less than typical for such an offense."* Offender was given a downward sentencing departure to 20 months.

offender has two other children in elementary school

Conviction: Aggravated Indecent Liberties with a Child

"Aggravated indecent liberties with a child is the commission of indecent liberties with a child...by any guardian...to whose charge the child has been committed or entrusted...a class B felony." (K.S.A 21-3504)

Sentencing

Guideline: prison: 38 mos mitigated, 41 mos standard, 43 mos
probation: 36 mos
post-release supervision: 36 mos

Sentence
Received:

prison: *20 mos*
probation: unknown
post-release supervision: 36 mos

*"Children, because they are children, do not have the ability to consent to interactions of a serious nature with adults. They cannot sign legal documents. They cannot sign consent forms for surgery. They cannot be responsible for their own bank account or consent to an adult's request to drive a car. And, they have no ability — being children — to consent to sexual interactions either with much older children or with adults. **Their agreement to such an interaction does not constitute consent. The adult's role is to protect the child from the dangers of engaging in behavior with potentially serious consequences.**" -- Abel and Harlow*

To assume that a child can give consent to sexual abuse is giving a blank check to a thief...in this case the bank account is the life of a trusting child. -- CWA

Sex Offender Treatment Programs

Studies evaluating sex offender treatment programs have been mixed, according to CSOM⁴⁴.

One study indicates that sex offender treatment had positive results on recidivism. However, multiple and more recent reports show that no positive effect of treatment was found:

"... no positive effect of treatment was found in several other quasi-experiments involving an institutional behavioral program (Rice, Quinsey, and Harris, 1991) or a milieu therapy approach in an institutional setting (Hanson, Steffy, and Gauthier, 1993)."⁴⁵

"... an evaluation of a cognitive-behavioral program that employs an experimental design presented findings that suggest... modest (though not statistically significant) effect in reducing recidivism."⁴⁶

Researchers at The Association for the Treatment of Sexual Abusers (ATSA) are conducting a meta-analysis of treatment studies. Preliminary findings indicate that sex offender treatment programs produce about a 10% decrease in sex offender recidivism.⁴⁷ Kansas is seeing about the same results for its sexual offender treatment program.⁴⁸

Kansas' Sex Offender Treatment Program

According to Kansas Department of Corrections Public Information Officer Bill Miskell, all sex offenders admitted to the KDOC are expected to successfully complete the sex offender treatment program *if their period of incarceration allows for it*.

Of a 17,546 general recidivism tracking pool, the KDOC categorized 2,637 individuals as "inconclusive need".

"Inconclusive need" is defined as individuals admitted to KDOC *with insufficient incarceration time to be evaluated* by the Reception and Diagnostic Unit, a unit that prescribes program treatments. (See figure 14) According to Mr. Miskell, some of these "inconclusive need" inmates could be sex offenders.

Of the 17,546 general recidivism tracking pool, the KDOC reports that 276 were "in need" of the sex offender program but received no exposure to it.

Factors such as an inmate's mental or physical health *and the length of the inmate's period of incarceration* are common reasons why an inmate deemed "in need" of sex offender treatment would not receive program exposure, according to Mr. Miskell.

For those classified as "in need" of treatment but did not receive treatment 43.1% were returned to KDOC.⁴⁹

Of 884 offenders who did receive exposure to the sex offender program, 36.5% of participants did not complete the program.⁵⁰

Of the 884 offenders exposed to the program, 13.9 % did not complete the program through no fault of their own (for example, they were transferred).⁵¹ These violators are called "non-volitional program non-completers". 40.7% of these offenders have been returned to KDOC custody.⁵²

Of the 884 offenders exposed to the program, 22.6% were "volitional program non-completers"- meaning they were expelled from the program due to personal misconduct or refusing to comply with the program.⁵³ 48.5% of these offenders have been returned to KDOC custody.⁵⁴ (see figure 15)

Participation in the KDOC's sex offender treatment program is voluntary. If an offender who is recommended to the treatment program refuses to participate, that offender loses an opportunity to earn privileges.

According to Bill Miskall:

"The Department's privileges policy is a management tool. It employs a comprehensive system of earnable privileges as an incentive to offenders to participate in rehabilitation programs recommended by the Department. The philosophy behind the Department's privileges and incentive policy is that privileges should be extended based upon an offender's behavior and as reinforcement for constructive behavioral changes, including an offender's decision to participate in his or her rehabilitation."

The KDOC tracked 561 released sex offenders who had completed its treatment program. As of June 2000, 32.3% had been returned to KDOC. Figures for offenders returned to KDOC between June 2000 and the date of this writing are unavailable.

Returned with new sentence: 1.1%
Returned after supervision: 1.6%
Returned for violating conditions: 29.6%
Total = 32.3%⁵⁵

Kansas' Program Costs

The KDOC Sex Offender Treatment program, adjusted for program length and spread across those offenders who complete the program, was the second most costly treatment program per month that the KDOC ran in fiscal year 2000; per month cost per program completer was \$755.80.⁵⁶ It is an 18 month program. For each program completer, Kansas spent \$13,604.40 in fiscal year 2000.

Kansas' Sex Offender Treatment Program

Figure 14: Of 884 offenders who received exposure to Kansas' sex offender program, 36.5% of participants did not complete the program, either through no fault of their own or because they failed to comply with program requirements.

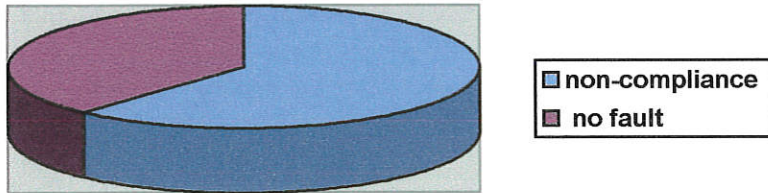
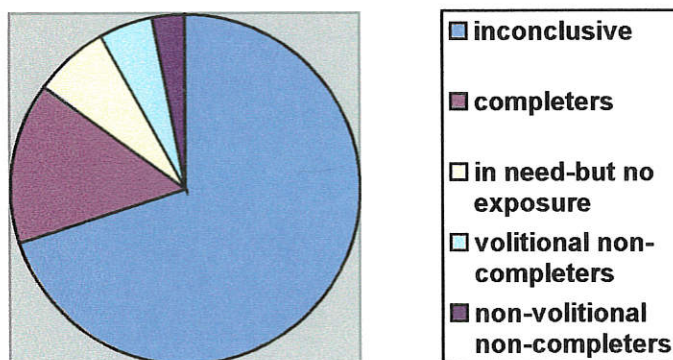


Figure 15: In a tracking pool of 3,797 individuals released from KDOC custody:⁵⁷

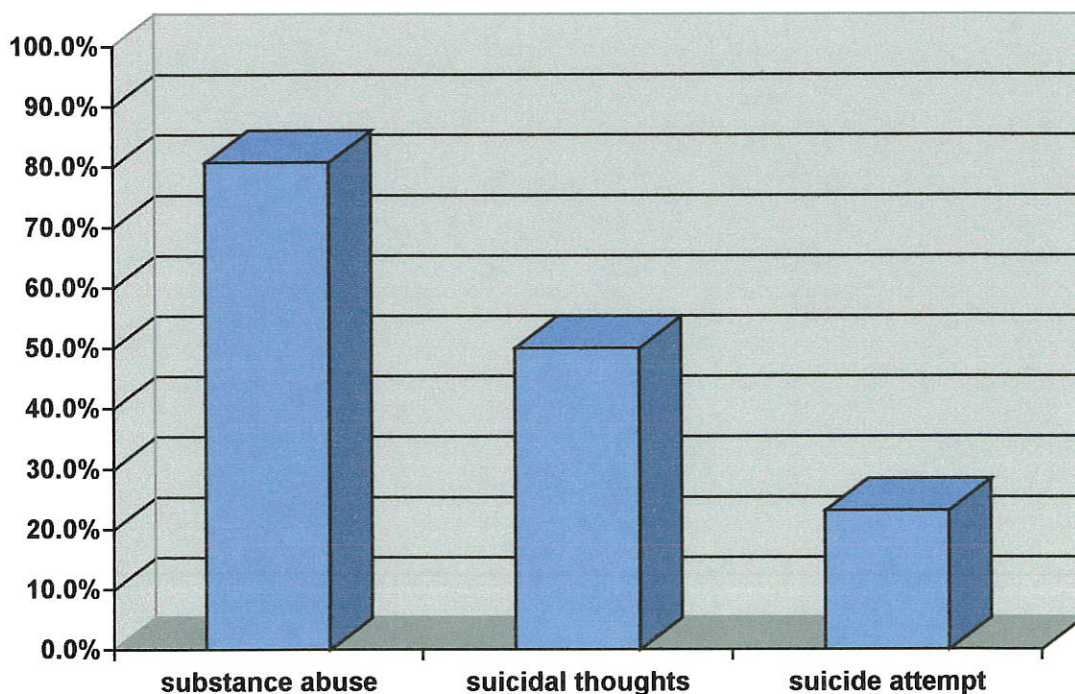
70% were labeled as "inconclusive need"
15% were labeled "treatment completers"
7% were labeled "in need, but no program exposure"
5% were labeled "volitional non-completers"
3% were labeled "non-volitional non-completers"



Justice vs Long-term Psychological Impact: Does the Punishment Fit the Crime?

Authors of the CSOM report write, "...*the prevention of sexual violence is particularly important, given the irrefutable harm that these offenses cause victims...*"⁵⁸

In David Lisak's study group of 26 interviewees, 80.8% of the men had a history of substance abuse; 50% had actively thought about suicide; 23% had attempted suicide.⁵⁹



Feelings of anger could still be seen in many of the men's recorded quotes, years after the abuse took place:

"I could pick up the world and throw it."

"If they knew what I thought, they wouldn't let me in society."

"There is an incredible amount of violence that runs through my mind."

Others expressed feelings of helplessness:

"The world was evil, its coming to get you, and you could do almost nothing to defend from it."

"I didn't realize how much of a little boy I was compared to this size. He was a grown man..."

"I guess I often feel like I was the property of someone else. And that somebody could just do what they wanted."

According to Lisak, feelings of shame and humiliation are some of the most persistent legacies of sexual abuse. The following quotes attest to the feelings the abused men had as children:

"...you really feel like your so bad, that its suppose to happen. That its punishment. That you did something wrong...and when your that young you don't know any differently."

"I figured I was too much of a mutant for anybody to love me..."

"...its so much easier to take the blame for it. That there's something wrong with me. There was something defective from the beginning."

"I had to make sense out of what was going on. And the sense I made out of it was that I'm not really a good person. There's something different about me and something's wrong."

"I was like a beaten dog."

"I was the most disgusting kid I knew on the inside. If anybody knew what was going on in the inside I would have been horrified."

"I felt like my only avenue to get out of that house was to make friends...and I felt like that avenue was cut off because I was a freak, I was a mutant."

The following quotes show how this persistent shame followed the men into adulthood:

"I basically thought that the only thing I was good at, the only thing I was good for, was sex. I learned how to do sex when I was five. I wanted to be a sex machine because that's all I was good for."

"I could not see anybody loving me. I could not see anybody liking me or wanting to be with me, I could not see myself as significant to the point that I could actually be in a relationship with someone else."

"This abuse...its in every pulsing cell I have in my body."

"When I'm having sex with a girl, the minute I have an orgasm...I feel like I should be killed. I should be shot for what I just did."

"When someone says that something's wrong...the first thing I think is its me, that I did something wrong."

"I feel totally unacceptable. There's nothing about me that anybody else could possibly enjoy or accept."

"I always feel inferior to people just as a whole person."

"I've been to bed with a lot of people I didn't want to go to bed with because I didn't know how to say no, didn't know I had any rights in that direction."

The men also displayed an on-going lack of trust in other people and society:

"Its like now I'm on my own, and there's no way I can trust anybody."

"I feel like I'm friggen' wounded. I'm dying. And everybody is saying well, sorry."

"There's nobody else that's going to back you up. Even if there is 100 people watching you, you get raped. Nobody is going to say or do a damn thing."

Some men displayed a mourning for what was lost:

*"It's like where is my childhood? It feels like somebody put it in a box somewhere and I'm not allowed to look at it. Like its locked up...It's like I want my box, I know I got one. And who took it and **who had the right to steal it from me?**"*

Offender Profile 6

Victim: offender's six year old daughter

Offender lives: *one block from a popular children's park and 0.8 miles from an elementary school*

Facts of the case: offender was arrested for attempting to have his daughter touch his private parts

offender pleaded guilty to attempted aggravated liberties with a child, a misdemeanor. *The conviction carries a "border box" sentencing guideline which means imprisonment is at the judges' discretion.* Offender was sentenced to 60 days in jail, a mental health evaluation was ordered, and he was ordered to have no contact with his daughter.

30 days into his jail term the offender's no contact order was lifted and he was allowed supervised visitations with his daughter.

30 days after his release from custody, offender was arrested a second time for a similar offense and sentenced to 34 months in prison, 60 days probation, and 60 days post-release supervision.

Conviction: Attempted Aggravated Indecent Liberties With A Child

"Aggravated indecent liberties with a child is the commission of indecent liberties with a child...by any guardian...to whose charge the child has been committed or entrusted...a class B felony." (K.S.A 21-3504)

**Sentencing
Guideline:**

prison: 31 mos mitigated, 32 mos standard, 34 mos
probation: 24 mos
post-release supervision: 36 mos

**Sentence
Received:**

prison: 60 days in jail
probation: 24 mos
post-release supervision: 36 mos

**Sentence received
for re-offending:**

prison: 34 mos
probation: 60 mos
post-release supervision: 60 mos

One victim of abuse later wrote: "I basically thought that the only thing I was good at, the only thing I was good for, was sex. I learned how to do sex when I was five. I wanted to be a sex machine because that's all I was good for." Another wrote of a lost childhood: "Who took it and who had the right to steal it from me?"

Conclusion

In conclusion, CWA of Kansas asks the Attorney-General and the Legislature to consider the astronomical emotional and physical cost to the most innocent and vulnerable citizens of our state by reviewing sentencing guidelines and penalties for crimes committed against children.

It is the government's duty to protect those who cannot protect themselves, not to rehabilitate a citizen who has made the choice to commit a heinous crime against a child.

Clearly, the rate of recidivism is high enough that it brings into question whether they can be rehabilitated. Many of these perpetrators themselves have been abused, making the long-term cost to society even more troubling. For this reason it is important to stop the abuse now by increasing penalties; making the penalty fit the crime. The end result will be that Kansas will protect those who have not had an opportunity to choose their destiny.

It is argued in many cases that children can give consent to sex, but this premise is surely not in the best interest of the child; rather it favors the predator. As illustrated in some of the quotes included in this research, the child loses everything...innocence, self-esteem, an ability to trust and sometimes even their lives. Children under the age of sixteen may be physically mature, but lack the ability to see the long-term consequences of their decisions and they lack the life experiences to effectively make those decisions that could cost them so dearly. ***To assume that a child can give consent to sexual abuse is giving a blank check to a thief...in this case the bank account is the life of a trusting child.***

The Kansas Legislature and the Attorney-General can do something about this clear and present danger to our children by increasing penalties for acts committed against a child under sixteen, making the penalty even harsher if the victim is 12 or under, and making sure that the sentencing guidelines are strictly followed.

It is the duty of government to protect the innocent and helpless. In doing so we can truly say that we love children.

¹ The Topeka Capital-Journal 1/4/2003

² *The Stop Child Molestation Book, What Ordinary People Can Do In Their Everyday Lives To Save Three Million Children*, Gene G. Abel, M.D. and Nora Harlow www.stopchildmolestation.org/pages/study3.html

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ "The Psychological Impact of Sexual Abuse: Content Analysis of Interviews with Male Survivors" David Lisak; Journal of Traumatic Stress, Vol 7, No . 4, 1994.
[http://www.jimhopper.com/pdfs/Lisak_\(1994\)_Male_Survivor_Interviews.pdf](http://www.jimhopper.com/pdfs/Lisak_(1994)_Male_Survivor_Interviews.pdf)

⁹ "Recidivism of Sex Offenders", Center for Sex Offender Management (CSOM), p3;
<http://www.csom.org/pubs/recidsexof.html>; findings of Marshall and Barbaree, 1990.

¹⁰ Ibid. findings of Ahlmeyer, Heil, McKee, and English, 2000.

¹¹ Ibid. findings of Ahlmeyer, English, and Simons, 1999.

¹² Ibid p. 2.

¹³ Judith Reisman, "FBI reduces violence by ignoring child victims", WorldNetDailey.com, 2000

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Abel and Harlow <http://www.stopchildmolestation.org/pages/study2.html>

¹⁷ Abel and Harlow <http://www.stopchildmolestation.org/pages/study4.html>

¹⁸ "The Psychological Impact of Sexual Abuse: Content Analysis of Interviews with Male Survivors" David Lisak; Journal of Traumatic Stress, Vol 7, No . 4, 1994.
[http://www.jimhopper.com/pdfs/Lisak_\(1994\)_Male_Survivor_Interviews.pdf](http://www.jimhopper.com/pdfs/Lisak_(1994)_Male_Survivor_Interviews.pdf)

¹⁹ The Abel and Harlow <http://www.stopchildmolestation.org/pages/sexuallytroubledchild.html>

²⁰ Ibid.

²¹ Abel and Harlow <http://www.stopchildmolestation.org/pages/study2.html>

²² David Greenberg, John Bradford, Philip Firestone, and Susan Curry; "Recidivism of Child Molesters: A Study of Victim Relationship with the Perpetrator"; [Child Abuse and Neglect](#); Vol. 24, Number 11. November, 2000. Page(s) 1485-1494.

²³ Abel and Harlow www.stopchildmolestation.org/pages/study3.html

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- ²⁴ "The Psychological Impact of Sexual Abuse: Content Analysis of Interviews with Male Survivors" David Lisak; Journal of Traumatic Stress, Vol 7, No . 4, 1994.
[http://www.jimhopper.com/pdfs/Lisak_\(1994\)_Male_Survivor_Interviews.pdf](http://www.jimhopper.com/pdfs/Lisak_(1994)_Male_Survivor_Interviews.pdf)
- ²⁵ Abel and Harlow www.stopchildmolestation.org/pages/study3.html
- ²⁶ Abel and Harlow <http://www.stopchildmolestation.org/pages/study2.html>
- ²⁷ "Recidivism of Sex Offenders", Center for Sex Offender Management (CSOM), p 1, findings of Greenfeld, 1997
- ²⁸ Abel and Harlow <http://www.stopchildmolestation.org/pages/study.html>
- ²⁹ Abel and Harlow www.abelscreen.com/aboutasi.com
- ³⁰ Abel and Harlow www.stopchildmolestation.org/pages/study4.html
- ³¹ "Recidivism of Sex Offenders", Center for Sex Offender Management (CSOM), p 6, findings of Ahlmeyer, English, and Simons 1999
- ³² Ibid., p8, p9
- ³³ "The Psychological Impact of Sexual Abuse: Content Analysis of Interviews with Male Survivors" David Lisak; Journal of Traumatic Stress, Vol 7, No . 4, 1994.
[http://www.jimhopper.com/pdfs/Lisak_\(1994\)_Male_Survivor_Interviews.pdf](http://www.jimhopper.com/pdfs/Lisak_(1994)_Male_Survivor_Interviews.pdf)
- ³⁴ David Greenberg, John Bradford, Philip Firestone, and Susan Curry; "Recidivism of Child Molesters: A Study of Victim Relationship with the Perpetrator"; [Child Abuse and Neglect](#); Vol. 24, Number 11. November, 2000. Page(s) 1485-1494
- ³⁵ "Recidivism of Sex Offenders", Center for Sex Offender Management (CSOM), p14.
- ³⁶ "Recidivism of Sex Offenders", Center for Sex Offender Management (CSOM), p.2.
- ³⁷ "Recidivism of Sex Offenders", Center for Sex Offender Management (CSOM) p6
- ³⁸ Ibid. p.8
- ³⁹ Ibid., p.5, findings of Prentky, Lee, Knight, and Cerce 1997
- ⁴⁰ Ibid. pp.10,11
- ⁴¹ David Greenberg, John Bradford, Philip Firestone, and Susan Curry; "Recidivism of Child Molesters: A Study of Victim Relationship with the Perpetrator"; [Child Abuse and Neglect](#); Vol. 24, Number 11. November, 2000. Page(s) 1485-1494
- ⁴² "Recidivism of Sex Offenders", Center for Sex Offender Management (CSOM) p4
- ⁴³ Kansas Department of Corrections "Program Evaluation Volume IV", p40.
<http://docnet.dc.state.ks.us/RESEVAL.htm>
- ⁴⁴ "Recidivism of Sex Offenders", Center for Sex Offender Management (CSOM) p12.
- ⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid. p13.

⁴⁸ Kansas Department of Corrections "Program Evaluation Volume IV", p40.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Kansas Department of Corrections "Program Evaluation Volume IV", p40

⁵⁶ Ibid. p5, p6.

⁵⁷ KDOC total tracking pool less "no need" : $17,546 - 13,749 = 3,797$

⁵⁸ "Recidivism of Sex Offenders", Center for Sex Offender Management (CSOM) p1.

⁵⁹ "The Psychological Impact of Sexual Abuse: Content Analysis of Interviews with Male Survivors"
David Lisak; Journal of Traumatic Stress, Vol 7, No . 4, 1994.
[http://www.jimhopper.com/pdfs/Lisak_\(1994\)_Male_Survivor_Interviews.pdf](http://www.jimhopper.com/pdfs/Lisak_(1994)_Male_Survivor_Interviews.pdf)