

Approved: _____
Date 4-29-04

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 p.m. on February 5, 2004 in Room 241-N of the Capitol.

All members were present except:

Representative Dale Swenson- absent
Representative Eric Carter - absent

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Jerry Ann Donaldson, Legislative Research Department
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Senator Nick Jordan
Representative Brenda Landwehr
Candy Shively, Deputy Secretary SRS
Steve Solomon, The Farm
Brenda Sharp, Sunflower House
Sue Lockett, Prairie Advocacy Center
Kathleen Inwood, SOS
Ron Paschal, Attorney Sedgwick County
Sarah Robinson, Wichita Children Home
Mike Jennings, KCDAA
Representative Doug Patterson
John Smith
Sandy Barnett, KS Coalition Against Sexual & Domestic Violence
Tom Barteo, KS Criminal Defense Lawyers

Others attending:

See Attached List.

HB 2568 – Assessment fee imposed on certain criminal defendants for crimes against children, establishing the children’s advocacy center fund.

HB 2569 – Children’s advocacy centers, prescribing standards and training

Chairman Loyd opened the hearings on **HB 2568** and **HB 2569**.

The chairman welcomed Senator Jordan who spoke in support of the bills. He had a chance to tour the Sunflower House in Johnson County and was very impressed and excited about the team spirit. He thanked the committee for listening to the bills.

The chairman welcomed Representative Landwehr who offered her support and an amendment to **HB 2569**. The amendment would add to line 21 sexual abuse. (Attachment 1)

Candy Shively, Deputy Secretary SRS appeared before the committee in support of **HB 2569**. SRS believes child advocacy centers are a positive addition to the child welfare system and additional center will benefit communities. SRS also supports an amendment that would include forensic interviews with children suspected of sexual abuse. (Attachment 2)

Steve Solomon, The Farm, Inc. appeared as a proponent of **HB 2569**. The Farm strongly believes in the

Child Advocacy Center approach. The model presents the most child-sensitive approach for determining the nature of the trauma and its effects on the wellbeing of the child. ([Attachment 3](#))

Brenda Sharp, Sunflower House President and CEO spoke in favor of the bills. [HB 2569](#) provides an opportunity to hold perpetrator accountable for the abuse and the strain that is placed on the child welfare system. [HB 2568](#) would provide token fee to the Advocacy Center if the attacker is convicted. ([Attachment 4](#))

Sue Lockett, Prairie Advocacy Center, spoke in favor of the bills, PAC conducts interviews for other counties as needed and performs courtesy interviews for out of state law enforcement and children protective services agencies. PAC strongly believes that legislation is necessary to uphold the highest standard of services for the children of this state. ([Attachment 5](#))

Kathleen Inwood, Emporia SOS Child Advocacy Center, would appreciate your support for the bills. ([Attachment 6](#))

Ron Paschal, Chief Attorney 18th Judicial District, said the Office of the District Attorney provides its testimony in full support of [HB 2569](#) and new section 2 of [HB 2568](#). ([Attachment 7](#))

Sarah Robinson, Executive Director Wichita Children's Home, appeared before the committee in favor of the bills. ([Attachment 8](#))

Sandy Morris, Executive Director, Pittsburg Children's Advocacy Center, Inc. ([Attachment 9](#)) and Marg Yaroslacki, Executive Director Meadowlark Dodge City, ([Attachment 10](#)) submitted written testimony in support of the bills.

Chairman Loyd closed the hearings on [HB 2568](#) and [HB 2569](#).

HB 2603 - Clarifying that prior DUI's are converted to person felonies for criminal history purposes when convicted of involuntary manslaughter while DUI

Chairman Loyd opened the hearings on [HB 2603](#).

Mike Jennings appeared before the committee to provide written testimony for Allen County Attorney, Nannette L. Kemmerly-Weber, who supports the bill. The bill corrects the use of the word "and" which was used in error and asks for support to correct the error which is having consequences across the state. ([Attachment 11](#))

Chairman Loyd closed the hearing on [HB 2603](#).

HB 2611 – Registered sex offenders, motor vehicle identification markings or global positioning systems unit.

Chairman Loyd opened the hearings on [HB 2611](#).

Representative Doug Patterson appeared before the committee in support of the bill. The adoption of this bill is not to continue the punishment of violent offenders who have served prison time, but to make sure people know where these offenders are in our neighborhoods. The balloon offered was intended for the serious offender and not the person who has already served their time. ([Attachment 12](#))

John Smith spoke emotionally in opposition of the bill. He felt that his family would have to continue to be victimized by this legislation of having to put a sticker on his family car. ([Attachment 13](#))

Sandy Barnett of Kansas Coalition Against Sexual and Domestic Violence, appeared in opposition to the bill. The bill is not a simple answer for a complex problem, a sex offender who is intent on using a vehicle to find a new victim could easily rent or borrow a car. The KDOC is currently analyzing sex offender treatment and monitoring and feels that Kansas would be better off reviewing recommendations from this project, than trying to implement a new program. ([Attachment 14](#))

Tom Bartee appeared before the committee to present Paige A. Nichols, The Kansas Association of Criminal Defense Lawyers written testimony in opposition of the bill. Vehicle markings will follow and stigmatize the former offender, his family, and associates, in nearly every phase of public and private life. (Attachment 15)

Chairman Loyd closed the hearing on **HB 2611**

The meeting was adjourned at 3:25 PM. The next scheduled meeting February 9, 2004.

HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

GUEST LIST

DATE 2/5/04

NAME	REPRESENTING
Brenda Sharpe	Kansas Chapter of Children's Advocacy Centers of Sunflower House
Sue W Lockett	Prairie Advocacy Center - Topeka
Terri Jowett	Prairie Advocacy Center - Topeka
Kathleen Inwood	101 Child Advocacy Center - Emporia
Tammie Dawkins	Prairie Advocacy Center - Topeka
Kelly Stephens	Prairie Advocacy Center, Topeka
Cathy Hubbard	SRS - Children + Family Services
Dustin Hardison	Little Government Relations
Michelle Whit	KCDAA
Mike Jennings	KCDAA/Sedgwick Co.
Rick Fischel	DEPT. OF CORRECTIONS.
Ray Paschal	DA's office, Sedgwick City
Sandy Barnett	KCSOV
Jim Haly Huff	KS AFL-CIO
Walt Beck	Ks AFL-CIO
Doris Torres	SILCK
Martha Jean Smith	KMHA
DEBORAH STERN	KMA
Wendy Harms	KPMCA
Waddy Moses	KAPA
Steve Johnson	Kansas Gas Service
Lew Brent	The Kansas Chamber
Natalie Buglit	Via Christi Health Systems
DAVID OWEN	HOMELESS COME HOME

HOUSE BILL No. 2569

By Committee on Appropriations
(By request of the Joint Committee on Children's Issues)

Proposed Technical Amendment

1-22

10 AN ACT concerning children's advocacy centers; prescribing certain
11 standards; regarding requirements for training of staff.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) A child advocacy center in this state shall:

15 (1) Be a private, nonprofit incorporated agency or a governmental
16 entity.

17 (2) Adopt established community protocols which meet all of the
18 requirements of the national children's alliance.

19 (3) Have a neutral, child-focused facility where forensic interviews
20 take place with children in appropriate cases of suspected or alleged physical,
21 mental or emotional abuse. All multidisciplinary agencies shall have
22 a place to interact with the child as investigative or treatment needs
23 require.

24 (4) Have a minimum designated staff that is supervised and approved
25 by the local board of directors or governmental entity.

26 (5) Have a multidisciplinary case review team that meets on a regu-
27 larly scheduled basis or as the caseload of the community requires. The
28 team shall include, but not be limited to, representatives from the state
29 or local office prosecuting such case, law enforcement, child protective
30 services, mental health services, a victim's advocate, child advocacy center
31 staff and medical personnel.

32 (6) Provide case tracking of child abuse cases seen through the cen-
33 ter. A center shall also collect data on the number of child abuse cases
34 seen at the center, by sex, race, age, and other relevant data, the number
35 of cases referred for prosecution, and the number of cases referred for
36 medical services or mental health therapy. Nothing in this section shall
37 require a children's advocacy center to offer medical exam services or
38 mental health therapy.

39 (7) Provide medical exam services or mental health therapy, or both,
40 on site at the children's advocacy center, or provide referrals for medical
41 exams or mental health therapy, or both, to a facility not on the site of
42 the children's advocacy center.

43 (8) Have an interagency commitment, in writing, covering those as-

sexual abuse or
, or both

1 pects of agency participation in a multidisciplinary approach to the han-
2 dling of cases involving physical, mental or emotional abuse.

3 (9) Provide that child advocacy center employees and volunteers at
4 the center are trained and screened in accordance with K.S.A. 65-516,
5 and amendments thereto.

6 (10) Provide training for children's advocacy center staff who inter-
7 view children in forensic children's interview technique.

8 (b) Any child advocacy center within this state that meets the stan-
9 dards prescribed by this section shall be eligible to receive state funds
10 that are appropriated by the legislature.

11 (c) As used in this section, "physical, mental or emotional abuse"
12 ~~has~~ the meaning ascribed thereto in K.S.A. 38-1502, and amendments
13 thereto.

and "sexual abuse" have the meanings

14 Sec. 2. This act shall take effect and be in force from and after its
15 publication in the statute book.

Kansas Department of

Social and Rehabilitation Services

Janet Schalansky, Secretary

House Corrections and Juvenile Justice Committee
February 5, 2004

HB 2569 - Child Advocacy Centers

Integrated Service Delivery
Candy Shively, Deputy Secretary
785-296-3271

For additional information contact:
Public and Governmental Services Division
Tanya Dorf, Director of Legislative Affairs

Docking State Office Building
915 SW Harrison, 6th Floor North
Topeka, Kansas 66612-1570
phone: 785.296.3271
fax: 785.296.4685
www.srskansas.org

Kansas Department of Social and Rehabilitation Services
Janet Schalansky, Secretary

House Corrections and Juvenile Justice Committee
February 5, 2004

HB 2569 - Child Advocacy Centers

Representative Loyd and members of the committee, I am Candy Shively, Deputy Secretary with SRS. Thank you for the opportunity to appear today to discuss House Bill 2569. This bill supports child advocacy centers which are child-focused, supportive environments in which forensic interviews of children who have been abused or neglected are completed. Child Advocacy Centers reduce the number of times a child must be interviewed which improves the quality of information obtained from the child. This in turn, increases achievement of prosecutions. This proposal would require specialized training, tracking of cases referred to the facility and a multi-disciplinary case review team. The centers would either provide or refer children for medical examination services and/or mental health therapy.

Currently, there are six child advocacy centers in the state. An additional center is being developed. These centers are funded primarily from sources such as grants and private donations. SRS staff have worked well with the existing centers and would welcome the opportunity to work with additional centers. Child advocacy centers are an excellent example of how SRS has come together with community partners to improve outcomes for children.

SRS supports an amendment to this bill that would include forensic interviews with children suspected of sexual abuse as well as physical, mental or emotional abuse. Sexual abuse interviews are one of the specialties of these centers and forensic interviews are extremely valuable in these cases.

SRS believes child advocacy centers are a positive addition to the child welfare system and the addition of more centers will benefit communities. Thank you for the opportunity to comment on this bill.



3
Corp. Office
528 Commercial
P.O. Box 2224
Emporia, Kansas 66801
620.343.6111
fax 620.343.1398
www.the-farm.org

Testimony to the
House Corrections and Juvenile Justice Committee
H.B. 2569
Presented by The Farm, Inc.
February 5, 2004

My name is Steve Solomon and I am a member of the administrative team of The Farm, Inc. My role is to oversee and support the development of public policy that benefits children and families who need or may need services in the state's child welfare system. I am here today to express the Farm's strong support for the passage of H. B. 2569, the vehicle for establishing Child Advocacy Centers in Kansas.

The Farm, Inc. is a statewide child welfare agency that has provided foster care and adoption services for almost forty years throughout Kansas. We are licensed as a Child Placing Agency by KDHE and are accredited for adoption, foster care, and mental health services by the national Council on Accreditation. Over the years our mission has been expanded to include the provision of mental health and substance abuse treatment services. We sponsor a statewide network of over 480 foster families and are the Reintegration/Permanency child welfare contractor for Region I, serving twenty-five (25) counties in eastern and southeastern Kansas.

We believe strongly in the Child Advocacy Center approach for assuring proper assessment and treatment of children who have experienced physical, emotional, and/or sexual abuse. This model presents the most child-sensitive approach for determining the nature of the trauma and its effects on the wellbeing of the child. In addition, the program provides the opportunity to create a real partnership among various providers, law enforcement representatives, and court officials that assists each in performing their specific duties on behalf of the child. It is critical to avoid secondary trauma that sometimes attaches to the process of investigating these matters while at the same time supporting a thorough collection of evidence that may be used to prosecute serious cases of child abuse.

While we will continue to support those services that strengthen families and prevent family instability--those services that prevent the trauma of abuse--our experience has taught us that the home can be a dangerous place for too many children. Passage of this legislation represents a commitment to serve children who have suffered great harm, to restore families safely when possible, and to generate necessary information that will facilitate law enforcement and legal proceedings.



A member of Child Welfare League of America • Children's Alliance of Kansas • Missouri Coalition of Children's Agencies
A non-profit agency accredited by: Council on Accreditation of Services for Families and Children, Inc.
OTHER LOCATIONS:
Arkansas City, Chanute, El Dorado, Fort Scott, Garden City, Independence, Iola, Kansas City, Lawrence, Leavenworth, Lyndon, Manhattan, Overland Park, Parsons, Pittsburg, Salina, Topeka, Wellington, Wichita and Kansas City, MO



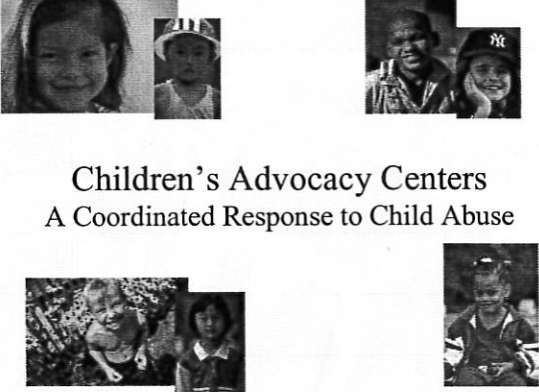
House Corr & JJ
Attachment 3
2-05-04

I would like to add a brief personal note. Prior to my joining the Farm's administrative team in 1999, I had served the Wyandotte County community for over 28 years; first as a Clinical Psychologist, then for the last 22 years as the Executive Director of the Wyandot Mental Health Center. In the early 80's it was my privilege to be invited by the Junior League of Wyandotte/Johnson County, along with my counterpart in Johnson County, District Attorneys from both counties, and various law enforcement officials to serve as a member of a so-called "executive committee" to oversee the development of what is now Sunflower House. "So-called" means that all the work was done by others to create standards for services, develop policies for operations, promote a broader community commitment, and seek out and obtain necessary funding. Today, Sunflower House is a child advocacy center that epitomizes the strength and value of community partnerships for addressing serious human problems. It represents a commitment to children that should be replicated throughout the state.

I urge you to support H.B. 2569 and H.B. 2568.

I would be happy to answer any questions.

Steve Solomon, PhD
Vice President, Public Policy/Research
The Farm, Inc.
Office: 785-749-2664
Pager: 816-346-3444
steves@the-farm.org



Children's Advocacy Centers
A Coordinated Response to Child Abuse

**Kansas House of Representatives
Corrections and Juvenile Justice
Committee**

Brenda Sharpe, Sunflower House President & CEO
on behalf of the Kansas Chapter of Children's Advocacy Centers
February 5, 2004

Sunflower House, Inc.
15440 W. 65th Street
Shawnee, KS 66217
913-631-5800
Email: suninfo@sunflowerhouse.org
www.sunflowerhouse.org

What is a Children's Advocacy Center?

- Child-focused, community-oriented, facility-based program
- Forum or "home" for representatives from many disciplines to meet, discuss and make decisions about investigation, treatment and prosecution of child abuse cases
- Joint effort to prevent further victimization of children

Core CAC Partners

- Law Enforcement
- Child Protective Services (SRS)
- Prosecution
- Mental Health
- Medical Community
- Victim Advocacy
- CAC Staff



The Children's Advocacy Center Philosophy

- ❖ Child abuse victims should be responded to immediately in a child-friendly manner to reduce their trauma, not compound it
- ❖ The most effective response to child abuse cases builds upon the expertise of multiple agencies and agreed upon protocols
- ❖ Suspected child victims of sexual abuse, serious physical abuse, child witnesses to domestic violence, and children affected by other forms of victimization deserve a legally sound and defensible forensic interview that doesn't further traumatize them
- ❖ Only highly skilled and trained forensic interviewers should conduct interviews of children in child abuse cases to reduce the likelihood of a biased or leading interview.

Best Practice Standards of a CAC

- Child-Friendly Facility
- Organizational Capacity (MDT)
- Cultural Competency & Diversity
- Multidisciplinary Team
- Forensic Interviews
- Medical Evaluation
- Therapeutic Intervention
- Victim Support/Advocacy
- Case Review
- Case Tracking



**Core Service:
Forensic Interviews**

- CAC promotes legally sound, non-duplicative, non-leading and neutral interviews
- Written guidelines & agreements
- Ability to observe interviews & communicate with interviewer
- Participation by team members with investigative responsibilities

**Benefits of the CAC
Team Process**



- More immediate follow-up to child abuse reports.
- Dramatic reduction in number of interviews.
- More effective interviews result in better evidence collection.
- More efficient medical and mental health referrals improve health & recovery of child.
- Agency collaboration & information sharing leads to better decision-making.

**Long Term Benefits of the
CAC Model**

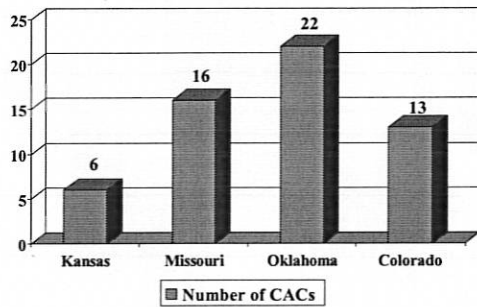
- Child is protected.
- Trauma of child & family is reduced.
- Improved child & family health.
- Increased successful prosecutions.
- Increased accountability of child welfare agencies.

Children's Advocacy Centers in Kansas

Child Advocacy Center, Inc. Pittsburg	Meadowlark House Dodge City
Heart to Heart-Harvey Co. CAC Newton	SOS Child Advocacy Center Emporia
Prairie Advocacy Center Topeka	Sunflower House, Inc. Shawnee



Children's Advocacy Centers in Other States



CAC Geographic Service Areas

- Wyandotte County
- Johnson County
- Ness County
- Hodgeman County
- Ford County
- Clark County
- Gray County
- Edwards County
- Meade County
- Harvey County
- Marion County
- Lyon County
- Chase County
- Shawnee County
- Crawford County
- Bourbon County
- Cherokee County

*Courtesy interviews often done for surrounding areas

Only 16% of Kansas counties are currently served by a CAC

Why Should I Support HB 2568 and HB 2569?

- Formally recognizes the efforts and best practice standards implemented in existing KS CAC's.
- Ensures access to a legally sound child abuse investigation for ALL Kansas children by encouraging the development of additional CAC's across the state.
- Establishes best practice standards to improve state-wide consistency of child abuse investigations, child protection findings and prosecutions.

Why Should I Support HB 2568 and HB 2569?

- Provides an opportunity to hold perpetrators accountable for the abuse and the strain they place on the child welfare system.
- It's what you would want and expect if your own child, grandchild, niece or nephew were to become a victim of child abuse.



WHAT IS A CHILDREN'S ADVOCACY CENTER?

A Children's Advocacy Center (CAC)* is a child-focused, community-oriented, facility-based program in which representatives from many disciplines meet to discuss and make decisions about investigation, treatment and prosecution of child abuse cases. They also work to prevent further victimization of children.

This multidisciplinary team approach brings together under one umbrella all the professionals and agencies needed to offer comprehensive services: law enforcement, child protective services, prosecution, mental health, victim advocacy, and the medical community. CACs are programs designed by professionals and volunteers to meet the unique needs of its community.

Communities that have developed a CAC experience many benefits: more immediate follow-up to child abuse reports; more efficient medical and mental health referrals; reduction in the number of child victim interviews; increased successful prosecution, and consistent support for child victims and supportive adults.

This comprehensive approach, with follow-up services provided by the CAC, ensures that children receive child-focused services in a child-friendly environment – one in which the child's needs come first!

**Some programs that offer the services of a Children's Advocacy Center use other program names.*

CORE COMPONENTS OF THE CHILDREN'S ADVOCACY CENTER

- Child-Friendly Facility
- Organizational Capability
- Cultural Competency and Diversity
- Multi-Disciplinary Team
- Forensic Interviews
- Medical Evaluation
- Therapeutic Intervention
- Victim Support/Advocacy
- Case Review
- Case Tracking

REGIONAL CHILDREN'S ADVOCACY CENTERS

In an effort to assist communities in improving their response to child abuse through development of Children's Advocacy Centers, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) established four Regional Children's Advocacy Centers (RCACs). The RCACs provide information, consultation, training and technical assistance, helping to establish child-focused programs that facilitate and support coordination among agencies responding to child abuse. RCACs also provide regional services to help strengthen Children's Advocacy Centers already in existence. The RCACs assist communities in the following areas:

- Assessing their community's capacity to provide services
- Developing a comprehensive, multidisciplinary response to child abuse, particularly the Children's Advocacy Center model
- Developing and negotiating interagency agreements and protocols
- Maintaining open communication and case coordination among community professionals and agencies involved in child protection efforts
- Enhancing professional skills among the interdisciplinary partners
- Coordinating and providing training to the disciplines represented on the multidisciplinary team
- Identifying and developing funding and marketing strategies
- Strengthening the organizational capacity of CACs and child abuse programs
- Assisting with plans for program expansion
- Increasing community understanding of child abuse
- Provides technical assistance in the development of cultural competency and diversity

Confidentiality is of the utmost importance to the Children's Advocacy Centers, therefore the children shown in this brochure are models. We hope to enable more children to have such positive expressions.

Children's Advocacy Centers: One Philosophy, Many Models

Wendy Walsh, PhD, Lisa Jones, PhD,
and Theodore Cross, PhD
Crimes Against Children Research Center,
University of New Hampshire

The growth of Children's Advocacy Centers (CACs) in the United States has been extraordinary. These innovative programs work to improve child abuse investigations and reduce stress on children and families. CACs aim to eliminate repetitive interviews for child victims, provide a child-friendly environment for the investigation, use well-trained interviewers, and coordinate forensic investigations by multiple agencies (Sheppard & Zangrillo, 1996). The first CAC, the National Children's Advocacy Center, was established in Huntsville, Alabama, in 1985 (see Cramer, 1985), but CACs have increased from 50 registered centers in 1994 to more than 460 full or associate centers in 49 states in 2003 (<http://www.nca-online.org>). These centers are everywhere, from Brooklyn to Alaska; Cape Cod to Native American Tribes; the corporate, suburban landscape of Marietta, Georgia, to the Appalachian Children's Center in Ellijay, Georgia. CACs appear as independent centers, units in hospitals, and departments in district attorney's offices. Even where CACs have not been established, there are programs that follow many of the same principles and program models as CACs, but have not yet affiliated with the National Children's Alliance (NCA), the national membership organization of CACs.

This article describes what is fundamental and consistent across CACs and also discusses important ways in which CACs differ. We explore how these differences may affect what outcomes we should expect from different CACs. Understanding what is fundamental about these programs and how they adapt to different communities and situations can help us develop more effective centers and improve community response to suspected child abuse.

This article is based in part on our findings from a current multisite evaluation of CACs, led by the Crimes Against Children Research Center (CCRC) at the University of New Hampshire. Supported by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), this evaluation is designed to measure the impact of CACs on children, families, and communities. The four sites participating in the evaluation are the Dallas Children's Advocacy Center; the Pittsburgh Children's Advocacy Center; the Dee Norton Lowcountry Children's Center (LCC) in Charleston, South Carolina; and the National Children's Advocacy Center (NCAC) in Huntsville, Alabama. Other research has contributed to our thinking as well, including studies of the Collin County (Texas) CAC, the Massachusetts CACs and other multidisciplinary teams (Cross & Spath, 1998), the Children's Safe House in Albuquerque (Steele, Norris, & Komula, 1994), the Florida CACs (Williams, 2002), and the Seacoast Child Advocacy Center in Portsmouth, New Hampshire (Simone, Grey & Adler, 2003).

The CAC Approach

The CAC philosophy draws from a core set of beliefs that the intervention system should respond to the individual needs of the alleged child victim and family and that the most effective response builds upon the expertise of multiple agencies (Chandler, 2000). The original function of CACs was primarily to respond to cases of child sexual abuse. Most CACs today have broadened their target population to include suspected child victims of serious physical abuse, child witnesses to domestic violence, and children affected by other forms of victimization.

The National Children's Alliance (NCA), a nonprofit, CAC-membership organization, was established in 1988 to support the implementation and development of CACs nationally. Although CACs vary, a standard set of components defines participating agencies. Table 1 lists ten specific CAC-program components necessary for full membership with the NCA. These standards can be considered a consensus among CACs regarding their key services.

Probably the most defining and universal of the items listed here is the multidisciplinary team (MDT). The MDT consists of law enforcement officers, child protective service investigators, prosecutors, mental health and medical professionals, and others who provide a coordinated response designed to increase the effectiveness of investigations while reducing the stress and risk of secondary traumatization to children. To this end, CACs work to create a positive experience in a child-friendly location. For example, the CAC building is located in a welcoming environment geographically separate from police stations, child protective service, and court houses (to reduce families' fears of participating) and is designed to provide a child and family-friendly environment for interviews and family meetings.

Another defining element of CACs is providing forensic interviews. CACs typically make available specialized interviewers or specific team members, such as law enforcement officers and CPS workers, with education and experience in child development and training in forensic child interviewing. Forensic interviewers are trained to understand children's communication, talk with them clearly, and put them at ease, while still collecting sound investigative information. During the interview process, a professional typically interviews the child while multiple team members watch through a one-way mirror or closed circuit television. The one interview will serve the information needs of multiple agencies. Any additional interviews, if necessary, are conducted to allow children to disclose information at their own pace or go into more depth as needed, but they avoid asking children to "tell their story" repeatedly. Without the MDT and the related forensic interview method, children may be asked about their abuse again and again by multiple interviewers who are not working together.

The CAC philosophy draws from a core set of beliefs that the intervention system should respond to the individual needs of the alleged child victim and family and that the most effective response builds upon the expertise of multiple agencies ...



cont'd on page 4

Following the interview, the team develops a coordinated plan for pursuing the investigation, if indicated, and for responding to the child and family's needs for protection and services. Child protective service and law enforcement investigators usually coordinate their plans for interviewing the alleged perpetrator, nonoffending parents, and others, and prosecutors and law enforcement will collaborate on plans to pursue additional evidence. Because CACs have formal links with medical professionals as well as agreements and protocols in place for conducting medical examinations, a plan for a forensic medical evaluation with direct feedback to investigators is often appropriate; sometimes the exams are done on-site to coincide with the forensic interview. Case-review meetings in the weeks after the initial interview give professionals further opportunities to refine planning, share new information, engage in team problem solving regarding obstacles in investigations and service delivery, and refer a child for additional services. Team members can provide details on what is alleged and how it was disclosed; data on the crime scene and victims' and perpetrators' behavior; and insight about the relationships and responses of victims, perpetrators, and family members.

CAC involvement with the family extends well beyond the interview, however. The team and CAC professionals work with families to support them through the difficult process of investigation. They continue to help families through the challenges of prosecution, if that is pursued. The CAC also works with the family to secure needed services, such as child psychotherapy, shelter, victims' compensation, and medical care—helping the child and family stabilize and begin to recover is a priority.

The reported influence of CACs also extends to the community as a whole (Cramer, 1985; Cross & Spath, 1998) and arguably changes the entire system of response to suspected child victimization. CAC staff are often among the best trained and most experienced in their communities regarding alleged child victimization, and they can influence the competence of the community through consultation, case review meetings, professional training, and community education. CACs have been active in communities developing programs and services, advocating for children's issues, and even lobbying for new legislation or regulations. They can increase interagency coordination and investigation effectiveness at the level of system structure and policy as well as in individual cases. CACs can also mobilize general community support and commitment to child abuse response through community auxiliary groups, volunteer efforts, and fundraising. Clearly, CACs play multiple roles within each community.

Variations Among CACs

CACs share the same philosophy, but the settings, populations, and program models with which it is used vary tremendously. As the NCA notes, "No single model for an ideal multidisciplinary program exists, because each community's approach must reflect its unique characteristics" (Chandler, 2000, p. 7). Below we identify seven areas in which CACs differ. These differences are important to understand because variations in implementation affect who CACs serve, what CACs do, and what outcomes they might have.

Community Characteristics

Characteristics of the community, such as the size, diversity, and setting (rural, suburban, urban), affect the nature and development of a CAC. CACs located in rural settings are often faced with the problem of how to provide coordinated services to isolated locations over a large geographic area. The typical model of a centrally located CAC can be impractical there. For example, CACs that serve Native American populations have had to find creative ways to bring services to families who often live hours away from the host organization (U.S. Department of Justice, 2000). Instead of a stationary center, some have developed mobile units that travel to different locations in the service area as needed. Urban CACs face different challenges, such as coordinating services for a large, diverse, and often multilingual clientele. Client volume can affect the scope and nature of service provision. The Dallas CAC, for example, faces requests for forensic interviews—a skill in short supply—in hundreds of cases for the city of Dallas, making it difficult to apply the full CAC model to referrals from other municipalities throughout the county.

CAC staff are often among the best trained and most experienced in their communities regarding alleged child victimization, and they can influence the competence of the community through consultation, case review meetings, professional training, and community education.

In addition to demographic and geographic factors, developing CACs also must take the structure and politics of existing services into account. Even prior to widespread implementation of CACs, states and communities were developing a number of different models for coordinated investigation procedures and multidisciplinary teams (Kolbo & Strong, 1997). Florida has instigated statewide Child Protection Teams (CPTs), medically directed multidisciplinary teams available to supplement child protection investigations. CACs developing in Florida communities with a CPT must identify the best process for adapting to the existing service structure in the community and avoid overlapping efforts. Some have chosen to emphasize

different multidisciplinary components, serving as partners with their local CPTs. Other communities have integrated the CPT into a single, more comprehensive CAC.

Organizational Base

CACs vary greatly in the way they are organized. Some CACs are independent, nonprofit organizations, whereas others are located within hospitals, district attorney's offices, child protective service agencies, or larger nonprofit human service agencies. Organizational base has an effect on the pattern of agency involvement, referral process, and emphasis on and development of available services. The Pittsburgh CAC, for instance, is located within Children's Hospital of Pittsburgh. One obvious outcome of this setting is that the medical component of the CAC is likely to be a major focus of the program. Less obvious is the impact that the setting of this CAC has on the nature of its cases. Because of direct referrals from the emergency department and other health care providers, initial data suggest that nearly a half of child victims are under 6 years old. In contrast, initial data at the NCAC in Huntsville show the majority of child victims are between the ages of 10 and 15 years old. Moreover, such case differences have an obvious effect on child protection and criminal justice outcomes, such as arrest and prosecution rates.

Developmental Stage

It is also important to recognize the developmental stages of CACs: the start up, structuring, cooperation, productive, and completion phases (Chandler, 2000). As CACs progress through these phases, their size, capacity, and services expand and interventions are refined. There may not be a natural progression through these phases, however, and some CACs may remain small and specific in the services they provide. Because CACs vary greatly in the portion of the eligible population they can serve, their organizational complexity, budgets, and expected outcomes must shift accordingly. Like a number of CACs, the new Seacoast Child Advocacy Center in Portsmouth, New Hampshire, began small. It operates in a suite of two rooms, and, until recently, it had a staff of one, who was simultaneously forensic interviewer, CAC coordinator, and office manager. In contrast, a few longstanding CACs (e.g., in Charleston, Dallas, Huntsville, and Plano, Texas) have staffs in the dozens, multiple services, and more ambitious agendas.

Referral Process

The CAC referral process varies greatly and influences who is served and what outcomes should be expected. In some communities, referrals come from multiple sources and in others, only from CPS and law enforcement. In some states, legislation may guide which cases are referred. According to our initial data, the Dallas CAC and the NCAC in Huntsville receive approximately two-thirds of their referrals from CPS and one-third from law enforcement. In contrast, the Dee Norton LCC receives approximately one-third from mental health providers, one-third from CPS, and one-tenth each from law enforcement and medical providers. A broader referral base leads to a greater variety of cases and is associated with differences in services. Referral processes can also be mandatory or discretionary.

DCAC sees a subset of all cases of severe physical abuse and sexual abuse in Dallas County on the basis of DCAC's criteria. All cases in Dallas in which the alleged victim is younger than 15 and has made an outcry of sexual abuse or severe physical abuse are referred to the Dallas CAC. At the Dee Norton LCC, on the other hand, professionals refer only those cases they consider appropriate. Mandatory referrals bring an entire cross-section of a certain population to a CAC, but discretionary referrals may tend to give CACs a selected segment, perhaps more severe or less, younger or older—but not a cross-section.

Interagency Involvement and Relationships

To be a full member of the NCA, CACs must have a multidisciplinary team with representation from at least seven different agencies or disciplines (see Standard 2), but agency participation, interagency relationships, and team activity still vary considerably even though the existence of the team is inherent to a CAC. The extent to which participating disciplines are actively involved with the leadership and sponsorship of the CAC shape, in part, the procedures most emphasized, the services offered to victims and families, and ultimately the expected outcomes.

In addition to team composition, the relationships between partner agencies and the CAC influence the nature of the CAC procedures and outcomes. At some CACs, prosecutors play a primary role in

overseeing the direction of a case throughout the investigation process. At other CACs, the prosecutor's office may be only peripherally involved or participate only when the criminal justice case reaches a certain level of development. Complicating things further, election cycles affect the participation of certain officials, such as district attorneys, who are elected to their position. Fluctuations in partner involvement can have a direct impact on the types of criminal justice outcomes that can be anticipated. Therefore, outcomes such as prosecution rates and conviction rates are often dependent on the overall philosophy, interest, and commitment of the prosecutor and available resources.

Finally, the degree of interaction among team members is also important. This depends in part upon the historic interagency conflicts and turf issues, which influence the manner and time necessary for the building of a multidisciplinary team. The degree of interaction is also influenced by whether child protection and law enforcement workers are co-located, having their offices in the same building. Our discussions with professionals working at the NCAC in Huntsville, the Dallas CAC, and other CACs with co-location indicate that having a law enforcement investigator right down the hall from a child protection investigator increases the level of communication.

Agency Objectives

Like many other ambitious social programs (see McLaughlin, 1985), CACs have a number of objectives. They aim to protect children, conduct accurate assessments, further justice when a crime has been committed, and help child victims toward recovery, among other things. Though CACs carry out many different functions, especially as they develop, some objectives are emphasized more in some programs than in others. This is partially a result of the inability to do everything at once, given limited resources. The needs are many and centers have to choose their priorities. Varying objectives also reflect philosophical differences that are echoed in child abuse professional fields as a whole. Given that experts, professionals, and communities may disagree on many of the issues, it is not surprising that variations in practice exist among CACs.

For example, there is consensus that prosecution should play a role in the response to child abuse, but there is disagreement about how important this is and the range of cases that should be prosecuted, particularly with juvenile and intrafamilial perpetrators. Another example points to philosophical differences about medical response. In some CACs, a medical examination is provided for almost every child, whereas other CACs are more selective. Some CACs have medical examination rooms on site and part-time medical professionals on staff, but others rely on private pediatricians or pediatric departments in hospitals. Some CACs use specially trained nurses; in others, only physicians conduct examinations. These choices vary because of different judgments and tradeoffs about how best to engage families and reduce intrusiveness and stress, what type of information to gather and who is qualified to gather it, and how best to allocate limited resources. Differences in the emphasis on objectives would naturally lead to CACs with varying roles in the community and with different outcomes.

Like many other ambitious social programs ..., CACs have a number of objectives. They aim to protect children, conduct accurate assessments, further justice when a crime has been committed, and help child victims toward recovery, among other things.

cont'd on page 6

CAC Outcomes

Although CACs have been in existence for over twenty years and are increasingly considered to be a leading model for agency collaboration in investigating suspected child victimization, systematic evaluation of these centers is lacking. Interest in such evaluation research is growing as funding agencies look for evidence of effectiveness and agencies themselves seek to improve their services. An important preliminary step to evaluating the effectiveness of the CAC model is to understand better what outcomes are most important to examine.

In reviewing the literature on CACs and by talking with a number of CAC professionals, we identified more than 75 specific outcomes that CACs might hope to see resulting from their program (Cross & Jones, 2001). In survey research we conducted, CAC professionals were asked to rank these outcomes according to their relative importance. Sixty-nine professionals responded out of 171. The outcomes that received the highest relative ratings included the following: More effective investigations; More thorough investigations; Increased child safety; Decreased child stress; More accurate decision making; and Increased community resources for victims.

Although we noted general consensus about what outcomes CAC professionals valued, there were still differences of opinion. For example, most professionals in one site rated the outcome, increased availability of needed services during investigation as very important, but one quarter of the respondents gave this item a relatively low score. However, some items, such as improved coordination with domestic violence investigations, were rated as relatively less important by most professionals, but extremely important by a few. Clearly, there are many important outcomes of CAC effectiveness.

The influence that a particular CAC hopes to make will be driven by the goals and expectations of the involved professionals. A CAC located in a district attorney's office, with a strong focus on coordinating law enforcement activities with child protection, for example, can expect to see different outcomes than an independent CAC with comprehensive service options for victims and frequent collaboration from a broad array of community member agencies. The first CAC might expect to see a notable effect on the quality and success of its criminal prosecution of child victimization, and the second, improved satisfaction with the availability of services. Both of these CACs may offer a good example of "a CAC model"; nevertheless, one-size-fits-all assumptions about CACs may lead to unrealistic expectations.

Implications

What are the "take home" messages of understanding CACs as the same but different? First, a core philosophy truly has captured the imagination of a wide range of professionals dedicated to helping children and has spurred tremendous growth and change in how we respond to allegations of child victimization. This philosophy is manifest in basic elements of CACs and consistent across the organizations. Every CAC we have examined has a facility that appears to be built and set up to be substantially more comfortable to children than the alternatives. Each CAC has interviewing professionals with substantially more training and experience in child development and child forensic interviewing than the typical investigating officer or CPS worker of years past. Consistently, investigations are conducted in a manner that is more coordinated than in the past, and duplicative interviewing is never standard procedure for cases coming through the CAC. Although there is still work ahead

of us to improve interviewing, coordination, and service delivery, much has been accomplished in developing a consistent, professional model in hundreds of communities across the country and in defining a national standard of care that dominates professional opinion.

Second, the differences among CACs mean that we cannot adopt a "cookie cutter" approach in any aspect of their development, operation, or evaluation. CACs must be implemented in ways that are responsive to the needs of their communities and that "knit" them together with the existing service and justice systems. That alone would create variation in how CACs are structured and operate, but it also must be recognized that different CACs are going to interpret and respond differently to the many broad goals inherent in the CAC philosophy. Thus, CACs will be pursuing somewhat different goals in various ways, the biggest difference being the broad, and often divergent, goals of criminal justice and human services. It is inevitable that CACs will embody some of the philosophical differences in the field about how best to respond to alleged child victimization. Given the close link and indeed dependence on other organizations for participation and in many cases sponsorship, CACs will inevitably be affected by and reflect the orientations and structure of the organizations underlying them. Evaluation of CACs, both formal and informal, must take into account their variability, measuring each CAC by somewhat different yardsticks and focusing on different outcomes, depending on the organization, orientation, and stage of development of the CAC.

References

- Chandler, N. (2000). *Best practices for establishing a children's advocacy center* (3rd ed.). Washington, DC: National Children's Alliance.
- Cramer, R. E. (1985). The district attorney as a mobilizer in a community approach to child sexual abuse. *University of Miami Law Review*, 40(181), 209-216.
- Cross, T., & Jones, L. M. (2001, March). *What outcomes are important for CACs? Survey Results and Implications*. Paper presented at the Seventeenth National Symposium on Child Sexual Abuse, Huntsville, AL.
- Cross, T. P., & Spath, R. (1998, August). *Evaluation of Massachusetts' Sexual Abuse Intervention Network. Executive Summary*. Unpublished report presented to the Massachusetts Department of Social Services. Waltham, MA: Brandeis University, Psychology Department.
- Kolbo, J. R., & Strong, E. (1997). Multidisciplinary team approaches to the investigation and resolution of child abuse and neglect: A national survey. *Child Maltreatment*, 2(1), 61-72.
- McLaughlin, M. W. (1985). Implementation realities and evaluation design. In R. L. Shotland & M. M. Mark (Eds.), *Social science and social policy* (pp. 96-120). Beverly Hills, CA: Sage.
- Sheppard, D. I., & Zangrillo, P. A. (1996, Winter). Coordinating investigations of child abuse. *Public Welfare*, 54(1), 21-31.
- Simone, M., Grey, A., & Adler, K. T. (2003). [The best things in life are free: An evaluation of law enforcement's and non-offending caregiver's perception of services at a regional CAC]. Unpublished raw data.
- Steele, P., Norris, M., & Komula, K. (1994). *Evaluation of the children's safehouse of Albuquerque*. Albuquerque: University of New Mexico, Youth Resource and Analysis Center.
- U.S. Department of Justice. (2000). *Children's advocacy centers in Indian country*. Washington, DC: Author.
- Williams, S. (2002). *Children's advocacy centers*. Tallahassee: Florida Department of Children and Families.

Kansas Chapter of Children's Advocacy Centers

Membership Roster



Chapter Officers

Brenda Sharpe, President
Kelly Stephens, Vice President
Sandy Morris, Secretary
Det. T. Walton, Treasurer

Children's Advocacy Center, Inc.

Sandy Morris, Executive Director
123 West Adams
Pittsburg, KS 66762
(620) 235-0067
cac@mobil1.net
www.pittsburgcac.org
NCA Member Status: Associate
KS Chapter Status: Associate Program

Prairie Advocacy Center, Inc.

Kelly Stephens, Director
400 SW Oakley-West Hall
Topeka, KS 66606
(785) 357-4763 x344
prairieadvocacy@hotmail.com
NCA Member Status: Full
KS Chapter Status: Full Program

Heart to Heart Child Advocacy Center

Det. T. Walton, Director
201 East 6th Street
Newton, KS 67114
(316) 284-6030
twalton@npdks.org
NCA Member Status: Developing
KS Chapter Status: Developing

SOS Child Advocacy Center, Inc.

Kathleen Inwood, Director
25 West 5th Street
Emporia, KS 66801
(620) 343-8742
kinwoodsos@sbcglobal.net
NCA Member Status: Developing
KS Chapter Status: Developing

Meadowlark House

Marg Yaroslaski, Executive Director
P.O. Box 1173
Dodge City, KS 67801
(620) 225-6987

margarie@ftml.net

NCA Member Status: Full
KS Chapter Status: Full Program

Sunflower House, Inc.

Brenda Sharpe, President and CEO
15440 West 65th Street
Shawnee, KS 66217
(913) 631-5800

brenda@sunflowerhouse.net

www.sunflowerhouse.org
NCA Member Status: Full
KS Chapter Status: Full Program

Wichita Children's Home

Sarah Robinson, Executive Director
810 N. Holyoke
Wichita, KS 67208
(316) 684-6581

sarah@wch.org

NCA Member Status: None
KS Chapter Status: Supporting

Governor's Federal Grants Program

Julienne Maska, Administrator
State Capitol
300 SW 10th Ave., Room 252 East
Topeka, KS 66612
(785) 291-3205

julienne.maska@gov.state.ks.us

NCA Member Status: None
KS Chapter Status: Supporting

Kansas Bureau of Investigation

Kelly Robbins, Special Agent
P.O. Box 78
Scott City, KS 67871
(620) 872-3706

krobbins@pld.com

NCA Member Status: None
KS Chapter Status: Supporting

Kansas Dept. of SRS

Jane Meschberger, CPS Policy Contact
CPS/Family Support Unit
Docking State Office Building
915 SW Harrison, 5th Floor South
Topeka, KS 66612
(785) 296-6030

hajem@srskansas.org

NCA Member Status: None
KS Chapter Status: Supporting

Kansas Dept. of SRS

Cathy Hubbard
Children & Family Policy
915 SW Harrison, Room 551 South
Topeka, KS 66612
(785) 368-8190

cxah@srskansas.org

NCA Member Status: None
KS Chapter Status: Supporting

Sedgwick County District Attorney

Ron Paschal
Chief Administrative Atty, Juv. Div.
1001 South Minnesota
Wichita, KS 67211
(316) 660-9726

rpaschal@sedgwick.gov

NCA Member Status: None
KS Chapter Status: Supporting

Officer Randy Coffman
Andover Police Dept.
931 N. Andover Road
P.O. Box 783
Andover, KS 67002
(316) 733-5177
rcoffman@andoverks.com
NCA Member Status: None
KS Chapter Status: Supporting

David Fyler, MSFT, LMFT
Central Plains Counseling Services
100 Murphy Street
P.O. Box 883
Sublette, KS 67877
(620) 675-8117
fylerd@pld.com
NCA Member Status: None
KS Chapter Status: Supporting

Dianna Shunn, RN
Via Christi Regional Medical Center
29 N. St. Francis
Wichita, KS 67214
(316) 268-5000
Diana_Schunn@via-christi.org
NCA Member Status: None
KS Chapter Status: Supporting

Janese S. Masters, LMSW
Program Manager
Children and Family Services
915 SW Harrison, 5th Floor South
Topeka, KS 66612-1570
(785) 368-8187
jsm@srskansas.org
NCA Member Status: None
KS Chapter Status: Supporting

Prairie Advocacy Center, Inc.

MISSION:

The Prairie Advocacy Center will provide a comprehensive and integrated approach to the services of, and advocacy for, child and adult victims of crime and violence.

HISTORY:

The Prairie Advocacy Center obtained its 501(c)(3) not for profit status in the fall of 1999 and shortly thereafter opened its doors for business by merging with the existing Project Safe Talk.

LOCATION/POPULATION:

The Prairie Advocacy Center (PAC) is located in the Shawnee County Family Resource Center, Inc., 400 SW Oakley, Topeka, Kansas. PAC serves a population of approximately 150,000.

CHILDREN/FAMILIES SERVED:

In 2003, there were 124 interviews of child victims of crime. The interviews conducted were primarily sexual abuse cases, however, there were also severe physical abuse and child victims who had witnessed abuse and in 3 cases children who had witnessed a homicide.

PAC also conducts interviews from other counties as needed and performs courtesy interviews for out of state law enforcement and children protective services agencies.

Also during 2003, there were 42 medical examinations performed on children.

The Prairie Advocacy Center staff participates in monthly case review meetings. These case reviews are attended by all multidisciplinary team members, which include Law Enforcement, Child Protective Services, Prosecution, Mental Health, Victim Advocacy and Medical. These meetings are held for the purpose of enhancing child and family support, improving prosecution, maintaining interagency teamwork, accessing mental health consultation and gathering tracking data.

Another service, unique to the Prairie Advocacy Center, is the Shawnee County Multidisciplinary Child Protection Team. PAC staffs this unique Team of professionals who meet on a monthly basis.

The Kansas Legislature expressed its desire to see MCPT's in Kansas by passing Senate Bill 557 in 1988 and SB 522 in 1990.

The mission of the Team is to provide expert multidisciplinary team consultation, upon referral, concerning children alleged to be, or at risk of being, maltreated (abused/neglected). The purpose of consultation is to be advisory in nature and to promote child safety and well-being so children and families can remain together. The Team is presented with, on average, 24 cases per year. Recommendations are made and forwarded to Shawnee County Judge Daniel Mitchell on each case.

NEED:

The Prairie Advocacy Center provides extremely valuable services to the children of Shawnee County and their families. Prior to the PAC being in place there was a limited ability for agencies to coordinate information and investigation regarding child abuse and sexual assaults. Uncoordinated efforts often resulted in revictimizing the very child they were attempting to help

With joint investigations, prosecution of offenders is enhanced, intervention services to victims and their families are provided and most importantly, the trauma the children suffer following disclosure and the subsequent investigation is minimized.

Because each of the partnering agencies have a defined role in serving child victims, the process of investigating abuse case functions smoothly and the Prairie Advocacy Center has an integral role in that partnership.

COLLABORATION EFFORTS:

PAC has been working together with all members of the Kansas Chapter of Children's Advocacy Centers to obtain legislation for Advocacy Centers in Kansas. We strongly believe that legislation is necessary to uphold the highest standard of services for the children of this state.



SOS CHILD ADVOCACY CENTER
P.O. BOX 1191
EMPORIA, KS 66801
(620) 343-8742



Good Afternoon. My name is Kathleen Inwood, and I am the Director of the SOS Child Advocacy Center in Emporia. As one of those who helped to design the legislation that you are considering today, I am privileged to come before you to speak in its support

Before I began as the Director of our Child Advocacy Center, I was an educator, teaching for 32 years. Like other teachers, I like to think about the lives that I have touched and am proud to have positively influenced many students who sat in my classroom. I do, however, have some regrets.

There were students over the years that I felt I could not reach; I did not understand their behavior in the classroom, their demeanor, their silence. I was not prepared to address the special needs of these children who might have viewed my classroom as a haven away from the abuse they experienced elsewhere. One resource that would have been beneficial to the children and to me is a Child Advocacy Center.

The SOS Child Advocacy Center is located in Emporia, and serves that community as well as many smaller communities in the surrounding, primarily rural, counties. In the year 2003, we directly impacted the lives of 106 children.

For example, a case was recently prosecuted in which the offender was accused of a history of abuse which spanned decades. The taped interview of one child made a significant impact and information provided in it was critical to the outcome of the case. An investigator later said that because of the nature of that information, it might not have been included in a written report and might have been lost, if it weren't for the taped interview. We directly impacted that child and the others who had been victims of this offender in the past and those who might have become victims of the offender in the future.

This case is a perfect example of the importance of the "team" approach that Child Advocacy Centers provide. Before we existed, it was much more difficult to thoroughly investigate and successfully prosecute individual cases. All of the professionals from different community agencies, who work with kids, are bringing together their expertise to communicate, collaborate, and make the best possible decisions for each child. We are also trying to prevent child abuse BEFORE it happens. With sensitive and compassionate services, each child that is served by our Child Advocacy Center has a better chance of becoming a positive member of our community.

Child abuse is something no one wants to think about or wants to believe is happening in their community. It is almost impossible to imagine the pain and suffering a family faces with the reality that their child has been abused. They struggle with trying to understand what has happened and why it has happened.

We realize that as communities, we must accept the challenge and do whatever we possibly can to stop child abuse. I know that while every one of us can do our own part, we will be more successful if we work together as a team.

You, as legislators, are part of that team too. We would appreciate your support for this legislation.

Thank you.



Office of the District Attorney
Juvenile Division
Eighteenth Judicial District of Kansas

District Attorney Nola Tedesco Foulston
Chief Deputy Kim T. Parker

House Bill 2568 and House Bill 2569
Proponent Testimony
Ron W. Paschal, Chief Attorney on behalf of
Nola Foulston, District Attorney, Eighteenth Judicial District

February 5, 2004

Chairman Loyd and Members of the Committee:

The Office of the District Attorney for the Eighteenth Judicial District provides its testimony in **full support** of House Bill 2569 and New Section 2 of House Bill 2568.

House Bill 2569 is in essence, enabling legislation for the creation of Child Advocacy Centers within the State of Kansas. This bill represents a simple straightforward piece of legislation. Kansas is currently one of only about 13 states that do not formally recognize Child Advocacy Centers through some type of legislation. Forty-six Child Advocacy Centers operate within the state of Texas, which will expand to 52 by the end of the fiscal year. There are several advocacy centers in Oklahoma with principal locations in Norman, Oklahoma City and Tulsa. We actually have a few advocacy centers operating here in Kansas without benefit of guiding legislation.

A Child's Advocacy Center is a centralized location that uses the multidisciplinary approach to successfully resolve cases involving the abuse/neglect of children while at the same time providing support services to the victim and non-offending family member(s). A Child Advocacy Center has as its primary goal the following: 1. To minimize revictimization of child victims and supportive family members. 2. To

Friendly Galles - 1001 South Minnesota - Wichita, Kansas 67211
Telephone (316) 660-9700 Facsimile (316) 383-7738
1 (800) 432-6878

facilitate prosecution of perpetrators through effective fact-finding and strong case development.

Other effects of the Child Advocacy Center model include: Faster and more efficient case investigation which will be occurring simultaneously with the Initial Risk Assessment. This should result in fewer bed days in police protective custody. It could also have the effect of children returning home sooner in cases wherein the investigation establishes the allegations are unfounded or in cases where upon conclusion of the investigation it is determined appropriate to return the child to the home.

Many of the larger jurisdictions throughout the state (including the Eighteenth Judicial District) use the multidisciplinary team approach in the investigation of child abuse/neglect cases. The Child Advocacy Center Model is a refinement, a logical extension of that process. It is a step in the right direction.

It is important to note, House Bill 2569 has been carefully drafted to meet the needs of our state. Essentially HB2569 is enabling legislation that legitimizes the business of Child Advocacy Centers through legislative recognition. Those of us who assisted in the preparation of the bill felt it was important to set minimum standards for the operation of such a center and for the training of staff working at the center. The standards set forth in the proposed bill are in accord with the standards endorsed by the National Children's Alliance. Advocacy Centers who operate within the guidelines of the National Children's Alliance do become eligible for federal assistance. Members of the public will also have the ability to learn the operating parameters of a center by reading the legislation.

Of equal importance to setting minimal standards, the proposed legislation allows the flexibility of each community in developing and advocacy center to best fit the needs of the specific community. This is important in our state, because obviously we have a few metropolitan areas with high-density population and many rural areas with much less population density. The needs of each community will vary greatly depending on the individual region of the state.

New Section 2 set forth in House Bill 2568 is a funding mechanism for Child Advocacy Centers. This particular provision may or may not generate significant income for the operation of Child Advocacy Centers. Our office fully supports this section because it places some of the financial burden on the defendant who victimized the child ultimately served by the advocacy center. Moreover, this bill provides that such funds will directly benefit advocacy centers in lieu of going to the state's general fund.

I would offer two proposed changes to this particular section. On page two, line 8 of the bill I would replace the words "*charged with*" to "*convicted of*". This change would be necessary, in my opinion, for the statute to withstand a constitutional challenge. Second, I would consider increasing the fee to \$100.00. Individuals who are convicted of driving under the influence of alcohol are currently assessed an ADSAP in the amount of

\$150.00. Accordingly, I don not believe it would be unreasonable to impose a fee of \$100.00 against a defendant who abuses a child.

I would respectfully request this committee's support in the passage of this bill.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "R W Paschal". The signature is written in a cursive, flowing style.

Ron W. Paschal
Chief Attorney

For: Nola Foulston
District Attorney for the Eighteenth Judicial District

Sc
Robinson

WICHITA CHILDREN'S HOME PROGRAM REPORTS

January 1, 2003 through December 31, 2003

The Wichita Children's Home has provided emergency care for an average 75.74 children per day through the end of the period, as follows:

Emergency Care:	Daily Average:
487 Teen Boys	15.77
718 Teen Girls	19.79
440 Little Boys & Girls	10.72
517 0-5 Year Olds	29.20
Independent Living:	
25 BRIDGES Phase 1	14.43
26 BRIDGES Phase 2	25.43

A total of 2100 children were admitted for residential care during this period. Law Enforcement placed 1698 children for protective custody; of these admissions, 346 were taken into the custody of the state, and 1352 were returned to their parents. SRS/Youthville placed 359 children with us. Parents voluntarily admitted 43 children into the Home's family preservation programs.

The Children were placed for the following reasons:

- 636 - Runaway
- 375 - Physical Abuse
- 198 - Abandonment
- 113 - Unhealthy Living Conditions
- 91 - Sexual Abuse
- 83 - Parent Arrested or in Jail
- 68 - Child in Transit
- 57 - Dangerous Situation at Home
- 49 - Respite
- 40 - Failed Placement
- 31 - Truancy
- 30 - Parent under the influence of alcohol/drugs
- 29 - Not Providing Proper Physical/Medical Care
- 21 - Homeless
- 21 - Completed Program
- 19 - Threatening to Others
- 17 - Physical Assault
- 17 - Discontinued Services
- 16 - Neglect
- 14 - Drug Addicted or Affected Infant or Child
- 14 - Parent in Hospital or Suffering Mental Illness
- 12 - SRS Requesting Assessment or Screening from
- 12 - Custody Investigation
- 11 - Failure to Do What Parents Ask
- 11 - Child awaiting placement
- 11 - Theft
- 9 - Curfew Violations
- 9 - Parental Abduction
- 7 - Disorderly Conduct
- 7 - Ungovernable Behavior
- 6 - Other Siblings in Custody
- 6 - Parents Not Complying with SRS
- 5 - Shoplifting
- 5 - No Food
- 4 - Teen Mother Admitted to GES/GTS
- 3 - Mental Abuse
- 3 - Threatening to Self
- 3 - Victim
- 3 - Drugs: Narcotic - Possession
- 3 - Drugs: Narcotic - Sale
- 3 - Drugs: Non-Narcotic - Possession
- 3 - Parent in Hospital or Suffering Physical Illness
- 3 - Substandard Home
- 2 - Burglary
- 2 - Uncontrollable Temper Tantrums
- 2 - Trespassing
- 2 - Parent in Alcohol/Drug Treatment
- 2 - Parent in Custody
- 2 - Failure to Do What Foster Parents Ask

The children were placed for the following reasons (con't)

- 1 - Parent(s) Arrested for Domestic Violence
- 1 - Vandalism
- 1 - Sexually Acting Out
- 1 - Sexual Assault
- 1 - No Utilities
- 1 - Leaving Scene of Accident
- 1 - Failure to Thrive
- 1 - Failure to Educate

***Who are these children going into custody?**

F 178
M 168

Foster Homes	157
Little Boys & Girls	101
Teen Boys	35
Teen Girls	53

BRIDGES Independent Living Program:

39 Total Youth in the Program (Phase 1 = 13; Phase 2 = 26; Phase 3 = 2)

- 12 are in custody
- 12 are HUD
- 15 are HHS
- 25 are attending school or GED or currently enrolling
- 12 are graduates (two are in college)
- 18 have jobs (one is working with JRT and Voc. Rehab)
- 11 in Phase 1 are preparing for work
- 5 are looking for employment
- 7 young mothers are receiving assistance
- 2 teens are receiving SSI
- 9 mothers with 10 children
- 18 are in Career Development

Street Outreach Program:

From January 1, 2003 – December 31, 2003 –

- 13,275 Contacts made on the street
- 1,693 Youth received Danger/Violence prevention training
- 646 Individual police admissions met with face to face
- 33,289 Street Outreach cards distributed
- 1,184 Participants at Street Outreach Services support groups
- 177 Safe Place rescues
- 305 Youth received free HIV tests in calendar year 2003

Families Kan Program:

- 1,289 clients have been referred (November 1, 2000 through December 31, 2003)
- 1,190 clients have been served (November 1, 2000 through December 31, 2003)
- 639 clients have received mental health services (November 1, 2000 through December 31, 2003)
- 475 clients have received drug/alcohol services (November 1, 2000 through December 31, 2003)
- 86 open cases

Of the 23 clients referred to the program in the month of December: 13 were referred as Police Admissions at the Wichita Children's Home; and 10 were referred from other sources. Of the 13 referred as Police Admissions, 9 had been admitted to the Wichita Children's Home as runaways. The 23 clients referred were from 23 different families.

Sandy
Morris



CHILDREN'S ADVOCACY CENTER, INC.

The mission of the Children's Advocacy Center, Inc. (CAC) is to reduce the traumatic effects of abuse, protect children from maltreatment, seek justice for child victims, investigate abuse as a team and strengthen our community's ability to nurture children, while keeping the comfort and safety of the child the first priority.

When an abused child and their family come to the Children's Advocacy Center they receive an average of five hours of services from support staff. The total expense per child, at an average of \$50 per hour, could be more than \$250.00.

On the other hand, safety awareness or prevention services can be provided to a group of children at only \$25 per hour. It is clear that it costs more to provide services to an abused child than it does to prevent child abuse.

The Children's Advocacy Center, Inc. has successfully provided both abuse prevention and intervention services to more than **450 children and 50 adult abuse survivors** and safety awareness education to more than **3,500 elementary school children** since 1999.

Across the country Children's Advocacy Centers have sprung up, answering the desperate cries of abused children. Many of those centers, located in residential homes, offer children and families the kind of child-friendly environment conducive to the investigation of child sexual abuse. Community members in our area felt so compelled to provide the best possible services to abused children that they purchased the home that now houses the CAC.

As you can see in the attached statistical sheet, our client load continues to increase. Our funding comes from foundation and corporation grants, community contributions, fund raising events, and VOCA funds. Establishing a state fund supporting advocacy centers, complying with the National Children's Alliance Best Practices would give Kansas children the same opportunity that children across America have.

Sandy Morris

CHILDREN'S ADVOCACY CENTER, INC.

An Overview of the CAC Client

May 1998-February 3rd, 2004

Contact/Interview Month – Number of Clients

	<u>Jan.</u>	<u>Feb.</u>	<u>Mar.</u>	<u>Apr.</u>	<u>May</u>	<u>Jun.</u>	<u>Jul.</u>	<u>Aug.</u>	<u>Sep.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>
'98	0	0	0	0	1	5	2	3	1	5	1	8= 26
'99	2	6	10	6	3	6	4	8	5	4	9	1= 64
'00	2	3	10	3	6	5	6	3	4	5	8	1= 56
'01	16	6	4	3	8	4	9	7	5	7	3	8= 80
'02	14	5	5	6	8	0	4	11	15	7	5	2= 82
'03	10	16	10	8	11	13	7	10	5	10	14	5=119
'04	8	1										

Age of Client

Age 0-2	30	Age 3-4	76	Age 5-6	64	Age 18+	4
Age 7-8	75	Age 9-10	61	Age 11-12	52	Unknown	5
Age 13-14	37	Age 15-16	16	Age 17-18	13		

Alleged Perpetrators By Category

Father	109	Step father	35	Mother's Significant Other	21
Grandfather	14	Step grandfather	6	Step Sibling	12
Mother	8	Step mother	1	Foster Sibling	9
Uncle	28	Step Uncle	3	Foster Parent	3
Grandmother	3	Brother	15	Victim's Friend	10
Cousin (J**)	18	Cousin (A*)	4	Babysitter (or b.f.)	9
Family Friend (A*)	32	Family Friend (J**)	17	Neighbor	13
Acquaintance	21	Stranger	4	Unknown (J**)	4
Brother-N-Law	1				
Unknown (A*)	34				

(Some of the children were victims of multiple perpetrators.)

- Children not videotaped - 70
- Courtesy interviews*** - 178 (KBI, FBI; Linn, Labette, Neosho, Bourbon, Allen, Cherokee, Anderson, Craig, Montgomery counties; Oklahoma, Missouri, Nebraska, Arkansas, Colorado and Hawaii)
- Victims of physical abuse - 14
- Victims of neglect - 1
- Child Witness - 13
- Juvenile Suspect interviews- 3
- Referrals/Flex Funds only - 9

** Adult perpetrator*

*** Juvenile perpetrator*

**** When the CAC began services in 1999, courtesy Interviews were originally listed as "any interview conducted with a law enforcement agent or social services worker outside of Crawford county." Generally, on these cases, the staff of the CAC was not called to provide advocacy services to the child or their family. The videotaped interview was conducted and the case was closed.*

Since leaving the umbrella of the Crawford County Mental Health Department and developing its own 501 © 3, the Children's Advocacy Center, Inc. expanded its service area. "Courtesy cases" now are considered out-of-state or out of the eleven southeast Kansas county area. Now, cases of child sexual abuse, originating in southeast Kansas, are provided all the advocacy services (including court advocacy) of the CAC.

To: Corrections and Juvenile Justice Committee, Kansas State Legislature
From: Marg Yaroslaski, Executive Director
Date: 2/4/2004
Re: House Bills 2568 and 2569

My plan was to appear in person before you for the hearing on this legislation, but as I look out my window into blizzard conditions, I realize it will be impossible for me to make it to Topeka tomorrow. I am forwarding this testimony to Brenda Sharpe of Sunflower House in the hope that it can also be included during your deliberations. Please feel free to contact me should you have additional questions – my phone number is (620) 225-6987. I am happy to provide whatever additional information I can to assist you.

I stand in support of house bills 2568 and 2569. This legislation is a critical step in ensuring that the children of our state are assured access to consistent and high quality services should they become victims of physical or sexual violence. Child Advocacy Centers are a critical community resource and this legislation helps to ensure that all those who open their doors as a child advocacy center truly comply with the best practices of the field. No child in our state deserves less. We were thrilled to have been involved from the inception of this legislation and hope that each of you recognize its value to our work.

In October of 1999 the first interview was conducted at Meadowlark House. For two years a multidisciplinary team had worked to bring together the foundation of a child advocacy center in Dodge City and improve the services we offered to our youngest victims. Meadowlark House was truly a dream realized. We used as our guidelines the best practices of the National Children's Alliance and developed protocols that recognized the unique needs of child victims and the unique challenges faced when prosecuting those who prey on our children. Our team brings together law enforcement, social workers, health care providers, mental health professionals, school specialists, the courts and victim advocates to the same table to ensure that no child falls through the cracks and that all child cases are investigated and managed with the highest level of skill.

In September of 2002 we became the 2nd full member of the National Children's Alliance in the state of Kansas. Through that process we submitted our entire organization to the scrutiny of the staff of the NCA and to other child advocacy directors. A site visit required that we truly demonstrate that we acted in the best interests of children. This process taught us a great deal and ensured that we would be offering our community the highest level of service possible. This accountability is a critical piece of our success in our community.

Meadowlark House is a program of the Crisis Center of Dodge City, and is a good fit with our mission to provide services to victims of sexual and domestic violence. However, many communities find unique ways to create child advocacy centers and there is no one correct model. Instead the best practices lie at the core of our work – it is not the building that is critical it is what is done that makes a child advocacy center. This legislation recognizes and allows communities to develop their own solutions as long as those solutions meet the accepted standards of the field. This truly allows child advocacy centers to flourish in rural and urban settings, to be culturally sensitive to their own communities and to fully meet the needs of the children in their communities.

I invite each of you to tour Meadowlark House and meet our team. We are proud of our program and our facility. Meadowlark House is an example of the diverse ways that child advocacy centers can effectively meet the needs of their community. Our building would fit in one half of one wing of

Sunflower House. It is tiny, but it is powerful. The population and economy of Dodge City would not sustain a large facility such as the one called for in Johnson County. But we are not held to that standard – our little house meets the standards and meets the needs of our community.

Thank you for your time today. I appreciate the consideration given to this legislation and to the furtherance of child advocacy centers in our state.

OFFICERS

Gerald W. Woolwine, President
Christine Kenney, Vice-President
Thomas J. Drees, Secretary/Treasurer
Steve Kearney, Executive Director
John M. Settle, Past President



DIRECTORS

Edmond D. Brancart
Douglas Witteman
Thomas Stanton
David Debenham

Kansas County & District Attorneys Association

1200 S.W. 10th Street
Topeka, KS 66604
(785) 232-5822 • FAX (785) 234-2433
www.kcdaa.org

February 5, 2004

Members of the Committee, my name is Nanette L. Kemmerly-Weber. I am the Allen County Attorney and have been since first elected in 1984. I have prosecuted three cases in which a person was killed due to the intoxication of the driver of a car. In all three, the defendant pled guilty, due to the uncontroverted fact of his intoxication. The latest case involved Scott Manbeck of La Harpe, Kansas. On July 29, 2001, Mr. Manbeck was driving his car with a blood alcohol content of .20, more than double the legal limit of .08. He crossed the center line of Highway 54 and collided head on with a car. That collision ultimately killed Joyce Hiebert of western Kansas. Mr. Manbeck was charged with involuntary manslaughter while driving under the influence of alcohol **or** drugs. At sentencing, his criminal history showed **4** prior DUI convictions. Under K.S.A. 21-4711 (c), as amended in 1996, the defendant's prior DUI convictions can be converted to person felonies only if the defendant was under the influence, at the time of the involuntary manslaughter, of alcohol **and** drugs.

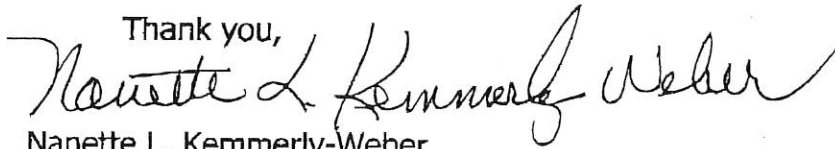
The Kansas Supreme Court has recently ruled in response to my petition for review that "and means and" and that Mr. Manbeck must be resentenced to a lesser penalty. His original sentence for killing Joyce Hiebert was 162 months. His grid sentence now will be 56 months.

I do not believe the Kansas legislature intended that cases such as this would arise; that people who accumulate 4 DUI convictions and then kill an innocent person while again driving while under the influence of alcohol should not have their prior convictions scored as person felonies. It is my belief that the use of the word "and" was in error and I would ask that you support this bill to correct an error that is having consequences across the state. I believe there are other prosecutors who have prosecuted someone as I have and will now be faced with inmates filing 60-1507 petitions alleging illegal sentencing. The Kansas legislature has always responded to problems involving those who drive while intoxicated, generally by

Page 2

prior convictions obviously have not learned from past mistakes and still feel they can drive under the influence. Please do not let this happen again.

Thank you,

A handwritten signature in cursive script that reads "Nanette L. Kemmerly-Weber". The signature is written in black ink and is positioned above the printed name.

Nanette L. Kemmerly-Weber

Allen County Attorney

HOUSE OF
REPRESENTATIVES

REPRESENTATIVE, 28TH DISTRICT
JOHNSON COUNTY
12712 EL MONTE
LEAWOOD, KANSAS 66209
(913) 897-6905



DOUG PATTERSON
MAJORITY WHIP

ROOM 174-W
STATE CAPITOL
TOPEKA, KANSAS 66612-1504
(785) 291-3500

VICE-CHAIR: JUDICIARY
MEMBER: COMMERCE AND LABOR
HEALTH AND HUMAN SERVICES
JT. COMMITTEE ON STATE
INDIAN AFFAIRS
HOUSE RULES COMMITTEE

February 4, 2004

The Honorable Rep. Ward Loyd, Chair,
and Members of the House Corrections
and Juvenile Justice Committee

Re: **HB 2611 (successor to HB 2062)**

Dear Mr. Chairman Loyd and Members of the Committee:

Today, I am addressing you on a matter which ten years ago would have been unspeakable; the need to identify violent sexual offenders. In 1993, we did not have the **Kansas Sexual Violent Predator Act**, K.S.A. 59-29a01, *et seq.*, nor the **Kansas Sex Offender Registration Act**, K.S.A. 22-4901, *et seq.* But the proliferation of sexual predators preying on victims hit our country and state. As a result, we responded.

Congress adopted in 1994 the **Jacob Wettering Crime Against Children and Sexually Violent Offender Registration Program Act**, 42 USC Sec. 14071(1994). This encouraged the registration of violent offenders. Responsively, Kansas did adopt **Kansas Sexual Violent Predator Act**, K.S.A. 59-29a01 *et seq.*, in 1994 providing for the civil commitment of such offenders. That Act was upheld by the U.S. Supreme Court in *Kansas v. Crane*, 534 U.S. 407 (2002). But then Donald Gideon, a convicted rapist, raped and murdered Stephanie Schmidt. As a result, this Legislature adopted the **Kansas Sex Offender Registration Act**, K.S.A. 22-4901, *et seq.*, which was upheld in the case of *Kansas v. Snelling*, 266 Kan. 986, 975 P.2d 259 (Kan. 1999).

By 1996, all 50 states had enacted sex offender registration laws of varying scope, *Kansas v. Meyers*, 260 Kan. 669, 674, 923 P.2d 1024 (Kan. 1996). These are not just laws of a penal nature. They are laws to support public safety and awareness. *Snelling*, 266 Kan. at 986.

By the adoption of the above legislation by Congress and this Legislature, the requisite finding has already been made that sex offenders offer the public a far greater repeated risk, i.e., a clear and present danger of harm or death, than those violating our other criminal codes.

But the attacks against women and our children continue. Accordingly, I propose a logical extension of our current **Kansas Sex Offender Registration Act** requiring all

convicted sexual predators required to register under the act to also display distinctive markers on any vehicle they operate or occupy within the state of Kansas, or in the alternative, that predators be required to wear GPS devices for monitoring their whereabouts as a deterrent measure .

The proliferation of attacks on our youth involving violent crimes appears to be increasing year by year. This point was brought home to Leawood, Kansas in the tragic attack and murder of Ali Kemp in the summer of 2002. She was 19, a beautiful, smart and vibrant friend to all who knew her. She is now the daughter of Leawood. While we may not yet know the identity of the person who perpetrated this tragic and senseless crime, we do know that persons once committing sex crimes have a higher high degree of recidivism than any other crimes.

Research demonstrates that the recidivism rate based over 25 years for sexual abusers is 52% and for rapists is 39%. This rate of recidivism for sexual crimes greatly exceeds the tendency of repeat offenders for non-sexual crimes. In addition, our youth appear to be the targets of these violent sexual offenders. Of all sexual offenders within state prisons, 48 percent of rape victims were 17 years old or younger, and of sexual assault, 77.7 percent of the victims were 17 years old or younger. In Kansas, 48 percent of discharged sexual offenders were rearrested for a new crime. Released rapists were found to be 10.5 times as likely as non-rapists to be rearrested for rape, and those who had served time for sexual assault were 7.5 times more likely than those convicted of other crimes to be arrested for a new sexual assault. There has been a 384% increase in child abuse reports since 1990. The victimization of our youth must be addressed immediately and made the highest of priorities.

The most alarming statistic indicates that since 1991, 45% of state prisoners had committed the crime which they were then serving while in their community and while on probation or parole.

We currently have a tool which can be expanded so that we and our children will know when convicted sexual offenders are on our street and in our neighborhoods.

Under the current Kansas Offender Registration Act , any violent or sexual offender is required to register their address for 10 years following residency within a community after release from prison.

These are not perpetrators of "innocent little" crimes, such as statutory rape. Registration involves only the most lewd and lascivious behavior. K.S.A. 22-4902 lists a description of the crimes requiring registration. As you can see, I have limited the scope of HB 2611 to the most violent of these crimes.

Chairman Ward Loyd and Committee
February 4, 2004
Page 3


This bill requires, as one option, current registration and the proposed car marking to continue for 10 years. Therefore, we now know where these people live and we will also know where they are. This legislation would require violent and sexual offenders to display on any motor vehicle operated by such an offender, a distinctive symbol, plate or other device clearly indicating that the person in the vehicle is a registered offender. The symbol or distinctive license plate must be attached to the front and rear of any such vehicle within which the offender is the operator or passenger. A violation of this law would involve the suspension of such offender's driver's license.

In the alternative, and as a deterrent, a convicted predator covered by HB 2611 could opt to carry a GPS device so as to monitor his whereabouts at all times. In this manner, the person would know if an incident occurred, his whereabouts and the time thereof would be of record. This technology is available and in use.

This legislation will allow anyone, particularly our children, to know when a violent offender is in our neighborhoods or to deter further repeat offences. The goal of this law will be assure that either we know when we may be in harms way or that the predator would know that we know where they are in the event of a repeated crime.

The goal and purpose of this legislation is not to continue the punishment of violent offenders who have served their prison time. Rather, the purpose of this legislation is to make sure that we know when these people are in our neighborhoods so that precautions can be taken to avoid the tragic exposure, exploitation and harm to our loved ones.

Respectfully Submitted,



Doug Patterson

MEMORANDUM

TO: REP. DOUG PATTERSON
FROM: BOBBY ALLISON-GALLIMORE
SUBJECT: TRACKING TECHNOLOGY
DATE: 02/04/2004

Per your request, here is a summary of the information I found regarding tracking technology. I searched for information regarding three questions: 1) What tracking technology is out there? 2) How does it work? 3) How much does it cost?

1) What tracking technology is available?

There were four different tracking technologies discussed in the articles I found. Most of the agencies discussed in the articles use the SMART system from ProTech Monitoring, Inc. (<http://www.ptm.com>). In one article, a "Florida Crimetrax" system was mentioned. This system is based on Veridian VeriTracks technology (<http://www.veritracks.com/overview.htm>). Another article discussed the Verichip implant (<http://www.adsx.com/prodservpart/verichip.html>). A final article addressed the use of tracking technology made by Tracking Systems Corp (<http://www.trackingsystemscorp.com/balt.htm>).

2) How do the technologies work?

- ProTech SMART system: This system utilizes a transmitter/ankle bracelet combination with GPS to track the location and movements of the wearer. The transmitter is worn on the belt, and if the transmitter and ankle bracelet are separated from the immediate vicinity of the other, then the authorities are notified. ProTech operates a centralized headquarters to maintain the systems for local law enforcement. Most of the more than 2500 agencies using this type of technology use the ProTech system.
- Veridian VeriTracks: This system seems to be similar to the ProTech system in terms of equipment. The concept seems to vary slightly from the ProTech system in that "crime data from local law enforcement agencies is compared to offender movement data from offender worn tracking devices. If an offender is in the vicinity of a crime when the crime occurred, the local law enforcement agency and the supervising agent (e.g. Probation or parole office) is automatically notified." (<http://www.veritracks.com/prodspec4.htm>).
- Verichip: The Verichip is an implantable device about the length of a dime. It apparently is not currently being used for the type of tracking we are considering. The specifications of the device are oriented to providing information at the location of the device, rather than broadcasting information for tracking purposes elsewhere. (<http://www.adsx.com/prodservpart/verichip.html>).
- Tracking Systems Corp: Tracking Systems Corp technology, like the Verichip, does not appear to meet our current tracking needs. This technology, while employing devices similar to those used for the ProTech and Veridian systems, is designed to make sure that the

wearer stays in an authorized location, rather than tracking the wearer's whereabouts. (<http://www.trackingsystemscorp.com/pands.htm>).

3) How much do the technologies cost?

When discussing the costs of the technologies used for tracking, each article cited only rental costs...there were no purchase prices given. This may be because of the ongoing services required to maintain the database and tracking hardware and software required for each system. The costs of the various systems were as follows:

- ProTech: ranges from \$10-\$12/day per unit.
- Veridian VeriTracks: \$6/day per unit.
- Verichip: no prices given.
- Tracking Systems Corp: \$6.50/day per unit.

Conclusion/For More Information

Let me know if you need further information about any of the products or the subject in general. I can be reached via e-mail at bag@ku.edu, or at Rep. Merrick's office on Monday and Wednesday afternoons and some Fridays during the session.

The articles I found and used for this memo can be found on the Internet at the following locations:

"State homing in on GPS for offenders" *Milwaukee Journal Sentinel* 8/11/03
<http://www.jsonline.com/news/state/aug03/161592.asp>

"Criminal monitoring may be expanded" *St. Petersburg Times* 8/16/03
http://www.sptimes.com/2003/08/16/Citrus/Criminal_monitoring_m.shtml

"Freed sexual predator will be tracked by GPS" *San Jose Mercury* 2/26/03
<http://www.siliconvalley.com/mld/siliconvalley/5266395.htm>

"Role of Global Positioning Systems (GPS) in policing" *GISdevelopment.net*
<http://www.gisdevelopment.net/technology/gps/techgp0042a.htm>

"Tracking devices make offenders their own rats" *St. Petersburg Times* 9/20/03
http://www.sptimes.com/2003/09/20/Pasco/Tracking_devices_make.shtml

"Microchip Tracking Device Alarms Libertarians" *NewsMax.com* 1/11/02
<http://www.newsmax.com/archives/articles/2002/1/10/145805.shtml>

"Courts approve tracking device" *The Daily Item* 6/14/03
<http://www.dailyitem.com/archive/2003/0614/local/stories/09local.htm>

GENERAL DYNAMICS

Advanced Information Systems



More Info

- Overview
- Product Specification
- History
- Contact us

OVERVIEW

VeriTracks is an innovative public safety solution addressing the problem of criminal recidivism. The solution combines GPS tracking systems, crime analysis tools and data integration technology. VeriTracks automatically identifies and reports the correlation of an offender at or near the scene of a crime. It also gives you the power to build detailed inclusion- and exclusion zones to create accurate offender tracking information so you always know where your offenders are. VeriTracks' revolutionary integration of offender tracking and crime data is one of the most powerful public safety tools available today.

There is a growing demand among local, state and federal corrections law enforcement communities to reform existing offender management programs. Police and corrections professionals know that recidivism statistics paint a shocking picture: those on probation, parole and other forms of community control are responsible for committing a staggering percentage of crimes - a direct assault on your communities.

Prison and jail overcrowding and the high costs of incarceration demand a cost-effective and innovative approach to protecting communities from criminals. Veridian Corporation has solved that need with VeriTracks - The Public Safety Solution.

The VeriTracks concept of removing the anonymity of criminals that are under formal supervision is simple, and is quickly embraced by those officials that have dealt with the "revolving door" of justice in their community or state. VeriTracks strikes a unique balance among offender accountability, community protection and offender rehabilitation for both adult and juvenile offenders.

THE VERITRACKS ADVANTAGE:

- Crime reduction through behavior modification
- Workforce multiplier for law enforcement and corrections agencies
- Offender accountability
- Improved crime analysis, crime mapping, records management & information sharing
- A choice of Lightweight, tamper-resistant, GPS tracking devices

For additional information, please contact us

GENERAL DYNAMICS Advanced Information Systems

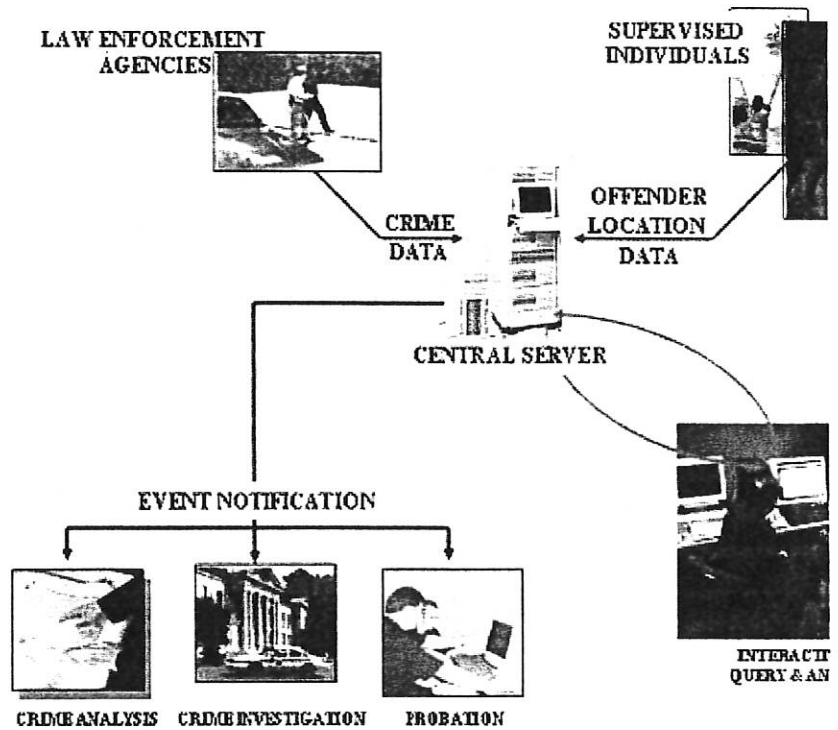


More Info

- Overview
- Product Specification
- History
- Contact us

PRODUCT SPECIFICATION

The VeriTracks concept is simple. Crime data from local law enforcement agencies compared to offender movement data from offender worn tracking devices. If an offender is in the vicinity of a crime when the crime occurred, the local law enforcement agency and the supervising agent (e.g. Probation or parole office) is automatically notified.



The ability to correlate crime and offender location is what makes VeriTracks unique. For additional information, please contact us

[Home](#)

Contact us today at 703-383-6028 to schedule a demonstration and find out how you can increase the effectiveness and efficiency of your organization. VeriTracks@Veridian.com



In the News

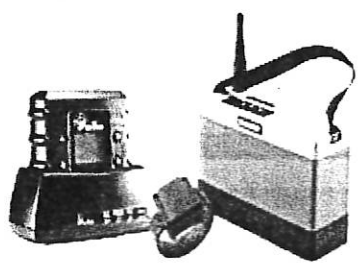
- ABC News/Primetime Special - GPS System Monitors Parolees 24/7
- Always Watching - Tampa Tribune
- High-Tech Tether Program Praised - Oakland Press
- Solving Crimes from the Sky
- GPS: Keeping Cons Out of Jail

Events

- American Probation and Parole Winter Training Institute Reno, NV February 8-11, 2004
- American Correctional Association 134th Congress of Correction Chicago, IL July 31 - August 5, 2004
- National Sheriff's Association 2004 Annual Conference & Exposition Seattle, WA June 25-30, 2004

Advanced Systems that offer the Ultimate View

Never before has the tracking of offenders been so advanced, effective and affordable. GPS, the key component of our systems, is the latest satellite technology available. It is the most effective system on earth for pinpointing exact locations. Unlike more conventional "house arrest" products used today, our system uses SMART® (Satellite Monitoring And Remote Tracking) to assist parole officers in tracking offenders closely and effectively, 24 hours a day, 7 days a week.



On any given day, 5 million offenders in the U.S. are either on probation, parole or some other form of community supervision. These same offenders account for 33% of violent crimes. These staggering statistics led to the founding of ProTech Monitoring, Inc. and the creation of SMART® System Technology. At Pro Tech, our experienced staff is dedicated to providing the criminal justice community with better technology to keep offenders under effective supervision. Systems that aid public safety, encourage rehabilitation, and modify behavior. For just a fraction of the cost of incarceration, you can reach your ultimate goal of public safety, of people feeling comfortable and secure in their communities.

Corporate Office

Phone: (888) 677-6278 | Fax: (727) 484-3111 | Email: Info: info@ptm.

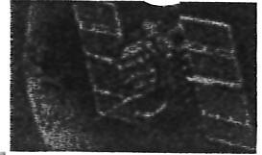


THE LEADER in GPS Offender Tracking

PRODUCTS

COMPANY

CONTACT



GPS: Keeping Cons Out of Jail

GPS: Keeping Cons Out of Jail

by Julia Scheeres, Wired News

An electronic tracking system that follows suspects and criminals around their neighborhoods and compares the information to current crimes has received, of all things, the stamp of approval from the American Civil Liberties Union.

The Global Positioning System's satellites track probationers and parolees and compare their whereabouts to the location of crimes committed in their vicinity.

While local governments across the country are using GPS to track offenders, the additional crime cross-referencing tool is unique to the VeriTracks system, which is manufactured by the Arlington, Virginia, company Veridian.

High rates of recidivism among offenders underline the value of the added function: A Department of Justice survey found that two out of three inmates released from state prisons commit another serious offense within three years.

GPS monitoring gives local governments a cheap alternative to incarceration and allows offenders an opportunity to continue working and living at home. Law enforcement agencies can create "electronic fences" around areas that are off-limits to offenders. The GPS system can be programmed to alert police if a pedophile enters a schoolyard for example.

The remote monitoring of offenders is backed by the ACLU.

"To the extent that GPS surveillance is used as an alternative to incarceration for non-violent or first-time offenders, (it) is certainly a positive thing," said David Fathi, staff council for the organization's National Prison Project. "The ACLU welcomes any reasonable steps to reduce our country's over-reliance on incarceration, which has given (the United States) the highest incarceration rate in the world."

VeriTracks works like this: Offenders wear a cell phone-sized GPS receiver made by Pro Tech Monitoring on their waistband and an electronic bracelet on their ankle.

The GPS module records the longitude, latitude, direction and speed of the offender once per minute and plots the coordinates on a map. The locked anklet serves as an electronic tether to the GPS receiver; if the two devices are separated by more than 120 feet, the sheriff's office is alerted.

At night, the offender places the GPS unit into a docking system to recharge its batteries and upload the location to Veridian's headquarters using an internal modem. Veridian then combines the offender's data with local crime reports; if the offender appeared to be present at the scene of a crime, authorities are alerted via e-mail.

"The real goal here is behavior modification," said Gary Yates, the company's director of advanced public safety programs. "This tool removes the opportunity and anonymity of crime."

Seminole County in Florida is using VeriTracks to monitor pre-trial suspects, and the offenders are required to pay the \$6-a-day service fee themselves as a condition of their bond, said Seminole County Sheriff Don Eslinger.

"It's either wear the GPS device or go to jail," Eslinger said. "Most of them find this much more advantageous than sitting in a cold jail cell and it also saves us between \$45 and \$55 a day."

The county equipped the 10 pre-trial suspects with the device as a condition of bond in August, and so far, none of them has had more run-ins with the law. Eslinger said his department plans to expand the program to include non-violent probationers and parolees as well.

The original article can be found at the following URL:
<http://www.wired.com/news/privacy/0,1848,55740,00.html>

Corporate Office

Phone: (888) 677-6278 | Fax: (727) 484-3111 | Email: Info: info@ptm.com

X-Sieve: CMU Sieve 2.2
From: Snuppy16@aol.com
Date: Wed, 4 Feb 2004 21:59:17 EST
Subject: Re: Predator License plate, GPS
To: dpatter@ink.org
X-Mailer: 9.0 for Windows sub 5006
X-Virus-Scanned: by amavisd-new at ink.org
X-Spam-Status: No, hits=3.7 tagged_above=3.5 required=6.3
tests=FROM_ENDS_IN_NUMS, HTML_10_20, HTML_MESSAGE, MAILTO_TO_SPAM_ADDR,
MIME_LONG_LINE_QP, NO_REAL_NAME
X-Spam-Level: ****

Dear Representative Doug Patterson,
This is Laurel Vine and I cannot come tomorrow but wanted to express that I was in favor of your bill. This is for you to read or give to the legislature about my opinion of this bill:

This bill could have saved my best friend Ali Kemp's life. If she had seen the sticker on the car she could have immediately called for help or at least known that this person was a predator and to be aware. By sex offenders not having this sticker on their car it takes away from those who haven't been convicted of a sex crime from feeling safe. I know that I would feel a lot safer knowing if the person around me was convicted of a sexual crime. That way I could steer clear of them.

If you are concerned about people's rights. The most important rights are those of the victims. And theirs are the ones that are getting disregarded by not implementing this plan. Please remember our victims and think about them when you decide whether or not to pass this bill. It could save someone you know and love and isn't that the most important thing. Thank you.

Laurel Vine

Representative Patterson,

If you have any questions email me back at Snuppy16@aol.com

X-Sieve: CMU Sieve 2.2
From: "Maria Holiday" <mholiday@kc.rr.com>
To: <dpatter@ink.org>, <loyd@gcnet.com>
Subject: HB 2611
Date: Wed, 4 Feb 2004 23:08:22 -0600
X-Mailer: Microsoft Outlook Express 6.00.2800.1158
X-Virus-Scanned: Symantec AntiVirus Scan Engine
X-Virus-Scanned: by amavisd-new at ink.org

Rep. Loyd and Rep. Patterson,

In response to the article you gave me today, Rep. Loyd, and to the email you sent me Rep. Patterson, here are my thoughts on HB 2611. In the event I am able to attend the 1:30 hearing, I will let you know. If not, please share my comments on behalf of KWARG.

It is my strong belief that sexual predators in Kansas are poorly tracked at best. Even on the state's website you will find last known addresses that are over a year old. Sexual predators don't just stay at home waiting for victims to stop by. They are at the park, the ball fields, the car wash and the mall. The recidivism rate among this population is higher than any other type of violent crime. The right of the public to be protected should outweigh the right of a convicted sexual predator to remain anonymous.

On behalf of my organization, Kansas Women for Accountable and Responsible Government, we ask that you support this bill. The costs associated with either GPS installation or identifying tags should be assessed to the offender. Anyone with the audacity to argue for the rights of the predator should be asked if they would like to volunteer their child or grandchild to be a victim. Examine the facts about recidivism. There will be another victim. The research does not support rehabilitation of these criminals. We are talking about people who prey on our most vulnerable citizens. Kansas children have a right to be protected under the law.

There isn't a decent parent out there who wouldn't whatever they could to protect their children. You can give them a tool to do that or deny it to them. KWARG will be watching your committee member's decisions.

Thank you for your efforts,

Maria Holiday
KWARG chairwoman
www.kwarg.org

FYI: Personal note - On a related matter, it came to my attention after leaving the capital today that a bill came before the Judiciary Committee that would extend the statute of limitations for sex acts against children from 3 to 30 years. If this passes quickly, I will be first in line to take advantage of it. That law would give me an opportunity I didn't have 30 years ago. We could put a man convicted of 5 felonies against children behind bars. Maybe this time he would stay there and we could prevent another batch of Jack Spratt victims.

2-11-03

Rep. D. Patterson
Rm. 281-W
Topeka, KS

Dear Sir,

I am writing you concerning H.B. 2062. It would require those who are registered offenders in Kansas to affix a decal or some other identifying marker to their vehicle. I am a probation officer in Topeka, KS. I supervise sex offenders on probation. I have also supervised sex offenders on parole.

I believe this bill would be an important tool to help supervise sex offenders in our communities. Some sex offenders use their vehicles as a tool or ploy to entice youngsters and adults. This may make it harder for those offenders to use such a tool if they can be more readily identified. It would also be of benefit to those of us who supervise sex offenders in the community. Community members could easily identify those offenders who may be showing signs of stalking or predation. The probation /parole office could then handle the problem before a new victim is created.

This new form of identification would be beneficial to the general public and to those of us charged with supervising them in the community. Sex offenses and offenders are often clouded in secrecy. That is of benefit only to the offender. This would be a good law. As a community member and a probation officer I support it wholly.

Sincerely,



Ryan Alexander
4631 SE Manitowoc
Berryton, KS 66409
Ph# 785-862-7227

To: skiptalley@msn.com
From: Doug Patterson <dpatter@ink.org>
Subject: Re: Fwd: bumper stickers (Email from the Capitol)
Cc:
Bcc:
Attached:

Skip, that is a great idea, I will request such a bill today in my Judiciary Committee and I will keep you posted as to a hearing date. Doug

At 06:39 PM 2/3/2004, you wrote:

This email was forwarded from your Capitol email account. Received: from KSLEG1.STATE.KS.US ([172.16.25.17]) by LEGISLATURE.STATE.KS.US; Tue, 03 Feb 2004 18:39:31 -0600 Received: from bay4-f29.bay4.hotmail.com [65.54.171.29] by KSLEG1.STATE.KS.US smtp(3.0f) id 8163; Tue, 03 Feb 2004 18:37:18 -0600 (CST) Received: from mail pickup service by hotmail.com with Microsoft SMTPSVC; Tue, 3 Feb 2004 16:39:30 -0800 Received: from 67.26.33.140 by by4fd.bay4.hotmail.msn.com with HTTP; Wed, 04 Feb 2004 00:39:29 GMT X-Originating-IP: [67.26.33.140] X-Originating-Email: [skiptalley@msn.com] X-Sender: skiptalley@msn.com From: "Skip Talley" <skiptalley@msn.com> To: patterson@house.state.ks.us Bcc: Subject: bumper stickers Date: Tue, 03 Feb 2004 18:39:29 -0600 Mime-Version: 1.0 Content-Type: text/plain; format=flowed Message-ID: <BAY4-F29JoPSko57PJ60000d736@hotmail.com> X-OriginalArrivalTime: 04 Feb 2004 00:39:30.0140 (UTC) FILETIME=[59B429C0:01C3EAB7]

Doug, just heard about your bill to require sex offenders to have bumper stickers identifying themselves. What a great idea. I'm proud to have you as my Representative. Just questions: 1) If they are convicted sex offenders, what are they doing out of jail? 2) Why do they have the right to a driver's license?

While you're at it, maybe you could introduce a bill to suspend driver's licenses for people who fraudulently use handicapped parking spots. Keep up the good work.

X-Sieve: CMU Sieve 2.2
 From: Snuppy16@aol.com
 Date: Wed, 4 Feb 2004 21:59:17 EST
 Subject: Re: Predator License plate, GPS
 To: dpatter@ink.org
 X-Mailer: 9.0 for Windows sub 5006
 X-Virus-Scanned: by amavisd-new at ink.org
 X-Spam-Status: No, hits=3.7 tagged_above=3.5 required=6.3
 tests=FROM_ENDS_IN_NUMS, HTML_10_20, HTML_MESSAGE, MAILTO_TO_SPAM_ADDR,
 MIME_LONG_LINE_QP, NO_REAL_NAME
 X-Spam-Level: ****

Dear Representative Doug Patterson,
 This is Laurel Vine and I cannot come tomorrow but wanted to express that I was in favor of your bill. This is for you to read or give to the legislature about my opinion of this bill:

This bill could have saved my best friend Ali Kemp's life. If she had seen the sticker on the car she could have immedietley called for help or at least known that this person was a predator and to be aware. By sex offenders not having this sticker on their car it takes away from those who haven't been convicted of a sex crime from feeling safe. I know that I would feel a lot safer knowing if the person around me was convicted of a sexual crime. That way I could steer clear of them.

If you are concerned about people's rights. The most important rights are those of the victims. And theirs are the ones that are getting disregarded by not implementing this plan. Please remember our victims and think about them when you decide whether or not to pass this bill. It could save someone you know and love and isn't that the most important thing. Thank you.

Laurel Vine

Representative Patterson,

If you have any questions email me back at Snuppy16@aol.com

From: Snuppy16@aol.com
Date: Wed, 12 Feb 2003 00:11:22 EST
Subject: Tomorrow
To: dpatter@ink.org
X-Mailer: AOL 5.0 for Windows sub 40

Hi, this is Laurel Vine again. My aunt and I will definitely be going tomorrow, but I am not sure who else yet. It might be just us too. I also know that some people are going to email you with written statements tonight, so I hope they will help. I look forward to meeting you tomorrow at around 1:00pm. If you have any questions please feel free to email me back.

Thanks,
Laurel

Date: Wed, 12 Feb 2003 00:32:36 -0500

From: SNaP2000@aol.com

To: dpatter@ink.org

Subject: Re: Friends of Ali Kemp, and other victims; Predator Tag Bill; HB 2062

X-Mailer: Atlas Mailer 2.0

Representative Ward Loyd

Chairman of Corrections and Juvenile Justice Committee

House Bill (HB2062)

Hello my name is Alaina Vine and I wanted to show my support for this bill. My family and myself knew Ali Kemp closely and don't wish this horrible event upon anyone else or their families. I feel that this bill should be passed for ali and for everyone else who has suffered a loss as great as the Kems. People should know who is out there and if you committ a crime to this degree everyone should know what/who is around them. Letting people know if the person that is around them is a rapest by a license plate or something like it is something that needs to be done and quickly.

X-WebMail-UserID: ksmilor@mail.ukans.edu
Date: Tue, 11 Feb 2003 23:43:20 -0600
Sender: ksmilor <ksmilor@mail.ukans.edu>
From: ksmilor <ksmilor@mail.ukans.edu>
To: dpatter@ink.org
Cc: ksmilor@ku.edu
X-EXP32-SerialNo: 00002424
Subject: House Bill HB2062 Support
X-Mailer: WebMail (Hydra) SMTP v3.62

Representative Ward Loyd
Chairman of Corrections and Juvenile Justice Committee
House Bill (HB2062)

Mr. Representative Loyd, I am Kevin Smilor. Ali Kemp was a friend of mine who I cared for greatly and respected even more. What happened to her was a travesty that maybe, in one way or another, been prevented if there was a way which made rapists more known to the public. Rapists have no business having any privacy in their life after they have been convicted. With this current bill, it will make people think twice about the person around them and take more caution. For the Family, and friends of Ali Kemp, please do everything in your power to help this bill through. The impact you could have on a society would not only benefit future would-be victims, but the families of those women too.

Date: Wed, 12 Feb 2003 00:31:08 -0600 (CST)
From: Scott Dresser <sld575@truman.edu>
To: dpatter@ink.org
Subject: proposed bill

Dear Representative,

After seeing all that those close to Ali have gone through I definitely support this bill. I think people should be allowed to know what kind of person they are dealing with and what their past has been.

With the types of crime that this bill is associated with I think it is appropriate. The statistics back up the fact that once released many of these criminals repeat the offense they already served time for. The crimes that they commit destroy lives, and the citizens of our communities deserve to know who these people are.

Sincerely,
Scott Dresser

X-Originating-IP: [172.132.219.73]

From: "SCOOTER !" <schnabel16@hotmail.com>

To: dpatter@ink.org, schnabel16@hotmail.com

Subject: Ali Kemp

Date: Wed, 12 Feb 2003 07:42:21 +0000

X-OriginalArrivalTime: 12 Feb 2003 07:42:21.0696 (UTC) FILETIME=[46DBA000:01C2D26A]

YES TO THE BILL

Thank you for doing this.

Scott Schnabel

Tired of spam? Get [advanced junk mail protection with MSN 8.](#)



[alibill.wps](#)

X-Originating-IP: [64.216.106.157]

From: "Patrick Roberts" <pattyroberts@hotmail.com>

To: Snuppy16@aol.com, dpatter@ink.org

Subject: Ali Kemp Bill

Date: Wed, 12 Feb 2003 09:09:00 -0600

X-OriginalArrivalTime: 12 Feb 2003 15:09:00.0398 (UTC) FILETIME=[AC2108E0:01C2D2A8]

Ali Kemp was an unbelievable person. She was sweet, caring, and bright. She had a magnetic quality about her that made everyone want to be her friend and know her. I'll cherish the memories I had with her for the rest of my life. I am in support of this bill for the memory of Ali and other victims of these horrendous predator crimes.

Tired of spam? Get advanced junk mail protection with MSN 8. <http://join.msn.com/?page=features/junkmail>

From: RvineETC@aol.com
Date: Wed, 12 Feb 2003 00:01:15 EST
Subject: HB2062
To: dpatter@ink.org
X-Mailer: AOL 4.0 for Windows sub 104

Dear Representative Patterson:

Please find attached my letter to Rep. Loyd.

Thank you for passing this important piece of legislation.

ron vine



House Bill 2062.doc

12-22

Ronald and Adele Vine
3509 W. 128th Street
Leawood, Kansas 66209

February 12, 2003

Representative Ward Loyd
Chairman of Corrections and Juvenile Justice Committee
State of Kansas

In Re: House Bill 2062

Dear Representative Loyd:

Please accept this letter in support of House Bill 2062 sponsored by Rep. Doug Patterson. This bill is important and needed legislation and will do a great deal of good in our state.

We know too well the harm that can be caused by inadequate notice of such situations. Our family is very good friends with the Kemp family and knew Ali Kemp for many years. She was a warm and beautiful girl, who was loved by all who knew her. This legislation would have been important to Ali. We need to pass it to protect other children throughout Kansas.

My wife was brought up in Osage City, Kansas and we met in Topeka where we lived for 14 years, before moving to Leawood. This legislation is important and is needed in every community in the State.

Please support this legislation. If I can be of any further information to you, please do not hesitate to call me at 913-829-1215.

Sincerely,

Ronald A. Vine

X-Originating-IP: [206.168.112.133]

From: "Kate Zitterkopf" <katylady101@hotmail.com>

To: dpatter@ink.org

Subject: Ali Kemp

Date: Tue, 11 Feb 2003 22:52:51 -0600

X-OriginalArrivalTime: 12 Feb 2003 04:52:51.0959 (UTC) FILETIME=[9938E870:01C2D252]

Hello. I just wanted to write and say that I am in favor of this proposal. I was best friends with Ali Kemp. If this bill could prevent just one more senseless rape and murder, it is well worth it. I would feel safer on my streets if I could identify sexual predators. Safety is such an important issue these days, and it keeps getting threatened. Please pass this bill and help prevent more violent sex crimes.

Sincerely,
Anonymous

Protect your PC - [Click here](#) for McAfee.com VirusScan Online

X-Originating-IP: [207.198.17.166]

From: "Kathleen Petroni" <leenawp@hotmail.com>

To: dpatter@ink.org

Subject: support!

Date: Wed, 12 Feb 2003 03:00:51 +0000

X-OriginalArrivalTime: 12 Feb 2003 03:00:51.0376 (UTC) FILETIME=[F3715300:01C2D242]

Dear Mr. Patterson,

I give my whole heart in support of this bill (Predator Tag Bill; HB 2062). I have discussed this with numerous others who believe that this is a right that we as potential innocent victims deserve. Thank you for your time.

God bless you for your efforts.

Sincerely,

Kathleen Petrones

MSN 8 with e-mail virus protection service: 2 months FREE*

Date: Tue, 11 Feb 2003 22:05:51 -0500
From: Cassgirl1@aol.com
To: dpatter@ink.org
Subject: Predator Tag Bill
X-Mailer: Atlas Mailer 2.0

Dear Representative Patterson,

I am writing to you in regards to the Predator Tag Bill (HB2062). I fully support this bill. Although some may argue that this bill violates the perpetrators rights to privacy to an extent, I believe that anyone who violates the law, especially in this horrific manner, deserves public humiliation and should not be treated with the same rights as those who have never abused them. Thank you for your time and effort in getting this bill passed.
Sincerely, Diane Cassidy

X-Originating-IP: [208.129.12.254]

From: "Jed Marshall" <jedmarshall24@hotmail.com>

To: dpatter@ink.org

Subject: Re: Fwd: Friends of Ali Kemp, and other victims; Predator Tag Bill; HB 2062

Date: Tue, 11 Feb 2003 21:49:49 -0600

X-OriginalArrivalTime: 12 Feb 2003 03:49:49.0860 (UTC) FILETIME=[CAEA6640:01C2D249]

Representative Ward Loyd
Chairman of Corrections and Juvenile Justice Committee
House Bill (HB2062)

Hello-

My name is Jed Marshall and I was a friend of Ali Kemp's. It aboslutely breaks my heart everything that has happened this summer and especially to her family. Attached to my email is my reasoning.

Thank you and good luck,

Jed Marshall

Protect your PC - [Click here](#) for McAfee.com VirusScan Online




[Represenative.doc](#)

Mail Message

Novell.

Close Previous Next Forward Reply to Sender Reply All Move Delete Read Later Properties

From: <SNaP2000@aol.com>
To: Doug Patterson, Nile Dillmore, Marti Crow, Sydney Carlin, Donald Betts, Jim Ward, Kevin Yoder, Dale Swenson, OMalley.hs01po.LG01, Terrie Huntington, Deena Horst, Jeff Goering, Eric Carter, Ward Loyd, "Pauls@hosue.state.ks.us".GWA.LG02, "Kassenbaum@hosue.state.ks.us".GWA.LG02, "Gordon@hosue.state.ks.us".GWA.LG02, "Owens@hosue.state.ks.us".GWA.LG02
Date: Wednesday - February 12, 2003 10:10 AM
Subject: House Bill 2063
 Mime.822 (2204 bytes) [View](#) [Save As](#)

This e-mail is written in support of House Bill 2063 which proposes a law requiring all convicted sexual predators to display distinctive license plates on any vehicle they operate or occupy within the states of Kansas. I have a degree in criminal justice as well as a law degree, and I am well aware of the recidivism rates of sexual offenders, and their propensity to strike again and strike often. While I recognize that this legislation is not a cure all, it would assist in the process of making the public aware of those sexual offenders that are in their neighborhoods, their places of business, etc.

I am also the mother of a close friend of Ali Kemp, and I fully believe that the facts will establish that Ali was murdered by a sex offender. Would this legislation have prevented Ali's murder? Probably not, but it would serve to assist others in protecting themselves.

I would appreciate your support of this legislation.

Adele Ross Vine
Leawood, Kansas

12-28

Mail Message

Novell.

Close Previous Next Forward Reply to Sender Reply All Move Delete Read Later Properties

From: jwyand <jwyand@mail.ukans.edu>
To: Doug Patterson
Date: Tuesday - February 11, 2003 9:35 PM
Subject: Hi!
 Mime.822 (2347 bytes) [View](#) [Save As](#)

Hi Mr. Patterson. Thank you very much for your email as well as your effort on this topic. I unfortunately can't attend tomorrow because of class, but would like to give you a few things that you could say. I am not exactly sure what you want, but I hope some of this might help.


" This past summer someone very dear to me was suddenly taken away. I now wake up each morning with such an extreme emptiness that will not ever go away. I can't even explain the sadness that we all have now. One of my very best friends, Ali Kemp was murdered on June 18th 2002 in our very own neighborhood. Ali was so innocent, beautiful, caring, and a true best friend. The only thing in the world I want to pray for is to see her one more time, but the only place that I can see her is in my dreams. Because of a horrible man, Ali isn't here anymore. We, as daughter, friends, husbands, and wives need to do everything possible to prevent horrible things from happening to other innocent people. By looking at the statistics, released rapists are found to be 10.5 times as likely as non-rapists to be rearrested for rape, and those who had served time for sexual assault were 7.5 times more likely than those convicted of other crimes to be arrested for a new sexual assault, it is apparent that something needs to be done. Mr. Patterson's proposal is just the step that we have to take. This proposal needs to be passed in order to protect our loved ones. I've already lost one of my very best friends and don't ever want anyone to have to go through all the immense grief that our friends and Ali's family has gone through."

Sincerely,
Jennifer Wyand

12-29

Mail Message**Novell.**[Close](#) [Previous](#) [Next](#) [Forward](#) [Reply to Sender](#) [Reply All](#) [Move](#) [Delete](#) [Read Later](#) [Properties](#)

From: <Crickit096@aol.com>
To: Doug Patterson
Date: Wednesday - February 12, 2003 1:14 AM
Subject: Ali Kemp's Bill

 [Part.001 \(1094 bytes\)](#) [\[View\]](#) [\[Save As\]](#)
[Mime.822 \(3052 bytes\)](#) [\[View\]](#) [\[Save As\]](#)

My name is Cristen Osborn, and I went to high school with Ali. I cannot stress how much I support this bill due to the fact that everyday I happen to meet new people, and to not know the background of them to any extent is somewhat disturbing as well as not safe. I attend school at KU and my older sister attends KSU and we have to make our own decisions in life now, without the help of our parents. And, young adults do not always have the greatest judgment. This bill will help people of all ages be aware of who is around them, and hopefully it will help save the lives of people. Ali was 19, she had a life to live, and this tragedy could have and should have been prevented. With this bill being passed, a lot of lives can and will be saved. Awareness is the first step into preventing these types of tragedies, and this bill does not guarantee no rapes anymore, but it will guarantee people the benefit of knowing who is around them, and that could definitely help save lives.

12-30

Mail Message**Novell.**

Close Previous Next Forward Reply to Sender Reply All Move Delete Read Later Properties

From: <Chic211@aol.com>
To: Doug Patterson
Date: Tuesday - February 11, 2003 9:11 PM
Subject: Bill HB2062
 Part.001 (736 bytes) [\[View\]](#) [\[Save As\]](#)
Mime.822 (2236 bytes) [\[View\]](#) [\[Save As\]](#)

Dear Mr. Patterson,

I have read over you bill and I just wanted to let you know that I would love to see bill be passed. I can't believe that this hasn't come up in the past. This would be a good way to let others know who is a sexual predator and that way they can be aware of their surroundings. Ali Kemp was one of my very good friends and I feel that her murder could have possible be prevented had the vehicle of murderer had a special sticker on it. Thanks for your time and good luck in passing this bill.

Sincerely,

Courtney Cohen (chic211@aol.com)

12-31

Mail Message

Novell.

Close Previous Next Forward Reply to Sender Reply All Move Delete Read Later Properties

From: <Mnh1702@aol.com>
To: Doug Patterson
Date: Wednesday - February 12, 2003 1:32 AM
Subject: concerning ali kemp
 Part.001 (1358 bytes) [View](#) [Save As](#)
 Mime.822 (3521 bytes) [View](#) [Save As](#)

I went to Blue Valley North with Ali. I support the bill you are trying to pass for Ali and Stephanie. The idea of placing a symbol on an offenders license plate is a great idea. To make aware of the situation, and be able to remove your self from that situation. Making decisions on your own as your grow older is not always an easy task, by placing a symbol, trademark, or having offenders use a different type of license plate will help children and adult choose wisely about who they appoarch and how they go about walking into a store or even just walking around the neighborhood with the family. The problem will not be vanished by the license plate it should be and probably will be reduced.

Ali was not only a sweet, loving, cheerful, happy teenager, who brighten everyone around her. Ali was also an intelligent girl who had a lot of offer the world she was about to step out into. Ali had a personality that you cannot forget. The type of girl who was also happy and go lucky, she would go along with anything you wanted to do, though she was not afraid to let you know when she was down or upset. Ali's life was taken to early from a family and community that cared about her.

12-32

HOUSE BILL No. 2611

By Representative Patterson

1-28

AN ACT concerning the Kansas offender registration act; providing for motor vehicle identification markings or global positioning systems; penalties; amending K.S.A. 8-255 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) ~~Except for offenders defined under the provisions of subsections (a)(1)(C), (a)(5), (a)(7), (a)(9), (c)(2), (c)(11), (c)(13), (c)(14) and (d) of K.S.A. 22-4902, and amendments thereto,~~ any person required

to register as an offender under K.S.A. 22-4901 et seq., and amendments thereto, shall also be required to: (1) Attach to and display on any motor vehicle operated by such person a symbol or other device indicating that the person is a registered offender under K.S.A. 22-4901 et seq., and amendments thereto. The symbol or other device shall be attached to the front and rear bumper of any such motor vehicle; or

(2) be monitored by a global positioning systems unit. Such unit shall continuously track and provide data on the person's movement. Such unit shall be provided at the expense of the person.

(b) The attorney general shall design and provide for the issuance and distribution of the symbols or other devices required in subsection (a)(1).

(c) Prior to a person being monitored by a global positioning systems unit, such person shall provide written notification to the sheriff and district or county attorney of the county in which the person is being monitored and to the chief law enforcement officer of any incorporated city or town in which the person is being monitored of the placement of the person being monitored within the county or incorporated city or town.

(d) Any person subject to the requirements under subsection (a) shall do so for the same period of time that the person is required to be registered under K.S.A. 22-4906, and amendments thereto.

(e) Any person who violates any of the provisions of this section, upon conviction, shall have such person's driving privileges suspended for a period of 10 years.

(f) This section shall be part of and supplemental to the Kansas offender registration act.

Sec. 2. K.S.A. 8-255 is hereby amended to read as follows: 8-255. (a)

2/5/04

Kansas Registered Offenders - 2/5/2004

Total - 3,236

Note: Approximately 75% of the total number are registered sex offenders.

Cheyenne	Rawlins	Decatur	Norton	Phillips	Smith	Jewell	Republic	Washington	Marshall	Nemaha	Brown	Doniphan
5	3	1	8	5	3	6	6	3	8	5	14	4
Sherman	Thomas	Sheridan	Graham	Rooks	Osborne	Mitchell	Cloud	Clay	Riley	Pottawatomie	Jackson	Atchison
11	8	2	5	7	7	5	10	11	36	12	13	16
Wallace	Logan	Gove	Trego	Ellis	Russell	Lincoln	Ottawa	Dickinson	Geary	Shawnee	Jefferson	Leavenworth
	2	1	2	19	9	3	3	29	34	5	10	58
Greeley	Wichita	Scott	Lana	Ness	Rush	Barton	Ellsworth	Saline	Morris	Wabawnee	Osage	DeKalb
1	1	9	1	3	1	35	12	81	5	8	195	65
Hamilton	Kearny	Finney	Hodgeman	Pawnee	Reno	Stafford	Rice	McPherson	Marion	Chase	Franklin	Miami
		55		51		6	18	29	12	1	23	36
Stanton	Grant	Haskell	Gray	Ford	Edwards	Pratt	Kingman	Harvey	Buller	Greenwood	Coffey	Anderson
4	10	5	3	23	2	13	9	41	43	10	11	14
Morton	Stevens	Seward	Meade	Clark	Kiowa	Barber	Kingman	Sedgwick	Wilson	Neosho	Anderson	Linn
1	6	25	4		3	13	9	606	6	22	14	12
					Comanche	Harper	Sumner	Cowley	Elk	Montgomery	Labette	Cherokee
					1	3	10	29	2	9	24	49
									Chautauqua	Montgomery	Labette	Cherokee
									5	39	36	36

280

February 5, 2002

Statement in opposition to House Bill No. 2611

In the interest of protecting my children from further abuse, I would like to remain anonymous.

In 1998, my family consisted of my wife, my son, my daughter, and me. We were a happy functional Christian family that had a bright future. My children attended a private Christian school, my wife was devoted to her children full time, and I had a secure well paying position at Boeing Aircraft Company from which I intended to retire. From our perspective, the world was a great place. But I had one (1) problem that could have been resolved. I had touched my daughter inappropriately.

I recognized my problem, disclosed it and sought professional help. I thought that this was the best recourse. I was wrong.

Little did I know that here in the State of Kansas real professional help was not available. Ten (10) minutes into the session, the counselor stopped me and told me that she would have to report this matter to the authorities. That night, my children had been stripped from their perfectly good, loving, caring mother who knew nothing about the abuse.

I commend SRS for having the insight and wisdom for returning the children to their mother the very next day. I was told that SRS was required to remove the children. If that is so, it is a perfect example of harmful legislation. In other words, laws passed by legislators with good intentions but limited insight, knowledge, and wisdom. (I mean no disrespect. We are all human. We all are limited in insight, knowledge, and wisdom.)

Meanwhile, I was prosecuted nearly to the fullest extent of the law. Even though the judge documented that I was "a non-threatening member of society" and "a productive member of society", I was required to register as a sex offender. The DA and the judge followed the letter of the law like mind-numbed robots but they slaughtered the intent of the law.

- The first intent is to deter the deviate behavior. It did not work.
- The second intent is to deter further deviate behavior. If left alone, I would have done that with the help of "true" counseling. All the law did was court order "court ordered" counseling. In fact, prosecuting these cases as the state does, might just increase the changes of an offender re-offending.
- The third intent is to give restitution to the victim. It changed but intensified the victimization of the victim. The victim's counselor said that the only thing she suffers from is the anxiety of having her father being removed from the house.

It also victimized her brother and mother. Before the state attacked my family, my son was in first grade getting 8s and 9s on his SAT scores and was considered by his teachers

as a well-mannered boy. The year the state attacked us, he received no 9s and no 8s. For five (5) months my son thought that his father was dead and that the world was lying to him. He turned angry and bitter. He had to seek counseling for his anger. He became unmanageable by his mother. He got into two fistfights at school.

The prosecuting of this case is not only a miscarriage of justice but it also victimized the victim and the victim's family. When I pointed this out to a member of the correctional department, he stated, "We can't be concerned with the collateral damage of our actions." That's strange – that's what some sex offenders say.

Upon sentencing, I was immediately fired from Boeing. Even though I have three (3) college degrees in aviation, a commercial pilot certificate, A&P certificate, flight instructor certificates, my career in aviation is for all practical purposes - over. All these skills, the training, the education, have been deemed worthless by the state of Kansas. Every sex offender is viewed as a slime sucking, sewer dwelling deceased animal. I have been terminated from three (3) jobs because of this conviction. There is no possible way to count the number of offers that I did not receive because of the internet. I might have attended one hundred interviews where the hiring person was excited about offering a position to me. I would then disclose my conviction and they would rescind the offer. The judge and probation officer can attest to this. In fact, the judge has terminated my probation early in hopes that I can regain my career. More than likely, I am no longer "a productive member of society." Because of the misleading information that is on the internet, I have been run out of an apartment complex that had nothing but adults.

Because of the support and love of a great wife, I have been reunited with my family. But, my family has been drug through bankruptcy twice. As hard as my wife and I are working on maintaining a stable environment for my kids, we still might lose the house and be forced to put our children through that devastation. Apartment complexes do not want sex offenders living there. People don't want to allow offenders to rent their houses. My wife's credit and my credit are ruined. I am not sure where we would live.

My son came home one day 'crying his eyes out'. He told us that his best friend from down the street is no longer allowed to play with him. His mother and I knew exactly what happened. We went down to talk to the parents of his friends and the situation soon returned to normal. My neighbors, who know about this case, now realize that the information is just a bureaucrat safety net for politicians. The problem remains that the information is harmful.

Please don't think for a moment that my case is an isolated occurrence. I know of a teenage victim whose entire family had to move out of Wichita so the teenager could escape the ridicule from her classmates once they learned of her father's picture on the internet.

I understand the political atmosphere surrounding this problem, but I understand it from a different view than politicians do. The latest studies show that recidivism rates and

stereotype images of sex offenders are both wrong. One such report dated December of 2003 can be found on the internet at:

<http://www.geocities.com/eadvocate/issues/topic-recidivism.html>
<http://www.geocities.com/eadvocate/issues/michstats.pdf>

Truth is that sex offenders are the least likely to re-offend – next to murders. DUIs are more likely to continue to re-offend until they kill someone, maybe even a child or two.

Before this bill is passed, there should be another bill that would require judges to categorize the risk level of each offender. Most other states already have this in place. There should be four categories.

1. No Risk
No requirement to register as an offender
2. Low Risk
Require registration but no public notification
3. Medium Risk
Require registration with internet notification
4. High Risk
Required registration with internet notification and monitoring

And, when an offender is classified as a 'High Risk', his financial status should be considered before requiring him/her to pay for the device. The state already places a tremendous financial burden on an offender by requiring him/her to pay fines, court fees, therapy, legal counsel, moving expenses, supervision fees, and many more all at a time when his employment status is at best shaky. Many offenders are dirt poor at the start. Placing this much burden on a person who is already struggling just increases the chances that he will re-offend. If you put too much burden on an offender, it might be the difference of rehabilitating him or confining him to prison and another child is offended. Plus, the state can reuse these devices.

A child can be victimized from several different methods. I know of a case where a 12 year-old boy was being teased at school so bad that one morning, just before school, he walked into his father's closet, place the barrel of his father's pistol in his mouth, and pulled the trigger. My wife's best friend can still recall one very clear image. As her school bus drove by, she saw a teenage classmate lying dead on the ground with blood all around her. The teenage girl had brought a gun to school just to force the girls who had been teasing her watch her killer herself. A number of studies show that the most devastating event that can affect a child is the loss of a parent through either death or divorce. Yes, divorce is considered even more devastating than being sexually molested. Many families that could be rehabilitated are torn apart because of the additional burden and suffering experienced from the state's prosecuting of these cases.

No one can have 100% assurance that if this bill passes it would prevent as much as one child from being victimized. But everyone should realize, that the more fathers that are

required to wear these things, the more children that will suffer the embarrassment and humiliation of this bill. Please don't victimize our children!

The problem with this proposal is that it is politically correct but it lacks insight, knowledge, and wisdom. Please do not pass this hideous piece of garbage as it is written and without classifying offenders first. I ask this on behalf of my children, the children of others, and decent human beings.

Furthermore, return the patient/physician confidentiality back to the physicians/counselors. Let it be their (physicians) decision as when to turn these cases over to the authorities. Exempt them from any repercussions so that they can operate without fear. Give them the leverage with these cases that so long as the person is earnestly working towards the desire goals, there will be no prosecution from the patient/physician relationship (this would not exempt prosecution that arises from events outside of the patient/physician relationship). But the physician can still turn the information over to the state if the situation is not improving.

And finally, every sex offender web sight has a disclaimer stating that there should be no discrimination based on the information on that site. But yet there is still a great amount of discrimination. The web site has become a politically correct list of people to hate and discriminate against. The web site actually creates a list of people who a person can commit a hate crime against without fear of any prosecution. People who stand up against discrimination but would permit this discrimination are hypocrites. Some law needs to be passed that would make discriminating against these people without just cause (meaning an usually large exposure to children) would constitute a hate crime. Allow the offend civil action against the people who hate.

Sandy Barnett

14



UNITED AGAINST VIOLENCE

KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE

220 SW 33rd Street, Suite 100 Topeka, Kansas 66611
785-232-9784 • FAX 785-266-1874 • coalition@kcsdv.org

HB 2611

House Corrections and Juvenile Justice Committee
Motor vehicle identification or GPS monitoring of registered sex offenders

Opponent

February 5, 2004

Chairman Loyd and Members of the Committee:

KCSDV opposes HB 2611 essentially because it is too simple of an answer for a complex problem. Sex offender treatment and monitoring is currently being thoroughly analyzed by the Department of Corrections, KCSDV is participating in that analysis. The analysis looks broadly at inmate and post-release issues. It seems to me that the state of Kansas would be better off reviewing recommendations from that analysis before implementing new programs that may or may not fit within a comprehensive plan.

Of primary concern to KCSDV is the false sense of security this Bill may give to the public.

- Only 16% to 20% of rapes are ever reported to law enforcement. Of those, fewer than 5% are prosecuted, and even fewer result in a conviction¹. The sex offender registry represents only a small portion of actual sex offenders living in our communities. Of the 1,157 rapes reported in Kansas during 2002, only 22.2% were even arrested.² Marking cars of known sex offenders will give the public a false sense of security. It will perpetuate the notion that if someone is in a car not marked with such a sticker, they are safe.
- Of the 1,157 rapes reported to Kansas law enforcement agencies during 2002, only 128 (11.2%) were perpetrated by strangers. In 17.5% of the cases, the relationship of the perpetrator to victim was unknown or unreported. Seventy-one percent of these victims reported being raped by someone known to them.

¹ No specific Kansas statistics are collected. These numbers are generated from national prevalence studies and self reports.

² Rape statistics in Kansas are taken from *A Report on Domestic Violence and Rape Statistics in Kansas As Reported By Law Enforcement Agencies, 2002*. The Kansas Bureau of Investigation.

Member Programs Serve All 105 Counties in the State of Kansas

President
Steph agno
212 N. Suite 200
Wichita, Kansas 67202
(316)265-5511

Vice-President
Melanie Morgan
(785)234-5511

Secretary
Jacqueline Reid-Peterson
(785)271-1400

Treasurer
Paula A. Hofaker
(785)689-4606

Governors
1st - Joycelyn Lucas
(785)827-9961

Calvin Williams
(785)462-9777

2nd - Tom Bartee
(785)296-4402

J. Richard Lake
(785)364-4161

3rd - Michael McCulloch
(913)829-8755

4th - Sal Intagliata
(316)267-2000

David Freund
(316)264-8700

At Large-
Doug Wells
(785)273-1141

Amicus Committee Chair
Daniel E. Monnat
(316)264-2800

Continuing Education Co-Chairs
John and Kathleen Ambrosio
(785)233-0524

Legislative Committee Chair
Paige A. Nichols
(785)832-8024

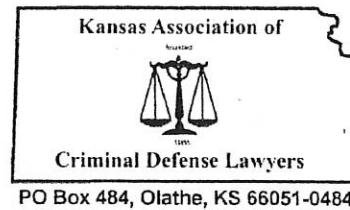
Membership Committee Chair
Joseph A. Allen
(785)392-2105

Newsletter Editor
David Freund
(316)264-8700

Strike Force Committee Chair
Roger L. Falk
(316)265-5115

Technology Committee Chair
Troy Huser
(785)537-4603

Executive Director
Patrick M. Lewis
(913)558-3961



February 2, 2004

To: House Committee on Corrections & Juvenile Justice
From: Kansas Association of Criminal Defense Lawyers (KACDL)
By: Paige A. Nichols, KACDL Legislative Chair
Re: HB Nos. 2062, 2611
(Requiring motor vehicle identification markings (or GPS, in HB 2611) for certain convicted offenders)

There can be no outrage . . . against our common nature, – whatever be the delinquencies of the individual, – no outrage more flagrant than to forbid the culprit to hide his face for shame; as it was the essence of this punishment to do.

– Nathaniel Hawthorne, *The Scarlet Letter* 63-64 (Random House 1950) (1850), quoted by the Kansas Supreme Court in *State v. Myers*, 260 Kan. 669, 696 (1996) (holding that public-access provision of Kansas Sex Offender Registration Act was a punishment that could not be applied retroactively).

The Kansas Association of Criminal Defense Lawyers is opposed to the proposed amendments to K.S.A. 8-255 requiring certain former offenders to declare publicly their convicted-person status by way of a symbol on their vehicles.

This law poses the same problems as the public-access provisions of the Kansas Offender Registration Act, but to a much greater extent. Kansas cities and towns offer little public transportation (if at all); consequently, former offenders and their families are – like all Kansans – heavily dependent upon their private vehicles for transportation to work, school, therapy, the grocery store, church, and so forth. Vehicle markings will follow and stigmatize the former offender and his family and associates in nearly every phase of public and private life. The following notes caution against this proposed law:

- I. The proposed law is unnecessary.
 - A. Kansas already provides public access to information about former offenders through the Kansas Offender Registration Act.
 - B. Particular former offenders who pose a demonstrable continuing risk to the public may be committed under the Sexually-Violent-Predator Commitment Act.

- C. The proposed law presumes that former sex offenders pose a greater risk to the general public than do the public's known friends and relatives, and thus the general public needs to be warned about every former offender's history. This presumption is false. See Alan R. Kabat, *Scarlet Letter Sex Offender Databases and Community Notification: Sacrificing Personal Privacy for a Symbol's Sake*, 35 AM. CRIM. L. REV. 333, 339 (1998) (noting that nearly 90% of perpetrators of child sex crimes are known to the victim), citing United States Dept. of Justice, Bureau of Justice Statistics, *Sex Offenses and Offenders: an Analysis of Data on Rape and Sexual Assault* 14 (1997).
- II. The proposed law will discourage former-offender reintegration. See attached anecdotal evidence at 4.
- A. The law will make it difficult for former offenders to socialize with nonoffenders, who might not wish to be publicly associated with former offenders by riding in marked vehicles or having marked vehicles parked in front of their homes.
- B. The law will make it difficult for former offenders to find employment. Employers seeking drivers are unlikely to want their companies to be associated with the marked vehicles of their drivers. Employers might also be reluctant to have marked vehicles in their parking lots.
- C. The law will make it difficult for former offenders to find housing. Renters may be reluctant to have marked vehicles parked on their property.
- D. Former offenders who must bear the mark of their past every time they venture away from home by car will be disinclined to make the effort to become productive citizens, will be encouraged to view themselves as unrehabilitatable, and may go underground and/or reoffend. One author has cautioned that there is "a growing consensus in the psychotherapy community that community notification measures exacerbate the feelings of isolation and depression which may have led sex offenders to offend initially." Caroline Louise Lewis, *The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act: An Unconstitutional Deprivation of the Right to Privacy and Substantive Due Process*, 31 HARV. C.R.-C.L. L. REV. 89, 93 (1996) (arguing that community notification laws might "have the brutally ironic effect of achieving what they are enacted to prevent – an increased likelihood that released, unrehabilitated sex offenders will reoffend").
- III. The proposed law will unfairly stigmatize spouses, children, and other relatives and friends of former offenders. See attached anecdotal evidence at 4.

- IV. The proposed law will encourage public fear, vigilantism, or, conversely, a false sense of security and an eventual “fatigue effect” from information overload, resulting in less public watchfulness. See Bruce J. Winick, *Sexually Violent Predator and Sex Offender Registration and Community Notification Laws: A Therapeutic Jurisprudence Analysis of Sex Offender Law in the 1990s*, 4 PSYCHOL. PUB. POL’CY & LAW 505, 554 (1998); Peter Finn, *Sex Offender Community Notification*, RESEARCH IN ACTION (NIJ, Feb. 1997). See also attached anecdotal evidence at 4.
- V. The proposed law is likely unconstitutional, and will be open to attack on numerous grounds, including the First Amendment, the Fourth Amendment, the Fifth Amendment, the Ex Post Facto Clause, the Double Jeopardy Clause, the Due Process, and the Eighth Amendment. Similar forms of branding have been deemed unreasonable by courts in other jurisdictions. See, e.g., *State v. Muhammad*, 43 P.3d 318 (Mont. 2002) (holding that condition of probation requiring defendant to post warning sign on his residence was not reasonably related to offender rehabilitation or public safety, and would have unduly punitive “scarlet letter” effect); *People v. Hackler*, 16 Cal. Rptr. 2d 681 (1993) (holding that condition of probation requiring defendant to wear T-shirt publicly identifying him as a thief was unreasonable). Many of the courts that rejected various constitutional challenges to registration laws with public-access or public-notification provisions did so by *contrasting* those laws with the hypothetical scenario this proposed law will make real. See *A.A. v. New Jersey*, 176 F.Supp. 2d 274 (D.N.J. 2001) (discussing cases distinguishing between notification laws and “branding” laws, which “generally require the physical participation of the offender, and typically require the physical confrontation between the offender and members of the public”) (internal quotations omitted). Court rulings finding registration laws constitutional thus are easily distinguishable and do not support a prediction that the proposed law mandating vehicle markings will ultimately be deemed constitutional.
- VI. The costs of litigation and law enforcement’s response to acts of vigilantism engendered by the proposed law are not taken into account by the Fiscal Note.
- VII. The proposed alternative in HB No. 2611 (GPS monitoring) may violate equal protection, insofar as the only registered offenders who may avoid the public stigma and accompanying risks of vehicle markers are those who can afford the costs of GPS monitoring.

ANECDOTAL EVIDENCE THAT VEHICLE MARKERS WILL DISCOURAGE OFFENDER REINTEGRATION
AND ENCOURAGE VIGILANTISM AGAINST OFFENDERS AND OTHERS

In 2001, a Texas judge ordered 21 registered sex offenders to post signs on their homes and vehicles warning the public of their crimes. One of the offenders attempted suicide, two were evicted from their homes, several had property vandalized, and one offender's father reported that his life had been threatened. See Ross E. Milloy, *Texas Judge Orders Notices Warning of Sex offenders*, NY TIMES A10 (May 29, 2001).

In New York, an offender's move into a community was advertised by a mass mailing sent by the local school superintendent to all residents of the district. "After the mailing, the individual was fired from his job, members of his family were harassed, his brother received 'ominous, anonymous' telephone calls, and an attempt was made to break into his home." Reported in *Doe v. Pataki*, 940 F.Supp. 603, 609 (S.D.N.Y. 1996).

In New Jersey,

Carlos Diaz, a convicted sex offender, was literally driven out of town after a crowd of news vans, reporters, and members of the Guardian Angels set up a round-the-clock stakeout outside his mother's apartment, where he had been living. The Guardian Angels posted "wanted" posters for Diaz throughout the neighborhood and made public threats against Diaz and his family. Local politicians and community leaders also made statements condemning him and objecting to the presence of his family in the community. Eventually, after effectively having been held prisoner in her own apartment for a week, Diaz's mother fled the home as well

Another individual, who had been convicted in 1986 of a sex offense involving his 16-year old stepdaughter, was released from prison in 1995. Shortly thereafter, the local police circulated his name and photograph in the community with a statement that he posed a danger to children. After his neighbors started calling him a "child molester," his landlord locked him out of his apartment. He was physically attacked three times

Other New Jersey sex offenders subjected to community notification suffered similar consequences: the loss of employment; threats of violence; property damage; being forced from their homes; and other public harassment In addition, the mother-in-law of a convicted sex offender was intimidated on two occasions by strangers who attempted to force their way into her home while demanding information about the whereabouts of the sex offender and his family

Finally, in perhaps the most bizarre incident in New Jersey, two men broke into a house that police had identified as the home of a convicted sex offender. They attacked the wrong man – a visitor who was spending the night in the house. He suffered serious injuries to his shoulder, neck, and back, and because of the resulting publicity and mistaken impression that he was a sex offender, he lost his business. Moreover, his children and fiancée were ridiculed and harassed

Reported in *Doe v. Pataki*, 940 F.Supp. 603, 609 (S.D.N.Y. 1996).

- The majority of reported rapes occurred in single-family dwellings, only 3.7% were raped in a motor vehicle. Victims will not have opportunity to identify a potential sex offender because they will not be near the offender's vehicle.
- A sex offender who is intent on using a vehicle to find a new victim could easily rent or borrow a car, therefore bypassing the intent of this Bill. HB 2611 will not serve to help victims be warned of a sex offender.

In general, KCSDV opposes HB 2611 because it is too simple and will have minimal effectiveness as a victim alert program.