



Kansas Sheriffs Association

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Sheriff Sandy Horton, Executive Director

TESTIMONY IN SUPPORT OF HB2081

Chairman King, members of the committee, I am honored to present testimony on behalf of the Kansas Sheriff's Association and Sheriff's across the State of Kansas in support of HB 2081 related to civil forfeiture of instrumentalities for the crimes of Aggravated Indecent Solicitation of a Child, Indecent Solicitation of a Child and the Sexual Exploitation of a Child. Thank you for allowing me this opportunity to present my remarks in support of these changes.

Working in law enforcement for the past 31 years I have seen technology evolve tremendously. For the past 10 years, I have been assigned the task of investigating crimes against children and have developed the Crimes Against Childrens Unit for the Ford County Sheriff's Office, which investigates both hands-on offending and internet offending. The unit is an Affiliate member of the Kansas Internet Crimes Against Childrens task force. In this role, I have attended specialized training in conducting investigations of sexual predators. Some of that training includes attending the Dallas Crimes Against Children Conferences, Kansas Internet Crimes Against Children Conferences, Internet and Technology Facilitated Sexual Exploitation of Children and Inside the Mind of Child Sex Offenders.

Using the training and tools I have at my disposal, I have been active in investigating crimes against children either as hands-on offenders or internet offenders. I am very passionate about these cases and the way they are investigated. Investigating internet crimes against children, whether it be posing as a young child in an internet chat room or seeking people who are trading in, receiving, distributing child pornography on the internet in their home, business or wireless devices through software or websites which is either purchased or free.

In the course of investigating these cases, I have encountered elaborate computer systems and very simple laptop computers to facilitate or further their sexual desires of a child. In the criminal investigations either the tower (CPU) or laptop is seized but none of the other peripherals are. The reason is that once the criminal case is completed, the defendant has the right to have those items returned minus any contraband that was found. Nothing in statutes prohibits the offender from having possession of those items unless they are banned from their use by either parole or probation conditions. But, that doesn't stop them from their desire of children.

I would equate this position to a drug trafficking case. When a vehicle was used to transport narcotics from one location to another location the vehicle is subject to forfeiture because it was used in the commission of the crime. By removing the vehicle it then limits the drug courier from using it in another drug crime.

In cases involving crimes against children or internet crimes, it would remove the vehicle for those offenders to access the internet or possessing child pornography contraband or the collection of such material. Eliminating the electronic devices the offender uses in the commission of the crime logically saves a child from abuse or the continued abuse by other offenders. Offenders normally don't have just one victim --- they have many.

While it is true some people look at child pornography or the collection of child pornography as a victimless crime: I do not. It is not a victimless crime, a child was victimized during the taking of pictures and videos. The child is again victimized every time another offender receives that image or video. Once an image is on the internet there is no way to remove it. When the offender views child pornography it fuels the desire of that offender to touch a child in person. In support of this statement, I recently interviewed a male, who was possessing child pornography who told me he is a pedophile and he didn't know how much longer he could control himself from offending on a child. He is married and has a 2 year old child.

In another case, while posing as a young girl in an internet chat room engaged in a conversation with a male from Garden City, I observed him walk a block from his home to meet an undercover officer he believed to be a child. He left his 2 small children alone at home. He was charged and convicted in 2007. Then in 2011 was sent to prison on numerous probation condition violations. In other words he continued his criminal activities. A person who solicits sexual conversation on the internet, Electronic Solicitation is a level 3 person felony, with no criminal history 55 to 61 months in prison.

Having investigated numerous cases of child abuse, I find it is not unusual that the offender will commit another offense at a later date. I investigated a case in 2006 where a step-father was sexually abusing his step-daughter, looking at, and possessing child pornography. That case resulted in the step-father receiving probation for his crimes. In 2011, he was charged again with the sexual abuse of his biological daughter, who was 2 years old at the time. In his current plea, he will be going to prison for 6 years.

I could describe to you a multitude of cases that I have investigated to support the forfeiture additions in HB2081, but I'm sure you have an idea of why it is important to law enforcement and the communities it serves and the victims of these crimes, to remove the instruments the offenders are using to prey on our children.

A person convicted of a crime against a child receives less time in prison if any, than a person who is convicted of selling cocaine within a 1000 foot of a school. Sexual Exploitation of a Child, a level 5 person felony, with an offender with no criminal history could receive anywhere from 31-34 months but it is a border box and most receive probation. Selling cocaine within 1000 foot of a school, level 3 drug felony, no criminal history could receive anywhere from 46-51 months in prison and is a presumptive imprisonment. We put more value on drug crimes than we put on protecting our children, that's wrong. I am concerned these crimes are at a severity level including border boxes.

By requiring the forfeiting of the electronic devices offenders use, we can prevent them from using the tools again to further their sexual desires. We understand offenders could purchase new electronics but they will have to start over collecting the computer and peripherals at a significant cost to them. Just as we would remove the tools from the drug offender we should also remove the tools used to commit computer sex offenses from the offender and prevent the continuing sexual abuse of children. This is not a move for monetary gain for law enforcement, frankly most of the electronic devices are not in good shape to start with but would remove those electronic devices from the offenders. Only the electronic devices owned by the offender would fall under the forfeiture statutes.

It has been an honor for me to represent the Kansas Sheriff's Association and Sheriffs across the State of Kansas in this testimony. Thank you for your time and attention. I will try to answer any questions you may have.

George Brown, Investigator
Ford County Sheriff's Office