

Etan, Jacob, Megan, Amber, and Adam

Remembering the Children of the Sex Offender Registration Laws

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### Abstract

This paper serves as a reminder of the ongoing fight to keep children safe. In order to ensure the public awareness offered under the child protection laws, the children who lost their lives must be remembered. A community which is well informed is better able to protect its most vulnerable and precious members. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) studied factors involved in stranger abductions and delivered a report filled with shocking facts. Entities such as the American Civil Liberties Union (ACLU), and Human Rights Watch (HRW) are striving daily to place the rights of the sex offender in the forefront, rather than the face of the child who lost his or her life and brought these laws into being. This paper will present the stories of the children of the sex offender registry laws, the statistics of stranger abductions and the efforts being put forth by the ACLU and HRW to hinder public knowledge of sex offender whereabouts.

Etan, Jacob, Megan, Amber, and Adam

### Remembering the Children of the Sex Offender Registration Laws

Years ago, I had the opportunity to attend a speech given by Colleen Nick at a Law Enforcement Summit in Little Rock, Arkansas. Her daughter, Morgan, was abducted from a ballpark in Alma, Arkansas on June 8<sup>th</sup>, 1995, while catching lightning bugs. At the time Morgan was taken, I was pregnant with my daughter, Conor, and due in August. I was shaken and troubled by this abduction which I felt took place too close to my home in Bella Vista, Arkansas, a distance of about 75 miles. I was allowed to follow my calling to help kids like Morgan, and attend training in child abductions over the next couple years. In 2004 I was promoted to the position of Detective, and being the only female in that position, I was assigned most of the sex and child crimes in my department. This is how I came to attend the speaking engagement with Colleen Nick. Her highly emotional story led the audience step by step through the hell her life became that summer night. I have never forgotten Colleen's closing statements when she called on all the police officer's present to remember one thing. "Morgan Nick is a child, my child, and not an age progression on a missing child report." This struck a chord in me to keep children as my focus and number one concern.

According to *Child Molesters: A Behavioral Analysis*, "Any law enforcement officer assigned to the investigation of child exploitation should be a volunteer...who has been trained in this highly specialized work." All too often police officers forget the human element in our nation's sex offender laws. The four most prominent of these are each named for a child who fell victim to a sexual predator. Stranger abductions account for only a small fraction of all missing children reports made each year, but the outcome is by far the most traumatic and heart-wrenching. These abductions have so outraged the people that

governing acts have been instituted to help ensure the safety of society's most vulnerable members. Statistically, children abducted by strangers rarely return home. An alarming percent have been killed before they have been reported to law enforcement as missing and endangered. Organizations such as the American Civil Liberties Union (ACLU), and Human Rights Watch (HRW), have attempted to reduce these laws to no more than knee-jerk reactions that trounce upon the civil rights of the sex offender who has paid his debt to society.

### The Children

#### Etan Patz

On May 25, 1979, Etan Patz, a six year old New York City boy, was given permission to walk the two short blocks to his school bus stop all by himself. He enjoyed that new freedom for the first and only time that day. He never came home, and his school neglected to notify his parents of his absence. After his parents contacted police, the news media swarmed the family home. A tabloid photographer asked Etan's mother Julie if she would "mind working up a few tears for me now, so I don't have to come back and bother you again when they find the body?" He didn't have to come back, the body has never been found.

The prime suspect in the case, Jose A. Ramos, a convicted child molester, dated a woman who had been hired to walk Etan home from school during a school bus strike. He has been in prison on other charges for almost thirty years and is up for release in 2012. Twice a year; on Etan's birthday and the day he disappeared, his father, Stan, has mailed the same missing child poster of his son to Ramos, with the message: "What did you do to my little boy?"

At the time, there was no coordinated effort between federal, state, and local law enforcement for missing children's cases. There was also no national response system in place; and no central resource to help searching families. In 1983 President Ronald Regan proclaimed May 25 National Missing Children's Day, in honor of Etan Patz. The disappearance of Etan, Adam Walsh, and 29 missing and murdered children of Atlanta, led to photographs of missing children on milk cartons. Etan was the child featured on the first milk carton issued. The Patz family continues to live in the same home with the same phone number, which he had memorized.

#### Jacob Wetterling

In 1989, on a cool clear October night in rural St. Joseph, Minnesota, three young boys ride bikes and a scooter to the Tom Thumb store a mile from home to rent a movie. It was about nine o'clock when they were returning. They were less than a mile from home when a masked man carrying a gun jumped out of the woods and told them to lay face down in the ditch. He was wearing all black with panty hose over his head, according to police reports. One at a time, each boy was turned over and asked his age. Ten year old Trevor Wetterling was told to run into the woods and not look back. Eleven year old Aaron Larson was next. The man yelled "Run to the woods as fast as you can, or I'll shoot!" As Aaron ran away, he saw the man grab 11 year old Jacob Wetterling by the jacket. When the boys got to the woods and looked back, the man and Jacob were gone. The boys had not seen a car in the area. Aaron and Trevor ran home and 911 was contacted immediately. Police were at the home within seven minutes of that 911 call. A massive search and intense investigation lasting years has not produced a trace of Jacob. Over 20,000 leads were received the first year, but no solid suspect has been found.

When given the odds of recovering her son, Patty Wetterling said “We have one boy who is missing, and he’s not a statistic.” The Wetterling’s live in the same house, and have the same phone number they had when Jacob was stolen from them. They want him to be able to return to his home.

### Megan Kanka

On July 29<sup>th</sup>, 1994, seven year old Megan Kanka is riding bikes with her friends in her quiet Trenton, New Jersey neighborhood. When she doesn’t return home, her mom goes house to house looking for Megan. Mrs. Kanka stops at the home of three single men who live just thirty yards from her front step, to ask if anyone had seen her daughter. One of the men, Jesse Timmendequas, said he had indeed seen Megan earlier. He offered to print posters to aide in the search, if Mrs. Kanka would provide a photograph of Megan.

Within 24 hours, Timmendequas leads police officers to Megan’s body. She had been raped, beaten, and strangled with a belt, before her tiny body was stuffed into a toy box and dumped in a park. Timmendequas talked to Megan in his driveway and said he had lured Megan into his house with the promise of seeing his new puppy. Richard Kanka, Megan's father, walked out on his porch and looked across the street. "Someone," he yelled, "ought to burn that house to the ground"

This was not the first encounter with law enforcement for Timmendequas; he had been arrested twice for sexual assault on children. The first in 1981, involved the attack of a five year old child and the second was an attempted assault of a seven year old. The other two men living in the home were Joseph Cifelli and Brian Jenin. Cifelli had been arrested for repeatedly sexually assaulting a relative over a period of years starting when the victim was nine. Jenin had two prior arrests for sexual assaults on children also. Cifelli and

Timmendequas were under investigation for two child murders in California at the time Megan was murdered. These three men met in a treatment center in California. Richard and Maureen Kanka said "If we had been aware of his record, my daughter would be alive today." In just 89 days New Jersey had signed Megan's Law, which mandated community notifications.

On September 20, 1995, Megan's Place was dedicated. The house where Megan was murdered had been demolished and a park was put in its place.

#### Amber Hagerman

On January 13, 1996, Amber Hagerman and her family are visiting her grandparents in Arlington, Texas. Amber is nine and her brother Ricky is five. They are riding their bikes, and were supposed to just go around the block. Amber decided to go a little further than they were supposed to because neighborhood kids had set up a bike ramp in the vacant Winn Dixie parking lot. Ricky and Amber stopped to play on the ramp for a couple of minutes. Ricky headed home first because Amber said she wanted to go down the ramp one more time, and would be right behind him. When Ricky returned alone, grandpa, Jimmie Whitson, went to look for Amber. As he pulled into the parking lot he saw a police officer. The officer told him they had received a 911 call about a little girl screaming. A witness had seen a dark pickup pull up, a man jump out, grab a little girl and force her into the truck. Police were contacted just eight minutes after Amber left her grandparent's home.

Four days later, a man walking his dog a few miles away saw a child's body at the bottom of a creek bed. An autopsy determined Amber had been held alive for approximately two days, during which time she was sexually assaulted. Her killer has never been located.

For the past thirteen years, Donna Norris has spent the night of January 13<sup>th</sup>, in the

parking lot where her daughter was last seen being abducted. “It’s bittersweet because Amber has saved so many children’s lives.” The Amber Alert system has been credited with safely locating nearly 500 children since it began in 1996.

#### Adam Walsh

On July 27, 1981, six year old Adam Walsh and his mother Revé went to a department store about a mile away from their home in Hollywood, Florida, to shop for lamps. When they entered the store Adam saw several children playing video games on a television monitor and asked if he could stay to play. His mother let him stay and went to the lamp department, which was about 75 feet away. Because the lamp she wanted was not in stock she returned less than ten minutes later, but couldn’t find Adam. After going to her car twice to see if Adam had gone there and looking for him on her own for two hours, the police were contacted. In an interview of a security guard from the store it was revealed Adam may have been told to leave the store. There had been four boys playing with the video games in the toy department and they started causing a ruckus. The boys were separated; two boys went out the north entrance and two out the west entrance. If Adam had been put out the west entrance, he would have been disoriented because he only knew the north entrance where his mother always parked

Sixteen days after Adam disappeared from the store, his head was found in a canal 120 miles away. Adam was identified using dental records. The rest of his body was never recovered. In December of 2008, police closed the investigation of Adam Walsh’s murder. Ottis Toole, a serial killer who died in jail in 1996 gave a deathbed confession. At the press conference Adam’s father, John Walsh said, “Who could take a six year old and murder and decapitate him, ...today we know.”



## Laws Enacted

### Jacob Wetterling Act

In 1991, Minnesota's Sex Offender Registration Act becomes the first legislative initiative of the Jacob Wetterling Foundation. When Jacob was abducted in October 1989, law enforcement did not have a comprehensive list of sex offenders from which to begin their investigation. The leads received by investigators became the basis of an extensive computerized database.

The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act is passed as part of the Federal Violent Crime Control and Law Enforcement Act of 1994. This act requires any person convicted of a criminal offense against a minor or who is convicted of a sexually violent felony to register his or her current residence with local law enforcement following release from prison, placement on parole or supervised release, or probation. States are required to implement a sex offender and crimes against children registry.

### Megan's Law

On May 17, 1996, President Clinton signed Megan's Law as an amendment to the Jacob Wetterling Crimes Against Children's Act. Megan's Law requires each state to establish a community notification system. Because of this the public would now be notified when dangerous sexual offenders move into their area.

The law was not intended to punish the offender and specifically prohibits using the information to harass or commit any crime against an offender. At the time of Megan's murder, authorities were not allowed to disclose the location of registered sex offenders. Megan's Law allows law enforcement to disclose registration information to the community

for enhanced public safety.

The federal law required all states to release information to the public about known convicted sex offenders when it was necessary to protect their safety but did not mandate active notification. The federal mandate to release information to the public is often mistakenly referred to as community notification but, the federal mandate required just the release of information to the public. There is a significant difference between simply releasing information by making it available for the public to access, and active community notification, where law enforcement officers go door to door or send out mailings to inform neighbors and schools. The federal Megan's Law did not require states to enact active notification laws, whereas New Jersey's Megan's Law of 1994 had specific requirements for active community notification.

#### Amber Alerts

A nationwide communication network began in 2003 through the PROTECT Act.

- AMBER - America's Missing: Broadcast Emergency Response. The acronym was created as a legacy to Amber Hagerman. Began in 1996 when Dallas-Fort Worth broadcasters teamed up with local police to develop an early warning system to help find abducted children.
- The AMBER Alert™ Program is a voluntary partnership between law-enforcement agencies, broadcasters, transportation agencies, and the wireless industry, to activate an urgent bulletin in the most serious child-abduction cases. The goal of an AMBER Alert is to instantly galvanize the entire community to assist in the search for and the safe recovery of the child.

This act also increased the statute of limitations for sex crimes against children to the life of the child. Child pornographers are now mandated to register as sex offenders.

In 1998, while the Amber Alert system was just a regional program, the first recovery was made when a two month old was located in Arlington, Texas following the activation of the Amber Alert system.

#### Adam Walsh Child Protection and Safety Act

- July 27, 2006, changed how America protects its children from sexual predators, when President George W. Bush signed a new law to track and apprehend convicted sex offenders who disappear after their release from prison.
- The date wasn't chosen randomly. It was exactly 25 years earlier that John and Revé Walsh suffered the abduction and murder of their six-year-old son, Adam.
- The act builds a national standard so certain states are not allowed to become "safe harbors" for sex offenders. Communities in each state should be able to have the same type of information about potential threats to their children.

#### Frightening Statistics

The following statistics are the findings of the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP) in 2002. They were compiled via a nationwide study of 621 cases involving a murdered victim less than 18 years old at the time of the abduction.

Another OJJDP study of 155 men convicted of possession of child pornography, 131 admitted to hands on crimes against children. Those 131 men disclosed a total of 1700 victims. The booklet *Child Molesters: A Behavioral Analysis*, by the OJJDP, states, ““Not all child victims are “little angels.” They are however, human beings.””

Table 1 shows the timeline from point of contact and abduction to the time of a child's death. Almost all children abducted by a stranger will be murdered within 24 hours.

The exception is the child taken to fill a void or those taken for profit or ransom.

Table 1

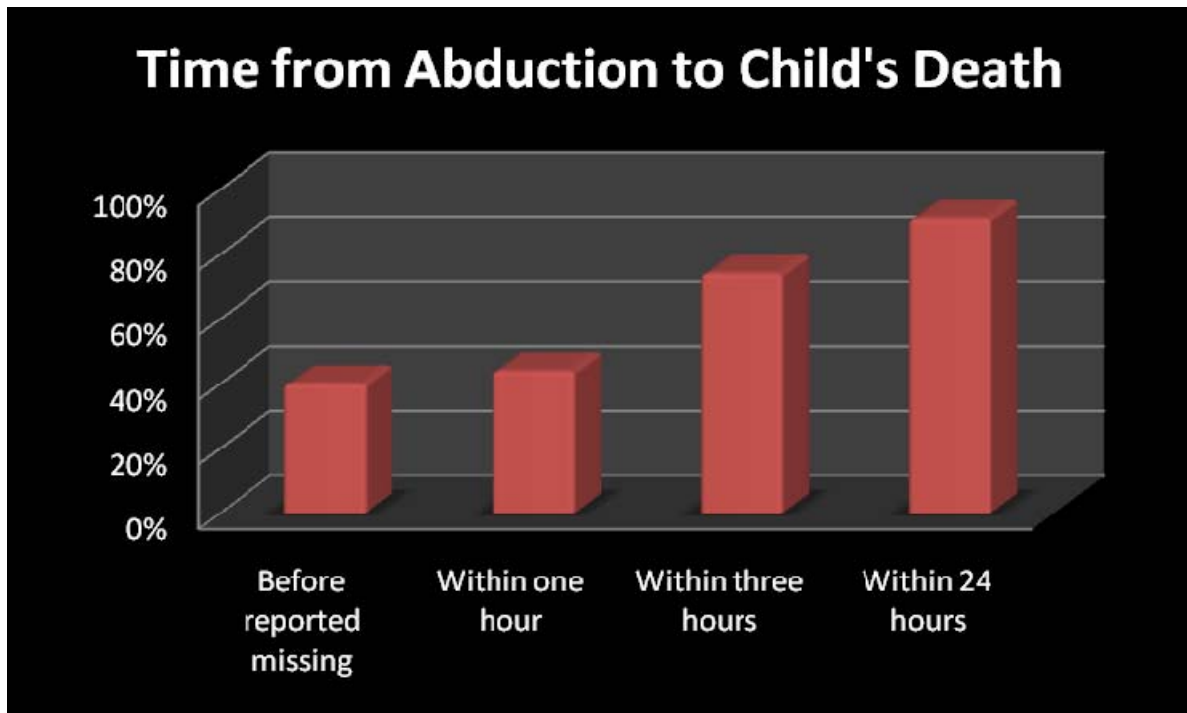


Table 1: it is crucial police are notified as soon as a child is suspected to be missing. Wasted time can be a death sentence.

Motivating factors for the abduction:

- Sexual gratification
- Killing itself is the means of arousal or gratification
- Infants taken to fill a perceived void in the offenders life
- Ransom from the victim's family
- Profit from a third party

The vast majority of abductors are unemployed at the time of the offense. As shown in Table 2, the occupation listed with the highest incidence rate was the construction field.

Table 2

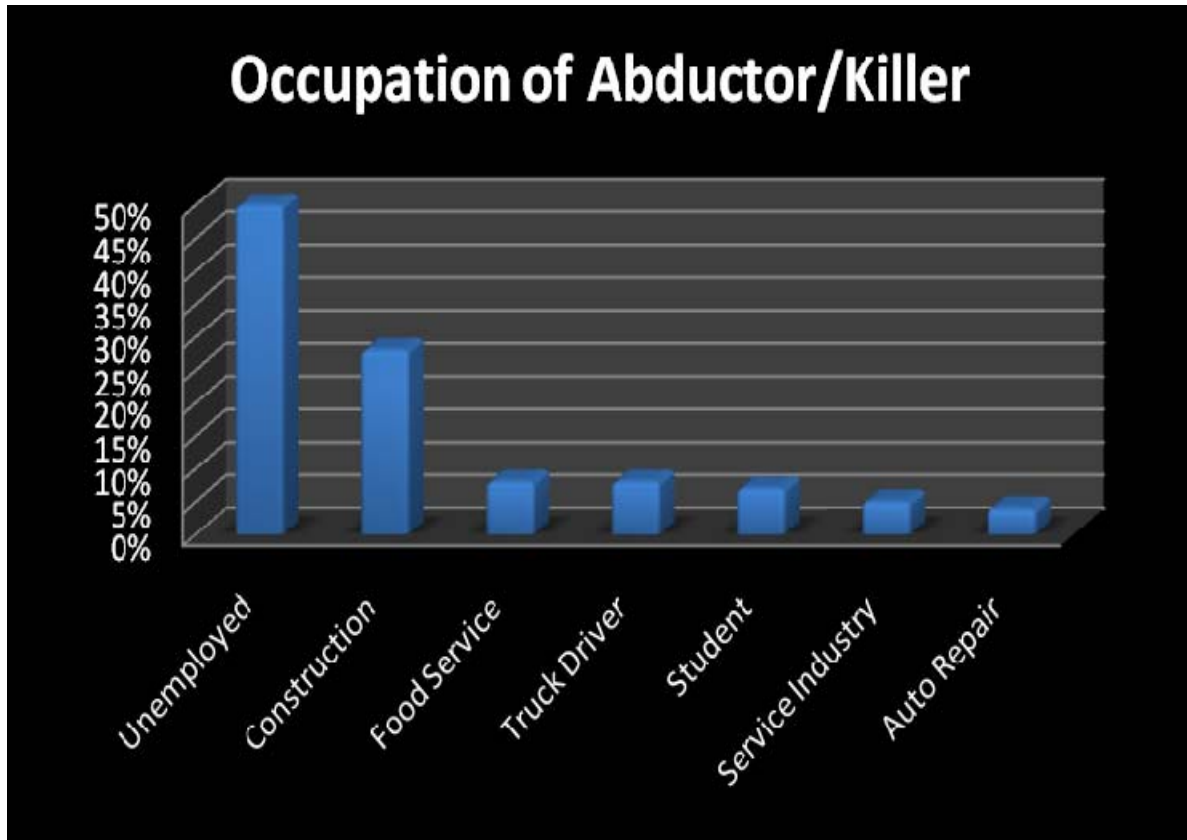


Table 2: the most common occupations of stranger abduction killers.

Abduction location:

- 80% were taken within ¼ mile of the child’s last known location
- 33% were within 200 feet of home

Child abductions by strangers are usually a crime of opportunity, and the abductor is in the area for legitimate reasons. These reasons may be work related such as cable or postal workers, or they may live or be visiting in the neighborhood where the child is at the time.

The category listed as knew the child in Table 3, is most often an outsider who had made the child's acquaintance at some time.

Table 3

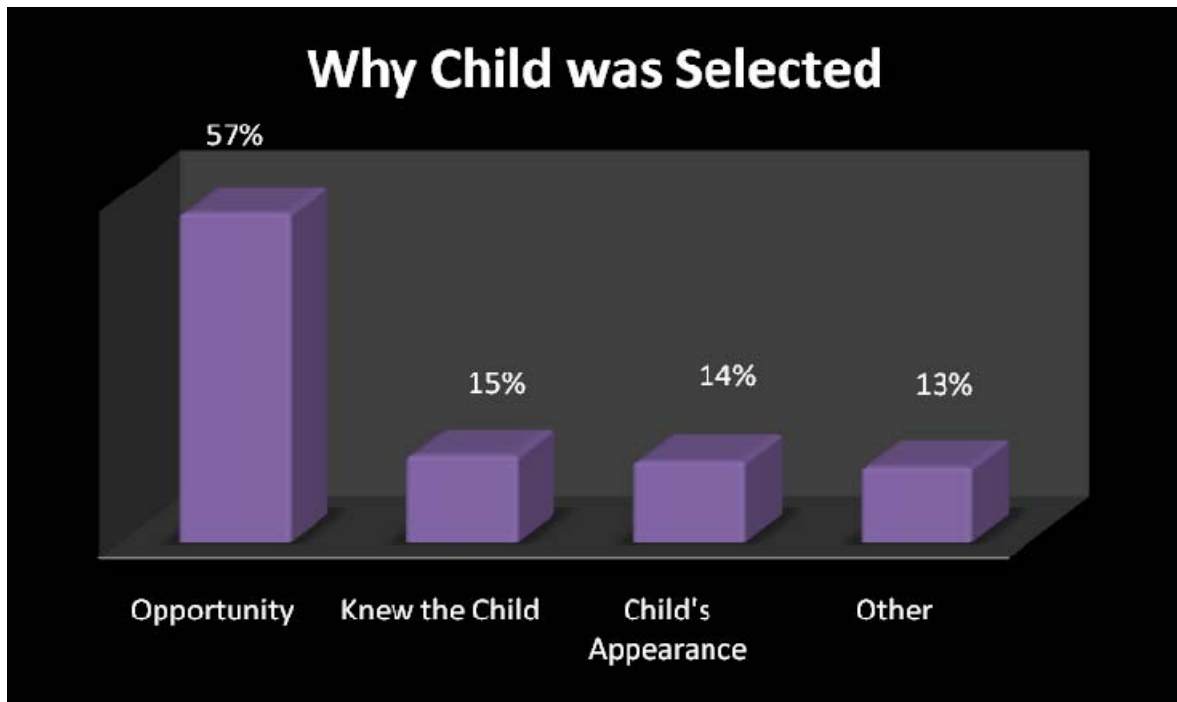


Table 3: the reasoning behind the selection of the victims.

#### Victim-Killer relationship

- 53% complete stranger
- 39% known to family
- 9% family member

In the hours and days following a child abduction murder, the offender may have very specific ritualistic behaviors. As shown in Table 1, he may return to the dump site of the body numerous times. These visits may be to relive the event or to ensure the body hasn't

been located. They will often join in the search, which given them a feeling of power over the situation, and also keeps them “in the loop” for any leads.

Table 4

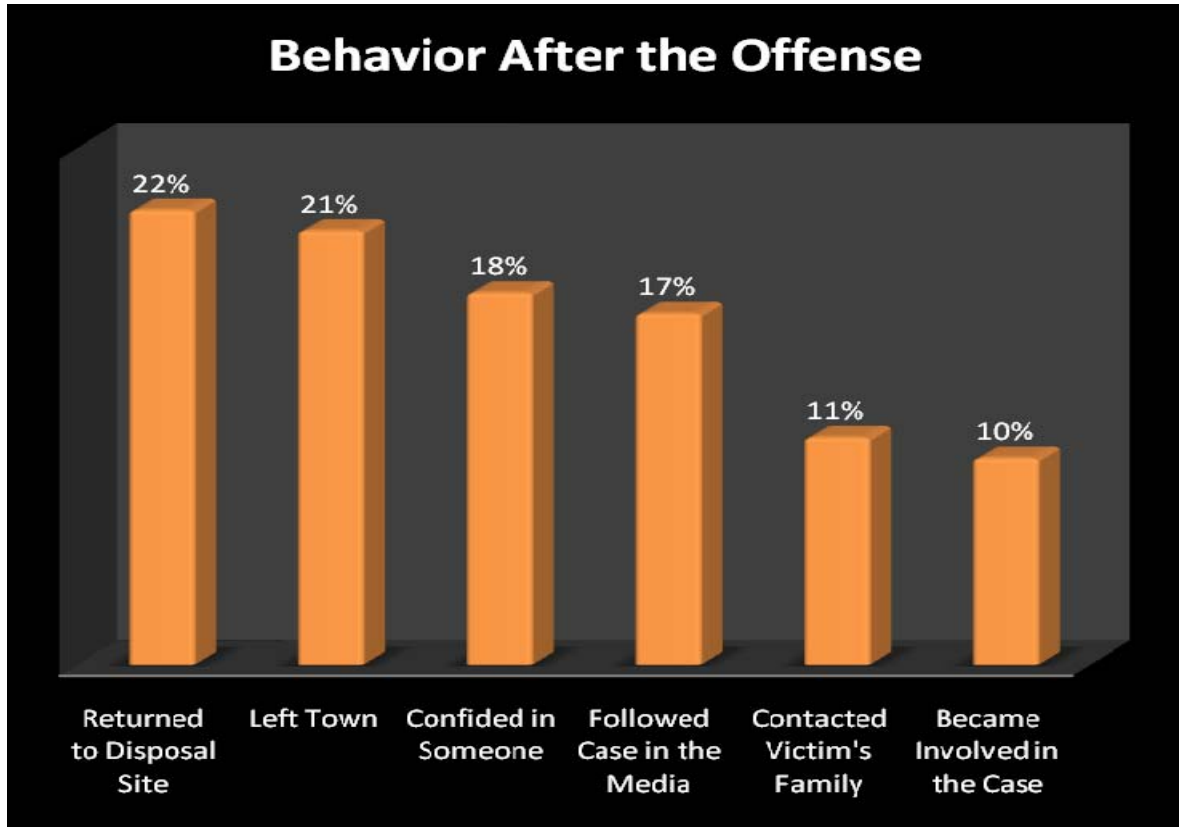


Table 4: the most common actions of the killer post event. Many will fall into more than one category.

98.5% of child abductor/killers are males.

The American Civil Liberties Union (ACLU)

The ACLU, a self-professed non-partisan organization with hundreds of thousands of activists and members, holds the opinion that the Sex Offender Registration and Notification Act (SORNA) of 2009 and the 2005 Children’s Safety and Violent Crime Reduction Act, will not prevent sexual victimization. The law requires offenders be placed in a three-tier

system based on the crime committed. Simply looking at the crime a person was convicted of tells you very little about the chance that he or she will reoffend. On this point I have to agree with the ACLU. The important thing to remember is that states can still use the actuarial risk-based system which is an in depth study of the person, not the crime. The ACLU stance is that mandatory minimums in these acts infringe upon the First Amendment Rights of free speech by eliminating federal and state prisoner's ability to challenge their convictions. Also at issue is the fact these laws cover people who have "paid their debt" to society. As quoted in the ACLO article Megan's Law Prompts Fairness Question in Online Notification of Sex Offenders, (1999, January 19) "People who've been convicted of crimes, who serve their sentences, shouldn't be the subject of continuing punishment," Barry Steinhardt, Associate Director of the American Civil Liberties Union. Notification laws will not prevent sex offenders from committing crimes, the ACLU said but will victimize rehabilitated ex-offenders and their families.

#### The Human Rights Watch (HRW)

The HRW released a report entitled No Easy Answers, in 2007 which followed two years of investigation into United States sex offender policies, the impact on public safety and the effect on offenders and their families. The paper notes sex offender registration, community notification, and residency restriction laws are ill-considered, poorly crafted, and may cause more harm than good. US Supreme Court Justice Clarence Thomas is quoted as saying: "Widespread dissemination of offenders' names, photographs, addresses, and criminal history serves not only to inform the public but also to humiliate and ostracize the convicts. It thus bears some resemblance to shaming punishments that were used earlier in our history to disable offenders from living normally in the community." Their



recommendations include:

- All provisions of the Adam Walsh Act that deal with state registration and community notification requirements should be repealed.
- No offender who was under the age of 18 at the time of his or her offense should be required to register.
- Former offenders should not be required to register with their schools or places of employment. Employers can do background checks.
- Access to sex offender registries should be limited to law enforcement. Officials should only release information on a need-to-know basis. They should eliminate the use of posters, flyers, and other materials to alert communities of the presence of a registered sex offender in their neighborhood.
- Law enforcement must recognize their responsibility and authority to keep all community members safe, including people who have been convicted of sex offenses. In deciding the method and scope of community notification, officials should be required to take into consideration the potential for community hostility against registrants and take any necessary steps to mitigate the potential hostility.
- Neither states nor localities should have residency restriction laws that apply to entire classes of former offenders.

### Conclusion

These and all children taken from their families should never be forgotten. Their rights should in no way be trampled upon in the fight by the ACLU and HRW to protect the offenders and their families. The offenders' own actions led to their photographs and physical descriptions on the internet, and fliers distributed door to door in their

neighborhoods. These children deserved a safe, happy childhood, not abduction, rape and murder at the hands of a known threat to society.

Because of tragedies like these, grieving parents have formed a number of organizations which help protect other children. A few are: the Morgan Nick Foundation, the Jacob Wetterling Resource Center, Polly Klaas Foudation, and probably the best known; National Center for Missing and Exploited Children and America's Most Wanted both founded by John and Revé Walsh following the loss of his son Adam. There have been 1109 captures logged during a run of 1000 shows. These families have turned their loss into a legal triumph by pushing for the sex offender laws we have today. We in law enforcement owe it to their memory to always keep their faces in our minds. Revé Walsh said. "In our 27 years, doing what we do, we have educated law enforcement. I think they are more sensitive to the needs of missing children and their families. It's a great day for children."

### Implications

A couple recent items have highlighted the need for officers who stay heart and soul with these cases and are not deterred by biases or preconceived ideas of what may have happened to the child. Fox News posted an article on Tuesday March 9<sup>th</sup>, 2010 about the differences in two child disappearance cases a year apart. The two girls are seventeen year old Chelsea King and fourteen year old Amber Dubois. They went missing a year apart and only ten miles separated the locations where they were last seen.

Chelsea disappeared on February 25, 2010; she was last seen in a park wearing running clothes. FBI dive teams and the Marines were part of a search involving 1,500 law enforcement officials and thousands of volunteers ended on March 2nd when her body was discovered in a shallow grave. Fox News report that children from wealthy families tend to

generate more attention by being better able to work with the media.

On February 13, 2009, Amber vanished on her way to school. According to Fox News, the media showed little interest. Early sightings may have hampered the efforts to draw attention to her case. Amber was last seen between two and three hundred yards from her school. She had a check with her for \$200 to purchase a lamb, which was never cashed.

Ernest Allen, the executive director of NCMEC said he was immediately drawn to Amber's case because she did not appear troubled and was excited to be going to school to buy her lamb. Reporters and TV producers were speculating she was a runaway. Allen said "'What I hear all the time is, 'it's just a missing kid, Tell me why this one is different.' The ones that get the attention are the ones that are clear and unequivocal foul play.'"

Following the attention given to Chelsea's case and recovery of her body, Amber's case was brought to public attention. Her body was located four days after Chelsea's and their murders are possibly linked to the same registered sex offender, John Gardner.

Hollywood, Florida Police Chief Chadwick Wagoner said shoddy police work contributed to the failure to charge Toole with the abduction and murder of Adam Walsh, prior to his death. He'd been a suspect for 27 years, and the Walsh family torment continued.

Maybe the worst case in point involved the Milwaukee, Wisconsin police and their encounters with Jeffrey Dahmer. In the early morning hours of May 27, 1991, three police officers were dispatched to a 911 call from a rundown Milwaukee suburb. Sandra Smith, and Nicole Childress, witnessed an incoherent Asian boy running around naked, and bleeding. He couldn't speak English, but it was obvious that he was frightened of the white man following him out into the street, trying to get him to return to the apartment.

The white male, Jeffery Dahmer, told police the boy was his nineteen year old lover,

he was drunk, and they had a lover's quarrel. Police escorted the child to Dahmer's apartment, and left him, despite the concerns of the two women who had reported the incident. He became Dahmer's 13<sup>th</sup> victim of the seventeen known victims.

Dahmer strangled fourteen year old Konerak Sinthasomphone, abused his body, dismembered it, kept some parts to eat, and his skull as a trophy. If the police had run a check on Dahmer they would have learned he was on probation for a child molestation conviction. He was arrested twice for indecent exposure, in 1982 and 1986; in his second offense, he masturbated in front of two boys. September 26, 1988, he was arrested for drugging and sexually fondling a 13-year-old boy in Milwaukee named Somsack Sinthasomphone. (The older brother of Konerak) Dahmer was sentenced to five years probation and one year in a work release camp. He was required to register as a sex offender.

Police transcripts show the officers joked and laughed about the incident with the dispatcher. "Intoxicated Asian, naked male was returned to his sober boyfriend," adding his partner "is going to get deloused." Glenda Cleveland, whose daughter and niece reported Sinthasomphone, later called asking repeatedly what was done with the "child." An officer from the scene responded, "It wasn't a child, it was an adult . . . It is all taken care of . . . It's a boyfriend-boyfriend thing."

They didn't ask for the boy's ID. They didn't notice the holes drilled in his head. They didn't notice the stench of the decaying bodies at the apartment.

These cases clearly point to law enforcement bias, and the need to act without prejudice to protect all missing children. I have attended schools which actually showed home videos made by sex offenders in the act of torturing children and animals. There was no reason for those videos to be shown, and the most disturbing part of it was the laughter

from some of my fellow officers. I can still hear the sounds, and see the movies playing in my head when I close my eyes at night. It is sickening the instructor felt a need to continue the indignities perpetrated on innocent children. Throughout my years in law enforcement, I've heard many officers say they don't want anything to do with children's causes. Officers who can't hear the voices of the victims shouldn't be assigned these cases. Law enforcement must make every effort to have personnel in these positions who have a calling for it.

“The dead cannot cry out for justice; it is a duty of the living to do so for them.”

Lois McMaster Bujold (2002)

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