

Researching Sex Crime Offenders in Ohio

By Glenna Herald



The high-profile conviction of sexual predator Anthony Kirkland focused attention, once again, on Ohio's sex offender laws. Crimes like those committed by Kirkland prey on our collective psyche. We demand to know how a dangerous offender slithered through the cracks of our justice system. Legislatures respond to our moral outrage and pointed questions by enacting laws. These laws are intended to protect communities, by controlling current offenders and preventing future crimes.

In Ohio, sex crime laws address a range of injurious behaviors, from crushing betrayal — a clinical psychologist/psychoanalyst making inappropriate sexual advances towards clients — to brutal rape. It is difficult to track and to combat sex crimes, however, because often victims of these crimes do not report them.

Many factors contribute to the victims' reluctance to report such crimes. Some may be ignorant of the law, not fully realizing they have been victims of a criminal wrongdoing. Others may be paralyzed by feelings of shame and guilt, blaming themselves for the perpetrators' behaviors. More victims simply understand the limitations of our legal system. They choose not to press charges against perpetrators, as they are acutely aware of the horrors some victims face when reporting these crimes. The fact that many accusations of sexual misconduct are met with disbelief or blame legitimizes their fears. Consequently, a victim may experience just as much or more psychological trauma when reporting a sex crime as

the crime itself, according to Michelle L. Meloy's *Sex Offenses and the Men Who Commit Them: An Assessment of Sex Offenders on Probation* (2006).

By constructing new laws, legislatures hope to prevent future crimes while subduing current predators. In addition to impacting the criminal code, these changes influence real property, family, juvenile, and constitutional law. As the contours of these laws continue to shift, practitioners need access to reliable information to competently manage these cases.

On-line Resources

BNA's Criminal Law Reporter

The Bureau of National Affairs publishes this reporter weekly in print and electronic formats. It includes current news, court cases and expert analysis to keep practitioners informed of changes and controversies happening in the ever expanding area of sex crime law. *Sex Offender Registration* and *Sex Offenses* are indexed separately. The subject headings range from *civil commitment to homelessness*. The specificity of the index — for example, *drugging person for sexual intercourse* and *lifetime ban on Internet access* — should help researchers as well. In addition, the electronic version allows searchers to narrow their results by jurisdiction and date. Those interested in the current case law and its future implications should find this resource helpful: www.bna.com/products/lit/crl.htm

Cornell Law School Legal Information Institute: Constitutional Law

Some predict an onslaught of litigation challenging the constitutionality of sex offender registration legislation because of its lack of precision. To explore this topic further, visit Cornell's Legal Information Institute's Web site. It offers an easy-to-use and well-organized outline of constitutional law. Resources include an annotated federal constitution, state constitutions, and federal judicial decisions. This site also directs searchers to other no-cost and low-cost Internet sources covering constitutional law issues: http://topics.law.cornell.edu/wex/constitutional_law

CSOM

Maintained by The Center for Sex Offender Management, a project of the U.S. Department of Justice, this Web site offers "an overview of emerging practices in the field, a discussion of the benefits and limitations of such practices, and a common language." The policy and practice briefs, fact sheets, and resource documents range in topics from juvenile sex offenders to legislative trends in sex offender management. You can access and download these documents for free: www.csom.org/pubs/pubs.html

eSORN

The Office of the Ohio Attorney General supports this database consisting of information about all registered sex offenders in Ohio. This resource provides citizens of Ohio with "... one location for all Ohioans to learn about sex offenders >>

who live or work close to their home or their child's school." Although this Web site lacks substantial information to help practitioners defend or prosecute sex offenders, it does offer a good overview of Senate Bill 10, which changed the registration process for Ohio sex offenders. It also provides links for more information about tiers and classifications of sex offenders: www.esorn.ag.state.oh.us/Secured/p7.aspx

Office of the Ohio Public Defender: Adam Walsh Act

Ohio Public Defenders' Web site provides background information and current guidelines on the Adam Walsh Act. A large portion of this resource describes the three-tier sex offender classification system. It also supplies sample motions for sex offenders contesting their registration requirements. In addition, this site directs searchers to other no-cost online resources. Although this site focuses mainly on the defense of the accused, it is still worthy of a visit for anyone interested in the topic: www.opd.ohio.gov/AWA_Information/Adam_Walsh.htm

U.S. Dept. of Justice, SMART Office of Sex Offender, Sentencing, Monitoring, Apprehending, Registering, and Tracking


This resource provides practitioners with guidelines and updates for the Adam Walsh Child Protection and Safety Act of 2006 and the Sex Offender Registration and Notification Act (SORNA). It offers researchers archives of sex offender and sex offender registration cases from 2008 to the present. The cases are indexed by topic, for example, constitutional issues, juvenile offenders, and housing. It also includes an e-mail alert service. Practitioners need only to register to receive e-mail updates of information as it develops. To find out more, visit the SMART website at: www.ojp.usdoj.gov/smart/symposium.htm

Other Resources

Karen J. Terry & John S. Furlong, *Sex Offender Registration and Community Notification: A "Megan's Law" Sourcebook* (2009).

Terry and Furlong wrote this book to inform practitioners about the procedures of, and legal challenges to, federal legislation of sex offender registration. The authors introduce readers to this topic by explaining the impetus of these laws, the high-profile murders of Adam Walsh and Megan Kanka. They then discuss current federal and states cases, while offering commentary relating to the tension in the law and the ramifications of this tension. In addition, they analyze the punishment and non-punishment based philosophies for managing sex offenders. From civil commitment to chemical castration, this book thoroughly examines the well-intentioned, yet conflicting, aspects of these laws. This resource should be helpful to prosecutors and defenders alike.

Michelle L. Meloy, *Sex Offenses and the Men Who Commit Them: An Assessment of Sex Offenders on Probation* (2008).

Currently, the medical profession claims sex offenders suffer from "...psychopathology often associated with irresistible impulses... ruled by sexual aggressive tendencies that render them powerless to overcome these urges." This author challenges these psychiatric explanations for sex-offending behavior, asserting convincingly that, instead, sex offenders are "rational, calculating beings who expend time in the planning stages of their sexual criminality." It is a good book for practitioners interested in policy issues surrounding sex offender and sex offender registration legislation. 

Herald is a librarian at the Hamilton County Law Library.

About Fathers



By Bea Larsen

Time was, and not all that long ago, father brought home the bacon, and mother (while rocking the cradle) cooked it in the pan. But neither fathers nor mothers are who they once were. As new doors opened for women, men's lives changed as well.

Some of my close friends are coming for brunch on Father's Day to talk about our fathers, the part they played in who we became, how they influenced our relationships with our partners, our children and authority figures. Did we strive to perpetuate what we thought positive, and mindfully try to avoid repeating the negative? Were we successful?

The three fathers in my life were my husband's, mine, and of course, Len as a father.

Len faced adversity many times, but I only witnessed his unrestrained tears at the funeral of his father, a man of Norwegian heritage, usually stern of face. He'd grown up poor with a commanding work ethic, an intellectual with only an eighth grade education. In the years I knew him, he was an electrician for the railroad, and even in his sixties labored outside in Chicago's cruel winter temperatures. Devoted and loyal to his wife and family, but undemonstrative, he was a man of few words, and those often critical. A self-taught pianist, photographer and grower of exquisite flowers, in these endeavors he expressed pleasure and a sensuality that otherwise, even with close family members, seemed absent. I always thought of him as trapped, inside himself.

His son's tearful regret was never having told his father he loved him.

With his own children, Len was a tender and affectionate father when they were young. He fed, bathed and got them to bed three nights a week for four years, while I attended evening law school classes at Chase. Later, as the 1970s approached, he struggled to adjust to the social turmoil: his sons' hair length, raucous protests on the university campus and sexual mores turned upside down. Tensions rose in our family, especially with our adolescent sons. Len's anger was visible, but repressed. He was, in a sense, at war with himself, believing in two opposite truths, the standards with which he was raised and the new freedoms unfolding.

Years later, in our children's early adulthood, Len purposely sought to reestablish closeness. He took each of them, alone, on canoeing treks into the wilderness or on cross-country flights in his small plane, resolved to speak of and assure the parental love and approval he had so longed for, and wanting to be known for who he was in the present.


My very different experience, but also regret, is not having come to know my father better. I asked too few questions. Self-absorbed as an adolescent and then preoccupied with my own growing family and developing career, there were seldom private moments for intimate conversations when we visited. My mother was ever present, her persona more vivid. As a young teenager, my father traveled to America on his own to join other family members escaping the pogroms in Russia. He arrived speaking no English, but ten years later earned a law degree at N.Y.U. Off to work early

and returning late during the Depression years, and even thereafter, most of my childhood memories of him are indistinct, just of a kind and quiet presence, often humming some unrecognizable tune. When at home, I remember him reading, away from the center of activity. My parent's love for each other seemed to me ever present, in the way they spoke and often touched. Troubling words either went unsaid or more likely were voiced behind closed doors.

I never told my father I loved him, but for that I have no regret, only gratitude for our having been so secure in our love for each other. His approval of me was evident in the warmth of his smile each time we met, even if unspoken.

Some of my friends tell of fathers who were autocratic, disapproving and even cruel. Today I watch them with their loved ones and witness tenderness, devotion and respect. I marvel at how they have reversed the tide, and wonder if their fathers were trapped, inside themselves.

The greatest gift the women's movement gave to men was to move over and make room for them in the lives of their children. To nurture and know them, and be known by them.

But how many of us think we know our father as well as we know our mother? 

Larsen is a senior mediator at the Center for Resolution of Disputes. She received the 2007 John P. Kiely Professionalism Award from the CBA, and also served as CBA president in 1986-87. Her weekly commentaries can be viewed at www.bealarsen.com

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