



February 12, 2009

An Open Letter to Members of the Colorado House Judiciary Committee: Child Advocates Support Jessica's Law, Tougher Penalties for Convicted Sex Offenders (HB 1144)

Dear Representative:

I write on behalf of Stop Child Predators, a non-profit organization that helps prevent the sexual exploitation of children and protect the rights of crime victims, to encourage you to support mandatory sentences for convicted sex offenders as outlined in House Bill 1144.

In the past three years, Stop Child Predators has worked with law enforcement officers, community leaders, and parents to launch state and federal campaigns to help educate lawmakers and the public about policy changes that will protect America's children from sexual predators. Our model legislation, The Sexual Offenses Against Children Act, was modeled after Florida's Jessica's Law and, in part, is included in House Bill 1144. Mark Lunsford, Jessica's father, chairs our advisory board of directors.

In addition to encouraging the passage of Jessica's Law, Stop Child Predators combats Internet crimes against children through its Stop Internet Predators initiative. We work with social networking sites, Internet service providers, and other technology companies to support efforts to register electronic addresses, make accessible blocking and monitoring tools, enact tough penalties for enticement crimes, provide school districts with online safety curricula, and penalize the possession and distribution of child pornography.

Despite these efforts, substantial challenges to preventing sexual crimes against children remain.

The number of registered sex offenders in the United States is enormous—more than 600,000. One in five girls and one in ten boys are sexually exploited before they reach adulthood, according to the National Center for Missing and Exploited Children. Every 40 seconds a child is reported missing or abducted, according to the Department of Justice. That translates to over 2,000 children per day, and over 800,000 per year.

So when we are asked what can be done to better protect children from child predators, we point to the effectiveness of mandatory sentences as the number one deterrent to sex offenders who would otherwise likely reoffend. After all, in the four years since Florida enacted mandatory sentences for sex crimes committed against children—the first state to do so—repeat sex offender rates dropped from 34 percent to 2 percent.

Kept away from the general population, repeat sex offenders cannot commit a sex offense again. According to a 2003 study by the Justice Department's Bureau of Justice Statistics (BJS), convicted sex offenders are four times more likely than other criminals to be rearrested for a sex crime. That statistic understates the risk: it compares convicted sex offenders with other criminals, not the general population; it describes one-time sex offenders, not two-time offenders, who are more likely still to repeat the crime; and it counts only re-arrests, ignoring repeat offenders not apprehended. Moreover, of the released sex offenders who committed repeat offenses, 40 percent perpetrated the new offense within a year of their discharge from prison; and the majority of the children they molested after leaving prison were age 13 or younger, according to the Justice Department study. Other BJS surveys show that in almost half of the child-victim cases, the child was the perpetrator's own son or daughter or other relative. Other studies show that number to be 80 percent or higher.

As Colorado considers how to best address sex offenders, I ask you to consider similar laws in the surrounding states. Wyoming is currently considering mandatory sentences of 25 years to life for first-time offenders who commit first degree sexual assault against a minor. Kansas, Nebraska, Oklahoma and Utah all have Jessica's Law in place. New Mexico has parts of Jessica's Law in place.

Mandatory minimum sentences achieve two important goals. First, they send a strong message to our communities that we will not tolerate sexual crimes, especially those perpetrated against children. Second, they help ensure that sexual predators cannot easily victimize another innocent child. Some judges, perhaps overconfident in their ability to see change in first-time sex offenders, often hand down modest sentences that do not do justice to past or future victims. The statistics speak for themselves. As previously mentioned, sex offenders are four times more likely than other criminals to commit a new sex offense.

As I testify before legislatures across the country, I attempt to impress how important tough sentences for sex offenders are to individual victims of sexual crimes and the communities in which they live. While this letter may point to several statistics, please keep in mind that behind those statistics are real individual people who fell victim to sex crimes. Many are young boys and girls.

By mandating sentencing requirements for convicted sex offenders, Colorado would take a landmark step in the battle to keep children safe, and may just help prevent future victims from enduring horrific ordeals like so many children before them. Thank you for your consideration of House Bill 1144. Please let me know if I may be of any assistance on this bill, or any future child safety measure. I may be reached by telephone at (202) 234-0090 or by email at srumenap@stopchildpredators.org.

Sincerely,



Stacie D. Rumenap
Executive Director

We still have more to do

Fact sheet Regarding HB 09-1144

Sex Offender Management in Colorado

Requires a mandatory minimum sentence for sex offenders who prey on children 14 years of age or younger.

To give District Attorneys flexibility, the minimum sentence would be 20 years and would allow up to 30.

There are approximately 637, 000 sex offenders in the United States.¹

In Colorado 300 of the 354 convicted sexually violent predators are currently incarcerated, 2 are in community correction (halfway houses) 24 are under parole supervision and 28 have been discharged all together.²

At least 80% of convicted adult rapists admit that they have molested children.³

Studies show that less than 30% of sex crimes are reported to law enforcement. It is likely that the numbers are higher when victims are children.⁴

In Colorado 65% of convicted sex offenders (7900 current registered sex offenders) are placed on probation, that's 5135 convicted offenders on the loose.⁵

Sex offender management practices assume that sexual offending is a behavioral disorder that can not be "cured," that sex offenders are dangerous, and that community safety is paramount, coming before the needs of the offender.⁶

All members of the Management team must have access to the same relevant information. Sex offences are committed in secret, and all forms of secrecy potentially undermine the rehabilitation of sex offenders and threaten public safety.⁷

The department of corrections has seen an increase in the number of offenders being released to probation or court order discharged. Of the 1351 offenders sentenced to prison under the Lifetime supervision provisions for sex offenders, 87 have discharged their sentence through June 30, 2008.⁸

Eleven of the 87 offenders whose sentence was discharged later returned on the same offense either the lifetime supervision sentence reinstated.⁹

Of the 457 past their Parole Eligibility Date, 175 refused treatment, 66 were previous deniers (denied offense) or were failures in treatment, and 216 have been accepted for treatment.¹⁰

More and more sex offenders classified as Sexually Violent Predators are leaving prison and entering the community.¹¹

TheDenverChannel.com

Convicted Child Sex Offender Facing Lengthy Prison Sentence

Lafayette Man Ruled Habitual Sex Offender Over Previous Case

POSTED: 3:05 pm MDT June 5, 2008

DENVER – Convicted sex offender Charles Ellis will face 36 years to life in prison after a Weld County judge ruled that he was a habitual criminal.

Ellis, 60, of Lafayette, Colo., was found guilty in May of felony sexual assault on a child, and sexual assault on a child by one in a position of trust.

During a hearing Wednesday, prosecutors presented evidence of a previous sexual assault conviction against Ellis that resulted in his classification as a habitual sex offender against children.

When a defendant is found to be a habitual offender the judge can order an longer sentence against the offender.

According to prosecutors, the sexual abuse occurred in Firestone, Colo., when the victim and his family were living with Ellis from June 2000 through September 2003. However, it wasn't until four years later that the victim told his mother about the abuse. She filed a criminal complaint against Ellis a month later, according to police reports.

Ellis was arrested on Sept. 17, 2007. He is scheduled to be sentenced on August 13 in Weld District Court.

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Man again arrested on child-sex charge

The Denver Post

Posted: 2/11/2009 12:10:00 AM MST

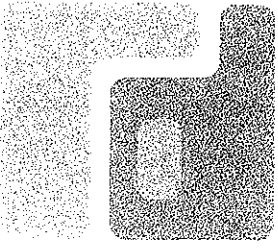
JEFFERSON COUNTY — Andrew Castillo, 23, of Denver has been arrested for a second time on a child sex charge, according to Jefferson County district attorney investigators.

Castillo was arrested Monday in Denver on suspicion of Internet luring of a child.

Two years ago, Castillo was arrested on suspicion of criminal attempted sexual assault on a child after a highly publicized multi-agency law enforcement sting.

Andrew Castillo was one of 14 men arrested in that sting. He was on parole when he was arrested Monday. He also is a registered sex offender.

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Sex Offender Arrested In Canon City

Posted: 9:49 AM Oct 31, 2007
Last Updated: 11:15 AM Oct 31, 2007
Reporter: KKTV



An Internet sting in Fremont County leads to the arrest of a 53-year-old man who reportedly drove to Canon City to meet a child for sex.

A | A | v

The following is a news release from Canon City Police Wednesday morning.

Members of the Fremont County Combined Investigative Response Team (CIRT) arrested Jeffrey Allan Tensly, date of birth 11/17/1954, on Tuesday, October 30th on a variety of charges stemming from an undercover Internet investigation.

Tensly was charged with criminal attempt and conspiracy to commit the following crimes:

- Criminal Solicitation, class 4 felony
- Sexual Assault on a Child, class 4 felony
- Unlawful Sexual Contact, class 1 misdemeanor

At the time of his arrest, Tensly gave several addresses in the Denver area stating that he was a part time resident at each.

Tensly told officers he had a computer repair business in Denver.

Tensly has a prior conviction for Sexual Assault on a Child and served time in the Colorado Department of Corrections from 07/22/1994 until his release in 09/14/2000.

Tensly traveled to Canon City for the purpose of having sex with an underage female but was arrested without incident by members of the CIRT Team.

This was the 12th arrest of a sexual predator for the CIRT team this year and the second in five days.

Tensly is in custody at the Fremont County Detention Center and is being held on a \$50,000.00 cash only bond. At the time of this release, his arraignment had not been set.

Find this article at:

<http://www.kktv.com/news/headlines/10917336.html>

Check the box to include the list of links referenced in the article.

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Fruita man gets 50 years for sex assaults on 4 kids

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Daily Sentinel, The (Grand Junction, CO)-July 3, 2008

Author: AMY HAMILTON br

A Fruita man who pleaded guilty to molesting four siblings and raping one of them was sentenced Thursday to 50 years to life in prison.

Colorado Public Defender Steve Colvin lamented in court that his client, 22-year-old David Diesburg, was **7 years old**, the same age as his rape victim, when he was sexually abused by his father,

"His mother tried to kill him. His father victimized him sexually," Colvin told Mesa County District Judge Brian Flynn while asking for leniency for his client. "It's ironic that no one can relate to the shame the way that he feels."

Diesburg was baby-sitting his best friend's children in Iowa and moved with that family to Fruita when he molested the girls between Oct. 1, 2007, and Jan. 6, 2008. He admitted in his arrest affidavit to molesting the girls, all under age 11, 50 or more times and forcibly having sex three times with one of the girls. The family has since moved to Arizona and wanted to be present at Thursday's hearing, but could not afford the trip, a prosecutor said.

Diesburg pleaded guilty to four felony charges and received from 12 to 14 years to life on each charge, to be served consecutively "to be punished for each victim," Flynn said.

Diesburg, who was commended by authorities for admitting his guilt and keeping the case from trial to avoid trauma for the children, expressed remorse to Flynn.

"I was at the same point with my father, I wanted to put him away forever," Diesburg said, seated at the defense table dressed in a red jail suit. "There really is no punishment suitable for the pain I've caused to the kids. At the same time, I'd like to have a second chance at life to prove I'm not this type of person."

Chief Deputy District Attorney Tammy Eret said the case illustrates the cycle of sexual abuse, and though she wished authorities could have intervened to save a young Diesburg from being abused, she couldn't overlook the fact the defendant created four more victims.

She also said some suspects who inappropriately touch children or minors who illegally engage in consensual sex can sometimes be rehabilitated with community-based sentences, but Diesburg's actions were much more aggravated. The numerous episodes occurred over a more than a year and he used his position as a baby sitter to rape the child, who later told authorities she tried to kick and fight him off to no avail.

Flynn agreed with Eret's reasoning, calling Diesburg's actions "totally reprehensible."

Diesburg, who will have to register as a sex offender, should eventually get sex

The Pueblo Chieftain

Your print and online news source for Southern Colorado

Wednesday, January 14, 2009

Sexual predator nears release from prison

Print Page

The parolee will be closely monitored through a pager and a GPS device.

By JUAN ESPINOSA
THE PUEBLO CHIEFTAIN

January 14, 2009 02:29 am



Gary Kinsey

On Thursday, a man identified as a sexually violent predator will be back on the streets of Pueblo.

Because the man has no job and is considered homeless, he literally will be living on the streets of Pueblo. Pueblo police and parole officers will keep track of the man through a GPS monitoring device and a pager he is required to have on him at all times.

"This man is going to be supervised very closely," said police Sgt. Mark Bravo at a meeting held Tuesday at Pueblo's police headquarters for the purpose of announcing the inmate's imminent release from prison.

Law enforcement officials at the meeting explained that being homeless is not a parole violation.

The parolee was identified as Gary Kinsey, 42. He is described as a black man, 6 feet 3 inches tall, 215 pounds with black hair and brown eyes.

He was convicted of attempted sexual assault on a child and will be under supervised parole for at least two years.

One of the conditions of Kinsey's parole is that he must call his parole officer within 30 minutes of receiving a page. Failure to respond in time would be a parole violation. Kinsey has been released before, but was returned to prison for violating conditions of his parole.

Of the seven citizens who attended Tuesday's meeting, one said she was the mother of Kinsey's 14-year-old victim.

"I'm the victim's mother; he was my husband for 15 years," she said. "You never know who it could be."

Police Detective Jeff Shaw cut the woman's comments short, citing confidentiality of the victim. Shaw assured the woman and others in attendance that Kinsey will be closely monitored.

"In six months, I've put 64 people back into jail," Shaw said. "Unless he commits a new offense, he'll be supervised by parole for two years, but he'll be supervised by police for the rest of his life."

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'Predator' to be released Sat.

Police ask community to help prevent another sex offense

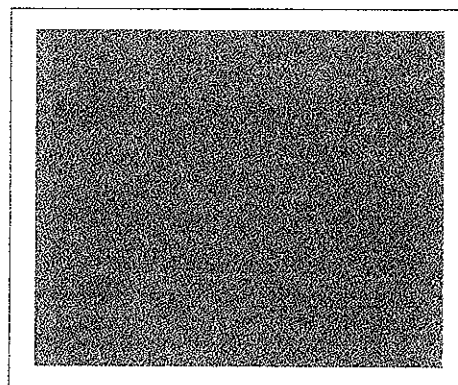
By Vanessa Miller (Contact)
Thursday, January 11, 2007

Boulder police are asking the public to help them prevent a man who has been labeled a "sexually violent predator" from reoffending.

Scott Bryan Cline, 46, will be released from prison Saturday. He's expected to move to Boulder and stay at the city's homeless shelter, 4869 N. Broadway.

Cline, who was sentenced to three years in prison in 2003 for attempting to sexually assault a 13-year-old Broomfield girl, doesn't have any conditions of his release. That means police can't track him or arrest him for anything less than a crime — even if his behavior is considered suspicious, police Chief Mark Beckner said at a public meeting Wednesday night called to discuss Cline's release.

"We're in a difficult position because there's not much we can do," Beckner said to a crowd of about 200 people. "So we need the help of the community."



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Cline earned the label "sexually violent predator" because he showed a "high level" of denial regarding the crimes, said Debbie Stjernholm, of the state's Sex Offender Management Board.

Because Cline has served all three years of his sentence, he's being released without limitations. Parole board members said Cline indicated he'll be moving to Boulder because he has family in the area.

Cline must register with police by Monday. If he wants to change his address, he has five days to do so.

Although police stressed that people shouldn't harass Cline if they see him, police Chief Beckner encouraged residents to report suspicious behavior.

"This person should not be hanging out with children," Beckner said. "If he knows the community has their eyes on him, that's going to go a long way."

Police also will give fliers to area schools, notifying them of Cline's release.

Boulder has had only one other sexually violent predator — and he stayed at the Boulder County Jail at night and left on work release during the day. But the city has 80 of the state's 10,488 registered sex offenders, police Detective Chuck Heidel said.

Christina Schuler, 35, of Boulder, attended Wednesday's meeting because she has two children younger than 5.

"When you're aware, you can know what you're looking for," Schuler said.