

Sex offenders living in Kansas nursing homes

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The Wichita Eagle

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Read more here: <http://www.kansas.com/2011/10/16/2064099/sex-offenders-living-in-nursing.html#storylink=cpy>

When the Kansas Department on Aging visited the Wichita Nursing Center in August for its annual inspection, it found more than 50 violations that led to the eventual revocation of the nursing home's license.

But there was something even more troubling in the home that day: Seven registered sex offenders were living among the residents in the home at 2840 S. Hillside.

And it turns out the Wichita Nursing Center isn't the only Kansas nursing home that houses registered offenders. A check of the state's registered offender database by The Eagle found a dozen other sex offenders living in nursing homes across the state.

The realization that there are any sex offenders living among the state's 20,000 nursing home residents has left some state officials wondering if it's time to regulate who is allowed to live in those homes.

Secretary of Aging Shawn Sullivan said nursing homes in Kansas today have no way of knowing when they are about to admit a registered offender.

"I'm not aware of any mechanism in place by the KBI or anybody else that notifies a nursing home if a person on the registry ends up moving into that environment," he said.

Wes Bledsoe of Oklahoma City, who runs a long-term care advocacy group, said he thinks nursing home residents and their families have the right to know if an offender is living in their building.

"I think these guys need a place to go to," he said of the offenders. "But I don't think you want them living across the hall from grandma or grandpa, or maybe even being grandpa's roommate."

The state's registered-offender list shows that four of the seven offenders who were living at the Wichita Nursing Center were from Oklahoma, but it gives no indication of how they ended up in Wichita. Efforts to reach the administrator of the home last week were unsuccessful.

Department on Aging spokeswoman Sara Arif said the seven have been moved to new locations in Kansas and Missouri, but she said privacy laws prevent the department from giving specific addresses.

The KBI registry shows that 19 of the 5,868 people on the registry last week listed a nursing home as their residence. The age of those offenders ranges from 43 to 82, and they have been convicted of crimes ranging from indecent exposure to rape.

Aside from the Wichita Nursing Center, only one nursing home — Medicalodge of Paola — had more than one registered offender. That home housed two — a 43-year-old man convicted of attempted rape in Topeka and a 52-year-old man convicted of lewd and lascivious behavior in Chanute.

State Rep. Bob Bethell, R-Alden, said he wasn't surprised to see a few registered offenders scattered among the state's nursing home population.

"But seven in one home? That kind of surprised me," he said.

Bethell, who has been in the nursing home business for more than 25 years, said it's logical to assume that as sex offenders grow old, some will need the type of care offered only in a nursing home. He said he sees nothing wrong with finding a way to provide that care.

"We want to make sure they get the care they need, but we also want to make sure individuals in nursing facilities get the protection they need," he said.

Bethell said he could envision the state passing a law that would protect nursing home residents but stop short of placing an outright ban on offenders living in assisted living facilities.

"If it would put them out on the street or under a bridge, I'm not convinced that that's the appropriate thing to do," he said.

"I think we would have to make sure to meet the needs of those people, but not put a person who is already compromised in a position of jeopardy."

Mitzi McFatrach, executive director of Kansas Advocates for Better Care, said she's looked at how other states regulate sex offenders living in nursing homes.

Some states have laws that provide for an isolated facility for sex offenders, she said, while others place notification requirements that must be met when an offender moves into a home.

"We really haven't taken any steps in the state of Kansas to address the issue," she said.

The Oklahoma Legislature in 2008 passed a law that calls for the creation of a nursing home exclusively for those convicted of sex crimes.

But Bledsoe, whose organization pressed for that law, said the facility was never built. When the state sought bids from those who might want to run the home, he said, there were no takers.

Bledsoe said he thinks every state needs to build a separate facility for aging sex offenders.

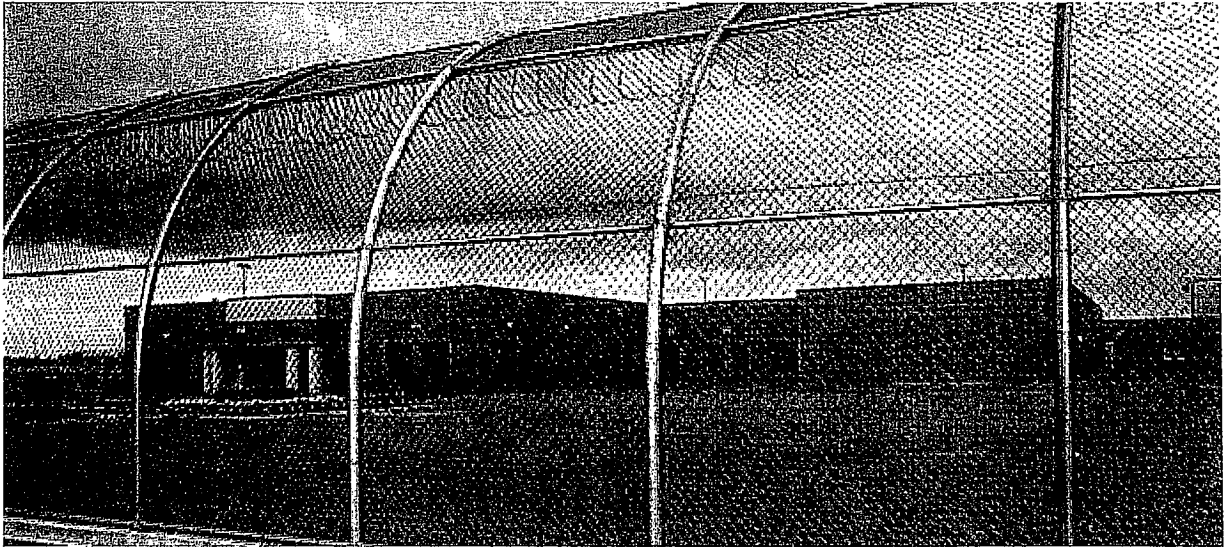
As the Thanksgiving and Christmas holidays approach, he said, school, church and scouting groups are probably already making plans to visit nursing homes.

He said he wondered what might have happened had any of those visits been to the Wichita Nursing Center had it not been closed.

"How many of those children and their families would have known that there were seven offenders living there?" he asked.

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Most sexual predators in Kansas never make it out of treatment, according to data



AP File Photo. This wing of the Larned State Hospital houses participants involved in the Sexual Predator Treatment Program.

By Shaun Hittle — Lawrence Journal-World

January 29, 2012

A Douglas County jury recently found that 42-year-old Kodi Thomas was a sexually violent predator and sent him into state custody for treatment.

Thomas, convicted of attempted rape and burglary in 1996, will join 216 other sex offenders at the Larned State Hospital in the Sexual Predator Treatment Program.

A look at the numbers shows Thomas likely will spend many years in treatment before he'll be released into society, if he ever is.

More people have actually died from natural causes while in the program than have been released since the program's inception in 1994, according to the Department of Social and Rehabilitation Services. Seventeen have died; three have been released.

"You don't get out of here," said Mark Brull, a convicted sex offender confined to the program on and off since 1999.

During that time, Kansas has spent roughly \$700,000, or about \$60,000 per year, treating Brull, who was convicted of aggravated sexual battery and indecent solicitation of a child in 1997.

"It's a very expensive warehouse," Brull said.

Enacted in 1994, the Sexual Predator Act allows an avenue for prosecutors to indefinitely hold convicted sex offenders, such as Brull and Thomas, past their prison sentences because they have been identified as a continuing threat to the community.

In Thomas' case, a psychologist testified that Thomas made numerous statements about intentions to commit sexual assaults if he were released from prison.

The idea is to treat the offenders at Larned and then eventually send them back into the community once they no longer pose a risk.

But the program has effectively become a one-way street, with about 16 offenders per year being committed to the program since 2009 and few ever leaving.

Current growth projections estimate that the program, which is already over capacity, will grow to more than 370 residents by 2020, said Angela de Rocha, SRS spokeswoman.

In September, SRS, which operates the \$13 million-a-year program, asked the Kansas Legislature for an additional \$2 million for facility upgrades to accommodate the anticipated growth. Kansas is one of 20 states in the country to enact a sexually violent predator law, and the growth combined with few releases of offenders are “not unique to Kansas,” said W.L. Fitch, who teaches mental health law at the University of Maryland School of Law.

Once the law’s enacted, states are in a tough bind, Fitch said.

Either offenders keep piling up in sex offender treatment programs, or offenders are released and possibly re-offend.

“Politically, it’s a huge risk,” Fitch said. “You have some folks no one is going to take a chance on.”

Critics of involuntary commitment of sex offenders argue that such programs do the “dirty work of the criminal justice system” and are in fact designed to keep offenders locked away with little hope of treatment, Fitch said.

Douglas County District Attorney Charles Branson, however, said he sees the program geared toward long-term treatment and rehabilitation.

And treating such offenders can take a significant amount of time, said Larned State Hospital Superintendent Christopher Burke, which leads to a cautious approach.

“By the nature of their designation, they tend to have more-entrenched behaviors,” Burke said.

Kansas’ treatment program consists of seven phases, starting with orientation at Larned and ending with a formal, court-approved release and transition back to society.

Before a potential release, offenders progress to closely supervised reintegration at Osawatomie State Hospital and then along to conditional release at a residential facility in Miami County, where there are currently seven offenders from the program, Burke said.

But instead of helping contain and treat sex offending behaviors, Brull said, the environment within the program has made him “100 times worse.”

“Any kind of carnal knowledge under the sun you’re exposed to here,” he said.

Brull said he’s currently in phase three of the program, but he’s given up on progressing.

“I’ll either die here or die in prison,” he said.

Update in nursing home assault case: Cabbage to be confined as sexually violent predator
Des Moines Register

2:21 PM, Nov. 21, 2011 | <mailto:ckauffman@dmreg.com>

Written by

Clark Kauffman

Sex offender William Cabbage allegedly told a state investigator that he had sexual contact with an elderly nursing home resident before the August incident that led to a criminal investigation.

The evidence of other sexual assaults surfaced during a court hearing Monday in Rockwell City. The Iowa attorney general's office argued that Cabbage, 83, poses a threat to others and must be confined, at least for now, in a locked unit, rather than in a nursing home. After the 15-minute hearing, Judge Gary McMinimee ruled that the state had met its burden in showing probable cause to believe Cabbage is a sexually violent predator. McMinimee agreed to the state's request that Cabbage be confined to the Newton Correctional Facility pending a trial on whether he should be re-committed to the state-sun Civil Commitment Unit for Sex Offenders in Cherokee.

Cabbage lived in that unit from 2002 and 2010, then was released to the Pomeroy Care Center in November 2010. On Aug. 21, an 8-year-old girl who was visiting the nursing home told authorities she saw a man in the room of an elderly woman with his hands between the woman's legs. The woman was allegedly calling out, "No, no, no!"

According to the state inspectors who subsequently fined the home \$10,000, the child's allegation was supported by physical injuries sustained by the woman and by statements from workers at the home. The alleged victim told authorities, "That man keeps coming into my room and doing things."

Calhoun County Attorney Cynthia Voorde has said she plans to file charges in the case very soon.


- **Register reporting on this topic: How sex offenders put Iowa's disabled residents at risk.**
- **Read the investigator's summary of his interview with William Cabbage.**

Cabbage was attentive and jocular during Monday's court proceedings. When asked by an assistant attorney general whether he'd rather be sent to the Newton facility or to the civil commitment unit pending the trial, he chuckled and said, "It doesn't make any difference. I've been to both of 'em. I'll go to Newton."

Cabbage did not testify during the hearing and declined to speak to a reporter.

During the hearing, the attorney general's office presented the judge with a report from the state's Medicaid Fraud Control Unit. The report summarized investigator Troy Wolff's Aug. 29 interview with Cabbage at the Pomeroy Care, eight days after the alleged assault.

Wolff wrote that during the interview, Cabbage "made numerous attempts to avoid questions and acted like he didn't know what I was talking about." To gauge Cabbage's awareness, Wolff asked Cabbage about his past. Although Cabbage claimed to have no recollection of his four past convictions for sex crimes, he did recall having lived in Muscatine and having worked as a truck driver.



Wolff concluded Cabbage had the ability to recall past events accurately when he chose to do so.

When asked about the Aug. 21 incident, Cabbage reportedly told Wolff that he and the alleged victim "were just in there talking." When questioned further, however, Cabbage allegedly admitted touching the woman. When asked if he did anything else to her, Cabbage allegedly replied, "No, sexual, no. I just felt it, that's all."

Asked if the woman had consented, Cabbage allegedly replied, "She didn't reject anything." And when asked if he had been in the woman's room before Aug. 21, he allegedly said, "I've been there before," adding, "I just touch it."

Cabbage's attorney, Mike Adams, participated in the hearing via telephone and objected to the state's effort to have Wolff's report admitted as evidence. Adams noted that Cabbage has been diagnosed with dementia, making anything he said during the interview "inherently" unreliable.

"My contention is that he is not a competent witness to give accurate information," Adams said.

Judge McMinimee admitted the interview summary as evidence, but later indicated that he assigned the document "minimal weight" in determining there was probable cause to believe Cabbage is a sexual predator. The trial to determine whether Cabbage should be committed to the sex-offender unit on a long-term basis is scheduled for Jan. 4, 2012.

Several workers at the Pomeroy Care Center have told state inspectors it was obvious to them when Cabbage entered the facility that he posed a risk to other residents and to the children that a local school sent to the facility to visit with seniors and participate in a day-care program. The workers described incidents in which Cabbage and another sex offender who lives in the home, John Steinkamp, accosted other residents or chased after children in the facility.

After the Aug. 21 incident, the home placed an alarm on the door to the room Cabbage shared with Steinkamp. On Friday, Cabbage was taken from the home and transported to the civil commitment unit in Cherokee pending Monday's hearing.