

# **Nursing homes: Most sex offenders living in nursing homes aren't listed on state police's online registry**

**Nursing homes sometimes fail to notify police that they are housing a convicted sex offender, state investigators say**

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CHICAGO TRIBUNE REPORTERS

November 20, 2009

Under Illinois law, families researching nursing homes are directed to search a state police Web site for critical information about sex offenders living in the facilities.

But only 59 of the 192 sex offenders in Illinois nursing homes -- or less than one in three -- were listed on that online state registry, a Tribune investigation found.

The shortfall is especially acute in Chicago, where fewer than one in five sex offenders in nursing homes were posted on the state police Web site, the Tribune found.

Part of the problem is a gap in the law: Although some sex offenders can remain dangerous for decades if unmonitored and untreated, many are no longer required to register with police if their convictions or final parole dates occurred more than 10 years ago.

In addition, state investigators have documented more than a dozen instances since 2007 in which nursing homes failed to notify local law enforcement that they housed a convicted sex offender, as required by law, or failed to implement care plans to monitor and treat sex offenders inside the facilities, the Tribune found.

In some cases those offenders allegedly went on to molest vulnerable residents and even staff, according to state public health reports.

The state police sex offender registry is a critical tool for nursing home residents and their families because, under Illinois law, facility administrators don't have to divulge the identities of sex offenders living in the homes, reveal any details of their crimes or even say how many are there.

Instead, state law requires homes to inform people of the state police online registry, which allows them to search for sex offenders by name if known, city, county and ZIP code.

The undercounting of sex offenders in nursing homes on the state police registry represents another example of how Illinois has fallen short in keeping nursing homes safe and consumers fully informed even as the facilities admit growing numbers of felons and psychiatric patients with violent backgrounds.

"Does an unregistered sex offender still pose a risk? Absolutely. The fact that someone is

registered or not doesn't really address the (danger) they pose to other people," said Cara Smith, deputy chief of staff to Illinois Attorney General Lisa Madigan. "Because of the high risk of recidivism, it is extraordinarily important to have the information."

Last year, state health inspectors cited the Asta Care Center of Elgin for failing to inform authorities that John Gorzela -- deemed a sexual predator by state police -- had been living at the facility for more than a year, according to a state report and Elgin police.

It was not until March 2008 -- after Gorzela allegedly put his hands on a female employee in an inappropriate way "on several occasions" -- that the facility took him to Elgin police to register him as a sex offender, according to state reports and interviews.

A Tribune review of a dozen of the state's confidential background screenings of sex offenders who recently entered nursing homes found some of these assessments omitted details about the sex crimes and contained only cursory information about the risks the offenders posed to vulnerable residents. Four of those assessments took more than six months to complete, and one took a year and a half, even though the law requires that they be done within days of admission.

Sex offender Jack Brougher, 80, was admitted to the Asta Care Center in Bloomington with a February 2008 assessment that rated him as a low risk, meaning he was to be given his own room but generally treated like any other resident, records show. Brougher's state assessment gave no information about his offense, saying only that there was "no violence involved."

That surprised Kim Campbell, first assistant state's attorney in McLean County, where Brougher was convicted of molesting a 5-year-old neighbor when he was 73. "He didn't hit anybody, but this guy is a sexual predator," she said.

Mental health experts and criminologists point out that most men who commit sex offenses early in life discontinue by the time they reach their 50s, but some lose the ability to suppress dangerous urges and impulses as their mental capacities and willpower ebb with age.

Safety assessments and monitoring must be especially rigorous in nursing homes, where sex offenders live close to frail and mentally impaired residents who can't always defend themselves and "may not be able to report" that they've been attacked, said Alyssa Williams-Schafer, coordinator for sex-offender services at the state corrections department.

In a telephone interview with the Tribune, Brougher denied molesting the 5-year-old but said his conviction is widely known among facility residents.

"I don't advertise it -- it's just one of those things that's in the books," Brougher said. When a group of children recently came to entertain residents, Brougher said he was forced to sit in the back. "I'm not supposed to be around kids. ... I got a lot of restrictions," he said.

Homes with the most sex offenders have consistently low ratios of nursing staff-to-patients, a Tribune analysis found, even though experts consider adequate staffing essential to protecting vulnerable residents.

Of the 29 homes with three or more sex offenders, according to public health authorities, 15 were

given the lowest possible federal rating, "much below average," for their nurse staffing-to-patient ratios, while seven others were rated "below average," government records show.

Among these homes are three sister facilities, the Asta Care Centers of Toluca, Bloomington and Elgin, which between them recently housed a total of 18 sex offenders -- nearly 10 percent of the 192 sex offenders living in Illinois nursing homes, according to Nov. 5 figures from the Illinois Department of Public Health.

Only eight of those 18 sex offenders were listed on the state police registry.

Asta attorney Michael Siegel said those facilities had only a couple of incidents of sex offenders actually molesting or inappropriately touching others in the last three years: "These are fairly isolated situations, and I think they do a very good job of monitoring and caring for these folks."

Last year, the state public health department fined Asta Bloomington for failing to protect residents from a sex offender as well as from another resident who fondled two mentally impaired residents.

Separately, a state inspection last year said the Asta Elgin facility failed to develop a care and safety plan for Gorzela, 79, who was adjudicated not guilty by reason of insanity of aggravated criminal sexual abuse of a 5-year-old in 2005. Gorzela declined to comment.

Gorzela was later moved to the sister Asta Care Center in Bloomington, but in December 2008, state inspectors reported that the Bloomington facility failed to notify residents and their families about him and seven other felons living there. One woman told state inspectors she had no idea a sexual predator lived near her mentally disabled daughter, adding, "Had I known, I would have been down there throwing a fit."

While some offenders might be dismissed as threats because of their advanced years or apparent weaknesses, Frank Aoskad's case -- pieced together through state records and interviews -- shows how difficult that determination is to make.

Alert and straight-backed, the silver-haired 80-year-old in the plaid shirt seemed "a clean-appearing elderly man," one public health department report said. The state police registry labels Aoskad a "sexual predator," listing his 2002 conviction for aggravated criminal sexual abuse of a 15-year-old neighbor.

Aoskad has not been charged with any crime at any of the Asta Care Center nursing homes. He declined requests for comment.

At the Asta home in Toluca earlier this year, he was one of at least six sex offenders put on "30-minute monitoring" because of their potential threat to others. But the facility failed to conduct scheduled monitoring of five of those six, a state inspection later found.

Siegel said Asta monitored Aoskad but "didn't do the documentation."

On April 10, state inspectors wrote, Asta supervision logs didn't account for Aoskad's whereabouts for 9 1/2 hours. That afternoon, a maintenance man spotted Aoskad sitting on a

lobby couch with his hand on a woman's leg "in a manner that was 'a little too friendly,' " a state report said.

A state report and interviews describe what happened next: A nurse's aide intervened, but a few hours later, the same worker discovered another woman -- an 82-year-old Alzheimer's patient -- lying on the bed in Aoskad's room with her pants pulled down to her thighs and Aoskad beside her. The worker left to get a nurse's aide, who walked in to find Aoskad with his hand in the woman's pants.

Aoskad was transferred on July 16 to the Asta Bloomington sister facility. Administrators there admitted Aoskad knowing he "had a recent history of sexual abuse at a sister facility" but "failed to put in place procedures and interventions to protect the (other) 73 residents," a separate state report said.

Siegel disputes the inspector's findings, saying Bloomington employees were briefed on Aoskad's background and watched him closely.

Asta Bloomington installed a laser-beam alarm on Aoskad's door, but for two or three days at least, he was able to "sidestep the alarm system," and when they put him in a new room, he would get around those alarms too, a state inspector wrote. Within two weeks, a nurse's aide found Aoskad "fondling the breast" of an Alzheimer's patient, a state report said.

In August, Aoskad was moved back to Asta Toluca, records show. When a state health inspector interviewed Aoskad there, he denied touching women but said that at Asta Bloomington, he was able to go where he pleased.

Siegel disputed the inspectors' characterization of Aoskad, saying he was enfeebled by two strokes and "confused."

It wasn't until August -- when Aoskad was transferred back to Toluca -- that he was finally assessed by the state, Siegel said. He was given the top classification of "high risk" to others in a report that said his impaired judgment due to the strokes increased his danger of acting out.

Only 28 felons -- or less than 1 percent of those in Illinois nursing facilities -- were similarly rated as high risk.

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