

THE BUTNER STUDY:
A Report on the Fraudulent
Execution of the Adam Walsh Act
by the Federal Bureau of Prisons (BOP)

a Kaufman abstract

ABSTRACT

Title III of The Adam Walsh Child Safety and Protection Act of 2006 established the Jimmy Ryce Civil Commitment Program for Dangerous Sex Offenders, now codified at 18 U.S.C. § 4247, 4248. Under this new program, the Attorney General (AG) or anyone authorized by the AG or the Director of the Bureau of Prisons (BOP) may seek to civilly commit anyone in BOP custody by “certifying” him (or her) as “sexually dangerous”. Treatment for those ultimately committed is dispensed at only one location in the United States: the federal prison at Butner, North Carolina, and in only one program: the Commitment and Treatment Program for Sexually Dangerous Persons (CTP). The clinical director of the BOP’s CTP Program at FCI Butner is not on trial here, but his enormous influence can and will permeate, whether directly or indirectly, *every upcoming § 4248 hearing in the Eastern District of North Carolina*. This document, gleaned from various sources, is a factual chronicle of Dr. Andres E. Hernandez’ decade-long “Butner Study” from inception to its ultimate opprobrium by his peers and some federal courts.

Data, generated without rigorous methodology and/or without peer review, does not survive long in the realms of science, medicine, or law. Similarly, it should not carry *any* weight in psychiatry/psychology. However, *The Butner Study* has managed to insinuate itself into every nook and cranny of Sexually Violent Predator (SVP) commitment laws in the United States *without* such scrutiny. Calling it self-serving (i.e., for federal psychologists) is not descriptive enough. We must add ideological, agenda-driven, politically opportunistic, unethical, and, perhaps, even criminal. As you will read in the following pages, the legal decisions and peer reviews included herein call into question not only *The Butner Study*, but, more importantly, every single federal/BOP-generated forensic commitment evaluation done thus far as well as any and all programming and treatment under the BOP’s Sex Offender Treatment Program (SOTP), its Sex Offender Management Program (SOMP), and CTP Program at FCI Butner.

In November of 2000, at the 19th annual Conference of the Association for the Treatment of Sexual Abusers in San Diego, California, Andres E. Hernandez, Psy.D., presented an unpublished paper entitled, “Self-reported contact sex offenses by participants in the BOP’s SOTP Program: Implications for internet sex offenders”. The gist of this, *The Butner Study*, is that a high percentage of child pornography (CP) offenders, 76%, admitted to hands-on child sex abuse that was unknown to law enforcement (taken from 54 CP offenders while in the SOTP at FCI Butner, Dr. Hernandez, then the director). If true, this statistic would be quite startling. On further examination, however, the study’s sensational results are highly suspect and, very likely, spurious. In fact (see the peer reviews cited herein), no scientifically accepted methodology was used to produce the numbers presented.

Nevertheless, Dr. Hernandez *privately* distributed his study widely, without peer review or any other oversight, and thus bypassed normal opportunities for either scientific validation or refutation by experts in the field of sexual offender diagnosis and treatment. He distributed his study to a limited but *very* receptive audience nationally (and later internationally, specifically Great Britain), including law enforcement officials and agencies, the Federal Bureau of Investigation (FBI), the Department of Justice (DOJ), and state and federal prosecutors. But it was the policy makers who especially welcomed the study’s implications.

On May 1, 2002, the Chief of the FBI’s Crimes Against Children Unit, Michael J. Heimbach, cited Dr. Hernandez and his study during testimony before the U.S. House of Representatives’ Subcommittee on Crime, Terrorism and Homeland Security, Committee on the Judiciary. Indeed, Dr. Hernandez himself was asked to present testimony before Congress concerning “Sexual Exploitation of Children Over the Internet: The Face of a Child Predator and Other Issues” (Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, U.S. House of Representatives, September 26, 2006). Later that same year, *The Butner Study* was quoted as a “recent empirical study” in the U.S. Attorney Bulletin, “Internet Pornography and Child Exploitation – How Computer Forensics Can Dramatically Improve a Case” by Stephen J. Grocki and Lam D. Nguyen, Vol. 54, No. 7, November 2006 (available at http://www.justice.gov/usao/eousa/foia_reading_room/usab5407.pdf).

If not utilizing scientific methods, how *did* he formulate these results? The answer is better described in a Memorandum entitled, “Adam Walsh III: It’s Not the Sentence, it’s the Commitment”, authored by Amy Baron-Evans and Sara Noonan of the National Federal Defender Sentencing Resource, Research and Writing Counsel:

“For [SOTP] inmates ... failing to disclose additional, undetected offenses and/or victims has been viewed as indicative of a refusal or unwillingness to fully participate in therapy. Some inmates who volunteered for the SOTP but declined to admit any hands-on victims were expelled for being ‘in denial’. Clients who participated in the program have recounted intense pressure to increase the number of hands-on victims over time in order to be deemed ‘making progress’. The BOP required updated ‘Victim Lists’ every six months, encouraged inmates to compete with each other on who was more ‘forthcoming’, and made no attempt to corroborate. As a result of this routine coercion, inmates kept scorecards in their cells so that they would remember to report a higher number of victims when next asked, and were never required to provide victim names or other

identifying details. Ostensibly, this was to promote disclosure without fear of self-incrimination, but it has allowed the BOP to ‘tally up’ unlimited ‘evidence’ of multiple hands-on victims with no corroboration whatsoever. Indeed, the numbers of hands-on victims BOP claims were admitted by CP offenders in its ‘treatment’ program are incredible on their face. See Julian Sher & Benedict Carey, ‘Debate on Child Pornography’s Link to Molesting’, *New York Times*, (July 19, 2007)” (available at fd.org).

Not satisfied with spreading disinformation without at least the *appearance* of science, Dr. Hernandez, in 2007 (now joined by Butner SOTP Treatment Specialist Dr. Michael L. Bourke), attempted to publish a subsequent paper (probably a continuation of the same study), but this was met with resistance from their employer. In a letter dated April 3, 2007, Judith Simon Garrett, assistant counsel at the BOP, requested that the editors of *The Journal of Family Violence* (the periodical that accepted the paper for publication) withdraw the study because it did not meet “agency approval”, and went on to say, “Mr. Hernandez failed to submit for agency review the version of the paper that he provided to you for publication.” (*New York Times*, *ibid*).

The first judicial encounter with *The Butner Study* was in April, 2003, at a detention hearing (see *U.S. v. Thomas*, 2006 U.S. Dist. Lexis 3266), during which FBI Supervisory Special Agent James T. Clemente proffered it (he called it the “Hernandez Study”) in support of his contention that defendant Thomas, charged with sexual exploitation of a child and the receipt and possession of child pornography, should not be released prior to trial. U.S. Magistrate Judge Susan K. Gauvey rightly countered with an expanded discourse on evidentiary law and expert testimony, deciding ultimately that Clemente’s risk assessment technique was based on “anecdotal information ... was not error-checked or peer reviewed for accuracy” and was, therefore, unreliable (Judge Gauvey ordered Thomas freed on bail; the government appealed the ruling to the presiding district judge who upheld the release decision). From her ruling:

“SSA Clemente’s testimony patently demonstrated that the *Daubert* factors [a standard of evidence regarding expert forensic psychological testimony] were not satisfied, with the arguably sole exception of general acceptance within the law enforcement community.”

Five years later, *The Butner Study* would receive its most damning criticism from the bench in *U.S. v. Johnson* (588 F. Supp. 2d 997, U.S. Dist. Lexis 106494 (Iowa)) in which government prosecutors, citing the study, implied that the defendant “is statistically more likely than not to have actually committed an act of child sexual abuse”. From the Court’s ruling by Chief Judge Robert W. Pratt:

“The Government offers the Butner Study to demonstrate that Defendant is a threat to the Public ... The inference that the Government asks the Court to draw is distasteful and prohibited by law. Uncharged criminal conduct may generally only be considered in sentencing if proved by a preponderance of the evidence. Moreover, the Government bears the burden of proof. The Butner Study, even if credible, falls far short of this standard because it fails to demonstrate whether Defendant has, personally, previously assaulted a child sexually. At most, the Study reveals that a majority of other individuals with similar criminal history committed crimes against children, but the Court cannot see

how evidence of those individuals' crimes establishes by a preponderance of the evidence that Defendant committed a prior sexual crime. This conclusion is only bolstered by the fact that the Government failed to present any physical evidence that Defendant sexually assaulted anyone, let alone a child. The Government produced no witnesses, no victims, no forensic evidence, no confession, and no other sign that any previous improper sexual activity occurred. Indeed, the Government agreed with the Presentence Report's calculation of Defendant's criminal history, which does *not* include any references to prior sexual crimes. Therefore, this Court will not accept the implicit invitation to use the Butner Study to hold Defendant accountable for a phantom crime unsupported by any evidence.

The Court also rejects the Government's attempt to use the Butner Study to demonstrate that Defendant is a danger to the community. The Government argues that Defendant is dangerous because the Study indicates other individuals charged with similar crimes have committed "hands-on" sexual abuse of children.⁷ The Court rejects this proposition because the Butner Study is not credible. The Butner Study's sample population consisted of incarcerated individuals participating in a sexual offender treatment program at a federal correctional institution. As [Dr. Dan L.] Rogers testified, the program is 'highly coercive.' Unless offenders continue to admit to further sexual crimes, whether or not they actually committed those crimes, the offenders are discharged from the program. Consequently, the subjects in this Study had an incentive to lie, despite the fact that participation in the program would not shorten their sentences. Rogers testified that the Study's 'whole approach' is rejected by the treatment and scientific community. Complicating this bias is the fact that the Butner Study did not report on the nearly 23% (46/201) of individuals in the treatment program who left due to 'voluntary withdrawal, expulsion, or death.' As a result, the offender population and the Study's results were almost certainly skewed.

⁷The Court will note that the Butner Study is not exactly on point because it never delves into the risk of recidivism of sexual offenders. The Study merely investigates whether current sexual offenders have committed other, undisclosed sexual crimes. The Court will, however, accept the proposition that those who have physically harmed children are more dangerous to the community than individuals who only collect child pornography. Thus, the Study is indirectly relevant in determining the dangerousness of an individual like the defendant.

The Butner Study also suffers from additional methodological flaws. First, the subjects of the Study were not randomly selected from those who only collect child pornography, which indicates that even setting aside the incentive to lie, the sample population may not be representative of the larger population that collects child pornography. Second, the Study employed an unpublished questionnaire. This prevents other independent researchers from verifying whether this questionnaire is reliable and capable of producing results that are accurate and meaningful. Third, the Study relies, in part, on the results from polygraph examinations, which is highly problematic given the unreliability of such tests, especially since 'no standard for training polygraph experts' exists. Fourth, the Study is not peer reviewed, which is the norm in science.⁸ According to Rogers, the peer

review process would likely be ‘pretty uncomfortable’ for the researchers because the data and statistics in the Study do not fit the researchers’ conclusions. Finally, the Study also appears to suffer from flaws relating to its control group and independent variable, or lack thereof.

⁸Peer review is also a key factor that the courts consider when deciding whether to allow scientific testimony into evidence under Federal Rule of Evidence 701 (*Daubert*). Although the Federal Rules of Evidence do not technically apply at sentencing, the Court does note that this Study would likely fail to meet the *Daubert* standard.

Instead of producing an expert to explain the apparent weaknesses in the Butner Study, the Government preferred to attack Rogers’ critique. The Government first brought out the fact that Rogers had not seen the questionnaire and had no knowledge of the 155 inmates, arguing that Rogers had ‘no factual basis to dispute’ the methodology or conclusions of the Study. The Government also tacitly encouraged the Court to look beyond any flaws in the Study because it was ‘exploratory,’ a ‘first step’ that the authors believe to be the ‘tip of the iceberg.’ The Court, however, finds neither of these arguments persuasive. The Court agrees with Rogers’ testimony that it was the duty of the researchers to be transparent and to fully incorporate their methodology and conclusions into the Study so that other independent researchers could verify the reliability of the Study. By failing to disclose this information, the researchers failed to meet the ‘standard in scientific research’ and failed to produce a study upon which the Court can rely. The Court will not accept ‘science’ conducted in secret. Second, the Court will not look past the shortcomings of this Study merely because the Study is unique or new. Indeed, the fact that the Study is revolutionary in nature gives this Court great pause for concern, especially since it produced the sensational result that somewhere between 85% and 98% of child pornography collectors have personally molested children.⁹

⁹The Court finds these results highly questionable given the extraordinarily high percentages, as well as the fact that the researchers saw a 2,369% increase ‘in the number of contact sexual offenses acknowledged by the treatment participants’ during the course of the Study. These astronomical figures lead the Court to question whether this unvetted prison Study, conducted by the former chief of the federal sexual offender treatment program and distributed by the Department of Justice to prosecutors, is, in actuality, a product of the tremendous ‘political pressure applied’ to researchers in this research field.

In sum, the Court will not consider the results of the Butner Study unless and until either the Government or the researchers provide transparency for its methodology and a compelling explanation for its many apparent failings. While the Court is loathe to simply agree with a mostly unchallenged expert¹⁰, **the Court can find no error in Rogers’ conclusion that the Butner Study ‘isn’t scientifically vetted, doesn’t meet scientific standards for research, and is based, upon, frankly, an incoherent design for a study’.**

¹⁰The Court believes that the adversarial process is the best means for ferreting out the truth, and without another expert to challenge Rogers, any weaknesses in his testimony may not be revealed. Thus, the Court hesitates to simply accept his testimony.”

For a scholarly discourse on sex offense law in general, and civil commitment in particular, including a focus on U.S. v. Johnson and *The Butner Study*, see *Justice Perverted: Sex Offense Law, Psychology, and Public Policy*, by Charles P. Ewing, an accomplished law professor and psychologist from the State University of New York/University at Buffalo Law School (Oxford University Press, New York, 2011, ISBN 978-0-19-973267-8). An excerpt:

“... Judge [Pratt from Johnson] rejected the study, its methods, and its results and even went so far as to question the motives of those who conducted it.”

Undaunted, Drs. Bourke and Hernandez continued to seek publication (and, we assume, BOP “agency approval”). In 2009, *The Journal of Family Violence* did finally publish it (Vol. 24, 183-191) as “The Butner Study Redux: A report of the incidence of hands-on victimization by child pornography offenders”. This time they cited 155 inmates, **85 %** of whom reportedly admitted to previously unknown-to-law-enforcement hands-on crimes for a total of **1,777 hands-on victims**. (You will recall that *The Butner Study* (2000) cited a **76 %** figure.)

Now in the “published” arena, *The Butner Study* finally became available for the peer review so long avoided, and some of the reviews have already appeared in the literature, with more on the way. An excerpt from one of the first:

“Although the format of Bourke and Hernandez’ article may convey the aura of science, their results are misleading for a number of reasons. First, clients in our outpatient program who also participated in the Butner program have told us that they found the Butner definition of a sex offense to be more inclusive than more typical definitions that are encountered in everyday settings. Second, the same clients have also told us that the policies of the Butner program led them to believe that they were expected to amend their offense disclosures on a regular basis and that they did their best to appear responsive to this demand because they did not want to be seen in a negative light. Third, the primary content of the [technique] adopted by Bourke and Hernandez—self-disclosed incidents of non-adjudicated crimes—is *not* the consensually accepted standard for assessing the risk of child molestation. That status is reserved for post-apprehension recidivism in the form of new arrests or convictions. In light of the importance of this measure, Bourke and Hernandez did not adequately address the issue of dangerousness because they did not collect recidivism data.”

—“Child Pornography Offenders Do Not Have Florid Offense Histories and Are Unlikely to Recidivate”, Poster session presented to the annual meeting of The Association for the Treatment of Sexual Abusers, October, 2009, Dallas, TX, by Dr. Richard Wollert, Ph.D., Jacqueline Waggoner, Ed.D., and Jason Smith, Psy.D. (The complete paper is available at richardwollert.com)

Dr. Wollert, et al, go on to state that the study “exaggerated the dangerousness of CP [offenders]” and that the study’s results “are probably attributable to poor research methodology”.

An upcoming book by Dr. Richard Krueger, a psychiatrist and Associate Clinical Professor at Columbia University’s College of Physicians and Surgeons, entitled “Non-Contact Sexual Offenses: Exhibitionism, Voyeurism, Possession of Child Pornography, and Interacting with Children Over the Internet” will “present emerging data which adds to the literature debunking *The Butner Study*”. Dr. Krueger also mentions “the oft-cited study (Bourke and Hernandez, 2009)”, the SOTP’s treatment participants’ “incentive to lie”, the criticism the study received “in a legal opinion” (*Johnson*), and the study’s “skewed results” (from personal email, January 14, 2011).

In July of 1999, the results of a Swiss research project, comparable to *The Butner Study*, entitled “The consumption of Internet child pornography and violent and sex offending” was published in Australia by BioMed Central Ltd. (available from <http://www.biomedcentral.com/1471-244X/9/43>). Led by Frank Urbaniok of the Canton of Zurich Department of Justice, the study’s aim was to “examine the recidivism rates for hands-on and hands-off sex offenses in a sample of child pornography users using a 6-year follow-up design”, and delved into the criminal records of 231 men who were charged with viewing child pornography via a U.S. website. In the six years before the 2002 police operation, **only 1% were known to have committed a hands-on offense. And only 1% of the men committed a hands-on sex offense in the six years afterward.** As important as the significant difference in this study’s results (1% vs. Hernandez’ and Bourke’s 85%) is its adherence to widely-accepted scientific methodology and transparency. The researchers even took the added step of seeking *ethical* and *judicial* approval *before* the study began:

“... the entire research project was presented to the Justice Department of the Canton of Zurich. A second examination was conducted by the Federal Office of Justice in connection with the request for the criminal records. The study was approved and supported by both authorities.”

On April 5, 2009, Dr. Hernandez responded to his critics with a “position paper” entitled “Psychological and Behavioral Characteristics of Child Pornography Offenders in Treatment”, presented to The Injury Prevention Research Center at the University of North Carolina, Chapel Hill, at their Global Symposium, examining the relationship between online and offline offenses and preventing the sexual exploitation of children. The following excerpt from this paper reveals a man clearly in denial:

“Focusing on only the extremes of a subject matter obscures the truth, inhibits rational dialogue and scientific inquiry, and sometimes results in uninformed public and criminal justice policy decisions.”

And even *more* amazingly, he continues:

“Some individuals have used the results of Hernandez (2000) and Bourke and Hernandez (2009) to fuel the argument that the majority of CP offenders *are* indeed contact sexual offenders and, therefore, dangerous predators. This simply is not supported by the scientific evidence.”

In response to the question, “Is Dr. Hernandez backpedaling?” Dr. Richard Wollert answered, “It does seem Dr. H. is backpedaling. The question is whether or not one is absolved of accountability for backing up after causing a train wreck.” (Private correspondence, December, 2010).

Unfortunately, for ten-plus years, the results of *The Butner Study* have been repeated so many times as to become fact in many places and in many minds. Two thoughtful men, more eloquent than ourselves, describe it best:

“When ideas go unexamined and unchallenged for a long time, certain things happen. They become mythological, and they become very, very powerful.”
—Edgar L. Doctorow

“The greatest enemy of the truth is not the lie—deliberate, contrived and dishonest, but the myth—persistent, pervasive and unrealistic.”
—John F. Kennedy

Sharon Begley, Science Editor for *Newsweek* magazine, in an article entitled “Ignoring the Evidence: Why do Psychologists reject Science?” (October 12, 2009) discussed a then to-be-published article in *Perspectives on Psychological Science* (November 2009) by a team of psychologists led by Timothy B. Baker of the University of Wisconsin and its charge that many clinicians fail to “use the interventions for which there is the strongest evidence of efficacy” and “give more weight to their personal experiences than to science”. As a result, patients have no assurance that their “treatment will be informed by science”. Still quoting Dr. Baker, Ms. Begley goes on to say that clinical psychologists are “deeply ambivalent about the role of science” and “lack solid science training—a result of science-lite curricula, especially in Psy.D. programs”.

We close with several unanswered questions:

Did FBI Agent Heimbach and/or Dr. Hernandez lie to Congress? If so, isn't this a crime?

Has Dr. Hernandez' directorship of the BOP's SOTP/SOMP and current CTP programs been nothing more than one egregious misappropriation of federal monies?

Should the government's Health and Human Services Office of Research Integrity be called on to open an investigation of *The Butner Study* and its authors?

Should the U.S. Attorneys in Raleigh, North Carolina, not do the same?

Should the editors of *The Journal of Family Violence*, particularly after publishing “The Butner Study Redux” **after** the *Johnson* decision, be professionally and morally obligated

to print a retraction?

How could any BOP inmates so unfortunate as to be committed under § 4248 have the “assurance that their treatment will be informed by science” in a program run by one of the authors of *The Butner Study*?

Dr. Hernandez’ program at Butner FCI is conducted solely by himself. There is no outside, independent or peer oversight whatsoever. He is, as the saying goes, a law unto himself. When will rigorous government oversight of Butner’s SOTP/CTP programming begin? And can we all agree that it is long overdue?

Will the judges in the three cases that accepted *The Butner Study* on its face (see References) wish to revisit their rulings in light of Thomas and Johnson?

And, finally, who on Capitol Hill is Dr. Hernandez’ patron/guardian angel from whom stems the “political pressure applied” (as eloquently phrased by Judge Pratt in Johnson)?

REFERENCES

- Baron-Evans, A., Noonan, S. (2007, September) “Adam Walsh Act III: It’s Not the Sentence, It’s the Commitment”, Adam Walsh Child Protection and Safety Act Resource Page (available at www.fd.org)
- Begley, S. (2009, October) *Ignoring the Evidence: Why do Psychologists Reject Science?* Newsweek, October 12, 2009 (available at <http://www.newsweek.com/2009/10/01/ignoring-the-evidence.html>)
- Bourke, M., Hernandez, A. (2009) *The Butner Study Redux: A report of the incidence of hands-on victimization by child pornography offenders*. The Journal of Family Violence, Vol. 24, 183-191 (available at <http://bcscdycrimes.com/Documents/Hernandez%20Study.pdf>)
- Endrass, J., Urbaniok, R., Hammermeister, L., Benz, C., Elbert, T., Laubadrer, A., Rossegger, A. (2009, July) *The Consumption of Internet Child Pornography and Violent and Sex Offending*, BMC Psychiatry, 2009 9:43 (available at www.biomedcentral.com/1471-244x/9/43)
- Grocki, J., Nguyen, D. (2006, November) “Internet Pornography and Child Exploitation—How Computer Forensics Can Dramatically Improve a Case”, U.S. Attorney Bulletin, Vol. 54, No. 7 (available at http://www.justice.gov/usao/eousa/foia_reading_room/usab5407.pdf)
- Hernandez, A. (2000, April) *Psychological and Behavioral Characteristics of Child Pornography Offenders in Treatment*, presented to The Injury Prevention Research Center at the University of North Carolina, Chapel Hill (available at http://www.iprc.unc.edu/G8/Hernandez_position_paper_Global_Symposium.pdf)
- Hernandez, A. (2000, November). “Self-reported contact sexual offenses by participants in the Federal Bureau of Prisons’ Sex Offender Treatment Program: Implications for Internet sex offenders.” Paper presented at the Annual Conference of the Association for the Treatment of Sexual Abusers, San Diego, CA (available at <http://www.ccoso.org/library%20articles/Hernandez%20et%20al%20ATSA%202000.pdf>)
- Heimbach, M. (2002, May). Testimony before the Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, United States House of Representatives, May 1, 2002, “Internet Child Pornography” (available at <http://www2.fbi.gov/congress/congress02/heimbach050102.htm>)
- Hernandez, A. (2006, September). Statement and testimony before the Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, United States House of Representatives, “Sexual Exploitation of Children over the Internet: The

Face of a Child Predator and Other Issues”, September 26, 2006 (available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_house_hearings&docid=f:31469.wais)

Sher, J., Carey, B. (2007, July) “Debate on Child Pornography’s Link to Molesting”, NEW YORK TIMES, July 19, 2007 (available at <http://www.nytimes.com/2007/07/19/us/19sex.html?pagewanted=print>)

U.S. v. Thomas (2006 U.S. Dist. Lexis 3266 (Maryland))

U.S. v. Johnson (2008, December) 588 F. Supp. 2d 997 (Iowa)

Wollert, R., Waggoner, J., Smith, J. (2009, October) *Child Pornography Offenders Do Not Have Florid Offense Histories and Are Unlikely to Recidivate*. Poster Session presented at the Annual Conference of the Association for the Treatment of Sexual Abusers, Dallas, TX (available at <http://txn.fd.org/Wollert%20Federal%20Internet%20Child%20Pornography%20Offenders.pdf>)

TABLE 1

U.S. (Federal) Judicial Experience with “The Butner Study”

Case Citations	Rejected “The Butner Study”	Accepted “The Butner Study”
<u>U.S. v. Thomas</u> 2006 U.S. Dist. Lexis 3266 Maryland, January 13, 2006	X	
<u>U.S. v. Brand</u> 467 F. 3d 179 (2 nd Circuit) May 17, 2006		X
<u>U.S. v. Colin</u> 2007 U.S. Dist. Lexis 91409 New York, December 12, 2007		X
<u>U.S. v. Goldberg</u> 2008 U.S. Dist. Lexis 35723 Illinois, April 30, 2008	X	
<u>U.S. v. Johnson</u> 588 F. Supp. 2d Iowa, December 4, 2008	X	
<u>U.S. v. Cossey</u> 637 F. Supp. 2d 881 Montana, July 27, 2009	X	
<u>U.S. v. Cunningham</u> 680 F. Supp. 2d 844 Ohio, January 26, 2010		X
<u>U. S. v. Campbell</u> 2010 U.S. Dist. Lexis 88562 Nebraska, August 26, 2010	X	

Copies of this Abstract
have been distributed to the
forensic psychology and legal communities,
and law enforcement.
May/June, 2011