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Graying of abuse: sex offenders growing old

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SUMMARY: Paroled sex abusers are barred from using such drugs as Viagra, but the behavior persists beyond early years and into their 80s

The four rape convictions of Louis Alfred Nemnich span nearly 50 years, ending in Oregon in 1989. But his trail of victims could be much longer.

Nemnich was captured this spring in Wyoming and faces accusations that in May he attempted to rape and strangle a 54-year-old Portland woman. Last week, Nemnich appeared in Clackamas County Circuit Court -- 64 years after his first documented sexual assault -- to face charges of assault, kidnapping, attempted rape and attempted aggravated murder.

He is 82.

"You would never think someone would be capable of it at his age," said Clackamas County Sheriff's Detective Wendi Babst. "But this case really goes to show that you can't overlook anybody."

The oldest person on Oregon's list of registered sex offenders is 90, a Salem man who sexually assaulted an underage family member in 1999 and was released from state supervision in 2004.

Advancing age is becoming less of an exclusionary factor in sex offenses, said Anne-Marie Smith, a clinical psychologist who developed the Oregon State Hospital's new sex offender treatment program.

"The hot issue lately is how drugs such as Viagra or Cialis affect the behavior of older sex offenders," Smith said, referring to popular drugs used to treat impotence. "Now they are able to do this at any age."

When Nemnich was released in 2001 from the Oregon State Correctional Institution in Salem, he was prohibited as a condition of parole from using impotence drugs. His former parole officer, Kim Fulton, now supervisor at Clackamas County Community Corrections, used polygraph tests to check compliance.

Authorities did not comment on whether impotence drugs played a role in the attempted rape of the Portland woman near Estacada. But the recent case prompted investigators to reconsider their thinking about elderly sex offenders and to take a closer look at Nemnich, who had been living in Milwaukie since he was 78.

The Portland woman, who was found naked and bruised on an isolated road near Estacada this spring, initially described her aggressor as about 65 years old. The 82-year-old Nemnich was connected to the attack when investigators found the victim's clothes inside Nemnich's vehicle, which had been abandoned near the scene. DNA samples taken from the victim during a medical examination also will be used as evidence, Babst said. Because Nemnich is a "high-risk" sex offender registered in Oregon, his DNA is on file with the state.

Behavior is "pretty consistent"

Oregon authorities and experts in sexual assault speculate that Nemnich could have more victims -- possibly many more -- because of his long record of violence against women and because, they say, sexual offenses committed by older men strongly indicate previous crimes.

"They typically have done this for the majority of their lives," Smith said. "You might see charges every couple of

years, but the criminal behavior is probably pretty consistent the rest of the time. I always assume there are more victims."

Elderly sex offenders also tend to be resistant to treatment, said Steven Mussack, psychologist and program director of Choices, a sex offender treatment program in Eugene.

"They were raised in a totally different generation, so they tend to be more conservative in their willingness to disclose their histories," he said. "The idea of treatment is foreign to them. People of their generation were taught to handle their problems themselves."

The oldest men Mussack has treated were 82 to 84.

"They're often much more socially isolated," he said, "so it's harder to develop a support system for them."

If Nemnich has other victims, they might be difficult to identify, Babst said, because Nemnich has moved around the country and because he has targeted transient women or prostitutes, who don't always report such crimes.

"We're asking people to come forward if there is anyone who might have been assaulted in similar circumstances," Babst said.

Keeping track of offenders

Today, a nationwide system of registries tracks sex offenders and notifies local authorities and the public when they move to an area. But registries did not exist when Nemnich was younger. Oregon began registering sex offenders in October 1989, shortly after Nemnich arrived, and began making the information public in 1999.

Registration standards also differ significantly from state to state, and interstate notification is often limited to the agency in charge of the registry or to an offender's immediate neighborhood.

"There's no tracking system that would tell us (at the county sheriff's office) when Nemnich moves to the state or that he is a convicted sex offender," Babst said.

When offenders are Nemnich's age, records may be unavailable because they were not computerized or have been purged, Babst said.

Louis Nemnich was born in Bellefourche, S.D., in 1922. His early history is unclear, but Babst said his encounters with the law began as early as sixth grade and that he has cycled in and out of correctional institutions for the past 70 years.

In and out of prison

In 1940, when he was barely 18, Nemnich was convicted of rape in Sioux Falls, S.D., and incarcerated for 15 years. In 1972 he was convicted of two more rapes in Minnesota and spent 11 years in prison. Six years later, in 1989, Nemnich answered an ad for a logging job near Estacada and moved to Oregon.

Within months, Nemnich was arrested for attempting to rape and strangle a prostitute and went back to prison. In 2001, at the age of 78, he was released early for good behavior and placed on parole in Milwaukie until Oct. 31, 2009.

Under Oregon law, even serial rapists are eligible for release. As a high-risk offender, Nemnich was under tight supervision, Fulton said, but a parole officer's home visits, treatment and polygraph tests are insufficient to stop a determined offender.

Babst described the Nemnich case as "a wake-up call."

"When he was convicted 16 years ago, the victim thought he was going to prison for life, because he was old then," Babst said. "But it did not turn out to be that way."

If Nemnich is convicted a fifth time, he is likely to die in prison.

Under Oregon's Measure 11, the state's mandatory minimum sentencing law for violent crimes and sex offenses passed in 1994, the minimum sentence for attempted aggravated murder is 10 years, and the minimum sentences for convictions on any of the five lesser charges against Nemnich are at least seven years.

But there is no guarantee. If charges are reduced or dropped, or if Nemnich is acquitted, the aging predator could get one more chance at freedom.

A trial for Nemnich is scheduled to begin Sept. 20.

Said Babst: "We're hoping this time he's going to stay in prison."

ILLUSTRATION: NEMNICH - Accused in attack at age 82

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