

## **Sex crime residency laws exile offenders**

### **California voters weigh restrictions similar to those passed in Iowa**

By Jenifer Warren  
From The Los Angeles Times  
October 30, 2006

Des Moines — Shortly after 8 each evening, David DenAdel kisses his wife and three kids goodbye and leaves his home in the peaceful suburb of Clive. A half-hour later, he pulls up at an unfurnished rental in a scruffy pocket of Des Moines, one of the few spots in the region where he can legally spend the night.

His children, ages 3 to 6, "think maybe I'm camping, but they really aren't sure," said DenAdel, 37, who pays \$650 a month for the rental and \$1,500 a month for the mortgage on his home. "It's not easy leaving them every night, but it's the law."

A little more than a year ago, Iowa began barring sex offenders such as DenAdel, convicted of sexual abuse on a 15-year-old girl, from living within 2,000 feet of a school or child-care center. Soon after, cities and counties passed even stricter rules, adding libraries, swimming pools, parks and bike trails to the protected list.

Now, much of urban Iowa is off limits to those whose past includes a sex crime against a minor.

As Californians prepare to vote next week on Proposition 83, which would impose a similar residency ban, Iowa is becoming an example of the unintended consequences of such measures.

Prosecutors, police officials and even victims rights groups say the crackdown has backfired, driving some offenders into rural towns and leaving others grouped at motels, campgrounds, freeway rest stops or on the streets.

Many have simply gone underground, authorities say, with more than twice as many registered sex offenders now considered missing than before the law took effect.

#### **'Off the radar scope'**

"These guys are off the radar scope, and we've got no idea where they are," said Bill Vaughn, chief deputy of the Polk County Sheriff's Department in Des Moines.

All around the Hawkeye State, police and sheriff's deputies say they are overwhelmed by the task of chasing down child molesters who violate the residency law. And although they don't often pity sex felons, authorities say the house-hunting challenge faced by the ex-cons is almost insurmountable.

"When they call and ask where they can legally live, my response is, 'Do you know anybody in Nebraska?' " said Des Moines Police Sgt. Barry Arnold. "It's a nightmare."

Iowa prosecutors agree. Their statewide association earlier this year declared the law a failure and asked the Legislature to pursue a different strategy to protect children from sex crimes.

The Iowa Coalition Against Sexual Assault, representing victims, echoed that request. Executive Director Elizabeth Barnhill said Iowans are less safe now because sex offenders, facing banishment, are absconding in large numbers.

"Probation and parole supervisors cannot effectively monitor ... offenders who are living under bridges, in parking lots, in tents at parks or at interstate truck stops," she said.

Despite such concerns, Iowa's Legislature has declined to overhaul the law. One member, Republican Sen. Larry McKibben, acknowledged that "things may not be working the way we'd hoped." But in an election year, he said, legislators would not support anything "making life easier for these pariahs."

"We live in a nasty political environment, and I certainly wouldn't have wanted to take a vote that somebody could turn into a direct mail piece saying I was going soft on sex offenders," said McKibben, who led a legislative task force that studied the law's effect.

Iowa is among about 20 states and hundreds of communities that have adopted rules governing where released sex felons may live.

In California, Proposition 83 would ban registered sex offenders — including those whose victims were adults — from homes within 2,000 feet of a school or park and would allow local governments to adopt more restrictive rules. The initiative also would increase prison and parole terms for some crimes and require electronic monitoring of registered sex offenders for life, an added step that backers say would prevent some of the problems that have surfaced in Iowa.

According to maps prepared by the California Senate, Proposition 83 would bar sex offenders from living in much of Greater Los Angeles and virtually all of San Francisco, leaving only the less densely populated suburbs and rural areas open to them. Already, some local governments are adopting Iowa-like ordinances.

Although sexual assaults on children have declined nationwide in recent years, several disturbing crimes have stirred politicians into action. Among them was the February 2005 murder of a 9-year-old Florida girl, Jessica Lunsford. Police believe she was killed by a convicted sex offender working at her school.

Advocates believe forbidding offenders to live near schools decreases their access to children and thus reduces assaults. Critics say the residency laws are anchored in faulty logic because strangers are responsible for only about 10% of sexual attacks on minors. The vast majority of assaults on young victims are committed by people they know and trust, often family members.

"There is no evidence that residence restrictions prevent sex crimes or increase public safety," wrote Jill S. Levenson, a professor of human services at Florida's Lynn University, in a 2005 report to the Florida Legislature.

In Iowa, the residency law breezed through the Legislature in 2002 but was held up in the courts. The Iowa Supreme Court upheld it in 2005.

As a result, housing in 70% of Greater Des Moines, with a population of 522,450,

became off limits to overnight stays by child molesters. After city and county officials added restrictions, more than 98% of Greater Des Moines' neighborhoods were covered.

Fearing they would become dumping grounds for sex offenders, officials in rural and suburban communities soon enacted their own laws. In some towns, the ordinances are so restrictive that remote cornfields are the only places a sex offender can legally live.

Des Moines police assembled a team of 30 officers to deliver eviction notices to 300 offenders living in illegal locations. Often, distances were in dispute, so officers used radar guns — the ones designed to catch speeders — to measure from front doors to the property lines of schools or day-care centers.

Among those on eviction lists were two offenders at a nursing home and another at a veterans hospital. Des Moines' downtown homeless shelter also fell within a protected zone, meaning about 30 offenders living there had to leave last winter, said the shelter's executive director, Jean Brown.

"So now they're living under bridges," Brown said. "Thank goodness my kids are grown. Because it's far more dangerous to have these guys out on the streets and desperate."

Uprooted, some of the 6,150 sex offenders required to register annually with Iowa's Department of Public Safety began listing unusual addresses. Bryan Etherington reports living at the "I-80 rest area, mile marker 119," in Waukee. A trucker who can no longer live at the home he shared with his elderly mother sleeps in his rig at the Flying J truck stop in Clive.

Perhaps the largest enclaves are in mobile home parks. One recent night on the outskirts of Des Moines, two state officers who supervise sex offenders on probation pulled into such a park to visit James Brake, 37, convicted of indecent contact with a child.

### **'There's nowhere else'**

Approaching Brake's door, Officer Kurt Kness pointed to several preschoolers playing, unsupervised, in a mud puddle outside another rickety mobile home, parked about 20 feet away.

"The crazy thing is, you've got this guy in this trailer because there's nowhere else for him to live, but there are 8 million kids here, running all over the place," Kness said.

A few miles away, another colony of sex offenders has taken hold at the Palace Inn, a low-slung motel bordering a state highway. Yellow with purple doors, the motel is a place of troubled pasts and shaky futures, housing about half a dozen ex-cons.

Among them is Adam Lozano, 22, convicted at age 15 of lewd and lascivious conduct with two younger girls.

"I can't really seem to get ahead," said Lozano. "I know they're trying to protect people ... but I think this law is causing a lot of mental strain."

Roger Wheeler, 43, is feeling that strain. A forklift operator, Wheeler lives with his girlfriend, Ruth Lilly, and their three children in a rented mobile home in rural Maxwell. Last week, his phone was disconnected because of a delinquent payment, and he was rushed to the hospital with chest pains, which doctors attributed to stress.

Wheeler served three years for a 1992 sexual assault on a 12-year-old girl he knew. Off probation now, he said he still attends group therapy once a month to talk about his problem "and how to keep living a healthy life."

The residency law is a big topic at the group sessions, Wheeler said, and, in his view, is the kind of thing "that can make people snap."

"These laws keep coming down, making it harder and harder to get by, and you just wonder all the time what's next," Wheeler said.

"Does telling a sex offender where he can or can't live make a difference? No. All somebody's got to do is get in their car and drive someplace."