

Tough residency law spurs debate on sex offenders

Los Angeles Times

WATERLOO -- From the window of his stifling room, Kevin Zahnd sees nothing but a gravel parking lot, an empty road and a few trees, straggly from the frost.

Inside, it's just as barren. The mattress he sleeps on is prison-cell thin. His closet is a garbage bag. His recliner is broken. As is his alarm clock. He has no phone. He does have a TV, a banged-up Zenith, though the picture wavers. Above it, on the stucco wall, hangs a rough unframed painting of a mountain, in three shades of drab.

Kevin Zahnd turned 24 in this room last month. He says he likes living here, in a residential motel so desolate it doesn't have a name, in a cramped room that costs more than a decent apartment downtown. "It's quiet," he explains. "It's near the river."

More to the point: It's one of the few places in town where Zahnd can live legally.

A new Iowa law -- one of the toughest in the nation -- prohibits any sex offender who has victimized a minor from living within 2,000 feet, or roughly six city blocks, of a school or child-care center.

The law has effectively exiled hundreds of child molesters, pedophiles, porn photographers and rapists to ragged hideaways on the outskirts of town. "They're colonizing us," muttered Kenny Rhodenbaugh, 43, convicted of sexual assault on his sons' teenage baby-sitter.

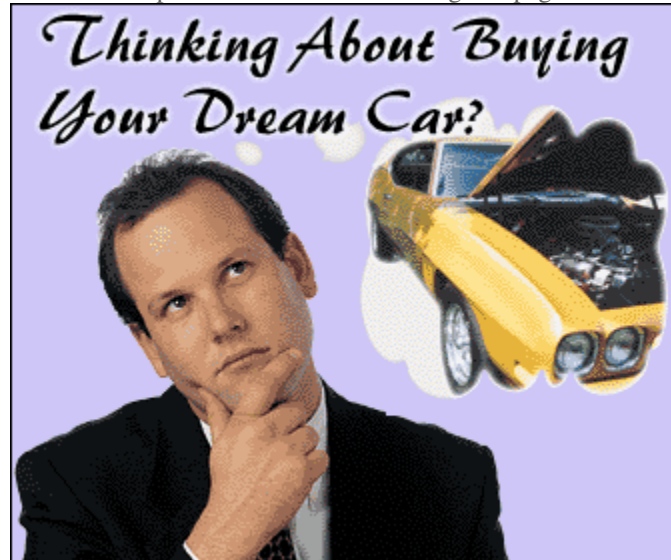
In downtown Iowa City -- the state's third-largest urban center -- just one block is open to sex offenders. In Dubuque, virtually all the affordable apartments are off limits; only the stately homes on the golf course are legal. Nearly all of Des Moines is out of bounds, including the homeless shelters. Many rural towns are closed as well because the 2,000-foot rule applies to home day-cares as well as commercial centers.

And in the industrial city of Waterloo (population 64,000), offenders like Zahnd -- who was convicted of sexual abuse for impregnating a 13-year-old -- have little choice other than two residential motels with bare-bones furnishings, both miles from the nearest bus stops.

Banished from the homes of the few relatives who still support them, forced to live far from their jobs and their counselors, the sex offenders fume.

"We don't make drunk drivers live 2,000 feet from the nearest bar. Shoplifters are not forced to live 2,000 feet from the nearest mall," said Ken Shadlow, 37, who spent five years behind bars for taking nude photos of two teenage girls. He is now in a halfway house in Waterloo, unable

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to find a place of his own to live legally.

"OK, my offense was despicable," Shadlow said. "But now I can't go and stay with my own parents, in the house where I grew up?"

State Sen. Jerry Behn, who proposed the law, has little sympathy: "These people are predators," he said. "If this law creates a hardship for them, that doesn't bother me."

All states now require sex offenders to register their addresses with police. In at least 20 states, authorities notify residents about their new neighbor's past crimes. In Iowa, sex offenders often find their photographs printed in the newspaper, tacked up at the local bar, even tucked into students' book bags.

Half a dozen states subject the most dangerous sexual predators to "chemical castration," a regimen of drugs designed to keep their libidos in check. Others permit judges to order violent offenders detained indefinitely after their prison terms end.

Led by Texas, several jurisdictions outfit sex offenders with high-tech devices that track their movements by satellite, setting off alarms that alert law enforcement if they approach a school or playground. Illinois is testing a "Cyber Sentinel" program to monitor Internet use; if a pedophile types phrases often used to woo kids online, probation officers are instantly alerted.

Iowa requires regular polygraphs to make sure former inmates are behaving. Here in Black Hawk County, sex offenders are also subjected to arousal tests that measure whether they continue to be attracted to children as they undergo therapy.

In Iowa, the residency restriction law was overwhelmingly supported, drawing just two dissenting votes in the Legislature.

Sex offenders already living near schools or day-care centers when the law took effect in July are not required to move. Those living under 24-hour supervision in medical facilities or halfway houses are exempt as well. But the restrictions apply to several hundred offenders released on parole each year, and hundreds of others put on probation. Because they remain under judicial supervision, few are allowed to leave the state.

If they do not find a legal home, they can be returned to prison, for as long as two years.

That satisfies Mary Peterson, who runs a day care in downtown Waterloo. She posts photographs of local sex offenders in her office, near her Halloween collage of toddling princesses and superheroes. New alerts arrive all too often. So Peterson is glad for whatever protection the 2,000-foot law affords.

"It makes sense," she said, as her young charges napped in a darkened church basement.

At a nearby Catholic school, Principal Julie Niemeyer started to agree. Then she hesitated.

"I'm torn," she said. The impulse to push predators far from her students is strong. So too, though, is the impulse to give them a chance -- to give them their freedom, now that they have done their time.

"If they're trying to make something better of themselves, you hate to tell them, `Do it

somewhere else, not next to me," Neimeyer said.

Critics of the Iowa law -- and there are many -- raise other objections as well.

They point out that the stereotypical pedophile, lurking by the playground in hopes of snatching a child, accounts for very few crimes. More than 80 percent of child sexual abuse is perpetrated by someone who knows the victim -- a relative, a neighbor, a friend, a trusted teacher, coach or priest. They worry that the 2,000-foot "buffer" will give parents a false sense of security.

"People need to know that there are sex offenders among us, that they're in every community," said Patty Wetterling, who became a child-protection activist after her son Jacob was abducted off his bike in St. Joseph, Minn., in 1989, never to be found.

Opponents also note the absurdities built into the Iowa law. Take the case of Shadlow, convicted of exploiting two minors.

A muscular man who used to run his own audio store, Shadlow gets regular furloughs from the halfway house in Waterloo to play with his five kids at his parents' home. He's allowed to be there all day, even as toddlers come and go from a child-care center three blocks away. But by law, he can't sleep there at night, when the day care is closed.

"Are we really focusing on crime with these laws, or are we just placating the public?" he asked.

Increasingly, police and prosecutors in Iowa are posing that same question.

"The attitude (among lawmakers) is, castrate them, poke their eyes out, whatever you do, it's OK, because they're sex offenders. But this law protects nobody. It just causes enormous headaches for law enforcement," said Fred McCaw, president of Iowa's district attorney association.

So far, just a handful of offenders have been charged with living in restricted zones.

McCaw says openly that he hopes the arrests will provoke the defense bar into challenging the residency restrictions as unconstitutional. And indeed, the Iowa Civil Liberties Union is considering such a move. If it takes the case, it will have no shortage of plaintiffs.

Ex-convicts speak fiercely about the law, saying it has branded them unworthy to re-enter society.

"This law treats you as if you ain't going to change," said Alfred, a 23-year-old who would not give his last name. "It makes you want to re-offend."

Alfred, imprisoned for having sex with a 13-year-old girl he met in a bar, insists he is not the type of predator who needs to be isolated. He and others point out that Iowa's statute makes no distinctions: A lifelong pedophile is treated no differently than an adult-theater operator who lets a minor into an X-rated movie or a high school senior convicted of statutory rape for consensual intimacy with his 15-year-old girlfriend. There is no provision for a judge or a parole officer to evaluate whether the offender remains dangerous.

Attorneys in other states have challenged the constitutionality of treating all sex offenders alike.

The issue is now pending before the U.S. Supreme Court; the justices must decide whether it's legal for a state to post online personal information about every sex offender without first assessing which individuals pose an ongoing threat.

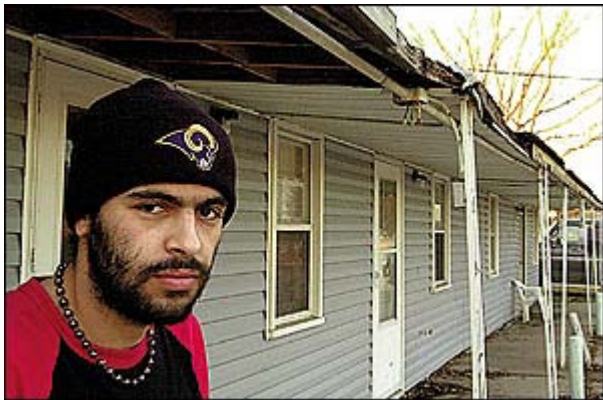
Here in Iowa, some attorneys consider the lack of individual evaluations the most troubling aspect of the new residency law. Sex offenders agree.

Although they demand freedom to settle where they want, sex offenders admit that there are, among them, a few who do not deserve that right.

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At the halfway house in downtown Waterloo, a pudgy 51-year-old with a drooping handlebar mustache is attending his first counseling class after a decade in prison. He complains that the residency restriction is unfair. He says he deserves a fresh start.

Asked his crime, the man says, "Sex with a minor." The minor was 4. She was his daughter.



Los AngelesTimes photo by STEVE POPE

Registered sex offender Kevin Zahnd stands under the crumbling awning of what was once a motel. He lives in the building, converted into one-room kitchen-less apartments.

work within 2,000 feet of schools and day cares. Within the last two years, California, Illinois, Kentucky and Louisiana have passed laws similar in concept, though far less restrictive. California's, for instance, applies only to the most violent predators, and blocks them only from living within a quarter-mile of an elementary school.

He is asked to consider the law again: Would you want someone with your record living next to your daughter's school?

The man bends his head so low, his mustache brushes his T-shirt.

"No," he whispers, his voice almost inaudible. Then, a bit louder, he says again: "No."

Residency restrictions a trend in law enforcement

Residency restriction is the latest trend in legislating against sex offenders.

Iowa's law is modeled on a tough Alabama statute that forbids sex offenders to live or