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MARY CHIND/THE REGISTER

Nowhere to turn: Registered sex offender John Chapman, 73, has little hope that he will find a place to live when he is evicted from his Des Moines apartment — he has until Friday to move out. "I'm at the end of this road . . . I've never been so scared," Chapman said.

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More about Iowa's law

THE ISSUE: The state law prevents sex offenders whose victims were children from living within 2,000 feet of a school or licensed child-care provider. Many cities have passed similar ordinances, some tougher than the state statute.

CHALLENGE: The Iowa Civil Liberties Union has challenged the law in court because it "shuttles sex offenders off to areas least able to deal with it," said the organization's legal director, Randall Wilson.

SUPPORT: "If it makes it tough for them to find a place to live, too bad. They shouldn't have committed the crime in the first place," said state Sen. Jerry Behn, a Boone Republican who pushed for the law.

LAW: Violators face up to two years in prison and a \$5,000 fine. Offenders who moved to a prohibited area before July 1, 2002, are exempt.

REGISTRY: Every person convicted of a sex crime after July 1995 is required to register. As of June 1, there were 5,391 people registered.

ON THE WEB: iowasexoffender.com

'Just find me a place to die'

Fear, desperation set in for some registered sex offenders who must move

By BONNIE HARRIS
REGISTER STAFF WRITER

November 1, 2005

John Chapman has rickety bones, an oxygen tank and a shameful past that's worn him down more than bad health ever could.

What he did with two 13-year-old girls nearly a decade ago put him in prison for nearly five years and on the Iowa Sex Offender Registry.

But Chapman, 73, wouldn't be in the fix he's in now — three days from being a homeless man on crutches — had he not switched apartments in June 2004. He had lived at the Elliott Apartments in downtown Des Moines before a state law went into effect that prohibits certain sex offenders from living near schools or child-care centers.

Chapman would have been exempt from the eviction proceedings that face roughly 300 others in the city, but he accepted his landlord's offer to switch apartments and have more room to park the electric scooter that helps him get around. He moved his belongings from Apartment 311 to Apartment 312. The front doors are 2 feet apart. The units share a kitchen wall.

The move took less than an hour. But it was a move nonetheless, according to the law, and now Chapman must go.

"Please just find me a place to die," he said. "I'd just as soon take a beating than go through this."

Stories like Chapman's have become routine for Iowa authorities as they try to enforce the first round of eviction notices for registered sex offenders whose victims were minors. Individually, the cases show the lack of nuance in a law that has caused men to lose their homes and jobs and forced mothers to sleep under a different roof than their children. They also illustrate the broader difficulties of a law that views all sex offenders with minor victims the same — from hard-core pedophiles to the teenage boy who had consensual sex with a 15-year-old girlfriend he later married.

The Des Moines City Council last month expanded the state law so that registered sex offenders cannot live within 2,000 feet of parks, playgrounds and public facilities such as swimming pools. The additional restrictions essentially cover the entire city.

"We've heard from people who are the sole caregivers to elderly parents, people who just bought a house, people who can't afford to move, people who are sick or dying themselves," said

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has information on persons who have been assessed as "at risk" to reoffend, and who were convicted after July 1, 1995.

Q & A

Luis Rosell, a Mount Pleasant psychologist and former director of sex offender treatment at the state prison there, said most offenders know their victims. There is no proof, Rosell said, that residency restrictions increase public safety.

"The majority of these guys do not reoffend," Rosell said. "You are punishing a lot of people who are trying to get their lives back together."

A Canadian study last year of 4,724 sex offenders found that nearly 75 percent had not been charged with another sexual offense after 15 years.

The findings also found that first-time offenders and those older than 50 were less likely to reoffend.

"Iowa's law is one of those feel-good reactions," Rosell said. "It's one of those things that people think are making them safer. It doesn't."

Q. When was the Iowa law passed?

A. 2002.

Q. Why wasn't it enforced until now?

A. The law has been locked in a legal battle led by civil liberties advocates.

Q. Which offenders are exempt?

A. Those whose victims were adults, those who have lived in the same residence since before July 2002, and those who lived at an address before a school or child-care center opened nearby.

Q. Do these rules exist elsewhere?

A. A dozen other states have enacted similar laws, and in recent months cities and counties nationwide have set their own boundaries for offenders.

REOFFENDERS

Various government studies on sex-offense recidivism have concluded that:

- The rate for child molesters is 3.3 percent in the first three years.
- Not all people who commit sex crimes involving children are pedophiles — adults who have sexual desire for children.
- Pedophiles, especially those who molest boys, have the highest relapse rates after prison and/or treatment.
- A study commissioned by Washington's governor last year found that the average prison sentence for all felonies was 37.3 months, compared with 90.8 months for sex offenses.
- Sex offenders are less likely than other offenders to be rearrested for any crime — 43 percent of sex offenders vs. 68 percent of others.
- Of those offenders arrested for another sex crime, 85 percent reoffended in the same state that released them.

Lori Kelly, a Des Moines police officer who organizes the department's eviction efforts. "They have nowhere to go. They're stuck. They have limited resources. But the law applies to them just the same."

Kelly knows all about Chapman. He has called her, and a half-dozen other officials, repeatedly since he received the notice late last month to vacate. He's told his story countless times. Not because he particularly wants to, but because he has run out of time.

"I just need somebody to understand," Chapman said. "I moved 2 feet across the hall, not across town. I've lived in this very same building this whole time . . . but they're saying I have to get out. There's not a darn thing I can do about it."

Some who have heard the details of his crime say it's difficult to feel sympathy: Chapman was convicted of taking sexually explicit photographs of two young girls. Some of the photographs depicted him with at least one of the children. The conviction excluded other allegations of inappropriate sexual behavior with the girls. He served four years and eight months in prison for felony exploitation of a minor.

"This may be a terrible time to be a sex offender. But with victims of sex abuse, it goes on forever," said Jo Mulvihill, a counselor for Polk County Victims Services. "'Normal' has a whole new meaning after that."

Mulvihill is not swayed by Chapman's frailty. He has acute asthma and bad legs that require him to keep crutches at the ready. He doesn't walk without pain. He pays \$505 per month for a drab apartment that has room for his scooter, a \$10 twin bed, a television and some other things.

Mulvihill said she's seen disabled sex offenders in wheelchairs "and men so ill and old they can't finish their treatment."

But "none of it means they aren't a threat," she said. "People can sexually offend, and do, until they die."

Chapman said he's not a threat, that he's taken responsibility for his crimes. He talks about the past with regret, and he questions the law that has made him pay all over again.

"The way I see it, they can do just about whatever they want to do with" sex offenders, Chapman said. "Why don't they have a registry for kidnapers and murderers? Drunk drivers and drug users? They're all able to hurt children, too."

Ben Stone of the Iowa Civil Liberties Union said Chapman personifies a major flaw in the law, which states if a registered sex offender established a residence before July 1, 2002, he or she is exempt from the 2,000-foot rule.

"Is a building a residence or is an apartment a residence?" Stone asked. "I'm troubled that there seems to be such an extreme interpretation of the law . . . and by the aggression in which they're going after a 73-year-old crippled man."

Kelly said Chapman's case is further complicated because he left the state in early 2003. Chapman says he was only gone three days to visit his homeless son in Mississippi; officials say it was much longer.

"You can't make an exception for one person," Kelly said. "Mr. Chapman's a pretty pathetic soul. But he's also on the sex offender registry."

- Seven of 10 men in prison for a sex crime victimized a child. In almost half of the cases, the victim was a son, daughter or other relative.

- Jill Levenson, a Florida professor who researches residence restrictions, said that 27 percent of sex offenders nationally lost jobs when bosses or co-workers learned about their crimes; 20 percent had to move when landlords found out.

NEW LAWS

Tougher sex offender laws passed by Iowa legislators last session:

- Doubled prison terms, to 10 years, for certain sex crimes against children.
- Required life in prison for anyone convicted a second time of a major sex offense.
- Required lifetime supervision for some offenders.
- Made it a crime for a parent, along with a child, to knowingly live with a nonparent listed on the state Sex Offender Registry.
- Made sex offenders ineligible for reduced prison time if they refuse treatment.
- Required electronic monitoring of convicted pedophiles for at least five years.

Chapman has until Friday to move. He has already started packing, although he has not found a place to go.

"I'm quite certain I'll be homeless for the first time in my life," he said. "I'm at the end of this road . . . I've never been so scared."

Read more

Kerry Downard was arrested for not living where he was registered. He now sits in jail in Missouri. [Click here](#) to read his story.

Robin Malhi's life is turning from normalcy to desperation after she was forced to move out of her mother's home. [Click here](#) to read her story.

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