



February 16, 2006

Sen. Bourne and Members of the Judiciary Committee:

My name is Elizabeth Barnhill, and I have been the Executive Director of the Iowa Coalition Against Sexual Assault, or IowaCASA, for the past 16 years. IowaCASA is composed of 27 sexual assault crisis centers across the state of Iowa, centers that serve approximately 4,000 victims of sexual assault annually. Our member programs provide crisis advocacy, short-term counseling, medical and court accompaniment for victims, and conduct prevention work in schools and communities. My prior work experience includes work in one of Iowa's sexual assault crisis centers, work as a director of a battered women's shelter, and work in a treatment facility for children, many of whom had been sexually abused.

For the past 16 years, I have also served, including a term as president, on the Iowa Board for the Treatment of Sexual Abusers, a group that oversees training and credentialing for both individual treatment providers, and the programs that treat sex offenders. Since the inception of Iowa's civil commitment process in 1998, I have also served on the Department of Corrections Multidisciplinary Team. We review cases of convicted sex offenders that have been forwarded from the Department of Corrections, and make recommendations about forwarding them to the Iowa Attorney General's office for possible civil commitment proceedings.

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I am here to offer information about Iowa's experience with sex offender residency restrictions. As you know, our state has enacted a sex offender residency restriction that prohibits a sex offender from living within 2000 feet of a school or day care facility. The law went through a series of court challenges, culminating in an appeal to the US Supreme Court in November of last year. The Supreme Court declined to hear the case, and so at this time the law stands in Iowa.

The sex offender residency restriction was a very well intentioned effort to keep the children of our communities safe from sex offenders. It has, however, had unintended consequences that effectively decrease community safety. Yesterday, February 15, 2006, the Board of the Iowa Coalition Against Sexual Assault joined the Iowa County Attorneys Association in stating that these unintended consequences warrant replacing the residency restriction with more effective measures. IowaCASA will be working with other organizations to suggest consideration of alternate measures such as "safety zones," protected areas that sex offenders would be prohibited from entering except in limited and safe circumstances. We will also join others in suggesting that restrictions be applied to a more limited group of offenders who, after assessment, have been determined to be a risk to children in public places.

I understand that Nebraskans are considering a variety of residency restrictions, some enacted by state law, and others as a result of community ordinances. In our Iowa experience, both have become problematic and are contributing to reduction in community safety. When IowaCASA began to review this issue, we turned to available research, and learned that there is to date no research to support the idea that residency restrictions reduce repeat sex crimes.ⁱ Minnesota and Florida have found that such restrictions can increase homelessness, transience, decrease stability for the offender, and interfere with close supervision of sex offenders.ⁱⁱ

We have experienced similar problems in Iowa. A January 23, 2006 article in the Des Moines Register cited Iowa Department of Public Safety statistics showing that the number of sex offenders who are unaccounted for has doubled since the law went into effect.ⁱⁱⁱ Of 6000 registered sex offenders, the number of unaccounted for sex offenders increased from 142 on June 1, 2005, to 298 by mid-January of this year.^{iv}

Where are these offenders? Iowa sheriffs have been working very hard to enforce sex offender compliance with both registry and the 2000-foot requirements. As a result, some offenders are attempting to comply by providing descriptions of where they are actually living, even if it is not a residence. A sampling from Polk County, where I live, shows some offenders are listing their whereabouts in this manner: "under 7th St. bridge," "truck near river," "rest area mile marker 149," "Flying J, in truck," "in tent, S side I-80," "RV in old Kmart parking lot," "I-35 rest area," "west side Des Moines river," "in a truck," "in a tent on the south side." Two listed Quick Trips, two listed other truck stops. About 60 offenders in my community show "whereabouts unconfirmed."^v

For the first time, sex offender treatment providers tell us, sex offenders are absconding in large numbers. Probation and parole supervisors cannot effectively monitor, or engage in treatment, offenders who are living under bridges, in parking lots, in tents at parks, or at interstate truck stops. Our overall concern is not for the comfort of sex offenders, individuals who have created great anguish for those they abused. Our concern is that community safety is decreased when sex offenders are difficult or impossible to locate, and become homeless and destabilized as a result of residency restrictions.

Treatment of sex offenders is more likely to be successful when offenders can be effectively supervised or monitored, and when there are community support systems. Scarce resources are currently being used to track down offenders and to monitor compliance with the 2000-foot rule. As both as a professional working

in the field, and as a parent of two elementary-school aged children, I would far rather see our state using its resources to effectively supervise, monitor and treat the offenders in my community.

Additionally, some communities now have “clusters” of offenders congregating in inexpensive motels or other places that fall outside any of the areas affected by residency requirements. The Des Moines Register reported that clusters of four or more offenders can be found at about two dozen locations around Iowa.^{vi} These locations can limit sex offenders’ transportation and employment options, and place them far from treatment and other community supports. Research has shown that “meaningful employment can provide sex offenders a stabilizing influence by involving offenders in pro-social activities and assisting them in structuring their time, improving their self-esteem, and meeting their financial obligations.”^{vii} Research suggests also that stable employment is a contributing factor in reducing sex offender recidivism.^{viii}

Sex offenders are not all the same, and applying the same measures to every offender does not enhance community safety. As a victim-centered organization IowaCASA is very involved in sex offender management. Nearly all professionals involved in the sex offender management field agree that responsible and effective management of sex offenders requires rigorous community supervision and sex-offender specific treatment. It is based on the notion that if an offender can be taught to manage successfully his *individual* propensity to sexually abuse, he becomes less of a risk to past and potential victims. A victim-centered approach to sex offender management involves agencies working together to continually evaluate an offender’s progress and discuss whether modifications should be made in the treatment or supervision plan. Measures imposed equally on all classes of sex offenders, such as residency requirements, can detract from the ability of sex offender treatment and supervision professionals to make changes in treatment and supervision plans that may be effective for individual offenders.^{ix}

Additionally we are concerned that residency restrictions reinforce perceptions that sex crimes against children are most often committed by predatory strangers. The sad reality is that most of the time children know, and often have trusted, the person who sexually abuses them. A recent study showed that among adults victimized before the age of 12, only 10.8% of the females, and 15.7% of the males reported being sexually violated by a stranger.^x Public policy should create community supports to protect children from *all* sex offenders.

When a brutal sexually violent crime occurs, such as the one that occurred in Iowa last year, our societal tendency is to focus all our resources and energy on stopping offenders. The long-term solutions to eradicating sexual violence from our society, however, do not lie in measures taken to stop re-offense, but rather in preventing sexual violence from happening in the first place. In Iowa, we are encouraging our public policy makers to support prevention efforts such as:

- Youth instruction in school, places of worship, and community organizations;
- Parent instruction in both proactive parenting & protecting children: Parents need tools to help detect signs of adult with sexual behavior problems, tools to help teach their children about warning signs, and tools to encourage healthy parenting;
- Support for initiatives directed at bystander behavior: Research increasingly points to the importance of bystander intervention in risky situations, and bystander support for healthy attitudes; and
- Community and Professional Education: Communities need to understand both the limitations of available information, and the importance of their role in preventing sexual assault. We need to shift the focus away from the “say no, go & tell” programs aimed at children, back to the adults who are truly responsible for community safety, and
- Organizational Policy Development: Workplaces, educational institutions, community organizations, faith-based organizations, and others need to

have policies that support prevention and early intervention in sexual assault.^{xi}

Thank you for the opportunity to share our experiences with you as you work to create safety for our neighbors in Nebraska. We are happy to respond to questions or provide additional information that may assist your decision-making process.

ⁱ Association for the Treatment of Sexual Abusers (2005). *Facts About Sex Offenders*. p. 7.

ⁱⁱ *Ibid.*

ⁱⁱⁱ *Des Moines Register* (January 23, 2006). *New Data Shows Twice As Many Sex Offenders Missing*.

^{iv} *Ibid.*

^v *Iowa Sex Offender Registry* (data as of February 15, 2006).

^{vi} *Des Moines Register* (January 29, 2006). *New Law Creates Clusters of Sex Offenders*.

^{vii} Curtis, R.L., Jr., and S. Schulman (1984). *Exoffenders, Family Relations, and Economic Supports*. *Crime and Delinquency* 30 (4): 507–528.

^{viii} Hanson, R.K., and A. Harris (1998). *Dynamic Predictors of Sexual Recidivism*. Cat. no. JS42-82/1998-01E. Ottawa: Department of the Solicitor General of Canada.

^{ix} *Iowa Coalition Against Sexual Assault* (November 30, 2005). *Remarks to the Iowa Sex Offender Legislative Interim Committee*.

^x *National Institute of Justice, U.S. Department of Justice* (January, 2006). *Extent, Nature and Consequences of Rape Victimization, Findings from the National Violence Against Women Survey*.

^{xi} *Iowa Coalition Against Sexual Assault* (November 30, 2005). *Remarks to the Iowa Sex Offender Legislative Interim Committee*.