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Sex-felon residency law vexes everyone

Slaying shines light on 'logistical nightmare'

Jeff Wiehe | The Journal Gazette

The Northway mobile home park where 9-year-old Aliahna Lemmon disappeared just before Christmas is a haven for sex offenders, with 14 of them living among the roughly 25 units.

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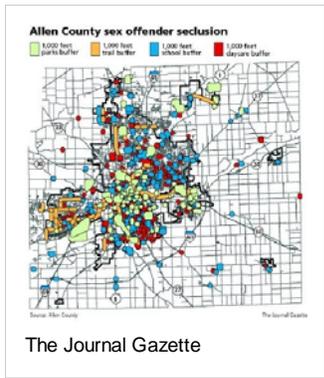
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While none of these men is accused of being involved in the girl's death in any way, Aliahna's killing and dismemberment put renewed focus on the state law that prohibits sex offenders from living within 1,000 feet of any school, park or child-care center.



Shimkus

In an area like Fort Wayne – full of parks, churches and a growing number of walking trails – the law creates small pockets where sex offenders can reside, areas that some dub as “sex offender ghettos.”



Cpl. Jeff Shimkus of the Allen County Sheriff's Department finds this consequence increasingly troubling.

“It's bad. I don't like it at all,” said Shimkus, who is part of the department's Sexual Offender Registration and Notification Team.

The law, Shimkus said, is becoming harder to enforce and might hinder police from knowing where some sex offenders live, allowing them to move closer to schools and parks undetected for long periods of time.

Shimkus is considered by many in this area to be an expert on sex offender issues. He's even been involved in mapping out some of the state's laws governing such offenders and said he cautioned legislators against the 1,000-foot law before it was passed.

“I told them it's going to be a logistical nightmare to enforce and, the thing is, I don't think there's any research that shows these residency restrictions really protect anything,” he said.

One of the primary problems with the restriction is that with so few places sex offenders can live, many give up trying to comply with the law and move to within earshot of a school or park anyway.

They never register their real addresses and might not be caught until police are able to do a check on their whereabouts.

Of the 37 people Allen County police arrested for failing to register their addresses in 2011, Shimkus said 20 percent to 30 percent did so because they could not find living accommodations that comply with the 1,000-foot requirements in the law.

Without such a restriction, Shimkus argues that most offenders would not be so willing to break the registry laws or lie to police about their addresses. Officers would then be able to keep better tabs on where offenders live.

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Sex offender registries

•Local Allen County sex offender registry, where users can search for sex offenders in their area and sign up for email updates about when sex offenders move into their area, can be found at this link: tinyurl.com/AllenOffenderWatch •National registry can be found at this link: www.nsopw.gov

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| Dow | 13282.30 | -9.70 |
| Nasdaq | 3132.35 | -3.46 |
| S&P 500 | 1435.49 | +3.37 |
| AEP | 43.49 | -0.03 |
| Comcast | 34.49 | -0.16 |

Shimkus proposes that instead of having so many restrictions on where offenders can live, there should be a more severe felony levied against an offender who lives within 1,000 feet of a school or youth center without registering his or her address.

"Some of these guys want to comply, but can't," he said. "I'd much rather have a sex offender living next to a school as long as the school knows, as long as I know and as long as the community knows."

The multiple requirements in the law ban sex offenders from many parts of Fort Wayne, forcing them into the rural areas of the county.

This presents a whole new set of problems, Shimkus said. Many offenders are on parole and need to make mandatory counseling appointments or meet with their probation officers. When they live in areas without buses, many who are poor can't make these meetings and end up failing their probation.

It's like they are set up to fail, Shimkus said.

And then there are the "sex offender ghettos." It comes as no surprise to Shimkus that these areas have an influx of offenders in one place.

"All these guys talk to each other and see each other in counseling sessions," Shimkus said. "They hear from each other the places where they can live. One day a little area might have one or two sex offenders, the next it becomes a minefield for the families that live there."

Multiple sex offender clusters already exist in Allen County.

At a motel at 4606 E. Washington Blvd. there currently reside 24 sex offenders, some of whom are part of a taxpayer-funded Department of Correction program that helps offenders reintegrate into society.

Seven sex offenders are living at a mobile home park at 5430 Old Maumee Road; six are living in an apartment complex at 5334 New Haven Ave.; and 15 live within a half-mile of Hoagland Avenue and DeWald Street, where someone reportedly tried to abduct a 13-year-old girl in November.

The 300 block of West DeWald Street, where seven offenders currently live, has presented a unique problem for Shimkus and his team recently. It also shows a gray area in the law, he said.

A few years ago, Shimkus said his department had 13 sex offenders removed from a local apartment complex because of its proximity to a youth center. These offenders all moved to the 300 block of West DeWald Street because at the time it fit the 1,000-foot requirements.

This year, a child-care center opened in the area. Does the law mandate that these offenders – who were within their right to live where they do when they moved – now relocate?

Shimkus isn't convinced the law is clear.

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"We've kind of grandfathered them right now," he said, noting his department has not forced these offenders to move.

Shimkus' boss, Allen County Sheriff Ken Fries, does not want sex offenders anywhere near schools but also said he doesn't know whether there's a "magic number" when it comes to measuring how many feet away a sex offender must live.

He, like Shimkus, said that parents need to be mindful of where they live, that they should always check the sex offender registry to see who lives around them.

While many sex offenders know their victims, Fries said a neighbor is someone who usually becomes known to the children and that parents need to know their neighbors.

"If you're a parent and you know there's something wrong, or you think there's something peculiar about someone, for God's sake don't let your kid be around them," Fries said.

While he disagrees with the living restrictions, Shimkus does not expect the law to be lifted soon.

It would take a legislator standing up and committing "political suicide" by appearing soft on sex offenders, he said, but he hopes the attention Aliahna Lemmon's case is bringing to the issue will also bring education about the drawbacks of the law.

"We have to decide what the real purpose is here," Shimkus said. "Do these sound-good and feel-good laws really protect us?"

jeffwiehe@jg.net

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