ICoN Consolidated Newsletter, 2016A (Jan. to June 2016, #5-#8)

The Informational Corrlinks Newsletter (ICoN) provides a variety of legal, treatment, activism news & practical info for incarcerated SOs via CorrLinks. This consolidated version covers all legal cases and articles covered in the ICoN newsletters for the first half of 2022 and are offered as a space-saving measure. To better make use of Corrlink's 13k character limit, abbreviations will be used, so ICoN readers need to familiarize themselves with the following acronyms: SCOTUS (Supreme Court of the United States, an acronym in current Internet use), RC (registered citizen, an "SO" currently forced to register), ARM (Anti-Registry Movement, a term sometimes used to describe our reform movement), SOR (SO Registry), AWA (Adam Walsh Act), SORNA (the part of the AWA covering Registration & Notification), Admt (Amendment) & the many abbreviations for states & court jurisdictions. Time dated announcements & resources are not included in this consolidated newsletter. – Compiled Dec. 4, 2022.

ORDERING BACK ISSUES OF THE ICoN & DONATING TO THE CAUSE

Due to a limited budget and manpower, **I do NOT have a regular physical mailing list for these newsletters**. Those with Internet access can print past issues from my site and the other resources I offer at https://oncefallen.com/icon/

Consolidated ICoN newsletters are sent out upon request and a payment of two stamps to help offset costs. Please note that some prisons place limitations on mail which may require a higher cost (example: some prisons limit printouts to five single-sided pages per envelope, so a printout taking up 22 pages would require 5 stamps.) Please note your facility's limitations before making a request. Checks/ MOs must be made out to Derek Logue. You can contact me for further info and a list of what I offer at:

Mail - Derek Logue, 2211 CR 400, Tobias NE 68453
Email – iamthefallen1@yahoo.com (this is also the email I use for signing up for the ICoN)
Phone – (513) 238-2873 (No collect calls)

YOUR LIFE ON THE LIST: Edition 3 (A registry survival guide) by Derek Logue

"Your Life on The List: Edition 3" is a registry survival guide, covering a variety of common concerns like housing, employment, compliance checks, travel, and other common questions. It also contains a housing list and a comprehensive overview of the registry, residency/ proximity laws, and other post-conviction laws you may experience as a Registered Person.

To download a free PDF Copy of the guide, visit the front page at oncefallen.com

To order a printed copy from Amazon.com ($14.95 plus tax & shipping):
https://www.amazon.com/Your-Life-List-Derek-Logue/dp/B0BSZWQCWV/

If you are thinking of becoming an activist, consider ordering a copy of "The Anti-Registry Activist Manual: A Guide to Effective Advocacy" by Jonathan Grund. It is available for $13.50 on Amazon.com:

https://www.amazon.com/Anti-Registry-Activist-Manual-Effective-Advocacy/dp/B09T893TNR/

LEGAL ROUNDUP JAN-JUNE 2016

NC: *State v. Packingham*, No. 366PA13 (NC Sup Ct 2015): Reversed an appellate decision what had declared social media bans for SOs were unconstitutional. The Majority ruled NC's ban on social networking did not violate Free Speech, but merely "regulated conduct," which may have merely an "incidental effect" on speech, which therefore receives only the lightest judicial scrutiny, and is thus permitted under the Constitution. This is obviously a bad decision.

CA: A year after Caron City declared "war" on registered citizens and vowed to fight for the right to ban registrants from public places like city parks, Carson City repealed their anti-loitering ordinance. The state appeals court had already declared such laws invalid because state law preempts local ordinances. Earlier this year, members of the CA legislature attempted to pass a law allowing municipalities to make up their own rules for so-called "child safety zones" but was rejected.

FL: Bad news out of Miami, as once again a federal district court has rejected arguments against Miami-Dade Co's 2500 foot residency restriction law named after Lauren Book, daughter of powerful and corrupt lobbyist Ron Book. Miami was home to the homeless camp under the bridge, which made headlines from 2007-2010; the homeless SOs were simply moved from under the bridge to parking lots and empty warehouses. The ACLU plans to appeal.

MN: The 8th U.S. Circuit Ct of Appeals has granted the state a stay of execution of an order from a US Dist Ct which would force changes to MN's "civil commitment" program. The MN-MSOP has yet to make any changes to allow the release of inmates in the program.

VA: The legislature is trying for a third time to pass a bill to remove state employer information from the registry. If VA's SB 11 passes, they will become the third state since 2012 (the other two being Kansas and Texas) to remove employer info from the registry. In 2010 it was SB635 which passed the Virginia Senate Committee and then the Full-Chamber 40-0 but was then "killed" by the House Militia, Police and Safety Sub-Committee of 6. Then in 2012 it was HB413 which made it onto a hearing docket for the House Courts of Justice Criminal Sub-committee where the 8 members "Laid it on the table" instead of casting an official vote, to "kill" it. As of December 2015, 2 states (HI, NV) list employer street name & zip code; 10 states (LA, MA, MI, NY, SC, MD, MI, MO, OH, TN) list employer address; 6 states (AK, IN, NM, DE, ME, VA) list employer name and address; 1 state (AL) lists employer city and occupation, 2 states (PA, WV) list employer city, county, and zip; and 29 states do not list employer information.

NC: *Doe v. Cooper*, No. 1:13CV711 (M.D.N.C. Dec. 7, 2015) The plaintiffs, all subject to G.S. 14-208.18, brought their claims under 42 U.S.C. § 1983, alleging that the law is unconstitutionally overbroad, vague, and violative of their procedural due process rights. The crux of their complaint is that they aren't sure where they can and can't go. They have been told by various prosecutors, law enforcement officers, and probation officers that, among other things, they may not attend a G-rated movie, eat at a fast food restaurant that has an attached play area, go to an office supply store that is within 300 feet of a fast food restaurant that has a play area, or go to church. Judge Beaty wrote that the law gives no guidance as to how "regularly" a program must occur or how many minors must gather to trigger the prohibition. Concluding that the provision cannot stand, the court enjoined every prosecutor in the state from enforcing it against the plaintiffs and all other persons similarly situated. The court also ruled the law may be overbroad, not narrowly tailored.

NJ: The NJ Appellate Ct ruled in Jan. the use of polygraphs in the treatment of SOs is legal, but they can't use them as evidence for punishment hearings. The court called the tests a "therapeutic tool" when used to help treat sex offenders but "incompetent evidence" when used to punish them. In addition to barring New Jersey from using the test results to impose sanctions or increased restrictions on monitored sex

offenders, the appeals court ordered the parole board to beef up regulations protecting offenders from incriminating themselves. The parole board's use of the tests to increase restrictions on monitored sex offenders - such as travel bans or restrictions on where a sex offender an live - "clashes with our judiciary's systemic aversion to the evidential use of polygraphs," Judge Jack Sabatino wrote for the court.

MI: An SO suing over the state's SO registry and residence restrictions will not be able to file as a "John Doe," despite being harassed and assaulted by vigilantes. The man & his mother, evicted from their apartment after a neighbor apparently noted his registry status, found hot grease on their car while packing up to leave. He was also assaulted, and had "Bitch" written on the windshield, the lawsuit said. U.S. District Judge Robert Jonker rejected the motion, stating litigation is presumed to be a held in public, "especially when matters of public concern are at issue," and, "the Court cannot guarantee any litigant freedom from expressions of opposing views – even strongly worded expressions of opposition."

CA: The state Assembly reintroduced AB 201, which would have reinstituted the power of municipalities to pass "presence restrictions" (also known as anti-loitering or "child safety zones"), but the bill died in committee, mostly the result of Anti-Registry activists. During the Committee hearing, a total of 16 people spoke in opposition to AB 201 and only three people spoke in its favor. Those speaking in opposition to the bill included representatives from the CA SO Management Board, the ACLU, and California Attorneys for Criminal Justice. Those speaking in favor of the bill were representatives from the Orange County District Attorney's office, the Orange County Board of Supervisors and the City of Carson.

Belleau v. Wall, No. 15-3225 (7th Cir Jan. 29, 2016): Requiring an SO to wear a GPS monitoring anklet 24 hours a day for life does not violate the 4th Amdt, reversing a ruling from WI. The Court claims, "It is because of the need for such balancing that persons convicted of crimes, especially very serious crimes such as sexual offenses against minors, and especially very serious crimes that have high rates of recidivism such as sex crimes, have a diminished reasonable constitutionally protected expectation of privacy."

BOP: Recently it was reported to me that Otisville was planning a blanket proposal to prevent ALL SOs from accessing Corrlinks. It was now reported to me that thanks to the inmates who reported to me the Corrlinks policies in your institution, Otisville officials backed off the blanket proposal & will only block access on a case-by-case basis. One small victory for us!

Feds: HR515, aka, International Megan's Law, was passed unanimously into law. Under IML, passports of SOs with a minor victim with have a "unique identifier" (think 1930s Germany) placed on the passports, & failing to disclose full travel details (including flight plan, where you'll be staying, who you are traveling with) within 21 days is punishable by 10 years in prison.

WI- Gov. Scott Walker has signed a bill that creates uniform restrictions on where SOs can live. Municipalities currently use local ordinances to create zones where SOs can't live. The bill creates statewide regulations barring violent SOs from living within 1,500 feet of any school, day care, youth center, church or public park. SOs who committed crimes against children can't live next door to children. Sex offenders who committed crimes against an elderly or disabled person can't live within 1,500 feet of a nursing home or other assisted living facility. Local ordinances will generally remain enforceable.

IN—The IN Sup Ct ruled that two men had to register as SOs after moving from other states, saying the requirement did not violate the Indiana Constitution's prohibition against ex post facto laws [*Sidney Lamour Tyson v State of Indiana*, 45S03-1509-CR-528, and In *State of Indiana v Scott Zerbe*, 49S05-1509-MI-529]

WA—The State Court of Appeals has determined that Steven Powell doesn't have to disclose his sexual history as part of SO treatment because doing so would violate the 5th Amdt. [*State v. Powell,* No. 46957-0-II (WA Ct. of Appls, Div II, March 29, 2016)]

AL—A federal judge has ruled that Ricky Martin of Triumph Church in Clanton can proceed with a lawsuit against the state against a Chilton Co. anti-clustering law passed specifically to shut down his ministry, which provided one of the state's only transitional homes.

CA—California RSOL has filed litigation in US Dist Ct to attempt to stop the enforcement of HR515, "International Megan's law," which will put a "unique identifier" on the passports of certain RSOs. This case is in the early stages so no action has been taken at this time.

Fed—*Nichols v. US,* Docket # 15-5238: SORNA, which makes it a federal crime for certain SOs to "knowingly fai[l] to register or update a registration," and requires sex offenders who move to another state to, "no later than 3 business days after each change of name, residence, employment, or student status," inform in person at least one jurisdiction "where the offender resides, . . . is an employee, and . . . is a student," did not require Lester Nichols to update his registration in KS once he left the state and moved to the Philippines. Note, SCOTUS ruled that "International Megan's Law" had changed the registration requirements and had rendered this a moot point so this decision won't impact the requirement to register when moving out of the USA.

US v Von Behren (10th Cir, May 11, 2016): This Ct ruled that requiring one to answer specific questions during a polygraph examination violates the 5th Amdt protection against self-incrimination. "The Fifth Amendment is triggered when a statement would provide a 'lead' or 'a link in the chain of evidence needed to prosecute the' speaker, see, e.g., United States v. Powe, 591 F.2d 833, 845 n.36 (D.C. Cir. 1978), and affirmative answers to these questions would do just that. If there were presently an investigation looking into the commission of a sex crime, and if Mr. Von Behren were a suspect, an affirmative answer to these questions would allow the police to focus the investigation on him. Moreover, investigators would certainly look at Mr. Von Behren differently if they were made aware that he had physically forced someone to engage in sexual relations with him."

SPECIAL REPORT: THE JOB ISSUE

Around the country, "Ban the Box" laws are gaining popularity, which will prevent employers from asking that dreaded question on initial applications. At least it gives ex-felons the opportunity to "get the foot in the door" (this does not stop questions about records on interviews or doing background checks). And recently, a PA Commonwealth court rejected a broad ban on ex-felons working in elderly care centers because it did not narrowly tailor the law to certain crimes. Despite the change in attitude about how we view jobs and ex-felons, SOs tend to be left out of the conversation about job reform.

There aren't any studies on SOs & employment, so OnceFallen.com hosted a Job & Welfare Survey of freed SOs to find out how the SOs are supporting themselves. A total of 307 registered citizens completed the survey, so the info from this survey should be quite helpful. Below are some of the preliminary findings:

First, it should come as no surprise that a number of SOs have experienced significant unemployment and housing problems. Almost half of respondents are unemployed, though some are retired or on welfare. Only 31% had a full time job (4 respondents had 2 jobs). Only 26% reported making over $30,000 last year, and 31.6% reported living below the federal poverty line. Almost half answered they have lost a job due to their status; 82% reported being denied work due to status; half reported harassment at work.

About 37.7% experienced homelessness at some point (though only 3.4% of respondents were currently homeless at the time the survey was taken); amazingly, one-third owned their own home; 23% lived rent-free with a relative or through a program; about 40% rent an apartment, with 15% sharing living expenses; only one respondent is receiving government housing (achieved through a lawsuit). This is interesting because 78% of respondents reported having at least some college, with 50% holding a college degree. (Also of note on demographics, 55% of survey takers were ages 41-65 and 8% were 65+; only a third reported being married and living with spouse; only half has children; only 17% have minor children living with them.)

Despite so many college-educated SOs, respondents reported the jobs they held since their release are those most associated with low-pay and high stress – unskilled labor jobs (day labor, custodial, other manual labor), skilled labor (trades), restaurant jobs, manufacturing/ warehouse, and retail/sales jobs were the most common responses. Job types with a medium amount of reported jobs held by respondents were truck driving/ delivery, construction, and Customer Service (stores or call centers). I may be encouraging to know that a handful of individuals have held jobs in nearly every type of job category, including government, legal, non-profits, research, banking, and even the scientific categories, and 10% reported having incomes over $50,000 a year. Very few (almost 20% of those holding a job) reported working for a "franchise" business like McDonald's or Walmart; twice as many reported being self-employed; another third worked for a small business; the rest either worked for a business run by a friend/ family member or worked as a contractor (that included day labor). Nearly half of these jobs did not conduct a background check, according to respondents.

Because some SOs have certain computer-related restrictions, it was encouraging to know that "old-fashioned" ways of job hunting are still useful. Employment offices, networking, walk-ins, and want-ads were still utilized by over half of job-seekers. The bad news is that it took 28% of respondents over a year to find a new job, & about 20% have estimated having filled out over 100 applications before either landing a job or giving up.

About 53.6% reported being on some kind of welfare program. The most common kind of public assistance used were food stamps/ SNAP (27%) and assistance from friends and family (29%); 13% used food and clothing charities,9% used other assistance programs like community action agencies or churches, and 8% were on disability/ SSI. Only 2% received any kind of housing/ rental assistance programs.

It is important to point out that less than half of respondents identified themselves as members of any online SO activism groups, a third of the respondents were classified Tier 1/ "Low Risk," a third were classified Tier 2 or higher, and another third were from states with no formal classification system. Many of the respondents were from FL, AL, AR, & OH. Since this was an online survey promoted primarily through SO activist & support groups, this may not completely reflect the true unemployment rates, since some are barred from the Internet per terms of supervision.

What does all this mean? The short answer is that finding employment as a registered citizen is going to be a slog. It is difficult, but not impossible, to find work. Based on this study, it seems employed SOs are most likely to work a "dead end job" or be self-employed, making a low wage, and with a fair chance of harassment problems at work. Also, expect to fill out lots of applications and spend upwards of a year or more searching for a job. However, there is hope of having a better life even as a registered citizen. A notable minority of SOs have good jobs and own their own homes. If you cannot get a job, at least you can qualify for a number of assistance programs, with the notable exception of housing (SOs are banned from Sec8 IF the registration requirement is lifetime). Though this survey hasn't discovered anything groundbreaking, the goal was to help you understand the job climate as an SO. It isn't hopeless, but obviously harder.

One final note—these results listed here are a preliminary summary; a full analysis of the results is found at http://www.oncefallen.com/jobsurvey2016.html

CIVIL COMMITMENT BLOWBACK by Derek W. Logue

"There's a little bit of confusion. What is this place? Is it a prison? Is it a mental health center? A residential treatment facility where people are clients? What is it? We ask that question sometimes too. We really don't have a lot of guidance around what it is the state wants the facility to be, and we would encourage the state to look at that." – Susan Keenan Nayda, VP of operations at Liberty Behavioral Health Corp., in a court deposition in Arcadia, FL

Just when it seemed the courts were finally going to force states abusing civil commitment laws to illegally detain folks past their sentences, states are winning appeals to keep the Abu Ghraib-style detainment policies active. The Houston Chronicle reported the first man released from TX's controversial program was ordered back to a detention center after an appeals court reversed an order to free him. This news came just days after the 8th U.S. Circuit Court of Appeals put a temporary stop order that would have forced the MN-MSOP to change its civil commitment program and release some residents.

For nearly 5 yrs, I have run a blog on behalf of Chris Krych, one of the indefinitely detained American citizens at the Moose Lake facility in MN. His most recent blog post described his everyday routine, where he is pretty much sitting in his cell 23 hours a day while getting recreation for only a single hour. While the MN-MSOP claims that this is a treatment facility, it is run like a penitentiary. Amanda C. Pustilnik, Professor of Law at the University of Maryland School of Law, considers the current sex offender civil commitment regime is "a perversion – of facts, of medical ethics, and of justice." Pustilnik argues "genuine civil commitment...is a form of emergency medical treatment; that is strictly limited in duration; and must be for the patient's benefit." Pustilnik rightfully states that the current practice of holding sex offenders beyond their criminal sentences is not "civil commitment" but "preventive detention" using vague criteria as justification for confinement. I agree, and that is why I likened Mn-MSOP to Abu Ghraib.

The original intent of civil commitment was to offer treatment to individuals deemed to be an extremely high risk to society. Before the 1997 decision of Kansas v. Hendricks, the standards of civil commitment were more stringent. Before the changing of the laws, one had to be deemed to be uncontrollable beyond a reasonable doubt, civil commitment took the place of prison, and there was a definitive end to the commitment sentence; under the new standards, however, a person can be committed if it is proven by clear and convincing evidence that the individual has a personality disorder or other illness that would make somebody likely to reoffend, civil commitment is an extension of a prison sentence ,and there is no end to the period of confinement.

Let's stop pretending that "civil commitment" is about treatment, because in reality, it is a euphemism for indefinite detention and a way to circumvent the US Constitution. The process for civil commitment must be returned to its former, more limited past. It is time to emphasize treatment rather than punishment.

THAT BIPOLAR KS SUP CT

The KS Sup Ct ruled on 4 separate cases on the same day and made conflicting rulings on whether or not the registry is punishment. Three cases say yes, the final case said no, and it is the final case that stands. I will try my best to simplify this confusing sequence of events as best as I can.

On Friday, April 22, the KS Sup Ct heard a total of 4 cases regarding the SOR. The first three cases here heard by a panel that ruled 4 to 3 that the registry is punishment. The KC Star reported, "The highly unusual circumstance appears to be the result of a one-justice change in the makeup of the court. The panel that decided the three cases concerning the 2011 changes included a senior dist ct judge, who sided with the majority in the 4-3 decisions. That interim judge was serving on the court while there was a vacancy. But for the fourth case, the newest Sup Ct justice, Caleb Stegall, replaced the dist ct judge. That case also was decided 4-3, with Stegall casting the deciding vote. The three justices who were part of the majority in the first 3 opinions became the minority in the 4th opinion.

The upshot was a finding that the KS law requiring lifetime registration for convicted sex offenders did not constitute additional punishment for a crime. Therefore, the law does not violate federal or KS constitutional protections against cruel and unusual punishment, the court ruled in that fourth case. In the three other cases, the court ruled that the law did constitute an additional punishment and said offenders convicted of crimes before 2011 could not have their 10-year registration periods extended to 25 years because the 25-year law took effect after they committed their crimes. But those rulings apparently apply only to those three offenders. Others will be governed by the 4th ruling Friday."

The Topeka Capital-Journal reported that KS Sup Ct Justice Lee Johnson repeatedly compared the state's SOR to "The Scarlet Letter." "In 2011, state law was amended to require people convicted of sexually violent crimes to register for 25 years rather than 10 years. The new law applied to anyone convicted of such a crime prior to April 15, 1994. Several defendants challenged the new law as a violation of Art. 1, Sec. 10 of the U.S. Constitution, which bars states from passing a law that "makes more burdensome the punishment for a crime" after it is committed. Because that section of the Constitution only applies to criminal punishments, not civil punishments, the KS Sup Ct debate hinged on whether registration for SOs is a criminal punishment…

Johnson compared sex offender registration to shaming tactics in colonial America, such as requiring adulterers to wear a scarlet "A" on their clothes. "(The KS Offender Reg Act) mimics that shaming of old by branding the driver's license of a registrant with the designation, 'RO,' " Johnson wrote. "While a driver's license is not worn upon a person's chest, it is required to be displayed for a variety of reasons unrelated to KORA's public safety purpose."

STUDY: 1% OF BLACK MEN IN USA ARE ON THE REGISTRY

ALBANY, N.Y. (May 19, 2016) -- One percent of all black men in the U.S. are registered sex offenders, and black men enter the sex offender registry at nearly twice the rate of white men, a new University at Albany study finds. Researchers say these findings reveal how the uneven impact of America's criminal justice system extends to sex crime policy, an area largely overlooked in the scientific literature.

"Our study reveals that a war on sex offenders appears to be gaining steam just as the war on drugs has lost its cultural legitimacy. The number of publicly registered sex offenders is on the rise and is disproportionately from the same group that is targeted by criminal justice authorities -- black men," UAlbany Assistant Professor of Sociology and study author Trevor Hoppe said.

In the study "Punishing Sex: Sex Offenders and the Missing Punitive Turn in Sexuality Studies" (Law & Social Inquiry, May 2016) researchers used public data sets to examine sex offender registration rates between 2005 and 2013, and analyzed databases of currently registered offenders to evaluate registration by race. The analysis surveyed 49 states; Maine and Washington, D.C., which do not publish race data, were not included. An initial finding revealed the need for the study itself: despite the fact that more than

750,000 Americans are currently registered as sex offenders, very little social science research has examined how registration policies are enforced and which communities are impacted by them.

Exploring the Data

Rates of sex offender registration increased more than 24 percent in the U.S. between 2005 and 2013. Yet, that jump does not reflect broader trends in corrections; correctional supervision rates (including those in jail and prison as well as those on parole and probation) declined more than 10 percent during the same time period. However, state and federal policies enacted in the 1990s and 2000s vastly expanded the scope of sex offender registries. The study's findings suggest that these policy shifts caused rates of sex offender registration to continue to grow even as rates in correctional supervision declined.

Embedded in those increased registration rates, researchers find that in every state but Michigan, a higher sex offender registration rate was found for blacks than for whites. In nine states, black Americans were registered as sex offenders at three times the rate of whites, including Connecticut, Florida, Iowa, Massachusetts, New Jersey, Oregon, Rhode Island, Washington, and Wisconsin. In Florida, South Dakota, Texas, and Utah, more than 2 percent of black men were publicly registered sex offenders.

Nationwide, the sex offender registration rate for black Americans (501 sex offenders per 100,000 adults) was more than twice that of whites (238 sex offenders per 100,000 adults). In addition, roughly one out of every 119 black men living in the 49 states analyzed were registered sex offenders, encompassing nearly 1 percent of all black men.

Concluded Hoppe, "Sex offenses are the only kind of crime that requires public registration. People convicted of murder are not required to share that information with their neighbors and community members after they serve their time. The idea behind these policies is that sex offenders are more likely to commit the same crime again and thus we ought to supervise them more closely, but countless studies have shown this to be false. These findings reveal that this irrational panic around sex is having troubling effects that ought to be considered by policymakers."

ONCE FALLEN UPDATE (LIVE FROM THE BATTLEFIELD)

I have been writing this newsletter for over a year now, and in this time I have not taken the time to talk about myself. For those who wonder who I am and what I do, my name is Derek Logue, and I'm an RSO/ activist for other RSOs. In addition to writing the ICoN and hosting the info site OnceFallen.com, I am engaged in a number of activist projects, such as organizing efforts to stop bad legislation, writing research papers, and even staging public demonstrations.

So far this year, I have written a research paper on International Megan's Law (the law that will place marks of infamy on our passports), released the results of the Job & Welfare Survey (covered in Issue 6), visited the homeless SO camp in Miami, and even made an appearance on the Dr. Drew, where I got to tell a self-righteous "judge" to stick it. (Amazingly enough, I won more fans than haters for that TV appearance.) I have also engaged in a public demonstration against a group called "Parents For Megan's Law" (PFML, now known as "Crime Victims Center, Inc."), run by a woman named Laura Ahearn.

For those of you who don't know this, Ahearn's organization is the ONLY private organization in the US who has been given the authority to conduct address verifications, aka compliance checks, a function that is solely the responsibility of the police. This only applies to Suffolk County, in Long Island, NY. This group is using their position to intimidate those on the registry, and because they are a private business, they think they are immune from the laws that real law enforcement officers are expected to live by, such as ethics or constitutional law.

However, they've been sued for harassment. In one ongoing suit, U.S. District Judge Joanna Seyber (in her 2/16/16 ruling) said Suffolk police "created the appearance of joint action" with PFML by sending letters to sex offenders requiring them to provide information, such as identification to the nonprofit. In other words, the court determined that because PFML is a "state actor," they could be brought up on civil rights violations. After all, PFML is acting as a law enforcement agent, and per the terms of the Suffolk Co. Contract, only individuals with years of LEO experience can apply for the job.

As a state actor, they can't do things like sue me for slander. You've heard this right—PFML is suing me for "disparaging remarks" I made about their organization online. You see, back on April 20, I hosted a public protest at the PFML office in Ronkonkoma, NY. They tried multiple tactics to scare me away, including calling the cops, filming me, and slapping me with a frivolous lawsuit. I made an off-color remark on an online forum that I believe the extra $25,000 PFML received from Suffolk County in addition to their $900,000 annual contract was used to curry favor with politicians in their quest to expend their program from the county to the state, as well as increasing Tier 1 registration times from 20 years to 30 years. (It was recently reported, however, that the money went towards extra insurance because their program is such a liability, the insurance company increased their annual fee from $4500 to $25000. Well, the truth isn't any less damaging to their reputation than my earlier comment.) Of course, the REAL reason they are suing is to try to silence the anti-registry movement.

On June 1, as I was finishing this newsletter, Suffolk County extended the contract despite all of the controversies, but while it was a behind-the-closed-doors deal, it was not unanimous. Some legislators were concerned about the liability this organization creates. But now the county has placed itself in position to be sued because they "indemnified" Ahearn's organization.

The Suffolk Co. legislature should have read Newsday (Suffolk Co's newspaper) on May 6, 2016. Here is an OpEd by a former NY Supreme Court justice:

The story "Group sues sex offender" [News, April 24] refers to a private organization, Parents for Megan's Law, founded by Laura Ahearn. The group has brought a defamation lawsuit against a registered sex offender, Derek W. Logue, who runs a civil rights organization for sex offenders, on account of his public and critical comments about Parents for Megan's Law. Several revelations in the article are deeply disturbing.

First is the fact that Suffolk County Executive Steve Bellone is about to renew the contract with Ahearn's organization. And for what? To carry out an exclusively public, governmental legal responsibility, which is seeing that New York's Sex Offender Registration Act is obeyed. Parents for Megan's Law is not the Suffolk County Police Department. As Newsday's article points out, the group is already a defendant in a federal civil rights lawsuit for a home interrogation of another man, and now you report that it is hauling into court yet another of its critics. Is anybody minding the store?

William M. Erlbaum, Forest Hills (Editor's note: The writer is a retired justice of the New York State Supreme Court and an adjunct professor at Brooklyn Law School.)

I will keep you informed of any further developments on the pending lawsuit. (Note, as of Dec. 2019, the case is still pending.)

Derek W. Logue of OnceFallen.com

PRISONER SOUNDOFFS

COMPARTMENTALIZING by David E.

All sorts of distorted beliefs filled by head, biasing how I saw situations and leading me to make choices to do certain things. These errors in thinking included minimizing, entitlement, justifying & denial, among others. They were based on faulty perceptions & provided permission for immoral behavior. Distorted thoughts were at the core of my criminal activity.

One distortion in particular, "compartmentalizing," became so second nature that it was one of my defining attributes. I incorrectly believed that it was noble & sophisticated to be able to divide my life into categories, compartments if you will, and act and even think differently depending on the circumstance. I was able to be caring & generous one moment, then I could be selfish & manipulative the next. And, by hiding from the world the dark part of my life, I was able to live an otherwise productive existence. My righteous, successful side made a good screen for the life I wanted to hide. That level of compartmentalizing is duplicitous -- it's dishonest, disingenuous & deceptive.

Today, I gain joy by being authentic to who I am & who I want to be in ALL situations -- the values I live by transcend my circumstances. For the first time in my life, I am true to myself & have nothing to hide.

INMATE SOUNDOFF: TELLING IS HONESTY by David E.

I used to justify my secretive, closed-off behavior. I told myself that whatever I was dealing with was not a big deal, not important enough to trouble myself or burden others with discussing it. For other issues, I was too ashamed to reveal my struggles, so I convinced myself that it was safer (and, conveniently, more comfortable) to keep it hidden inside.

Now, I realize how damaging being secretive (i.e. dishonest) is and how beneficial being open and self-disclosing can be. Not only did being closed-off lead to my continued criminal behavior and not getting needed help, but this approach to living also damaged relationships as friends and family were kept at a distance. Today, I don't feel any topic is off limits, topics that in the past I might have thought of as trivial or uncomfortable. And, I am fortunate to have many loved ones who listen with compassion and interest. This new way of thinking -- seeing the virtue and benefits of being open and honest -- has led to deeper and more meaningful relationships with friends and especially family. Being transparent with others also strengthens my self-esteem as I feel I am doing right and living in a way I can be proud of. This emotional strength is a tremendous help in keeping me on the path of recovery.

If I ever start saying to myself, "I can't tell anyone about this," then I know more than anything that 1) I have done something very wrong, and 2) I MUST tell someone about it quickly.