ICoN Consolidated Newsletter, 2018B (July-Dec. 2018, #33-#38)

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 1/30/2023.

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: July-December 2018

NC – *State v Grady*, No. COA17-12 (NC Ct of Appeals, 15 May 2018): Grady appeals from the trial court's order determining that satellite-based monitoring ("SBM") of defendant is a reasonable search under the 4th Amendment. "After careful review, we conclude that the State failed to prove the reasonableness of imposing SBM for defendant's lifetime. Accordingly, we reverse… [T]he State failed to present any evidence (in the hearing) concerning its specific interest in monitoring defendant, or of the general procedures used to monitor unsupervised offenders. Instead, the State submitted copies of the two sex offense judgments and defendant's criminal record, arguing that defendant himself was "Exhibit Number 1" of SBM's success in deterring recidivists, because "[s]ince he's been monitored, guess what: He hasn't recommitted, he hasn't been charged with another sex offense." However, Officer Pace, the State's sole witness, testified that the ET-1 (ankle bracelet) cannot actually prevent an offense from occurring."

ID – Federal judge rejected a lawsuit challenging Idaho's SOR laws. But the 134 anonymous SOs who brought the lawsuit have the option to refile the case if they can show the current laws caused them actual harm. U.S. District Judge David Nye says that could be difficult. He explains in this month's ruling that common arguments claiming registration requirements are embarrassing, invasive and burdensome have already been rejected in previous cases.

State of Arizona v Hon. Wein/Goodman, Case # CR-17-0221-PR (AZ Sup Ct, 25 May 2018): Applying the SCOTUS decision in United States v. Salerno, 481 U.S. 739 (1987), we hold that the provisions of Arizona Constitution article 2, section 22(A)(1) and A.R.S. § 13-3961(A)(2), categorically prohibiting bail for defendants accused of sexual assault where proof is evident and the presumption great that they committed such crimes, violate the 14th Amendment's due process guarantee.

State v. Melvin Hester/Mark Warner/Anthony McKinney/Linwood Roundtree (A-91-16) (079228)
(NJ Sup Ct, 30 May 2018): found that 2014 changes to the "community supervision for life" component of registration, which included enhanced punishment, could not be applied retroactively against 4 registrants whose offenses pre-dated the changed law. In finding the laws violate the ex post facto provisions of the NJ and Federal Constitution, the court held: "The Federal and State Ex Post Facto Clauses bar the retroactive application of the 2014 Amendment to defendants' CSL violations. The 2014 Amendment retroactively increased the punishment for defendants' earlier committed sex offenses by enhancing the penal ties for violations of the terms of their supervised release. The Amendment, therefore, is an ex post facto law that violates the Federal and State Constitutions as applied to defendants.The Court affirms the judgment of the Appellate Division dismissing defendants' indictments."

US v Barcus, No. No. 17-5646 (6th Cir., 8 June 2018): Defendant's classification as a Tier III SO because his Tennessee "sexual contact" offense did not require contact for purposes of sexual gratification, while the comparable Tier III federal offense would. Unfortunately, the court also held that the defendant's lifetime supervision requirement subjected him to a federal sentencing enhancement, and that psychosexual evals, polygraphs, and SO treatment were reasonable conditions of supervised release.

MN -- U.S. District Court Chief Judge John Tunheim entered an order that dismissed without prejudice the lawsuit that Level 1 SO Thomas Wayne Evenstad filed against the city in August over residency restriction laws that essentially made the city off limits to SOs. As part of the settlement, both parties will pay their own costs and attorney fees, and Evenstad gets an $84,000 settlement from the city.

9th Cir -- *Gregg v. Department of Public Safety*, 870 F.3d 883 (9th Cir. 2017): Alexandria Gregg, who claimed she developed a psychological disorder years after she underwent sexual shame therapy sessions

at Hawaii's Kauai Community Correctional Center (KCCC) between March and November 2011. The complaint alleged Gregg participated in the Life Time Stand (LTS) program, purported to provide "therapy, counseling, and mental health treatment." According to Gregg's complaint, LTS sessions involved "public sexual shaming," such as watching violent movie rape scenes. In dismissing her federal civil rights complaint, the district court found the applicable two-year statute of limitations began when Gregg's participation in the LTS program ended, and not "until later" when she "was formally diagnosed and/or that she learned the full extent of [her] injury." The Court of Appeals disagreed, noting that a cause of action accrues even if "the full extent of the injury is not known" until the plaintiff subsequently discovers critical facts. The Court held that Gregg should be allowed to amend her complaint to allege she was unaware of her psychological injuries until well after her May 2012 release.

IA -- In the Interest of T.H., No. 16-0158 (IA Sup Ct, 15 June 2018): Denied the argument registration for juveniles is cruel and unusual punishment.

People v Ellis, 2018 NY Slip Op 03873 (NY App Ct, 31 May 2018): Dismissed the indictment of an RC who did not register his Facebook account with the state. New York law requires RCs to register any "internet identifiers" that they use, but Justice Stan Pritzker wrote for the 3rd Judicial Department that "an internet identifier is not the social networking website or application itself. Rather, it is how someone identifies himself or herself when accessing a social networking account, whether it be with an electronic mail address or some other name or title, such as a screen name or user name," Pritzker added. "Defendant's failure to disclose his use of Facebook is not a crime, rendering the indictment jurisdictionally defective." Defendant, a convicted SO, was charged by indictment with the crime of failure to register or verify as a SO under the SO Reg. Act ; see Correction Law Sec. 168-f [4]; Correction Law Sec. 168-t). The charges stemmed from allegations that he failed to register a Facebook account. Upon consideration of the foregoing, we conclude that the social media website or application — be it Facebook or any other social networking website or application — does not constitute a "designation used for the purposes of chat, instant messaging, social networking or other similar [I]nternet communication" (Correction Law Sec. 168-a [18]). An Internet identifier is not the social networking website or application itself; rather, it is how someone identifies himself or herself when accessing a social networking account, whether it be with an electronic mail address or some other name or title, such as a screen name or user name. Defendant's failure to disclose his use of Facebook is not a crime, rendering the indictment jurisdictionally defective.

People v. McCulley, No. 16CA1787 (CO Ct Appeals, 28 June 2018): Defendant pleaded guilty to one count of 2nd degree sexual assault and one count of 3rd degree sexual assault and entered into a plea agreement. Among other things, the plea agreement provided that the trial court would dismiss the felony charge once defendant complied with his deferred judgment. A condition of the deferred judgment was that defendant register as an SO. Defendant completed his deferred judgment and the felony charge was dismissed. Years later, defendant filed a petition to discontinue the requirement that he register. The trial court denied the motion. On appeal, defendant argued that the trial court erred by construing the term "conviction" under SORA to include a successfully completed deferred judgment. SORA's plain language provides that the term "conviction" as used in C.R.S. § 16-22-113(3)(c) includes a successfully completed deferred judgment. The order was affirmed.

Bakran v US, No. 16-3440 (3rd Cir., 5 July 2018): Upheld a lower court's ruling that an SO does not have the right to sponsor his foreign born wife for citizenship in the US in a decision published on July 5. The court's decision was based upon its interpretation of language in the AWA which allows the Dept of Homeland Security to approve such citizenship only if the individual can prove he poses "no risk" to his spouse.

People of MI v Christopher John Czarnik, No. 338856 (Unpublished Per Curiam Opinion, MI Ct of Appeals, 3 July 2018): Defendant appeals by leave granted his conviction for the production of child sexually abusive material, MCL 750.145c(2). On March 26, 2016, a correctional officer conducted a pat-down search of defendant. During the search, the officer found a drawing of a young girl "having sex and performing oral sex on an adult male." The officer also found a hand-written story of a six-year old child having sex with adults. On April 5, 2016, a MI State Police Trooper interviewed defendant, who confessed that he had more drawings and narratives located in his cell and that he views the material as sexual in nature and used it for his own sexual gratification. Defendant argues that "depiction" is not meant to include purely textual writings because the statute's definition purportedly shows that it is meant to cover only visual or audio representations. But because the pictures and illustrations defendant drew easily qualify as child sexually abusive material, we need not reach the question of whether his written stories qualify as well.

CA – USDC judge dismisses ACSOL lawsuit against Intl Megan's Law passport marks, which argued the US State Dept exceeded its authority in issuing the marks and "abused its discretion" by denying passport cards.

Vasquez v Foxx, No. 17-1061 (7th Cir, 11 July 2018): IL added child and group day-care homes to the 500-foot buffer zone in 2008. When the men updated their registrations, the Chicago PD told them they had to move because child day-care homes had opened up within 500 feet of their residences and gave them 30 days to comply. The men sued under 42 U.S.C. 1983, claiming that the statutory amendment violated Ex Post Facto; that applying the amended statute to them constituted an unconstitutional taking of their property; and that the statute is enforced without a hearing for an individualized risk assessment and is not rationally related to a legitimate state interest, in violation of their due process rights. The 7th Cir affirmed the USDC rejection of the suit; amended statute is neither impermissibly retroactive nor punitive; Takings Clause claim was unexhausted and the amendment was adopted before they acquired their homes, so it did not alter their property-rights expectations; Procedural due process claim fails because there is no right to a hearing to establish a fact irrelevant to the statute; Law "easily satisfies rational-basis review." In short, the 7th Cir stated it doesn't matter if you own your home before a school moves down the street, you have no right to live there.

Jones v. State, Fla: Dist. Court of Appeals (2nd Dist. 2018): Reversed a lower court's order that allowed the State to impose special conditions of SO probation on Jones, when those conditions were not part of his sentence, violating double jeopardy.

State v Solomon and Witt, CR-16-1189 (AL App Ct, 12 July 2018): Reversed a local judge's ruling that called AL's teacher-student sex law unconstitutional. Defense attorneys have argued teachers' 14th Amdt equal protection rights are violated by the law by treating teachers and other school employees differently from other citizens, the attorneys argue in court records. Other adults having consensual sex with 16-year-olds do not face criminal prosecution. Prosecutors have argued AL law also prohibits jailers and probation officers from having sex with people under their care. "...this Court has recently rejected the circuit court's rationale for holding (the statute) unconstitutional -- that students who have reached the age of 16 have the ability to consent to sexual activity; thus, the State may not proscribe sex acts between a teacher and a student without requiring the State to show that the teacher used his or her position to unduly influence the student's decision to consent," the appellate justices wrote.

MA -- *Noe, SORB No. 5340 v. SO Registry Bd* (SJC 12447) (August 1, 2018): "In Doe v SO Registry Bd. No. 380316 v. SO Registry Bd., 473 Mass. 297, 298 (2015) (Doe No. 380316), we held that the SOR Board (board) is constitutionally required to prove the initial classification of a convicted SO under the sex offender registry law, G. L. c. 6, §§ 178C-178Q, by clear and convincing evidence. We are now asked to consider whether reclassification hearings require the board to meet the same standard and burden of

proof as initial classification hearings. We conclude that they do. We also conclude that, given the plain language of G. L. c. 6, § 178L (3), indigent SOs have a right to counsel in such reclassification hearings.

MA -- *Doe, SORB No. 76819 v. SO Registry Board* (SJC 12462) (August 1, 2018): "…due process requires that the appropriate quantum of proof in termination proceedings, as in reclassification proceedings, is clear and convincing evidence, and that the burden is imposed on the board, not the SO. The SO does, however, retain an initial burden of production to introduce evidence of changed circumstances showing that (s)he "does not pose a risk to reoffend or a danger to the public." See 803 Code MA Regs. § 1.30(1) (2016). We further conclude that such hearings on reclassifications and terminations must take place within a reasonable period of time after the issuance of the rescript in this case.

PA - Common Pleas (trial) Court found that the law that defendant George Torsilieri was required to report to state police as an SO was unconstitutional. SORNA violated the fundamental right to reputation under the state Constitution, as well as federal guarantees of due process…Sarcione's decision follows another decision in June by a Montgomery Co judge overturning the registration requirements. The state Sup Ct had ruled earlier that the first version of the state's SORNA law had become so onerous that it was unconstitutional. A new version signed into law by Gov. Tom Wolf is having little success in standing up to judicial scrutiny. (opinion not published)

NC – *State v Griffin*, No. COA17-386 (NC Ct of App, 7 Aug 2018): "Absent any evidence that satellite-based monitoring ('SBM') is effective to protect the public from SOs, the trial court erred in imposing SBM on a SO for 30 yrs. Court relied on Grady v. NC, 575 US _, 191 L. Ed. 2d 462 (2015) which previously ruled GPS monitoring was a search under 4th Amdt, noting "not all" monitoring was unreasonable. The Grady case had been remanded back to the lower courts, and this Court rejected the state's claim because the state failed to provide any evidence that SBM was effective in reducing recidivism. The Court had also ruled SBM was more intrusive than registration.

AK - *State, Dept. of Public Safety v. Doe I & II,* 7270 S-15821/S-16403 (AK Sup Ct, 10 Aug 2018): Ruled a strict reading of the 1994 AK SORA does not grant the AK Dept of Public Safety leeway when determining whether an out-of-state sex crime matches an illegal act under state law. DPS cannot be flexible when comparing an out-of-state law and AK law. This can be fixed by legislation.

MN – US Dist Ct judge Donovan Frank dismissed a class action against the state's civil commitment program after the 8th Cir overturned his 2015 ruling; the suit's remaining claims dealt mostly with alleged violations of religious freedom, free speech & free association, and protections against unreasonable searches & seizures. The effect of the rulings is that anyone in the program who wishes to pursue such claims must do so as an individual instead of a class action.

IL - *People v Kochevar*, 2018 IL App (3d) 140660 (IL 3rd App Ct, 20 Aug 2018): found that IL's SORA & related restrictions, as applied to Kochevar, violated both the 8th Amendment of the U.S. Constitution & the proportionate penalties clause of the IL Constitution. Kochevar & his alleged victim knew each other for several years. They were both on the track team at the same high school. When Kochevar turned 18 the relationship became sexual; her parents called the police when they found out about it.

SCOTUS – The hearing for Gundy v US was Oct 2. It deals with the "nondelegation doctrine," which limits the power of Congress to delegate authority in making rules of law to the executive branch. Specifically, this case deals with the transfer of authority to decide the retroactive application of the AWA to the US Atty Gen Alberto Gonzalez back in 2006. Gundy is getting more attention than expected because it gives the Court's right flank a vehicle it could use to radically limit federal power (like EPA rules like the Clean Air Act, for example). Unlike past SCOTUS rulings, it appears that conservatives are

in favor of Gundy. Gorsuch had reportedly ruled in a similar case before being appointed to SCOTUS, and it seems Ginsburg also seemed to side with Gorsuch. Breyer also expressed concerns with giving the AG such power "because there we risk vendetta" but also worried ruling in favor of Gundy could put over 300,000 laws on the books in jeopardy, adding, "we could be a very busy court for a while." It is predicted that the courts will rule in Gundy's favor based on the hearing and both Ginsburg's and Gorsuch's record on this issue.

US v Holena, No. 17-3537 (3rd Cir. 2018): To protect the public, a sentencing judge may restrict a convicted defendant's use of computers and the internet. But to respect the defendant's constitutional liberties, the judge must tailor those restrictions to the danger posed by the defendant. A complete ban on computer and internet use "will rarely be sufficiently tailored." United States v. Albertson, 645 F.3d 191, 197 (3d Cir. 2011)

SCOTUS: Petition filed in case of US v Haymond, appealing ruling from No. 17-1672 (10th Cir). Issue: Whether the U.S. Court of Appeals for the 10th Circuit erred in holding "unconstitutional and unenforceable" the portions of 18 U.S.C. § 3583(k) that required the district court to revoke the respondent's 10-year term of supervised release, and to impose five years of reimprisonment, following its finding by a preponderance of the evidence that the respondent violated the conditions of his release by knowingly possessing CP.

US v Henderson, No. 17-10230 (9th Cir. 2018): The panel affirmed the district court's denial of a motion to suppress evidence, including evidence seized in California, pursuant to a Network Investigative Technique ("NIT") warrant issued by a magistrate judge in the E. Dist. of VA, in a case in which the defendant entered a conditional guilty plea to receipt of CP. The panel held that the NIT warrant violated Fed. R. Crim. P. 41(b) by authorizing a search outside of the issuing magistrate judge's territorial authority; the panel agreed with the defendant that Rule 41(b) is not merely a technical venue rule, but rather is essential to the magistrate judge's jurisdiction to act in this case. The panel held that a warrant purportedly authorizing a search beyond the jurisdiction of the issuing magistrate judge is void under the Fourth Amendment, and that the Rule 41 violation was a fundamental, constitutional error. The panel concluded that the good faith exception to the exclusionary rule applied to bar suppression of the evidence obtained against the defendant pursuant to the NIT warrant.

SCOTUS: Prison Legal News has asked the High Court to review the 11th Cir decision of PLN v FL Sec. of Dept of Corrections, #15-14220 (May 17, 2018) regarding censorship of the Prison Legal News & the Criminal Legal News, publications of the Human Rights Defense Center. The 11th Cir ruled that banning PLN on the grounds of "preventing inmates from receiving publications with prominent or prevalent advertisements for prohibited services, such as three-way calling and pen pal solicitation, that threaten other inmates and the public" did not violate the 1st mendment (though the failure to properly notify the HRDC of the bans violated the 14th Amendment). While this is not SO related, this is relevant to everyone. Even the ICoN has been impacted by prison censorship in the past. Earlier in the year, we removed the external resources section from our newsletters in response to past prison censorship. The November 2018 issue of ICoN was censored by at least one prison (Ft Worth FMC), claiming the issue "jeopardizes the safety, security, or orderly operation of the correctional facility, or the protection of the public."

Please note that a growing number of prisons are increasingly restricting access to legal information in direct violation of the past SCOTUS decisions. *Hudson v. Palmer*, 468 U.S. 517, 547 (1984). See also Parrish v. Johnson, 800 F.2d 600, 604 (6th Cir. 1986) ("Any 'arbitrary opening and reading of … mail [with] no justification – other than harassment' may violate the First Amendment."). Turner v. Safley, 482 U.S. 78, 89-91 (1987) allows some censorship for material if it is rationally related to a legitimate penological interest, & it is this decision that some prisons are abusing to censor us.

GUNDY V US PREVIEW

Since I'm getting questions about this case, I am providing a preview of the upcoming SCOTUS case, courtesy of the SCOTUS Blog. The hearing took place 10/2/18:

"In Gundy v. United States, the justices will return to a topic that they have tackled several times in the last few years: the interpretation of the SO Notification and Registration Act (SORNA). The petitioner in the case is Herman Gundy, who was on supervised release in Maryland after pleading guilty to federal drug charges in Pennsylvania. While in Maryland, Gundy was convicted of a sex offense – raping an 11-year-old girl to whom he had given cocaine – and sentenced to 20 years in prison. When he finished serving his sentence on the sex-offense charge, he was transferred to federal custody to serve his sentence for violating his federal supervised release. The Bureau of Prisons sent him to a federal facility in Pennsylvania, where he received permission to travel, without supervision, by bus from Pennsylvania to New York.

In January 2013, Gundy was indicted on a charge that he had traveled from Pennsylvania to New York and stayed in New York without registering as a SO. He was convicted and sentenced to the time that he had served, plus five years of supervised release. On appeal, the 2nd Circuit affirmed, and Gundy asked the Supreme Court to review his case. Notably, the justices declined to consider three questions presented in Gundy's petition for review, which included whether he was required to register as a sex offender while he was still in custody and whether his case meets SORNA's requirement that a SO who is required to register must cross state lines. But they agreed to take up the final question presented by his petition, which he says affects "hundreds of thousands of individuals": whether the law improperly delegates to the U.S. attorney general authority to decide whether SORNA's registration requirements should apply to sex offenders who were convicted before SORNA was passed. Only Congress, Gundy says, has authority to legislate; it can, to at least some extent, outsource this power to another branch, but if it does so it must provide 'clear guidance' – which it has failed to do with SORNA."

Man Faces 30 Years in Prison on Child Porn Charges for Taking Sexy Photos of 17-Year-Old Girlfriend When He was 20

Condensed from Robby Soave, Reason Magazine, Jul. 5, 2018

A 27-year-old Cleveland man faces between 15 & 30 years in prison for allegedly producing CP. But no children were harmed by his actions: The man merely took consensual, sexually suggestive pictures of his 17-year-old girlfriend when he was 20. The age of consent in OH is 16, so it was legal for the man, to have sex with his girlfriend. It was a crime, however, to photograph her in the nude, because the federal definition of CP covers images of anyone under the age of 18.

Marrero accidentally admitted his conduct while on the stand in federal court, testifying in defense of a roommate who was also facing CP charges. As soon as Marrero had finished testifying, the feds arrested him.

FBI agents later interviewed Marrero's ex-girlfriend, who confirmed that she was 17 at the time the pictures were taken. A conviction will force Marrero to register as a SO and could land him in prison for up to 30 years. According to the DOJ's guide to federal CP law, "a first time offender convicted of producing CP...face fines and a statutory minimum of 15 to 30 years maximum in prison." Under OH law, which also sets the cutoff for CP at 18, Marrero would have faced between 6 mos & 8 yrs.

FARM BILL AMDT PUTS SO FOOD STAMPS IN JEOPARDY

House Amendment 614 to HR 2 Farm Bill, if kept in the final farm bill, will bar murderers and a number of SOs from receiving food stamps. (It was introduced by NC Rep. George Holding.) To review, the current 7 U.S.C. 2015(r) reads like this:

Disqualification for Certain Convicted Felons.--

(1) In general.--An individual shall not be eligible for benefits under this Act if--
(A) the individual is convicted of--

(i) aggravated sexual abuse under section 2241 of title 18, United States Code;
(ii) murder under section 1111 of title 18, United States Code;
(iii) an offense under chapter 110 of title 18, United States Code;
(iv) a Federal or State offense involving sexual assault, as defined in 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)); or
(v) an offense under State law determined by the Attorney General to be substantially similar to an offense described in clause (i), (ii), or (iii); AND

(B) the individual is not in compliance with the terms of the sentence of the individual or the restrictions under subsection (k).

This amendment would change the law by striking ``: and" at the end and inserting a period, and (2) by striking subparagraph (B). What that means is you would no longer have to be noncompliant with terms of supervision or FTR in order to be disqualified from food stamps if the House version of the farm bill passes. It is NOT in the Senate version. Also worthy of note, the provision banning retroactive application of this law when it passed in 2014 has disappeared from the 7 U.S.C. 2015 (r). I do not know when that changed, but it was in the engrossed version of the farm bill I covered in an earlier newsletter. We can only hope the Holding Amendment fails to be added to the final version.

UPDATE: This amendment did not make it to the enrolled farm bill, fortunately.

EXPOSING DIRTY TRICKS USED TO EVICT SOs FROM RENTAL PROPERTIES

A few years ago, my rental property was taken over by a new owner. A few months later, I received a 30 day notice that my lease was not going to be renewed under the auspices of needing to make “improvements” to the property. After a lengthy discussion, the rental management backed off. Of course, there were already rumors circulating that the entire block was about to be bought out by a larger housing conglomerate and demolish the entire block. A few months later, we received the notice our building was going to be leveled to make room for a new apartment complex.

In retrospect, I believe the reason they were looking to push me out of the building was because my presence there lowered the potential resale value. Some studies have suggested that the presence of an RC lowers the value of surrounding homes by up to $5000.

It is possible as a renter your property could be sold to a new owner someday. That new owner may not want you there. That was a question posed in a Realtor’s forum at BiggerPockets.com. Brook from IN, the Original Poster, writes, “We had our offer accepted on our first rental property and after looking up the current tenants, we've got a convicted, registered sexually violent predator against children in this triplex. Repeat offender. Anyone dealt with this before? There are currently no children in the other two units but kids living within 20' of his door at the neighboring property. His existing lease is not up until

Aug of 2019 and he's been in the property 5 years. I am sick about this. Obviously I don't want to renew his lease but any options before that?"

There were numerous disconcerting replies to this post, but most responses could be summed up by a couple of suggestions. One tactic was informing an RC that he was not going to get to renew the lease and to make plans now to move; perhaps they would cite the need "to make improvements" (the improvement being kicking out the RC). Others suggested "cash for keys" (that's when a property owner offers a cash payment to a tenant to vacate their property in a certain number of days, in order to avoid a lengthy and expensive formal eviction process) or even buying out the lease. There were differing opinions on whether the tenant should be notified the lease would not be renewed.

The bottom line is if you rent your property, be aware that your landlord can sell out to another real estate purchaser and your next landlord could attempt to throw you out or look for an excuse to get rid of you. This is another reason to always have a plan in place in case of any kind of upheaval in your life, be it from a natural disaster or just from some misinformed realtor buying the property you are renting; this preparation should include saving money to cover rent and deposit at a new place as well as finding out which charities offer any kind of assistance in your area. It is important to find out what rights you DO have as a tenant (each state has different laws).

SO VOTING RIGHTS

If you've been keeping up with elections, you probably heard FL voted to re-enfranchise most felons so they may vote. However, murderers and SOs were excluded from that bill. In NY, Gov. Cuomo reinstated the right to vote for those on parole, including SOs (which made him a political target). News media ran scare stories about "SOs at the polls" as some polling places were at schools. Our right to vote is a hot button issue. Below is a breakdown of our right to vote. The info was taken from "Criminal Disenfranchisement Laws Across the United States," Brennan Center for Justice, Sept. 2018 and adjusted just to reflect voting rights for SOs.

- Permanent disenfranchisement for all people with felony convictions unless government approves individual rights restoration: IA, FL, KY
- Permanent disenfranchisement for at least some people with criminal convictions, unless government approves restoration: AL*, AZ, DE*, MO, MS*, NV, TN*, WY (*These states permanently disenfranchise SOs. Wyoming extends that to all violent crimes, and SOs are generally assumed to be violent offenders. NV permanently disbars those with "Category A" offenses, including some SOs or repeat offenders but can get voting restored via pardon/ cout order)
- Voting rights restored upon completion of sentence, including prison, parole, and probation: AK, AR, GA, ID, KS, MN, NE(1), NJ, NM, NC, OK, SC, SD, TX, VA(2), WA, WV, WI
- Voting rights restored automatically after release from prison and discharge from parole (people on probation may vote) CA, CO, CT, LA(3)
- Voting rights restored automatically after release from prison DC, HI, IL, IN, MA (4), MD, MI, MT, NH, ND, NY(5), OH, OR, PA, RI, UT
- No disenfranchisement for people with criminal convictions ME,VT

Footnotes:

1. Nebraska imposes a two-year waiting period after completion of sentence. Nebraska also disenfranchises persons with treason convictions until they have their civil rights individually restored.

2. Virginia's constitution imposes permanent disenfranchisement, but allows the governor to restore rights. The current governor's policy individually restores voting rights to those who have completed their sentences, prioritizing those with the earliest completed sentences and those who apply.
3. In LA, voting rights are restored for those on probation or parole who have not been incarcerated during the last 5 years.
4. Massachusetts disenfranchises persons with convictions for "corrupt practices in respect to elections" until they have their civil rights individually restored.
5. In NY, on April 18, 2018 Governor Cuomo announced that he would restore the right to vote to New Yorkers on state parole through executive order. Since then, he has restored voting rights for over 24,000 New Yorkers living and working in their communities. Prior to this announcement, New Yorkers were disenfranchised until the completion of incarceration and parole.

WHY SORs KEEP GROWING EVEN AS SEXUAL VIOLENCE RATES FALL
By Steven Yoder, 3 July 2018 (Condensed from theappeal.org)

The state's registry is padded with thousands of people who don't live in FL. Under a change to state law passed this spring, there will soon be more: Starting July 1, out-of-state registrants who visit for at least 3 days (down from 5) must go to a sheriff's office to have their personal details added to FL's list. If they don't, they face a 3rd-degree felony. Rules like that aren't unique—22 other states keep out-of-state visitors on their registries for life… It's one reason state lists misrepresent the actual number of people with sex-crime records living in communities. As already-bloated lists keep ballooning, they feed the impression of a growing population of dangerous people who require ever-more-extreme laws to monitor and control.

In May, the NCMEC released its latest nationwide count of names on SORs. For the first time ever, the total was more than 900,000… Dobbs Wire, who tracks SOR developments nationwide, shows a 3% jump in the nationwide number in the last six months. That's slightly faster than in the past; increases have fluctuated between 3-5% annually since 2007. By 2021 more than 1 million names will be on registries.

In a 2014 study in the journal Crime & Delinquency, a research team found that in the 42 states and two territories studied, 19% of those on registries were still behind bars, 9% lived out of state, and 3% had been deported. Of FL's 55k RCs at the time, more than 31k were in one of those three categories. "It's a concern of ours," Shehan said of problems with the count. She says NCMEC has no way of knowing how often an offender shows up on multiple state lists. "So that means then there's duplicated offenders in our grand total," she said. "And we have no way of knowing how often that happens…"

Even if registry counts are inflated, it's likely that the real number of registrants is rising as state lists scoop up an ever-broader swath of the population. One reason: New state laws governing who must register are typically applied retroactively to cover those who offended before the laws passed…

Under AWA, states have been required to expand their registries to cover people convicted of a broader set of crimes. The number on WY's registry in 2011 rose from 125 to 1450 after passing legislation compliant with the AWA that required children and teens to be registered. As other states try to comply by passing new laws, additional categories of people get put on their registries.

And SO laws trigger long registration periods, making entry onto the list mostly a one-way door. In 19 states, sex offender registration lasts for life for adults; in 16 others, it's 15 to 30 years; and in another 14, it's a minimum of 10 years.

NCMEC's steadily inflating number is catnip for those who traffic in evergreen scare stories. One website advises parents to use the map in deciding where to move. States with high per-capita SO populations might not be a good choice, it implies. NCMEC itself may feed those fears with its marketing: On its website, photos of missing kids are adjacent to the link to its sex offender tracking map.

But research shows that SO maps have almost nothing to do with protecting children. Nearly all sexual abuse is perpetrated by someone not on a registry; first-time offenders commit north of 90% of new sex crimes, according to studies in NY and MN. Most sexual violence victims know their perpetrators—86% in a 2000 Bureau of Justice Statistics study. And those with a sexual offense on their record have low sex-crime reoffense rates: 12% on average, according to a definitive 2014 meta-analysis of 21 other studies. Those same researchers found that reoffense risk declines the longer that someone lives in the community crime-free; those who hadn't reoffended by 10 years after an initial sexual offense had a reoffense rate of 1%-5%, a rate comparable to ex-offenders with no history of sex crime.

All of that might explain why the registry count and sex-crime rates are traveling in opposite directions. Multiple studies show rates of sexual violence falling significantly after the early 1990s. "I care about [the inflated count] from a policy perspective because it keeps people in fear," said CSU-Fullerton criminologist Alissa Ackerman. "It keeps them wanting legislation—you know, we have to do something. … It's maps like this and propaganda like this that keep people feeling that way." Ackerman says rather than expanding the list, more resources should be focused on sexual-violence prevention programs and on mental health services and treatment for people who have experienced and committed sexual abuse…

Shehan says NCMEC's map isn't intended to scare people. The group's prevention education materials make clear the danger of sexual abuse committed by a stranger on a registry is small, she says. But she acknowledges that message could be clearer on the map itself. "We've taken several precautions and made adaptations to the map in the past," she said. "That's one I can definitely add to the list of considerations."

PRISON AND POST-PRISON TREATMENT PART 1: WHAT IS A GOOD PROGRAM?

Federal and most state prisons require SO treatment. Often, you'll endure treatment while "on paper." You might have to endure what passes for treatment in prison AND on the outside. I'm a firm believer in treatment and rehabilitation, but I recognize not all treatment programs are created equal. Because this topic is so large & my space to write is limited, I'll focus on the basics.

I do not believe in a one-size-fits-all approach. Some of you are in need of intensive rehab; some struggled with substance abuse and their offenses stemmed from that; some struggle with attraction issues; some struggle specifically with sexual addition or even psychological issues from past events; some of you suffer from all – or none—of these things. A good treatment program looks at you like an individual with unique needs.

I believe negative treatment that primarily involves shaming tactics, polygraphs, penile plethysmographs ("peter meters"), and dubious risk assessment evaluations are not helpful. Such tactics merely serve the "irredeemable monster" narrative that promotes the SOR and other negative laws you will have to endure upon release. You may not have a choice in enduring these dubious tests but none of these tactics will be useful for you if you are serious about treatment.

It may be hard to believe, but there is such a thing as positive treatment. Restorative Justice, Circles of Support & Accountability (COSA), and Good Lives Models, WHEN run properly, are examples of positive treatment. Positive treatment won't enable faulty beliefs some of you may have, but will help you

confront those in a positive manner, and some may help you work through the common issues you'll face upon release.

Restorative Justice is for those who have committed a crime but seeks change. Restorative Justice is defined as "a theory of justice that emphasizes repairing the harm caused or revealed by criminal behavior;" it has been around for many years (like the "Anonymous" 12 step groups), so many of the concepts should be familiar:

Three principles form the foundation for restorative justice:

1. Justice requires that we work to restore those who have been injured.
2. Those most directly involved and affected by crime should have the opportunity to participate fully in the response if they wish.
3. Government's role is to preserve a just public order, and the community's is to build and maintain a just peace.

Restorative programs are characterized by four key values:

1. Encounter: Create opportunities for victims, offenders and community members who want to do so to meet to discuss the crime and its aftermath
2. Amends: Expect offenders to take steps to repair the harm they have caused
3. Reintegration: Seek to restore victims and offenders to whole, contributing members of society
4. Inclusion: Provide opportunities for parties with a stake in a specific crime to participate in its resolution

Circles Of Support & Accountability is a form of Restorative Justice. From the CA COSA website:

"COSA is a prisoner reentry program that works with high risk SOs. Each Circle involves 4-6 trained volunteers from the community forming a "Circle of Support and Accountability" around an ex-offender (Core Member). The primary aim of COSA is "no more victims." The Circle meets together regularly as the Core Member transitions into the community, providing practical, physical, emotional, and spiritual support for the Core Member along with holding him accountable for safe living.

COSA was originally developed in Ontario in 1994. Experience and research across Canada has shown that providing support for SOs while holding them accountable is very effective in creating safe communities and in assisting ex-offenders to lead productive lives. The 2007 study showed that COSA participants had 83% less sx reoffending than the matched comparison group."

Good Lives Model: The Good Lives Model (GLM) is a framework of offender rehabilitation which, given its holistic nature, addresses the limitations of the traditional risk management approach. The GLM has been adopted as a grounding theoretical framework by several SO treatment programs internationally and is now being applied successfully in a case management setting for offenders.

The GLM is a strengths-based approach to offender rehabilitation, and is therefore premised on the idea that we need to build capabilities and strengths in people, in order to reduce their risk of reoffending. According to the GLM, people offend because they are attempting to secure some kind of valued outcome in their life. As such, offending is essentially the product of a desire for something that is inherently human and normal. Unfortunately, the desire or goal manifests itself in harmful and antisocial behaviors, due to a range of deficits and weaknesses within the offender and his/her environment. Essentially, these deficits prevent the offender from securing his desired ends in pro-social and sustainable ways, thus requiring that s/he resort to inappropriate and damaging means, that is, offending behavior.

The GLM is a strength-based rehabilitation framework that is responsive to offenders' particular interests, abilities, and aspirations. It also directs practitioners to explicitly construct intervention plans that help offenders acquire the capabilities to achieve things and outcomes that are personally meaningful to them. It assumes that all individuals have similar aspirations and needs and that one of the primary responsibilities of parents, teachers, and the broader community is to help each of us acquire the tools required to make our own way in the world. Criminal behavior results when individuals lack the internal and external resources necessary to satisfy their values using pro-social means. In other words, criminal behavior represents a maladaptive attempt to meet life value...

The GLM is a theory of offender rehabilitation that contains three hierarchical sets of conceptual underpinnings: general ideas concerning the aims of rehabilitation, aetiological underpinnings that account for the onset and maintenance of offending, and practical implications arising from the rehabilitation aims and aetiological positioning." In short, the Good Lives Model provides alternative, societal-appropriate ways for offenders to achieve goals while helping them recognize how their previous life behavior harms them personally.

On a final note, I've been asked if getting treatment in prison would preclude you from having to take treatment in prison. Based on anecdotal evidence, the answer is no. However, the benefit to treatment in prison (assuming it is positive) is that you'll get a head start on the material covered by the treatment.

TREATMENT ISSUES PT 2: POLYGRAPHS

Last month, I wrote about examples of good treatment. There are plenty of examples of bad treatment, but chief among the examples of bad treatment involve polygraphs.

In 2008 the Vera Institute of Justice reported the use of polygraphs ar used in prison treatment programs in 14 states (AR, CO, ID, IN, IA, KS, ME, MT, NH, OK, SD, VA, WI, WY) and as a form of community-based treatment in at least 32 states (AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, ME, MI, MO, MT, NH, NM, ND, OH, OR, PA, SD, TX, UT, VT, VA, WA, WV, WY).

A full article on the controversy surrounding Polys can be found at oncefallen.com/polygraph; To summarize polygraphs and their usage in SO treatment:

1. The polygraph does not "detect lies" but merely detects changes in heart rate, breathing, blood pressure and perspiration, and the results are interpreted by someone likely to be biased against the person taking the test.
2. Polygraphs fail scientific scrutiny tests and are generally not admissible in court. However, polygraphs are being repackaged as tools to aid in SO treatment programs (Post Conviction SO Treatment, or PCSOT for short) as part of the "containment model" of treatment. The containment model utilizes parole/probation officers, treatment provider, polygraph examiner, and the victim advocate; this negative style of treatment is not beneficial to those forced into the program.
3. The tools are utilized as an intimidation tool to extract confessions from people in the program suspected of dishonesty. The effects of these intimidation tactics carry over into the studies performed by polygraph proponents.

Proponents of polygraph PCSOT usage rely largely on self-report studies by test subjects who were likely coerced or were willing to tell researchers what they wanted to hear to curry favor so that researchers can claim a higher number of "undetected victims" as well as overestimate the ability of polygraphs to detect deception. Other studies rely on various degrees of stat manipulation. Arguing for the use of polygraphs

requires proponents to downplay the fact the test is beatable. The PCSOT relies on the belief that the polygraph is a magic device, so proponents have a vested interest in keeping the mystique of the polygraph alive. All of these myths must be propagated for the polygraph to even be remotely useful.

In reality, polygraphs lack a universal standard, have a lack of evidence showing physiological changes are solely the result of lying and not the result of other physical or mental issues; suffers from contamination bias (due to the myths about people convicted of sexual offenses); suffers from difficulty in designing an adequate test to accurately measure effectiveness; are based on proponent studies that are methodologically flawed, lack peer review, and/or is outright lying; and can be defeated with a number of tests or simply with repeated use.

The majority of legal decisions on poly use on SOs generally come to a consensus viewpoint. Despite the majority of studies on polygraph use suggest the polygraphs are not effective tools in SO treatment, courts have generally allowed states to use the polygraph as a "treatment" tool. While you generally lack the ability to refuse to take the entire polygraph test, you SHOULD have the right to plead the 5th WHEN that particular question that may lead to future criminal charges. There should be agreements written out in treatment programs and/or polygraphs that specifically state whether or not the results can be used against you in a court of law.

It is up to you to remember that polys don't actually work and are merely intimidation tools; remember, the polys only seem to work if you THINK they work. It is also up to you to determine when your right against self-incrimination is infringed. You can't refuse the test at this time but you can refuse to answer questions that can lead to criminal charges.

TREATMENT SERIES PART 3: THE PENILE PLETHYSMOGRAPH

The penile plethysmograph (PPG, or the slang term "peter meters") are devices used to try to determine sexual arousal in men, presumably to determine if you have deviant attractions. PPG was initially developed by Czech psychologist Kurt Freund in the 1950s as a way to identify heterosexual men who claimed to be gay in order to avoid the Czech military draft. According to a 2008 Vera Institute of Justice, at least 7 states use the PPG (IA, KS, ND, TX, VT, WA, WY) though OR and AZ have also been noted using the PPG in recent years. (Other states might also be using the PPG but are not known at this time.) Much like my previous discussion of polygraphs, PPG tests are generally not found to be meet courts' scientific standards yet are still utilized as "treatment tools." Below are some major rulings on PPG use:

In US v Powers, 59 F3d 1460 (1995) the PPG was excluded as evidence due to failing the Daubert scientific standard even though in this instance, the results were favorable to the defendant.

North Carolina v. Spencer, 459 S.E.2d 812, 815 (N.C. Ct. App. 1995) ruled the PPG unreliable, noting, "Despite the sophistication of the current equipment technology, a question remains whether the information emitted is a valid and reliable means of assessing sexual preference."

U.S. v. Weber, 451 F.3d 552 (9th Cir. 2006) ruled in this case that penile plethysmography was an unreasonable and unnecessary deprivation of a defendant's liberty. The court viewed penile plethysmography as an intrusive procedure, both physically and psychologically, likening the procedure to a device from a George Orwell novel. While the court concluded that the level of accuracy of penile plethysmography reported in the scientific literature is low and that the test's true validity is academically controversial, this test could be a required condition for supervised release if there was evidence supporting the efficacy of this test over less intrusive procedures, such as the Abel and polygraph tests. However, the court ruled in this case that the government did not meet the required burden of proof to show that plethysmography was necessary over other testing options.

In United States v. McLaurin, 731 F.3d 258 (2d Cir. 2013), the defendant was convicted in VT of FTR 10 years after his release from an AL prison; VT required SO Treatment that included the PPG. The Court found, "To begin with, the procedure inflicts the obviously substantial humiliation of having the size and rigidity of one's penis measured and monitored by the government under the threat of reincarceration for a failure to fully cooperate. And even if the machine could accurately monitor and record the extent or intensity of a convict's prurient interests (a proposition about which we have serious doubts), the goal of correctional treatment during supervised release is properly directed at conduct, not at daydreaming… We fail to see any reasonable connection between this defendant, his conviction more than a decade ago, his failure to fill out paperwork, and the government-mandated measurement of his penis…In the end, we hold that the plethysmographic condition does not bear adequate relation to the statutory goals of sentencing to outweigh the harm it inflicts, that it involves a greater deprivation of liberty than is reasonably necessary to serve any of those statutory goals, and that it may not, consistent with substantive due process, be imposed on McLaurin."

Much like the polygraph, controversy surrounds PPG use. A 2015 International Society for Sexual Medicine article by Murphy, et al., noted, "There is a lack of standardization of stimulus sets and interpretation of results between sites."

A 2007 critique of PPGs in the American Academy of Psychiatry and the Law (by Harlow and Scott) noted, "Given the number of human rights concerns surrounding penile plethysmography, the limited efficacy of the test, and the ready availability of other testing alternatives, U.S. v. Weber calls into question the wisdom of utilizing penile plethysmography as a SO testing device."

A 2016 Vice.com article argued that "much like a polygraph, PPG is a form of junk science—an inaccurate, inconsistent way to measure something as complex, amorphous, and subjective as sexual desire. For one thing, there are ways to stifle an erection. 'If you can find a way to keep yourself from being aroused by thinking about your grandmother or puppies or something that's not sexually arousing to you, then you can trick it,' Dr. AJ Marsden, a psychology professor at Beacon College in Florida, told VICE. There's also the issue of what PPG actually measures. While a test subject might be aroused by, say, descriptions of violent, non-consensual sex, that doesn't mean they necessarily have a desire to act on such impulses in real life."

In short, the PPG is as worthless as the polygraph. Even still, PPGs can be used both as a post-conviction therapy and in sentencing someone who has committed a sex crime, so it is possible (albeit a small possibility) you will face one in therapy someday. PPG proponents tout it as another tool to control deviant thoughts. "The PPG wouldn't alter your sentence, but you could indirectly extend your time," Fernandez said. "Every month of therapy [in a treatment center or halfway house] comes at a huge cost to your wallet and to your time." However, it is possible to successfully challenge this in court, as seen by the court cases above.

TREATMENT PART 4: THE STATIC-99R

Many states use a risk assessment tool to determine your perceived level of risk to society. There are numerous risk assessments out there, like the VRAG, SORAG, RRASOR, MiSOST-R, & MASORR. The most widespread, however, is the STATIC-99R, which we'll be discussing today.

The STATIC-99R is the most widely used risk assessment test. The very name is a description of what it does: "Static" means factors in your life that do not change often, like date of offense & whether drugs/ alcohol were involved, 99 is the year it was devised, and R stands for "Revised." It has been revised a couple of times over the years. This is not a test you even have to be present and answer questions to be

evaluated. However, many programs may evaluate your level of treatment as well as your risk level based at least in part by the tests. The other tests function similarly. Like Golf, you want to lowest score.

Below are the factors that determine your STATIC-99R score. In fact, you can play along and try to determine your score to give you an idea of how you might be classified someday:

1. Age at Release from Index Sex Offence: You get +1 if you are released from incarceration before 35, 0 for release at 35-39, lose 1 point if you are released from prison at age 40+, & lose 3 pts if released at 60+. The belief is that older SOs are less likely to reoffend. "Release" refers to when the offender is "free" (in the community) after the index sex offence is processed and therefore has an opportunity to reoffend. It may refer to release from court, jail, prison, psychiatric hospital, or the like. Offenders are considered in the community if they are on parole, probation, or other types of community supervision. If they do not receive a custodial sentence for their index offence, the release date would be the date of conviction.
2. Ever Lived with an Intimate Partner for 2+ Years? If not, +1, if yes, then you get 0. Researchers believe that having a prolonged intimate connection to someone may be a protective factor against sexual reoffending. ("Prison wives" don't count, BTW.)
3. Did you receive a conviction for any "Index" violent but non-sexual crime at the time of your conviction for a sex crime? If yes +1; If no, then 0. This item refers to convictions for non-sexual violence that are dealt with on the same sentencing occasion as the index sex offence or that clusters with the index sex offence.
4. Were you ever convicted for any non-sexual crime BEFORE the sex crime conviction? If yes, 1 point, of no, 0 points.
5. Were you ever ARRESTED and/or convicted for past sex crimes before the current sex offense conviction? If no, 0 points. If arrested twice or convicted once +1; is arrested 3 -5/ convicted 2-3 then +2, if 6+ arrests/ 4 convictions, +3.
6. Prior Sentencing Dates: If you have had 4 or more prior sentencing dates of ANY kind prior to the sex crime conviction +1; if not, 0 points.
7. Any convictions for a "non-contact" SO (CP, voyeurism etc.), including the current conviction? If yes, 1 point, if not, then 0. This includes the offense in which you are currently incarcerated. The principle is "Offenders with illegal paraphilic interests are at increased risk for sexual recidivism."
8. Was your victim(s) in your immediate family? If yes +1, 0 if no.
9. Any "stranger" victims? (i.e., someone in which you were not acquainted with for at least 24 hours prior to the event)? If yes +1; if no 0.
10. Was your victim(s) male? If yes then +1, if no then 0.

Scoring: The total score can range from -3 to 12. If you score a -3 or -2, then you are "very low risk." If you scored -1 or 0, then you are "below average." A score of 1-3 is average, 4-6 is above average, and 6+ is high risk.

It should be noted that the Adam Walsh Act classifies SOs by conviction type, not by risk assessment evaluations. Still, a test like this might influence the amount & type of treatment you may receive in the future; thus, it was important to share this test for the sake of increasing your awareness of the classification process.

Review: The ARM Art Protest event at the U. of So. Maine in Portland, ME

The trip to Portland was in itself was a complete disaster. Amtrak sent my luggage to a mill in Richmond VA. I would love to know how that happened. I arrived in Portland without most of the art for the event. Thankfully, my travelling companion had a half dozen pieces of art, and some entries were photos and

graphic arts, so I spent all of Tuesday buying last minute supplies for the event. I had a dozen pieces to work with so it was enough to fill a display.

My travelling companion and I stopped by Lowe's to pick up supplies when Gini spotted a 6 foot growling werewolf Halloween decoration. Since USM's mascot is a Husky dog, and the werewolf looks kind of like a husky, Gini had the idea we should buy it for the art show. It turned out to be a good idea, since ol' Harry got a lot of attention. We placed a torn US Constitution in his hands. (One student said it looked like the USM president, others thought it was the mascot.)

Gini and I arrived about 7:30am and started setting up. We were later assisted by Tigger from the sosen.org website. It did not take long before people started stopping to talk to us. The majority of those who stopped listened to us and were open to hearing a viewpoint. I am used to having Tom as my protest partner, and we typically maintain an informal count of yays and nays; the USM attendees were mostly receptive, so mostly yays. There were a couple of nays; one guy drove by twice to shout obscenities, and one woman was triggered by the sign saying shame on USM President Glenn Cummings. She said people should not be shamed, which was ironic given the fact she had just stated she supported the registry.

The rest of the art finally arrived at noon, so I left Gini alone to pick up the package with the art, so Gini had to deal with the lunch crowd alone. She had to deal with a couple of MeToo campus feminists alone but she handled them like a pro. By 12:30, we finally received the rest of the art for the show. (Sadly, the diorama and a couple of pics did not survive the trip, thanks to Amtrak mishandling of the luggage.) We stayed out until 4:30pm.

We did not attract any media except from the USM Free Press, the student newspaper), and Amtrak compromised the entire operation by shipping my luggage to VA, but we managed to salvage the operation and make it a success. I could not have done it first and foremost without Gini from SOSEN, who rode the train all weekend to attend. I also want to thank Tigger from SOSEN for helping especially during the busy part of the day. Also, thanks to all the artists (including those who sent art from prisons in AZ, FL, and supporters who donated to this project. I hope this has not only inspired fellow activists to engage in more public events, but educate those we have spoken with and broaden their horizons. We plan on hosting more campus awareness shows like this one, and we believe next time, the event will go more smoothly than this one.

LETTER: HEIMLICH'S STORY IS ABOUT SECOND CHANCES

The following letter to the editor was written by Derek Logue and published in the Corvallis (OR) Times Gazette on 6/15/18. For those not followers of College baseball or if you simply weren't readers of my previous article on this story, this letter regards Oregon State Beavers pitcher Luke Heimlich.

Last year, The Oregonian published a report days before OSU was to play in the College World Series that Heimlich was convicted of a sex crime in WA involving his niece when he was just 15 years old. He served his sentence, and years later, he was accepted to OSU and became a star pitcher, and might have been drafted. Once the story broke, Luke decided not to play in last year's CWS, and went undrafted. OSU made it to the semifinals but lost to LSU. OSU allowed Luke to return this year, and again he became their ace pitcher, winning the PAC-12 Pitcher of the Year, among other awards. This year, Luke played in the CWS, and OSU won the championship. (Sadly, Luke didn't play his best in those games; I can only speculate the hate from the media and some fans got to him.) This Letter was written 2 weeks before the championship game. Congrats to Luke Heimlich and to Oregon State University for winning it all. The letter is below.

"Thank you, Oregon State University baseball, for allowing Luke Heimlich to play his senior year. Your generous act serves as a reminder that at least some people in this country still believes in redemption and second chances. (Had Luke ignored the 'haters' and played in the College World Series last year, OSU might have won it all.)

Some feel people convicted of certain crimes don't deserve second chances. Yet, Mike Tyson, Michael Vick, and Joe Mixon were among a number of athletes who had committed crimes and were allowed to play sports after finishing their court sentences. What makes Luke different from any of those guys? These three athletes committed crimes while on a roster, while Luke was convicted and served out his sentence years before he was a blip on OSU's radar.

If Luke Heimlich is innocent, then his treatment is a great injustice and a condemnation of our unfair judicial system. If he is guilty, then he served his state-issued sentence and has worked hard to become a productive member of society. Supporting Luke doesn't overlook or condone the crime he allegedly committed; rather, it is our way of encouraging Luke and others that there is at least some hope for a redeemed life after completing a state-sanctioned penalty.

Luke Heimlich and OSU fans, ignore the haters and the self-righteous media pontificators. You have a lot more support in Omaha (and across the United States) than you realize. Go Luke Heimlich. Go OSU Beavers."

Here is a second letter to the editor, written in the KC Star newspaper after criticism for the KC Royals looking into hiring Luke Heimlich, published in the Letters to the Editor Section on July 2, 2018:

"The Royals should ignore the haters and sign pitcher Luke Heimlich. In doing so, the Royals could show America that people convicted of any crime (even sexual offenses) and h who ave completed their sentences should have a chance at redemption. Numerous athletes, from Mike Tyson to Joe Mixon to Michael Vick, have been given second chances.

Giving Heimlch a chance is not "pro-rape" or condoning abuse, but about allowing a man who committed a mistake in his youth an opportunity to become a productive member of society. Even if Heimlich is guilty, reoffense rates are less than 1 percent annually for sex crimes, and juvenile offenders have been shown to be more amenable to treatment.

Guilty or not, he completed his probation. His record was sealed. He stayed humble while the media storm blew around him.Last year, he withdrew from his team before the College World Series. This year, Oregon State stood with him and let him play. Now, the Royals have a chance to do the right thing by repeating the second-chance offer. Doing so would show we still do believe in second chances."

PRISON SCUTTLEBUTT

I receive dozens of inquiries weekly as part of my task as an SO advocate, and currently have hundreds of prisoners on my ICoN list (and many more who read it from others who print it out and share). Often, I'm asked the same questions repeatedly. Much of it involves prison rumor mills. Just like the wild stories we have in society like the Illuminati or Bigfoot, prisons have their own stories like Boxing Betty.

Over the past 3 years of hosting ICoN, I've worked to dispel myths and warn you about scams (like guides claiming to legally avoid the registry) and false hope stories (like claims recent court cases have eliminated the registry). It is not an easy job telling the truth because it is hard to constantly share bad news more often than good news, but separating myth from fact is important to help you survive life on the list.

Here is the bad news—there's no way to leave prison & not have to register somewhere. No states have abolished registration; there ARE some states that don't list low level RCs publicly but they still register & their info can be accessed in a FOIA request. There are ways to get off the list but they involve pardons or court orders, something that will take years after release for you to achieve. But the good news is it does not have to be a lifelong curse. Unless you have a high profile case, you're likely to leave prison without much more than grumbling neighbors quietly begrudging your presence in the community. (Your mileage may vary.)

Regardless of the intent of those starting registry rumors (be it for good, bad, or just because they're bored), you must use the same common sense you use elsewhere. If a rumor is too good to be true, it likely is false. Even with good news, like the recent court victories in MI, PA, and CO, those victories must be tempered. People came to believe these court battles were going to overturn Smith v Doe & abolish the registry. They won't because these were as-applied challenges, i.e., challenges to how the law is enforced rather than the law itself. While these decisions were good, the act of registration itself was not declared unconstitutional. However, these are still helpful victories. Think of it like the movie Rocky IV where Rocky cuts Ivan Drago. The registry is a "machine" but it can be taken down, but it make take the full 15 rounds to do it. In the meantime, read this ICoN & the other valid resources & ignore the prison rumor mills. When in doubt, write or email me.