**THE INFORMATIONAL CORRLINKS NEWSLETTER (ICON) # 92**

**JUNE 2023 – VIGILANTE FACT & FICTION, USING GYMS**

ICoN provides legal, treatment, activism news & practical info for incarcerated SOs. Send inquiries in separate CorrLinks email (iamthefallen1@yahoo.com) or to Derek Logue, 2211 CR 400, Tobias NE 68453. My focus is SO laws; I don’t advise/assist on appeals, sentencing issues, non-SO news, & services like people-finding, penpals & mail forwarding.

NOTE: In the past ICoNs, I have been using “Registered Citizen” (RC) to describe a person who will be forced to register as an “SO.” In “Your Life on The List, Ed. 3” & the ICoN, I have begun using the term “Registered Person” (RP) because many people were confused by “RC”, thinking it referred to an immigration issue. Language is in a constant state of flux & can change again in the future, but for now, the most commonly accepted term among anti-registry activists is RP or Registrant; thus we will be using RP/Registrant to describe persons who will be forced to register on the publicly accessible sex offense registry. However, I still may use RC on occasion, & if you still use that term when writing me, I’ll know what you mean.

**LEGAL ROUNDUP**

*Minter v. State of Wyoming*, 2023 WY 35: Minter pled guilty in 1999 to misdemeanor sexual battery in GA. In 2019, WY authorities discovered Minter’s GA conviction. Even though DCI had insufficient information that the crime Mr. Minter was convicted of qualified as a “registerable offense” under the WY-SORA, it directed the Natrona Co. Sheriff’s Office to inform Minter that his conviction required him to register. WY Sup Ct determined that DCI may not use dismissed charges to determine the facts & circumstances out of which a conviction arose. WS §7-19-302(o) does not authorize DCI to require an individual to register before it has determined he was convicted of a registerable offense.

*Brian Hope v. Commissioner of Indiana Dept of Correction*, et al., No. 22-2150 (7th Cir. 2023): Reverses a lower court ruling which found that IN's 1994 SORA violates the equal protection clause of the 14th Amdt. SORA contains a provision stating that RPs moving to IN from another state must register even if their offense took place before the enactment of the law in contrast with the SORA’s treatment of those who committed sex offenses while living in IN prior to SORA's 1994 enactment, & those who continued to live in IN after their pre-SORA offense. In-state offenders don't have to register if they weren't required to do so prior to SORA or its subsequent revisions taking effect. IN “satisfies rational basis review because the state has a legitimate interest” in registration.

Does 1–5 v. Whitmer, et al., Case# 22-1925 (6th Cir. 05/30/2023): Five RPs seek 42 USC §1983 damages from high-ranking MI officials, alleging that they oversaw & failed to stop the MI State Police (MSP) from continued enforcement of the provisions of MI’s SORA that the 6th Cir declared unconstitutional. The Dist Ct granted the motion to dismiss “sovereign immunity”; 6th Cir upheld dismissal as RPs failed to state a claim of supervisory liability. “The plaintiffs do not plausibly allege that the defendants authorized, approved, or knowingly acquiesced in any unconstitutional conduct. While Etue and Gaspar oversaw the MSP, many of the complaint's allegations appear to target the behavior of local law enforcement, which the MSP directors did not supervise. The plaintiffs' allegations of knowledge thus cross the line from conceivable to plausible only barely, if at all."

**VIGILANTE FACT & FICTION**

“*When I come home at night, I bolt the door real tight! People call me on the phone, I'm trying to avoid, But can the people on TV see me or am I just paranoid? When I'm in the shower, I'm afraid to wash my hair, 'Cause I might open my eyes & find someone standing there. People say I'm crazy, just a little touched, But maybe showers remind me of Psycho too much … Who's playing tricks on me? I don't know anymore! Are the neighbors watching me? (Who's watching?) Well, is the mailman watching me? (Tell me, who's watching?) & I don't feel safe anymore, oh, what a mess, I wonder who's watching me now (who?), the IRS? I always feel like somebody's watching me & I have no privacy (oh, oh) I always feel like somebody's watching me, Tell me is it just a dream?* – “Somebody's Watching Me” by Rockwell

In recent years I have received many calls from RPs & loved ones of RPs swearing they’re being stalked by multiple people & are seeking solutions. Some are real, but others are not. However, there many cases when it is merely paranoia. It seems I’m always giving far more bad news than good news. Every year, new restrictions are passed into law, more stories of vigilantes committing crimes against RPs are published, more court cases uphold draconian laws, & more police stings round RPs up for FTR cases. All these things, in addition to the fact that detailed registry info is available to the public, make RPs & the loved ones who live us susceptible to beliefs that people are out to get us.

In my 2023 anti-registry activist survey, only 40% of RPs, their loved ones (LOs), & others in the anti-registry movement stated they have never experience any crimes committed against them, 32% experienced off-line or “real world” threats or harassment, 27% experienced online threats or harassment, 19% were targeted by extortionists or scammers, 18% experienced property damage, 16% chose “other”, & 8% were physically assaulted. “Other” answers included ousted from or not allowed entry to public places or social clubs, false accusations of wrongdoing, interference with employment, SLAPP suits, bumper stickers & T-shirts promoting violence against registrants, & denial of various services. If looking solely at RPs, only 35% stated they’ve never experienced any harassment.

This unsurprisingly leads to high levels of fear & anxiety among RPs & LOs. RPs (29%) & LOs (27%) most often chose “always” when asked if they fear of going out in public due to possible attacks (Others, 6%). Only 3% of RPs & 12% LOs (vs 60% others) expressed no fear of public events. LOs are more likely than RPs to choose “frequently/often” (LOs 27% vs 21% RPs) or “Regularly” (LOs 33% vs 27% RPs) when asked if they fear being physically assaults due to the registry (Others chose 10% frequent & 18% regularly); LOs (8%) were the least likely to choose “never” (vs. 12% RPs & 42% Others); 48% of RPs cite fear as a reason for not participating in future anti-registry events, while 26% feared attending the DC vigil.

I have personally engaged in numerous public events as far back as 2007 & have not been physically attacked. At worst, I’ve been called vile things online. I’m not, however, going to downplay the fact many RPs are victims of harassment or worse. However, we must recognize the difference between real harassment & the kind that many imagine.

It is fitting that the modern prison slang for the rumor mill is “inmate dot com” because misinformation spreads by the real world Internet. There are online communities where people claim they’re being “gang stalked.” The reason I posted the partial lyrics from the Rockwell song is because many people who believe in “gang stalking” describe actions that sound ripped from the song. For example, an unknown car may pull up nearby, so the person fearing gang-stalking assumes it is a spy, when in reality it was a city road worker, a person who got lost, or maybe a delivery driver. The only studies on those who make these claims found nearly all suffered from mental illness.

There are indeed individuals & groups engaging in vigilante activities. Most are online & never engage in offline activity. Vigilantes who travel great distances to commit crimes are extremely rare. Most vigilantes who have engaged in offline harassment are members of the local community. If a neighbor yells he’s going to assault you or yells vile things at you when outside, there is no doubt it is harassment. But, if at most you get a dirty look, a cold shoulder, or you simply feel like someone is out to get you w/o evidence, then you may only be suffering from the paranoia the registry can bring. A brick through your window is definitely harassment; a small scratch on your car may just be a rock that hit your car as you were driving. If you see the same people at your local shopping centers, chances are they live in the community & this is where they also shop regularly.

Think of it this way, most accusations in court require some kind of evidence. So, if you only FEEL like you’re being watched, ask yourself if there is actual evidence that you’re indeed under surveillance. If you are concerned about your neighbors, then look into surveillance equipment. Home security cameras are cheaper & easier to operate than ever, now that many are wireless & easy to conceal. Be reasonable in your assessment. A minor ding on your car is likely just a careless shopper or a runaway cart, not a targeted attack. But someone scrawling a message onto your car is undoubtedly an act of vigilantes.

It is important to remember that your mileage may vary. Many RPs have no problems with neighbors. After all, just over a third of RPs experienced no harassment at all. But it is up to you to decide how to deal with it. Is it better to let things go altogether, file a police report, or take a neighbor to court? You must weigh the benefits & drawbacks of each. Retaliation could escalate the harassment, but the harassment may not stop when the harasser is not confronted. The police may choose not to help. Lawsuits can be costly & take years to progress. Do you have conclusive evidence? So weigh each option carefully before you proceed.

**GYM USAGE AS AN RP**

Admittedly, I’ve never been able to keep up a workout regimen. I was a skinny kid, fat teen, skinny young adult, & fat middle aged guy, though I’ve recently lost a little weight in my mid-40s. In prison, there is ample time to exercise assuming you’re allowed to use it, but in the free world, many have to make time out of their busy schedules to exercise.

I was recently asked if RPs can use gyms open to the public. The short answer is that it gyms are private businesses & can make their own rules which can exclude RPs. If you have a PO, discretionary rules could be applied to ban you from using the gym. Since some gyms may have daycare facilities, some state or local laws may prevent you from using a gym.

The YMCA has a policy in place since the mid-200s that “conducts regular SO screenings on all members, participants, & guests. If a sex offender match occurs, the YMCA reserves the right to cancel membership, end program participation, & remove visitation access. In addition, the YMCA reserves the right to deny access or membership to any person who has been accused or convicted of any crime involving sexual abuse.”

Planet Fitness, YMCA, 24 Hour Fitness, Gold’s Gym, Life Time Fitness, Crunch Fitness, & Equinox all allow minors as young as age 12, though they require younger teens to have a chaperone present at all times. Planet Fitness has no anti-RP use policy but they do allow those age 13-17 to use the gym (13/14-yr-olds must have a chaperone at all times). Gold’s Gym seemingly has more individual rules but most state teens can use the gym only if a chaperone is present at all times; some have a “kid’s club” area so that may be a problem for areas with presence restrictions. Smaller, non-franchise gyms may ban minors altogether due to liability concerns (bigger chains can absorb lawsuits easier than smaller chains).

Personally, I’d advise seeking out an adults-only gym if one is available in your area even if your offense did not involve minors. Alternately, you can buy basic workout equipment at many major retailers & skip the worry.

On a related note, presence restrictions could interfere with going to public pools & running trails, or with certain other physical activities. So far, I can find no evidence of RPs being banned from marathons like the Boston Marathon & the Ironman. However, publicity stunts such as feats of strength & endurance may be rejected due to registry status. A Tampa Bay, FL man named Thomas Edward Lynch attempted to break the Guinness World Record for longest wheelchair wheelie in 2010, but after it was revealed he was on the registry, the event was cancelled after everyone involved withdrew support & condemned Lynch. (Lynch maintained his innocence.).