**THE INFORMATIONAL CORRLINKS NEWSLETTER (ICON) # 95**

**SEPT. 2023 – TIER LEVELS, ACTIVISTS WIN IN FL**

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/prison issues, non-SO news, & services like people-finding, penpals & mail forwarding.

**LEGAL ROUNDUP**

*Howe v Hughes*, Case# 22-1368 (7th Cir. 2023): A USDC ruling found IL’s civil commitment program differed from professional standards & constituted a constitutional violation & issued an injunction. The injunction required IL to provide the plaintiffs with a minimum of 7.5 hours of core group therapy each week, reinstate inactive groups, & use independent evaluators for discharge assessments. 7th Cir reversed; the Court acknowledged that detainees receive minimal treatment, raising doubts about the realistic availability of rehabilitation & release, yet found that the USDC injunction went too far under the Prison Litigation Reform Act, 18 USC 3626(a)(1)(A), which mandates the use of the least intrusive means available to address constitutional violations.

**TIER LEVELS**

Recently, I was asked how experiences differ depending on tier levels. Sometimes I forget that what is routine to me will be a new experience for many of my readers. I have been working under the assumption that my readers understand or can ascertain through common sense that there is at least somewhat of a difference between those on lower tiers than those on higher tiers. Even in a state like Florida, which has lifetime registration requirements for all RPs, there is still a difference between those classified as “offenders” versus those classified as “Predators.” For example, FL requires all RP’s State IDs/DLs to be marked, but offenders’ IDs are marked with the code, whereas predators’ IDs are marked with the term “Predator” in bold letters. Many states have special rules that only apply to those on higher tiers; for example, IA only applies 2000 foot residency restriction laws those classified as Tier 3.

My own personal experience at least provides an anecdotal example of the differences in treatment as a lower-tier RP versus treatments as a higher-tier RP. In 2003, I was released from in AL state prison. I immediately moved to OH. When I explained my offense to the registry office, they had determined I was a Tier 1 RP. As a Tier 1, I would only be required to register once a year 10 years & then I would’ve been removed from the registry. Even as a Tier 1, I experienced many hardships. I struggled to find employment, ultimately settling on a grocery clerk job making $6/hr after a 7 mo. search. One of my worst experiences was being interrupted in the middle of a job interview by a person I never spoke to before, told me that she already told me she would never hire me & to get out of the building immediately or be arrested.

In 2005, OH had decided that because I came from a state lifetime reporting requirements, I would be reclassified as a “Predator” (Tier 3). This meant that I would now have to register every 90 days or the rest of my life, plus I was subject to community notification. Days after my first registration after classification, all my neighbors received a postcard in the mail my face, personal information, my offense type, & notice that I was a “Predator.”

A few days after my reclassification, a woman I have been dating ended communication with me (“ghosting” in the current parlance); she later told me her reason for not seeing me further was because I was classified as an “SVP”. Someone began putting complaints about me at my place of employment. After I began my role as an Anti-Registry activist, a vigilante group posted my name & information, emphasizing that I was classified as a “Predator.” At times, I am falsely accused of being a “pedophile,” which has become the go-to “ultimate insult” in our current culture; other times I am falsely accused of pushing to decriminalize age of consent laws, or as said in common parlance, “normalizing pedophilia.”

I received legal assistance to fight my reclassification. I was sent to a court psychologist who gave me the STATIC-99 & the MMPI-2 (a personality test). He determined I was at low risk for re-offense but that I had anger issues. During my reclassification hearing, I discovered that a psychologist performing a routine evaluation on me a year prior to my reclassification placed a note in my records claiming that I had an attraction to minors. I disputed that in court. Ultimately, the judge ruled against me; the judge had blatantly stated that he had seen many RPs argue their low risk & went on to reoffend. He ignored the test showing me as a low risk. Treatment strategies like “avoiding triggers” were interpreted as not accepting responsibility or “minimizing.” This ruling was appealed, but the OH App Ct also ruled against me, stating that those convicted outside of the states have the burden of proof of disproving they are predatory. How can anybody possibly disprove a negative?

Unfortunately, unless someone explicitly states that they targeted me specifically because I was classified as a Tier 3, as the ex-girlfriend or the reclassification judge had done, it is hard to tell if the discrimination I faced over the years was the result of anti-registry activism (I never hide my status online), my status as a Tier 3 RP, or simply the fact that I am a Person Forced to Register. That is not to say I was oblivious to differences based on Tiers; for example, some housing options in my resource page only accept lower-tier RPs.

Based on what I’ve read, others have had similar experiences. I believe there is a lot of ignorance in the general population. Having a job as a “professional” does not necessarily mean one can put away personal biases & animus towards RPs.

I think that most LEAs, or at least the ones I have interacted with, largely understand the registry scheme is largely a “dog & pony show.” The act of registration in itself becomes routine after a couple of registration periods. By now, I have probably registered over 100 times when you take into account any time I had to move or take an extended trip in addition to my regularly scheduled registration periods. After a while, the registration officer recognizes me. Soon as I walk in the door, he immediately grabs the one page registration form & asks me if there are any updates. While the act of registration in & of itself isn’t overly difficult (at least after the initial registration, which is similar to the experience of being “booked” for crime), it is the principle of having my life revolve around registration every 90 days until the day I die that fills me with anger.

When it comes to the general public, however, I believe most people do not understand or care about the Tier system. Many people believe that RP = “Convicted Pedophile.” Not many people take the time to understand the difference between Tiers. You may face discrimination based solely on your inclusion on the registry. The bottom line is yes, the Tier you’re on will make a difference, at least in some circumstances.

**FAC GETS A RARE FLORIDUH WIN**

Rarely do I get the chance to share good news, especially out of the worst state in the USA, FloriDUH. I hope this encourages more of you to consider joining activism efforts upon release. While this impacts a single county, it is still a victory only attainable through dedicated & educated activists.

SOURCE: “How two county coordinators were able to make changes for the better in their county sex offender ordinance.” Florida Action Committee, 7/31/23. Edited for brevity.

A FAC county coordinator found out about the Hernando ordinance on 2/2/23, by reading the Hernando Sun newspaper. A Call to Action was posted by FAC on 2/5/23.

The county proposed the following:

* Would prohibit RPs from residing within 1000 feet of schools, daycare centers, playgrounds, public libraries, religious institutions, nursing homes, & long-term care facilities.
* Would not allow RPs to participate in any practice or event, including, but not limited to, any event related to a nationally or locally recognized holiday or seasonal event, if such practice or event is primarily targeted toward non-familial children. There is also wording on the wearing of costumes, make-up, & masks.
* Posting of “No candy or treats here” signs at the residences of RPs on Halloween.
* No displays for any nationally or locally recognized holiday or seasonal event or practice are to be visible from the exterior of the residence, if such displays are primarily targeted to lure a child.
* Cannot enter or remain within the 1000-foot buffer zones surrounding schools, daycares, etc.

In the words of the above-mentioned FAC member & county coordinator: The ordinance had already passed on 1/24/23, but the article did not say this. So, I called my Co. commissioner, John Allocco, on 2/3/23. He texted me back on 2/5/23. From then, until 4/21/23, I was in ongoing contact with my co-coordinator in Hernando Co & Comm. Allocco through calls & texts. I also reached out to the Hernando Co Sheriff’s Office for clarification regarding the ordinance but was often told they “couldn’t provide legal advice.”

Finally, my co-coordinator & I met with Comm. Allocco about the ordinance on 4/21/23, sharing our concerns, mainly that the Halloween sign part of the ordinance had already been declared unconstitutional based on the 11th Cir ruling from Jan. 2022. We also shared our concern that the 1000-foot buffer zone around nursing homes & assisted living facilities would bar me from visiting my father (a 26-year Army veteran) if he had to live in one of these facilities. As well, my co-coordinator & I discussed about allowing RPs to attend other activities in the buffer zones. Comm. Allocco allowed us to suggest new language for the ordinance. As we wrapped up the meeting, Comm. Allocco said he would look into possible changes.

In late May or early June, I texted Comm. Allocco to see about the changes. He said legal was looking into it. Sunday, 7/9/23, I received a text from Danell in Indian River Co telling me the Hernando Board of Co. Commissioners would vote on amending the ordinance to remove the Halloween sign language.

On Monday, 7/10/23, I contacted the sheriff’s office to notify them of my intent to attend the county commissioner’s meeting on July 11 (24-hour notice as per the ordinance), & went to the sheriff’s office on July 11 to verify I was good to go.

At the meeting on 7/11/23, the BOCC dramatically changed the ordinance with the following: removal of the registration fee & Halloween sign language; changing the buffer zone language from “may not enter or remain within a 1000-foot buffer zone of certain places” to “may not loiter or prowl within a 1000-foot buffer zone.” Specific allowances to “visit a relative in a nursing home facility, ALF, or hospital” were added.

From FAC leadership: Because of the tenacity of two FAC members, who happened to also be county coordinators, an ordinance which could have been unbearable for the people required to register in Hernando Co became a little more bearable until the day comes when all laws & ordinances that go with the registry are finally taken down.

RPs in Hernando Co are far from having all the draconian restrictions placed on them from being completely removed, but they have made a good start. This was accomplished by just 2 people speaking up. We also saw this past spring how the FL Legislature was pressured into letting certain bills die. This was accomplished by the many people in Florida & throughout the country who contacted our legislators through calls, emails, & the US Mail to oppose these punitive bills. We are just beginning to see the power in numbers grow & the resulting positive effects. Every email/call gets heard & tallied. Every respectful conversation with an elected official is an excellent opportunity to change a mind about our community. YOUR EFFORTS DO MAKE A DIFFERENCE!

A NOTE: Amazon has increased the threshold for free shipping from $25 to $35. As a result I have to charge $42.50, not $35, when requesting me to order Your Life on The List & the Anti-Registry Activist Manual (or two copies of each) on your behalf. I still charge $25 to order a single copy.