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**OCT. 2023 – PHILANTHROPY AS AN RP**

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**

*Hopkins v Hosemann*, No. 19-60662 (5th Cir 2023): In MS, some sex crimes (& other offenses) are grounds from permanent voting bans, but a 3-judge panel ruled that lifetime voter disenfranchisement is cruel & unusual punishment. This will likely be appealed to the full court. Of note, the 2 judges that struck down the law are Dems while the lone dissent is a Repub.

WI: The state began removing GPS from those convicted of a single offense but convicted on multiple charges. This is in response to State v. Corey T. Rector, 2023 WI 41, 5/23/23, which ruled that multiple convictions from the same act didn’t trigger lifetime registration; similar logic was used for both registration & lifetime GPS. The Cap Times reported on 8/8/23 that WIDOC began removing GPS from RPs convicted of multiple charges for the same offense; they had reported 625 RPs not under WIDOC supervision was on GPS but were unsure how many of them the new policy would impact.

*Arnone v. County of Dallas County, Texas*, No. No. 21-10597 (5th Cir. 2022): Denied a former TX prisoner’s damages claim for unlawful imprisonment after Dallas Co improperly relied on polygraph tests to keep him locked up 13 yrs after his end of sentence. The Court then noted that a Monell claim (*Monell v. Dep’t of Soc. Servs.,* 436 US 658 (1978), which allowed suits against local governing bodies for failing to train employees on the legal use of polys) requires three elements: “(1) a policymaker, (2) an official policy, & (3) a violation of a constitutional right who’s ‘moving force’ is the policy or custom.” The Court ruled Arnone was missing the first element. “Dallas County can be held liable only for those [policies] decided or acquiesced to by a county policymaker,” When acting in their official capacities, though, both the county sheriff & DA were acting as agents not of Dallas County but of the State.

*John Doe v. Mark Keel*, No. 28170 (SC 2023): SC Sup Ct ruled that SC can post info on RPs who move out of SC. The Court claims the state has a “legitimate & fundamental interest in promoting the public health, safety & welfare of its citizens, regardless of imaginary boundary lines between states” & that an RP “could easily travel to & from SC at convenient times for licit & illicit purposes.” Over 8k RPs on the SC-SOR don’t live in SC.

*Peter Nelson v. Town of Paris*, No. 22-2435 (7th Cir 2023): Relying on the *Smith v Doe* 2003 ruling, upheld a lower court ruling (*Nelson v. Town of Paris*, 616 F. Supp. 3d 844 (ED WI 2022)), which had upheld a local 6500 foot residency restriction ordinance, but added, “But based on the record before us, we cannot conclude the same about Paris’s restriction prohibiting designated offenders from living within 6500 feet of each other,” & remanded the case to the lower court for “further factual development.” They also upheld the lower court’s dismissal of Nelson’s due process claim as they claim “the ordinance is rationally related to Paris’s legitimate interest in protecting children.”

*People v. Hutchinson*, #21CA1575 (CO App Ct, 8/10/23): An RP is labeled an SVP under CO Law if the defendant pursued a relationship with the victim primarily to abuse them sexually; it also requires judges to make specific factual findings when deciding whether to apply the designation. Although it was unclear whether Hutchison did or did not fulfill all criteria, Distr Ct Judge Patricia Herron adopted the evaluator's findings "in full" without elaboration. "Mr. Hutchison does meet the criteria for SVP & will be designated as such," she said. "I don't think I need to go through them each for the record at this time. If you want me to, I can, but I don't know that I really need to. I don't think I'm really required to." The CO App Ct overturned the designation because the evidence didn’t support such a relationship has been established (The CO AG office agreed) & "(G)iven the inconsistent statements in the presentencing report & evaluations, along with the district court’s vague reference to adopting the 'findings of the evaluator,' we can’t say with any confidence what the district court found." The case was remanded to the lower court to redo the ruling.

*State v. Schilling*, Slip Opinion No. 2023-Ohio-3027: Man was convicted in OH then moved to KY for a few years after being classified as a Tier 1. He then returned to OH but the Hamilton Co Prosecutor claimed the RP’s time on the registry is reset to day 1. OH Sup Ct ruled that the time spent on the registry in another state counts towards the total time spent on the registry when deciding the date an RP can apply for early termination.

**PHILANTHROPY AS AN RP**

Philanthropy is defined as “the desire to promote the welfare of others, expressed especially by the generous donation of money to good causes.” Many RPs have a desire to “give back” to the community for many reasons, including penance for past wrongs or simply to improve the lives of others. I suggest you consider the cause you choose to support. Here are a few examples of problems donating to charity for those convicted of sexual acts:

Rapper Tekashi 6ix9ine pled guilty to the “use of a child in a sexual performance” in 2015. The crime, which occurred when he was 18, involved a videoed a 13-year-old girl engaging in a sex act with another man & posted it online. He was charged as a youthful offender, receiving probation & avoiding the registry. Despite the fact he’s not on the SOR, a charity called “No Kid Hungry” refused a $200k donation from the rapper; insider.com listed his conviction as the reason for the decline.

In 2011, a person convicted of a sex offense in Ontario in 1990 bought the naming rights for $150k through a fundraiser for a local ballpark in Amherstburg, Ontario, but protests & public outrage pressured local authorities to rescind the offer.

An October 2022 article by Emily Singer in the American Independent proclaimed that Republican Gubernatorial candidate Kari Lake received “hundreds in donations” while attacking her political opponent, stating, “Convicted sex offenders are coming into this country through our open southern border & @katiehobbs can’t be bothered to care.” The article listed the names of the 8 donors w/ donations ranging from a mere $10 to $275, along with description of offense & link to registry flier.

Perhaps the most famous RP philanthropist was Jeffrey Epstein. Epstein donated to many prestigious universities, hospitals, & Jewish charities. Businesses like MIT continued to quietly accept large donations from Epstein after his 2008 conviction; after a reported published in the New Yorker magazine, MIT claimed the donations were “anonymous.” Other charities publicly distanced themselves or denied receiving money from Epstein after his death.

Harvard Law School professor Lawrence Lessig wrote a paper describing 4 types of donors. Type 1 donors are people “who are wealthy & whose wealth comes from nothing but doing good.” Type 2 are corporations who may do good or harm. Type 3 are people “who are criminals, but whose wealth does not derive from their crime,” arguing that institutions could accept donations from these people on the condition of anonymity, which would prevent the donors’ purchasing tacit absolution through association with prestigious institutions. Finally, Type 4 donors are those whose money should always be refused, “people or entities whose wealth comes from clearly wrongful or harmful or immoral behavior. After the MIT fallout, Lessig states that institutions should not accept money from Type 3, either.

Martin Morse Wooster, in a 2020 article published in Philanthropy Today, wrote, “Unlike Lessig, I don’t have a comprehensive list of who should & shouldn’t be able to donate to colleges. But if a level 3 SO offers to give money to your school, just say no.”

If donating your time, you are required to register volunteer work as you would a paid position, & some volunteer jobs still require a background check. Another concern is even if a charity accepts you, a disgruntled employee or customer could out you. If the media covers your volunteer work, it almost always leads to being fired or pressured to resign. A 2018 article in WJAC 6 in PA reported that a volunteer firefighter resigned after the media outed him as an RP, adding there are no laws preventing RPs from serving as firefighters & local lawmakers stating the Fire Dept. has discretion to decide if they wish to hire an RP.

Media coverage is never positive even when it tries not to be negative. In a 2015 article entitled “Volunteer work helps SO deal with past, build a future”, reporter John L. Smith of the Las Vegas Review-Journal covered an RP who worked as a handyman & volunteered to transport food to charities in his spare time. (Notice the use of the term “s\*x offender” in the headline, as this is a common occurrence when reporters write stories about a specific RP.) Smith wrote:

“And hearing his story, how can you fail to laud Means’ selfless efforts on behalf of others, most of them strangers? Perhaps it’s only when you’re reminded that Means, 62, served nearly a dozen years for sexually assaulting a family member that your opinion changes. It is in that moment, I trust, that you go through the conflicting emotions I experienced recently when I learned how Means was spending his days. Most of us like to think of ourselves as forgiving souls — even compassionate & merciful, but I have to admit when I reread some of the articles about Means I felt revulsion & suspicion.”

You must also reconsider supporting charities that refuse services to RPs. In 2015, the Dream Foundation, a charity that provides a “wish” for terminally ill veterans, initially granted a wish to a dying vet in Ohio, & the story made the Dayton Daily News. A few vigilantes outed the vet as an RP & the Dream Foundation rescinded the wish. In a response letter to my own complaint, the Dream Foundation responded, “…the overwhelming feedback that we have had from the community in Ohio where this situation occurred did not feel the same way…One of the first complaints on the website of the TV station was in fact a very strong objection to the dream delivery from another veteran who served.” It was later confirmed it was primarily the work of the Montgomery Co Sheriff’s Office, who leaked the registry info to WKEF 22.

I hope that my readers with altruistic tendencies consider concentrating their resources to best serve charities that directly benefit RPs & their loved ones. There are many ways to help fellow RPs besides sending money to an activist group. You could consider doing things to directly benefit an RP. You could buy books for prisoners, rent a room to an RP, or pass along helpful resources like housing & job leads. You could start a local RP support group. RPs have more needs & less resources than any other Returning Citizen. You only need to think outside the box.