**THE INFORMATIONAL CORRLINKS NEWSLETTER (ICON) # 99**

**Jan. 2024 – INSURANCE & TRAVEL SERVICES SURVEY, SO TREATMENT COSTS**

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**

State of Utah v. Valdez (2023 UT 26): The UT Sup Ct ruled that prosecutors violated a defendant’s 5th Amdt privilege against self-incrimination when they presented testimony about his refusal to give police the passcode to his cell phone. Verbally telling police a passcode is “testimonial” under the 5th Amdt, & that the so-called foregone conclusion exception does not apply to “ordinary testimony” like this. While not involving a SO case, this may be helpful for defense.

NJ – Gov. Phil Murphy vetoes Bill S524 ScsSca (SCS/1R), which would’ve expand an intervention program to divert some nonviolent criminal defendants to mental health programs, with Murphy recommending lawmakers bar SOs from the bill. Lawmakers narrowly passed the bill in June along party lines (Dems in favor, Repubs against.).

PR – It is difficult to get accurate info from the US Territories. When I created the 1st Ed of Your Life on the List, I had previously covered territory laws in previous ICoNs. In 2019, Puerto Rico (PR) has changed their laws. Visitors are now required to register upon arrival & will be placed on the public registry. Those with a “specified offense against a minor” cannot reside within 500 feet of any elementary, intermediate, or high school, or a child day care establishment duly certified & licensed by the corresponding agencies. 4 LPRA §536b. This will be noted in the next edition of the book.

SCOTUS – Denied an appeal in *Clements v. Florida*, No. 21-12540 (11th Cir. 2023), which had held, as a matter of first impression, that FL’s SORN did not substantially limit registrant’s actions or movement; thus, registrant was not “in custody” within meaning of habeas statute. The 11th Cir declined to substantively address Petitioner’s argument appeal that he is in custody in part due to the separate residency restrictions imposed by his registration status & by state & local laws.

**NEWS BRIEFS**

Here are a few noteworthy headlines this month:

FL – Lake Co. is seeking the death penalty in the case against Joseph Giampa, who has been charged with 2 counts of s\*xual battery upon victims under the age 12 & 3 counts of promoting a s\*xual performance by a child. This is the first case in the state to seek a capital conviction since the law went into effect in July 2023.

IN – Anderson IN resident Adam Kinnard was arrested for multiple counts of arson after setting fires at the residences of multiple RPs. Court documents detail that Kinnard told investigators that “he was tired of all the child molesters that were out on the street” & that he had used his cell phone to research where RPs were registered & then targeted these reported RPs by setting fires on their property.

DOJ – Released their July 2023 report SORN in the US, Case Law Summary. (Link: https://smart.ojp.gov/case-law-summary-july-2023.pdf) This report is 141 but may be useful for those who research legal ruling on sex offense laws.

**CAN RPs BE BANNED FROM CASINOS?**

Some states DO have laws that could preclude RPs from entering gambling establishments. For example, the NJ Casino Control Act (NJSA 5:12-71) provides for the establishment of a list of persons who are to be excluded or ejected from any licensed casino, such as career or professional offenders, cheats or criminal offenders. But NJ’s doesn’t appear to have anyone on the banned list due to registry status.

I have a found a singular instance of a RP being banned from casinos, but his case involved a person convicted multiple times of assaulting women & forcing women into prostitution at Las Vegas Strip resorts. This is an outlier; LV’s ban list is typically reserved for organized crime & those cause engaging in cheating/fraud. No other reports could be found that suggests that RPs are banned from casinos or any other kind of gaming resort. So this does NOT appear to be an issue of concern, but keep in mind that this relies solely on media reports. As with any private business, casinos can refuse services to us without consequence.

**INSURANCE & TRAVEL SERVICES SURVEY RESULTS**

From July 2023 to Nov. 2023, I conducted a survey to gauge experiences of RPs & applying for insurance. I also asked a few questions about travel services like hotels, vehicle rentals, & travel tickets. Out of the 271 respondents to the survey:

Insurance Types: Life, 95 applied, 20 (21.05%) were denied due to status, 7 (7.37%) paid higher rates; Health, 199 applied, 3 (1.51%) were denied due to status, 1 (0.5%) paid higher rates; Home, 164 applied, 9 (5.49%) were denied due to status, 6 (3.66%) paid higher rates; Car, 247 applied, 13 (5.26%) were denied due to status, 10 (4.05%) paid higher rates; Renter’s, 63 applied, 3 (4.76%) were denied due to status, 0 (0%) paid higher rates; Umbrella, 55 applied, 1 (1.82%) were denied due to status, 2 (3.64%) paid higher rates; Disability, 39 applied, 4 (10.26%) were denied due to status, 0 (0%) paid higher rates; Long-Term Care, 19 applied, 0 (0%) were denied due to status, 1 (5.26%) paid higher rates

Vacation/Travel: Vehicle Rental, 195 applied, 4 (2.05%) were denied due to status, 3 (1.54%) paid higher rates; Hotel/Motel, 222 applied, 13 (5.86%) were denied due to status, 0 (0%) paid higher rates; Short-Term Vacation Rental (Air-BnB, home/chalet rentals), 106 applied, 58 (54.72%) were denied due to status, 1 (0.94%) paid higher rates; Travel tickets (plane/train/bus, etc.), 188 applied, 6 (3.19%) denied service, 0 (0%) paid higher rates.

Anxiety: About an equal number of Respondents (46.49%) reported feelings of anxiety at the prospect of applying for insurance as those who reported not feeling anxiety (47.6%); Nearly three times the number of Respondents reported feelings of anxiety with travel plans (69.39%) than those who reported not feeling anxious (26.57%); Nearly two out of five Respondents (39.11%) reported that they rely on a person NOT listed on the registry to make travel arrangements to avoid potential problems in planning travel.

Certain types of insurance are seemingly harder to obtain for Registered Persons than other types. The most difficult insurance to obtain by far was life insurance, followed by car insurance & home insurance. While a number of insurance agencies, both national & regional, were cited only once or twice, the United Services Automobile Association (USAA), an insurance company primarily for veterans, was by far the most cited company that denied service to RPs.

While relatively few problems have been reported obtaining travel tickets, vehicle rentals, & hotel/motel rooms, over half of RPs who applied for “short term vacation rentals” (i.e., rentals under 30 days of houses, rooms, or other properties that are not established hotels/motels) were denied. While numerous companies were cited as denying services, Air BnB, followed by most cruise lines, were the most cited companies that denied services to RPs. Most RPs who had problems with hotel room rentals were staying for extended periods of time.

RPs & their loved ones still experience high levels of anxiety when applying for insurance or vacation/travel services, with travel issues causing more anxiety than insurance. While nearly half of Respondents (46.49%) stated they experienced anxiety over seeking insurance, nearly seven out of ten (69.37%) experienced anxiety over travel plans. Nearly two of five Respondents (39.11%) stated that when the RP applies for Insurance or Travel Services, they rely on a non-RP, (spouse, family member, or friend, or even a travel broker) to cover for them.

The short answer is a few RPs were denied insurance, most often when applying to life insurance, & the agency most likely to deny service to RPs is USAA. Some RPs were denied travel services, most often “short term vacation rentals” through AirBnB, & through cruise lines. Thankfully, most RPs faced no problems finding insurance or travel services.

\*On a related note, the Registrant Travel Action Group’s “Travel Matrix,” the list of countries that state which nations have turned away RPs, has not been updated since Jan. 2022 & it seems the project is on hiatus, with no word when it may be updated. So for those who like to ask for frequent int’l travel updates, I won’t have any new updates for a while.

**COST OF SO TREATMENT**

Many of my readers may face a period of post-release supervision, aka parole or being “on paper.” Those folks may be required to check in with a PO & may also be required to pay numerous expenses, including PO fees, registry fees (in some states), & court fines/restitution fees. But therapy fees can be extremely onerous if you are required to take therapy. Take, for example, this list of fees from Ravenhill, a behavioral therapy program in PA:

Intake Interview $200.00; Individual/Family Session (45 – 50 mins) $100/Session; Therapy Group (1.5 hrs) $45/Group; Psychoeducational Group (1.5 hrs) $45/Group; No Call/No Show Charge $50; ABEL Testing $500; Other Psychosexual Assessments $500-$1000; Polygraph Examination $350; Client Documentation Requests $50-$200; Staffing Costs $100/hr/clinician (charges will begin when clinician(s) leave the office if the staffing is held remotely)

Some clients may be eligible for a sliding scale fee, if supplemental funding from supervising agencies is available. This eligibility is determined by agreement between the referring/supervising agency & Ravenhill. Eligibility will be contingent on my amenability to the intervention, my participation & cooperation in the program, as well as the availability of funding offered by the referring/supervising agency. PAYMENT IS REQUIRED AT THE TIME OF SERVICE.

Obviously, these bills can rack up quickly. In a 2019 Marshall Project article, one person spent upwards of $150k on finding & maintaining a home that meets registration requirements. Another noted her son’s treatment cost $23k, polys $4k, & $100/yr registry fee. (Note that this is over time, not per year, & in one instance, included buying a home. The article did not state how long this time period was.) There are also hidden costs like lost wages from not being employable. The two surveys I conducted in 2016 & 2023 have found many RPs are welfare dependent. Many are on SSI, which pays $943/mo max as of 2024.

Jeffrey Nichols noted in his Sept. 2023 newsletter “The Legal Beagle, “[I]n my first year (on Tennessee’s “Community Supervision for Life”) after being released from prison on August 2, 2021, I paid the below fees:” $95 per month for supervision & GPS monitoring; $850 one-time fee for a psychosexual evaluation; $175 twice a year - Maintenance Polygraphs $40 per week for sex offender treatment; & $150 annually for the sex offender annual registry fee. “In total I paid approximately $4,220.”

But rent prices are also extremely high; in the most “affordable” states (according to the website RentCafe, average rent prices in the US are $1700/mo. Even in the “most affordable” states, the average rent prices are at least $1000/mo. Of course, this means there are still residences for rent below that, but they are extremely hard to find.

If you are going to be “on paper” upon release, you may have to choose between paying for treatment & paying for rent. Paying your registry & treatment fees will keep you out of jail but being homeless is no fun, especially since you’ll have to register more frequently at the lease, & put you in danger of supervision violations at the worst. I’m not saying you’ll have the same problems, but you might want to be prepared for the worst.