



Registry Matters Podcast

Episode 147

Recorded 10-3-20

Andy 00:00

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Larry 00:22

Well, we're catching up with my age, we don't have that many more to go to. We'll be up with me.

Andy 00:28

Not that many more. Hey, I'll throw this up on the screen for you. So I selected a photo of your I think that's like your elementary school graduation photo?

Larry 00:35

Well, actually it would be a sketch. We didn't have cameras back then.

Andy 00:40

How did you get everybody to stay still, for so long to get a sketch of like, 20, 30 kids?

Larry 00:46

it was not easy.

Andy 00:51

I wanted to share with you that I got a new little gadget for a production that I'm taking part in and I have buttons that I can push and I can make things happen just on the cuff. Are you ready? So just pressing a button, I can make this happen. (Movie Clip MacArthur: And that is why I am here.) And then I got this one. (Audio lip: I got my rights to do anything I want to do, I'm a police officer.) I can do it anytime you're ready, man. I can do like you people. I could do all those things just at the push of a button. I'm excited.

Larry 01:17

Fantastic.

Andy 01:19

All right, we have a truckload of stuff. We have an interview coming up later. And we have, I don't know, 700 articles that you loaded us up. So it's going to be a chop chop chop show tonight. And I want to start with a question that you threw in here and you may have slightly altered it. And so here we go.

Larry 01:38

let's do it.

Andy 01:38

Are you ready? (Larry: Yep.) Okay.

Listener Question

I'm so confused about the registry. And the more I listen to Registry Matters, the more confused I am. You people keep insisting that there's no federal registry yet everybody knows

there is. What do you think that Dru Sjodin website? I don't know how to pronounce that website is? Is that not a federal registry? And the most ridiculous statement I've heard in my life is Larry keeps saying the registry is a non-punitive civil regulatory scheme. It's obvious he's either on the side of the system. Larry, are you like part of the system? Are you part of the man or is he too senile to understand jack shit about registration? And you know, anyone knows being forced to register is punishment.

Larry 02:24

Wow.

Andy 02:26

How about that? that's a that's a lot going on there. So are you part, are you like part of the system?

Larry 02:30

Yeah, he probably thought we wouldn't actually publish that. But it's Dru Sjodin. We'll see if the computer can spell that. We will see what the computer does.

Andy 02:43

I got the Dru part. Could you say the last name again? (Larry: Sha-deen.) Wow, Sjodin is what that is. I can take the first crack at it. Like the website, the website is just an aggregate list of all of the people that are on registries in the States. This doesn't indicate a federal registry. It's just like a meta search, let's call it.

Larry 03:05

fantastic. And that is what that that is correct of what that is. And if, for example, if you're registered in a state where they do not list your registration publicly, you will not be able to look in through the national website and find the person there because it's only examination of what the state is revealing publicly. But when we say there's no federal registry, what we're talking about is there's no federal agency that registers individuals. There's no federal reporting. I've been challenging to find out if any state has a federal registry office. I'm not aware of any. But if there is, please let us know. But there's no federal registry in that sense. Now there is the Dru Sjodin website, and there is, there's a person filed in the NCIC where those who are registered are entered by the registering entity. And that's a form of a national registry. But again, it's merely is if they had issued, they had listed a warrant that's outstanding for you, there'd be a person file for that. Or if you had a concealed-carry permit, they would they would enter you in the person file for that information. And there's a number of person files for missing people I mean, we could go on and on.

Andy 04:18

What about, from that point of view, anybody with a felony would be in that system too?

Larry 04:23

Potentially so. Anybody who's ever had a warrant, even though the warrant is served, and they withdraw the warrant from active from active alert status, the fact the warrant was there is still there. But as far as, when we when we say there's no federal registry, what we mean is that there's no federal registration office to report to and my assertion is, my personal assertion is

that there isn't an independent federal duty to register and I'm not oblivious to what the court just recently said in the Willman case, it doesn't change my opinion, one iota. But, but there is there is no federal registry. That's what we're talking about.

Andy 05:00

Couldn't we point to some sort of specific Oh, US code, whatever it would be called? I mean, couldn't we point to something like that to say, this is the code that says, here's the federal registry? If there were one?

Larry 05:14

Well, we could and there is.... that's what the listener is talking about. There is the Adam Walsh Act, that is federal statute, but it's largely, it's largely a recommend, a plethora of recommendations to the States, please do these things. So that we will have a more uniform and more cohesive, a more workable system of registration. They did not create a federal registry. And they knew that there was that there wasn't really jurisdiction to do that.

Now, the current administration is actually trying to make it easier for there to be more reach in by the feds. And I'm very terrified, I think terrified might be too strong. I'm very concerned about what may happen once these regulations are adopted after the comment period. I believe that many states will pass very vague laws that say that that a person cannot be removed, if it would, if it would be inconsistent with federal SORNA, which is the Adam Walsh Act. And I would be very concerned about that, because then the states that have petitions for removal, that would that would empower the judge to deny the petition, if if that person would have had a longer obligation under federal law. So if you're in Arkansas, and after 15 years, you go to your local circuit court that convicted you, and you file a petition, and if Arkansas doesn't do anything, other than saying that you can be removed if you meet the following criteria, and then they add one more sentence that says or unless it would be contrary to the terms of registration, as suggested or as required by however they word it by the Adam Walsh Act, then all of a sudden, you've got a new ballgame.

Andy 06:52

And something else in there says the most ridiculous statement I've heard in my life is that the registry is a non punitive civil regulatory scheme. Like, okay, so you go to the office, and you do your registration. And that's the end of the equation. Is that, is that a problem?

Larry 07:09

Well, the reason why we say that, because that's what the courts have said, when they've examined the requirement, because the mere act of requiring a registration for something doesn't translate magically to it being punishment. And we've said over and over again, that young man between 18 and 26 are required to register for the draft, they don't get a choice. They were required to do that. There is absolutely nothing punitive about the requirement. It is an order so that we have current information to contact the young man, only applies to young man between 18 and 26. And they are it's made very easy for them to register and to keep their registration current. And if they don't do it, they're subject to a possible five years of federal imprisonment, and they lose student aid and all sorts of benefits of citizenship. But no one has ever argued that the mere act of registering for the draft is

punitive. The mere act of being required to register in and of itself isn't punitive. So therefore, each time there's a concern about registration, the challenging party has to show that *that* registration scheme, not the generic idea of registering, but that particular registration requirement has so many disabilities and restraints that *it* is punitive.

Andy 08:28

Which would be potentially living restrictions, any sort of driving logs, which would be presence restrictions, things of that nature?

Larry 08:35

Yes. Like, like if you look at the decisions where things have gone favorably, and you look at the decisions where things have not gone so well. Jurisdictions that have more restrictions and more disabilities, or restraints have more difficulty with the challenges they they lose those challenges. Recently, in the *Miller v. Camper*, which was originally *Miller v. Rankin*, they're just weren't enough disabilities or restraints in Colorado and it certainly did not rise to the level of being cruel and unusual punishment. And and and in fact, they found that there had been no previous decision finding the Colorado registry to be punitive, which was the step one before you get to cruel and unusual. But I understand registration probably as well as anybody out there. And no, I'm not a part of the system. But I recognize what what we can do in the courts and what we can't do. And what we have to do in the courts is we have to bring challenges where clearly the registration has gone past what can be reasonably construed as civil regulatory. And we have to be prepared to finance these challenges so that there's an adequate evidentiary record built, which there wasn't in Colorado, the lawyer did not have the money to build a record. And she was thankful that the judge did not want a lot of evidence. But those things are important, because the burden is on you the challenger. The law is presumed constitutional, and that's what we've been hammering for almost three years we've been doing this program

Andy 10:00

And I really want to highlight the senile and jack shit part.

Larry 10:05

Well senile, I'm not sure I've not heard anybody say that before. The jack shit part, I kind of recognized as an expert. So I don't know where that comes from. But that that's, that's an opinion, I suppose.

Andy 10:22

So let me tell you about three-ish years ago, I was going through my Rolodex and I was like, I was under the jack shit folder and saying, okay, who knows the least about the, oh, Larry, and I picked you because you're the guy that knows the least amount this stuff. So that's how we got started because you are the most ignorant on the subject for sure.

Larry 10:41

I appreciate that.

Andy 10:43

Yep. And that's why we keep having you back week after week, because we're trying to learn you about the whole registration thing.

Larry 10:48

That's really, I really appreciate that.

Andy 10:53

And finally, anyone knows that being forced to register is punishment. But like you said, the act of registration, you know, we always use Vermont, and I'm sorry, Vermont. So you send in your little postcard every year, whatever the hell it is, as far as what their requirements are. But it's all the other baggage, the the North Carolina, the Packing ham of having internet restrictions, having to release all of your internet identifiers, having relationship kind of restrictions, like all of that stuff is where the, Paul highlighted these terms to always use, disabilities and restraints. It's an incredibly powerful combination of words is to say, disabilities and restraints, I think that really sums it up incredibly and concisely, to describe what we're talking about.

Larry 11:32

And to me of the seven factors, that is the most important of those Kennedy, Mendoza, Martinez, seven factors in terms of the analysis of the court. You need to build a case around the disabilities and restraints. Throw your recidivism in the dumpster, because that will not win your case. Because they try and they cock their head every way they can to argue that and it does not work. But if you actually show how you're disabled and restrained, you have a lot better chance of success.

Andy 12:06

And to word that I guess to try and go the other direction where even if the recidivism rate were incredibly high, it could it could still be unconstitutional, the disabilities and restraints, those could still be shown to be true, and it would be struck down. We just try to use it to make people feel less afraid, I suppose is the way is where that's coming from. And can you can you toss out your machine gun analogy?

Larry 12:33

They obsess over it because it was in the in the Supreme Court's dicta. And they think that that's the reason why the Supreme Court made the decision they did in 2003. And they did not make the decision because of that. They made the decision because there weren't any disabilities or restraints. And they said that repeatedly in the *Smith v. Doe* decision. But somehow or another people focused on dicta, rather than what they actually said in their findings. And they, they worry about that and the Supreme Court was handed that as a fact from below, because the parties had agreed that since they didn't do it through a trial, they did it for summary judgment of the opposing party, the defending party, they were entitled to have their facts believed that they said they would have put on had there been a trial. And for some reason that goes over even the legal professional's head, that if you do summary judgment, everything that you would have asserted as a defense is presumed true. The court doesn't get to select what they want to believe, you have conceded that that defense is valid. When you say there's no material facts in dispute, you have acknowledged that they would have been able to prove that recidivism was high.

Andy 13:45

We need to we probably need to spend like a good portion of an episode talking about that again, of how did we get there with

summary judgment, all that stuff? And so we'll put that on the agenda for some episode where we can go into that in more detail.

Larry 13:59

That would be a lot of fun. And maybe we can have Paul come in because I'm sure we see similarly. There might be some difference, we're talking about Paul Dubbeling, from...

Andy 14:07

I would love to have him on. Alright, well then we will start moving on and knock these things out because we are already like 38 minutes in which you don't know that yet. Because I'm time traveling. There's going to be another segment spliced in here somewhere but at the moment it's 38 minutes but that's not what it's going to be on your timer right now. See how I'm doing to time travel right now Larry? (Larry: Fantastic.) Alright, from Triblive.com. Norman Reimer AG candidates must discuss fixing trial penalty. I think what you are going after here is so you, you get offered a plea deal of like I described I think just last week, my roommate for, some kind of killing of his wife, ex-wife, and ended up getting life in prison without parole. What is this case about?

Larry 14:57

Well, this is a case that's in the federal system and the it was decided just the 28th of September, so just a few days ago, where a person had asserted that they were subjected to a trial penalty, and there is that is a reality of life and there, you can cock your head all you want to there will always be a trial penalty that we will never be able to stop a trial penalty. And there I go again, doom and gloom, right.

Andy 15:28

Yeah, I mean, I really didn't intend to bring you on the show every week for 147 seven episodes just so you could be doom and gloom. Can you give us something positive?

Larry 15:37

Well, the reason why you can't eliminate a trial penalty is because plea agreements stop the judge from being able to do things that they can do at the end of a trial. When you go to trial, whatever the accumulated exposure is for the crimes you're convicted of, if you get convicted of three counts, and each one of those counts carry a maximum of 10 years, you've got 30 years of exposure. Therefore, nothing precludes the court from imposing the 30 years. If you do a plea agreement, you have the the court is restricted, because hopefully your lawyer agrees, forces the prosecution to agree to a cap on sentencing. And sometimes that's not possible. But sometimes you achieve the same result by reducing the number of counts, which reduces the exposure. if they have three counts, and they agree to drop two of them in exchange for the plea and do an open ended sentencing where the judge can sentence, then all of a sudden, say there were three charges that carried up to 10 years each, you've cut your exposure down to a maximum of 10 years. So therefore, you don't have the potential for the court to impose 30 years. This case as about a person who decided to go to trial, because she wasn't gonna take no plea for what she was accused of bilking Medicare, and Medicaid, health care providers, she was in a conspiracy. And and one of the conspirators committed, tried to commit suicide, and became incapacitated and they weren't able to continue with the

prosecution. They made plea deals with the other two. And this is the case of the United States versus Daniela Gosez-Wagner from the Fifth Circuit. Case number 19-20157. And she decided that she was going to go to trial. Well, what they did, what her attorney probably didn't do, I can't say for sure, but I'm guessing they didn't do what I would have done, is I would have told her, because the original the original case, it was under the Obama administration. But when she didn't plead, she she was indicted again, in '17. Now guess what happened in 2016? Do you have any recollection?

Andy 17:54

We changed the executive

Larry 17:56

And that led to a new head of the Department of Justice named Jeff Sessions and Jeff, Jeff Sessions gave an order early on in his tenure, to the to the assistant US Attorney General's around the country to seek maximum counts to stack as many counts as you could with prosecution because this was the law and order president coming in. (Andy: I'm in favor of this, Larry.) And he also said seek any type of enhancements you can. So and so this administration, they filed a superseding indictment in 2017. And they added charges, she was originally just charged with one count. So they they filed a superseding indictment and they gave her two counts of conspiracy to commit healthcare fraud. And they added a conspiracy to commit money laundering. So all of a sudden, she had a whole lot more exposure. Because she didn't, she didn't plead. So, her argument was that that she siphoned off the least money of the conspirators. But yet, she got the most time. (Andy: Because the other ones took plea deals?) Correct. And the Fifth Circuit said, Nope, doesn't work that way. Because you, although you went to trial, and the trial judge mentioned several times in the proceeding that she had exercised her right to go to trial. But they found out that despite going to trial, that he sentenced well below the exposure that she had, based on the counsel, she got convicted, and she chose to expose herself to those extra counts by not pleading. Nothing stops the government from filing additional counts against you. If they have anything remotely resembles evidence that will support those and in this case they apparently had enough to convince the jury because the jury was only out three hours. And I was saying what I would have told a person is if so if we had a case that was pending in 2016, I would have said, Well, you know we're about to have a presidential election. And elections have consequences. Now, this candidate is running on a law and order platform, which says that we need to protect society from for bad guys. And if they win, it may be that we don't get the deal that they're offering now offered to us again. And you need to take that into consideration when you're deciding whether to reject the plea, now I'm not telling you how to plea because you're gonna be the one who does the time. But if looking at this voluminous amount of evidence, and I can tell you with with a fraud case like this, there would have been so much evidence they would have had, they would have had tons of it, you wouldn't have been able to put it in document form, they would have gotten it, they would have gotten it on already called the thumb drives, I would have got there, we got the reams of evidence. And based on what I would dare say they could go through this. And I could probably dig up another count on you. If they do that, that changes the equation in terms of how much exposure you're going to have. And you need to take that in into your thought process before you let this administration leave

office. But the average criminal isn't going to think about that. They're not going to think about politics, because I hate politics. It's disgusting to talk about politics. And all that does is just get on my nerves. But those things that get on your nerves may have a direct impact on your life. In this case, it had a direct impact on her life. Because she got 20 years, she got two 10 years sentences stacked consecutively. And the Fifth Circuit said no problem here. They sentenced below the guidelines and the guidelines are what Congress has decided would be appropriate sentencing for particular crimes. This exposure was not decided by the judge. This was what you decided when you elected your members of Congress, what the proper penalty range would be for this crime, the severity level, you decided all that. The judge didn't.

Andy 21:53

Is there anything else before we move on?

Larry 21:55

I just think that our listeners need to take into account that what we're talking about who holds the Office of President when it comes to federal crimes, there can be a significant impact on how the Office of the Attorney, the US Attorney's offices operate in terms of what they're doing. We give them credit for the first step act, although it wasn't their initiative, they did sign it, they helped bring it to the finish line in a watered-down fashion. They're also imposing some very harsh sentencing. And we don't need to lose sight of that. And that's what I brought this article in for.

Andy 22:32

Gotcha, gotcha. From here, we're going to move over to an article from Politico that is making a phone call from behind bars shouldn't send your family into debt. We also have another article talking about something similar from curren.com. But this one is I you're gonna give credit to the current administration talking about this one, I believe,

Larry 22:53

I am indeed. (Andy: How weird.) We try to we try to give credit where credit is due the set of sub the previous administration, at the federal level, now we may need to dive in just a little bit calls that originate and terminate within a state those are referred to as intrastate calls. And those have generally been regulated at the state level, calls that originate and terminate outside of state those are interstate calls. And those are within the purview of the FCC. Well, that runaway previous administration, they decided that they felt they could regulate all phone calls. And they put forth a regulation that that would have regulated kept at 4 cents a minute I think they were 5 cents in Interstate and and the the the the phone companies challenged that in court, and they took it on appeal to the DC Circuit Court of Appeals and they won. And this is finally years later, the the current administration has decided that they're going to they've put forth a proposed regulation to reduce the price of calls dramatically. I think it said 44% and there are some who think it should be even lower than that. But I'll take whatever I can get I'm an incrementalist. if if this administration recognizes that the cost of stay in touch with loved one is too expensive and they're willing to cut it almost in half? I'll take it What about you?

Andy 24:20

Definitely, I just have always really struggled with the idea that you know, you're in prison, this is the start of your rehabilitation, blah, blah, blah, oh, we're gonna gouge the crap out of you for Christmas packages having stuff sent from home you know, or phone calls, and they're gonna make it incredibly impossible for you to keep in touch with people on the outside and we're gonna and I mean, it doesn't cost you the inmate money. It costs your family generally I know people can some places can put money on their on their phone cards or whatever. But generally, it goes to the to the individuals on the outside to support this and that's what this goes to is people having to spend a mountain of money to try and keep in touch with their people on the inside.

Larry 25:01

Well, we've talked about this through the history, the program. And the the flip side of that is that prisons are the most difficult thing to fund. Because of all the things, we're competing for funding, when you run for office, try going out talking to one of your legislators that are running for reelection, say I really want you to put a lot of emphasis on increasing the funding for the corrections department. And tell me, tell me how well that goes for you. And it just doesn't. Of all the other glitzy things that governments do, funding prisons just doesn't have a built in constituency. So so they're, they're faced with trying to figure out creative ways to get money in the phone companies as technology advanced, figured out that they could provide an immense amount of security for institutions in terms of monitoring what people were talking about, and they offered the services. And then they offered a kick back, I shouldn't say a kick back, a percentage of the revenue to the prisons, because when you're looking at funding your prisons, if you can bring in one or 2% a year from from from from that, that that's, that's an offset that you can put into education or subsidies far more popular. They're funding people, the taxpayers just do not like funding prisons. They think that people broke the law, they need the bare minimum necessary. We don't need to be spending a whole bunch of money making mollycoddling those people and let's see if I could spell mollycoddle.

Andy 26:34

In this particular article from Politico, it's a good start is little subheading. It says under pressure from families and advocates of people in prison, Congress has been weighing legislation that would be a good first step in addressing the problem. In March, the following of the work of Senator Tammy Duckworth, and Representative Bobby rush introduced the Martha right prison phone Justice Act, which was included in the nearly three and a half trillion dollar heroes act now. So who were the two people that were sponsoring the bill?

Larry 27:03

well, they are Democrats. But apparently this is something that has gained some bipartisan support, according to the article. But yes, those are, those are Democrats that have that have pushed that. And the Heroes act is a piece of legislation has passed the House in late May. And the Republican Senate has refused to consider it. In addition, they refused to consider a most recent scaled down version of the heroes Act, which cut about a little over a trillion dollars off of the price tag. And they're not considering that either. But that's a topic for another day.

Andy 27:32

Yes, I understand. I was setting you up to let you go on a little rant for a minute. What else should we know about this particular segment?

Larry 27:41

Well, we were just given credit for the for, for the Trump administration for at least the FCC commissioners recognizing that this is a serious problem. And it goes contrary to stated policy at the Federal Bureau of Prisons, to keep loved ones in contact because it's the best thing to improve the odds of success and a 44% reduction is a good thing.

Andy 28:05

We have an article over at USA Today it says police should not create crime. I we have talked about this on a number of occasions of how do you move someone how does something become actually entrapment of a cop like dangling the baggie of weed in front of you or something like that is that entrapment? If they if you somewhere in there, that the line gets crossed of them, staging something from them, enticing to where it actually becomes criminal activity. And this is a whole article that describes a scenario of almost like a ring of people that got trapped into being drug dealers all of a sudden and it was all set up by the government or the law enforcement agency,

Larry 28:50

well, it was a it was an officer pretending to be a student. And dealing with these challenge. I don't know how the politically correct term but but some of these students that are that are not help me out here.

Andy 29:09

they were saying they were special needs kids didn't necessarily specify how so

Larry 29:13

yeah, it they they took advantage of this. But when we talk about this, the reason why this happens is because the police have excess funding. And those of you who hear that term, defund the police. Please get it out of your vocabulary, and no one is talking about defunding the police in their entirety. What we're talking about is reducing some of the excessive funding that would make the police agencies have to pick and choose and prioritize what they can do. This looks like if this story is remotely accurate. This does look like a entrapment. This kid had no intention until the until the officer named down that was supposedly a fellow student asked him how to get a hold of some drugs. And that that is classic entrapment if the person's predisposed, and they approach to the officer trying to find drugs, but the way it was presented as the officer approached the kid.

Andy 30:12

which is almost now we we've covered stories on the PFR side of the house where someone goes on to an adult oriented place to maybe find a date, whatever. And they talk to somebody who is of age at the time, who's actually a cop anyway. And then all of a sudden, at the end, like, Oh, wait, no, I'm, I'm -teen years old, I'm 13, I'm 14 years old, and then the situation changes, and then then they still go meet the person, had they cut off conversation at that

point, then nothing would have transpired further, but they went to the meeting, and but then there's still no kids. So who's the victim? Well, that's not what this article is about.

Larry 30:49

it's similar because like, say the the these are allocation of resources that if we took our responsibility, and we told the conservative line, which is to look at each agency's funding, and make them justify it, we would have better oversight in terms of how they're allocating the resources. And we would say, wait a minute, you're actually putting resources in this area, and you're looking for crime, you're a solution in search of a problem. We need to pare back your funding. But if you ever talk about reducing \$1 worth of funding to law enforcement, somehow you want to defund the police, and you want to turn loose a tidal wave of anarchy. And that's the way that they've cast it. If you mentioned about anything about cutting funding for police, you're against the police

Andy 31:36

say same as if you say this, something like that about military. I was I was having a conversation. This is maybe a month or so ago, right. You know, when the defunding the police really started hitting a crescendo of his conversations. And he's one of our people. So he's a PFR. And he was like, our you can't take away one red cent from the police, because like, look at how safe the streets are, he was just going on and on and on. And anything, if you want to do anything, you would have to just completely increase funding to add into this other agencies. He wants cops to go there, full lock, stock and barrel, all the protective equipment and deescalate situations like Robocop would

Larry 32:19

so well, that's, that's tragic, because if conservatism really had any consistency in intellectual honesty, that would be exactly what you would do, you would you would look at every aspect of spending across the board, and look for ways to work more efficiently, to innovate new ways of doing things. And if there's things that could be removed out of police hands that could be done more efficiently. You'd be all for that. That's the true basis of conservatism. My friend way wasn't my friend, but someone I admired in Texas named Ray, he used to, he used to espouse that he was conservative Democrat, and he said, but if we're going to be conservative and intellectually honest, we need to look at all aspects of spending, and not have our sacred cows. The conservatives have their sacred cows, and they're not intellectually honest. And that's what really disturbs me. If we're going to be efficient about the use of taxpayer resources. Let's look at all spending with a critical eye.

Andy 33:13

Shouldn't we then have like privatized police departments then? Because they would do it better, wouldn't they?

Larry 33:17

Well, no, I don't think that they imagine they would. They would magically flip flop on that one.

Andy 33:25

I know, I was like, I was like, oh, man, we should have privatized police departments. You know, get up who's the who's Dick

Cheney's group that was that Blackwater? Who was like the militia group that was being funded like by the CIA, or whatever. Yeah.

Larry 33:40

I think it might have been that long ago.

Andy 33:44

Yeah, it was a while ago. Okay, so then this one you're like punting to give to me is from Fox says the truth about violent crime in American cities explained in 11 charts, and anything with math Larry you kick over into my into my camp. This is a piece that with in a whole lot of gory detail with all kinds of charts and graphs and descriptions talks about how crime is the lowest that has ever been in forever. But it also, you know, there's a couple aberrations that since we've been on since the whole COVID, the human malware has started that there are specific areas where there have been upticks. But did you did you want to like try and cover anything in specific or do you just want me to ramble for five minutes?

Larry 34:25

You can ramble for a couple of minutes I I was fascinated by what I could understand. But I've been saying this for so long that I don't know what else to say because people believe that crime is increasing. But the trends are just not there. I mean, you look at those charts way down there. There's a header people believe crime is increasing despite a long term drop. And you look at the crime rates, which is what I presented at the National Conference some years ago, when when we almost had a suicide on the spot.

Andy 35:12

Someone almost like spit on your shoe on the spot.

Larry 35:00

I should say a homicide rather than a suicide.

Andy 35:03

Yes, he was he was going to come after you. But so in specific areas, there have been an uptick. I think it's even in this article that when talking about Portland, where like, there was a whole, like the number of protests that were happening after George Floyd, I want to say the number was 1500. And out of that, it was in the single digits where things had gone violent. And then when they threw in the feds, then everything escalated, oddly enough. But then with everybody at home, all kinds of property, crime, all of like the whole range of crimes, except for things that would be occurring at home, some kind of domestic abuse, those kinds of crimes have gone up. Obviously, if you put a bunch of people at home together, they're going to get irritated and maybe they start punching at each other. That doesn't seem like unusual to me, or unreasonable to think that, Larry, if you and I spend a lot of time in the same hotel room, we're gonna fight eventually. I'm just saying. (Larry: No.) Commercial burglaries are up, I guess, recently since protests so okay, so there was like looting and stuff but other like in general crime and that whole trend line is just on a steady decrease. Probably because of things like technology with like more cameras and surveillance. That's probably one of the primary drivers of it.

Andy 36:27

Are you still with me?

Larry 36:30
I thought I lost you.

Andy 36:33
I just said stop for a moment. I you know, anyway, so there, this is like for Vox. They don't normally like cover things this long. This is a pretty pretty long article with a million graphs. So I guess it's 11, but there's a lot.

Larry 36:45
Well, I hope our listeners and our, I guess our our prison population won't be able to see this. That's too bad. We got to figure out a way to provide this to the prisoners.

Andy 36:57
We could probably get in trouble for that then because that would be like no reproduction authorized, blah, blah, blah, something like that.

Larry 37:04
So...

Andy 37:06
well, but it's good stuff. I like Vox a lot.

Larry 37:09
So, thank you for putting that on the agenda.

Andy 37:14
It was still you. This next one comes from law360. In email attorney client privileges, paddle how sides with inmates? This is disturbing to me that when you have a letter sent to you in prison, Larry, from from a law office, you get called up to the mailroom, they open it in your presence, they dump it out to make sure there's no contraband. They like maybe open up the letter just just to make sure there's nothing attached to it. They fold the thing back up, they put it back in the envelope, and off you go. So they've just checked it for contraband. The same thing should get exist for electronic communications. And since we've had the human malware, the Coronavirus, there isn't a lot of attorney visits inside of prisons and jails. The only thing that they could then rely on would be email. And that is being watched just like email to your Aunt Rose and your Uncle John and whatnot that that seems disturbing to me and you working in the defense side of the house, that would probably bother you greatly.

Larry 38:14
It does. And it pleases me greatly to say some bipartisan support on this where there's a resolution in the House of Representatives to deal with that. And we've got representatives, Hakeem Jeffries from New York and Doug Collins from Georgia, and that crosses the political spectrum. Jeffries is a democrat and Collins's Republican, and they both recognize the significance of this attorney client privilege and that the corrections to law enforcement established should not be reviewing what the attorney is talking to with their client. And that's a good thing.

Andy 38:53
This is, this is, you know, if we'd been covering, like the phone call thing, once we put somebody to be a ward of the state, there are

costs that are associated with that. And it would be, you know, the inmate can't do it themselves. Or they probably could if they you know, like start doing some extracurricular activities to make some money and you can set up your own communication channels. But otherwise, you need the state to provide you with effective secure communications, to talk to your attorney so that you can get proper representation.

Larry 39:24
That is, that is correct. Like I say, this is something that that that bothers me greatly. And I'm glad to see the bipartisan cooperation. It's a rarity these days, but apparently, this is something that's understood by both sides of the aisle. Hopefully, it'll make it through the Senate, and hopefully make it to the President and I know that the President would sign it.

Andy 39:46
The piece in here that I didn't even really consider that something that you probably would have was, is once you're gone prisons hold on to your email. And in the case of communications with your attorney, that stuff should be scrubbed and purged. You know, if you have your own legal letters, you put them in a manila envelope, and you walk out the gate. But what do you do with the digital stuff? How would you take that home? So, that would be challenging. Larry

Larry 40:12
That's something I had never thought of.

Andy 40:16
Me neither. Over at the crime report with why redefining violence should be a justice priority. This is a neat kind of obscure article of how you would take the term being a violent offender of some kind. And this doesn't just relate to PFRs. But if you're the driver of the getaway car, and they go in and commit some really nasty burglary, you know, bank robbery, whatever. And those people are listed as violent offenders, that you can be sucked into that too, even though you only drove the getaway car. This, it's interesting. I'm really big on terms that if you mean this term, please use that term. Because it's really important for us to be able to communicate effectively and forgive me for using big words, but they're they're more juicy. And so using the term violent if you didn't commit something that was like a kidnapping and I mean, legit, like cuffing somebody or putting, you know, tying them up and manhandling them around. I, why do we use the term violent if it's not actually violent?

Larry 41:22
Well, I think it has a lot to do, it has a lot to do with the victims' advocates. I remember the show from Bill O'Reilly, many years ago, when he was debating a person who was talking about PFRs, and that it was a woman I guess it was a spouse or a brother of a of a person who had been convicted of a sexual crime. And Reilly gave her a few seconds to say her piece, but then he said, Ma'am, I hate to tell you, but all sex crimes are violent. And all sex crimes are not violent, (Andy: right.) unless you have unless you have a really distorted view of what violence is. And it's so sad, because it's not only on the area of sex crimes, but in other areas of criminal justice, where they where they, where they label something violent. And there's actually no violence. And it causes the security designation to change, the amount of privileges and

opportunities they have to be altered by having a label of violence. And we don't really consider all the ramifications that when we just stamp violent crime on a list of offenses, that's a crime of violence. Well, let's make sure that it actually is a crime of violence. So let's make sure we agree on what violence is. And that's really hard with the victims' advocates because they want everything to be violent.

Andy 42:33

They certainly do. I mean, like, you know, a felony jaywalking dammit, that's a violent crime, because you could have made a person driving their car with the kid in the back, they could have swerved, and now you've harmed the child. So yes, felony jaywalking could be a violent crime.

Larry 42:47

Well, I mean, domestic violence would be a better example than that, where there's, there's there's some significant violence that happens where people, people do some bad things, of course, but also domestic violence, even though they call it domestic violence. There's domestic violence, which really doesn't include any violence. Domestic violence could be interfered with communication, you know, with a domestic partner. You haven't done anything violence, there's no black eyes, there's no dishes across the forehead, there's nothing like that. But, but you've committed domestic abuse, and therefore, you've been deemed violent, but you haven't done any violence. You pull the plug on the cell phone, or the landline, they can't call out, but is that violent?

Andy 43:32

You may have prevented them from summoning help.

Larry 43:39

You hold the scarf up, and you make a little knot and you say, if you don't do what I want you to do, and you jiggle that thing. Have you done any violence? You may have caused the person... (Andy: you've attempted to, but you've attempted to...) but you haven't even done that you've made the person believe that there's potential, (Andy: correct.) but but you have you haven't inflicted any violence yet.

Andy 44:06

I understand, I'm with you.

Larry 44:08

So do we label that person violent? I don't know but that's where that's where the where the debate comes in. Well, they could have they could have taken that scarf and put it on the... yes, they could have but they didn't.

Andy 44:20

you could have also taken the pencil in a junk drawer and stabbed you in the neck. But they didn't do that either. Do you they labeled that as the violent person just because the potential is there?

Larry 44:30

So yeah, but but that's that's that's a biggie for me. I'd like for us to define violence better, and not label things so freely violent, where there has hasn't been any violence.

Andy 44:40

Very good. Ready to be a part of Registry Matters, get links at registrymatters.co If you need to be all discreet about it, contact them by email registrymatterscast@gmail.com You can call or text a ransom message to (747)227-4477. Want to support Registry Matters on a monthly basis? Head to patreon.com/registrymatters. Not ready to become a patron? Give a five-star review at Apple podcasts or Stitcher or tell your buddies at your treatment class about the podcast. We want to send out a big heartfelt support for those on the registry. Keep fighting. Without you, we can't succeed, you make it possible. And this is from Vice News. The only witness who heard police announce themselves at Breonna Taylor's door changed his story. You're gonna fire everybody up with talking about Breonna Taylor.

Larry 45:45

I am but it's consistent with what happens when you change your story. People try to undo their pleas and say that when they told the judge that the factual basis existed, that that they should be allowed to change it. And that when a witness comes forward and says I I want to change my story, now I'm recanting that I said the person did that, then that person is no longer deemed credible. If a key witness in the investigation of Breonna Taylor's death has changed their story, to be intellectually consistent and honest, we would no longer deem that person a credible witness in any way, shape, or form. And that if if you

Andy 46:25

don't you have to evaluate the state of the individual when they made the first statement, maybe they were under some kind of duress, or hadn't quite processed everything prior, you know, at the first interview versus the second. I mean, isn't there a way to figure out which story would be the accurate one?

Larry 46:48

Well, I suppose if you want to stretch that far, but this is where the police said did they announce themselves or not. How would you be able to be inconsistent in that story? Either you heard the police or you didn't hear. How could you have a recollection later that they that they did or didn't. How would that it's like Scalia said about it was 18 then, it was 18 now. They either said police or they didn't. How could you have an epiphany and say that that they didn't announce themselves after you had previously said that they did. You're no longer credible.

Andy 47:20

With the research that I have done about memory and how it works, you could have not heard it and and it'd be there and just because of the overload of sensory stuff at the time, and then reprocessing it now I don't know if you would then actually remember them hearing it, or did you insert the memory? I'm so sketchy on that particular subject I don't really believe much of what anybody's memory is, per se, because it's so subjective to your particular situation at the time, whether you're sleepy whether you have some extra caffeine, and then, you know, how has your life transpired up to that point? It's so subjective, that I really don't put a lot of stock in what people's memory is to begin with. But this is the only eyewitness to say whether they did or didn't say police when they knocked on the door originally.

Larry 48:10

Yeah, well, it's it's troubling now, because this is such an important significant case. And whether the police announced themselves is critical in terms of the actions that they took, it would be very reasonable for a homeowner to start shooting if they didn't know that they were police. It would be very, very reasonable. And everybody on the law and order side of the aisle should be applauding that. That's exactly what you would want people to do would be to defend themselves in their homes. Right?

Andy 48:38

I think so.

Larry 48:41

I mean, if you're intellectually honest, you would

Andy 48:44

but even like if you were woken up out of a dead sleep, whether they said police or not, there's some amount of time for waking up at a dead sleep. There's no cognitive processing going on there. Whether they said police are not if they came in now all you hear is them in stomping feet moving around and whatnot. Now you know that you have a threat inside your house. You didn't hear them say police when they knocked on the door and opened it up originally. You just know someone busted in your door and you heard a loud noise.

Larry 49:08

I agree with that. But, but But now, but now, like I say this witness is magically remembering that they did say police, when initially the witness said that they didn't say police. So that's very, very critical. Because if there's if they're going to believe that story that there was an announcement and decide that there's no charges based on the fact that the police did announce themselves, then I would like you mister law enforcement apparatus to give the exact same consideration when someone has a change of memory when it relates to a conviction. That's my whole point of thing that that's where I'm going with this. we deem you unbelievable when you come in and change your story, magically now since the story suits the law enforcement apparatus, it is being given more credibility. And I don't understand I'm a big one about consistency and there doesn't seem to be any here.

Andy 50:03

You are your silly terms like consistency, Larry, what am I gonna do with you?

Larry 50:08

It's ridiculous isn't it?

Andy 50:10

We have an article over at collateral consequences Resource Center, we we get articles from here, they're they're usually pretty interesting. But this one is about Michigan to be the sixth state with automatic conviction relief. This is a I don't want to say it's narrowly tailored, but it is, you know, it's not everybody, it's not PFRs that would get any kind of relief. But there are only a handful of states where after X amount of time you just fall off the list your records are sealed. And does it does that mean like you are I, I want to be careful how I word this, but just like tongue in cheek

like you are no longer a felon at all, like your your your your record is clean from a cursory glance of your of your past Larry?

Larry 50:54

It looks like that's what it would mean, if I understood it, they have a set aside process in Michigan where, where the that the the person can be granted that status by the court. But apparently this is going to be an automatic set aside after a period of time. And and with no set asides, that was if the conviction never happened. Now, there's still gonna be stuff in a law enforcement database about you. But supposedly it protects you from the public humiliation of that of that prior mistake, because it shields that record when that conviction is set aside. That's the best I understood it.

Andy 51:26

about maybe the second section and it says under current Michigan law, eligibility for expungement is quite restrictive. A person may seek expungement, either for a single felony conviction. As long as the person has no more than two misdemeanors or for no more than two misdemeanors, a person whose felony is set aside thus cannot seek set aside for their misdemeanors blah, blah, blah. So is set aside like a common term for legal or law for records keeping like that.

Larry 51:54

It's not something that that's in my jargon here in my state, but I'm familiar with it with it in Michigan because of a case that that that came to our attention with Zach Anderson. And, but but but yeah, I'm not it's not a it's not a widely known thing to me anyway.

Andy 52:10

I was talking to Josh Joshua from the decarceration nation podcast not too long ago about this, it was like a big deal coming down the pike of getting a certain number of people to have immediate sealing of records is the best way that I'm going to term it. And he was pretty excited about that this was coming down the path. Just wanted to put it on everyone's radar that Michigan is making a lot of changes.

Larry 52:35

Well, it hasn't passed yet. To my understanding this is this is a proposal, isn't it?

Andy 52:39

It says it's set to be. Says a series of bill that would dramatically... so I mean, it says that the bills are headed to Governor Gretchen Whitman for signatures assuming then that means it's okay.

Larry 52:50

So it has passed? Okay, well, then that would be fantastic. I had there's a whole list of bills that are apparently headed to the governor. Very good. So this will be this would be an instance of bipartisan support because Michigan has split government a duplicate the legislature still under republican control, and therefore this means that it got bipartisan support, which is what we hope that's really all you can do with the way criminal justice reform if you don't have bipartisan support, you're certainly going to be vilified and even if it with bipartisan support, sometimes you still get vilified. But But without bipartisan support, you're going to be vilified there's no doubt.

Andy 53:29

Right on. This one just showed up in the lab. Yeah, this one's dated yesterday. And this is from Reason magazine, publishing registered sex offenders home addresses before Halloween is gratuitous, unethical, and reckless, a petition urges patch and other news outlets to reconsider the practice. This is uh, you know, we're ramping up here. So it's October 3, when we're recording this. And you know, here in another, whatever, 27 days, at 28 days, we're going to run into Halloween, which is on a Saturday this year. And patch, I don't know why patch is so hell bent on doing this. But they, you know, they're very local, hyper local, kind of online outlet and they post these maps of where all the PFRs live and parents keep your kids away from these people because they're terrible, terrible. Like, I don't know why they're on this kick. But with the urging of NARSOL I think that they did this based on a press release that went out. And then Reason picked it up and wrote an article about it, which I think is awesome that NARSOL does this and then Reason would latch on to it to bring awareness to the silliness that the media will portray for all the pfrs during the Halloween timeframe.

Larry 54:39

Absolutely shout out goes to the NARSOL team. Sandy, and I think Connecticut was involved in it with one standard of justice and this is fantastic work and thank you.

Andy 54:53

Yeah, and there's a like five or there's five bullet points that are I was actually having a conversation with someone recently and I wanted to bring up this one, it says the vast majority of sexual abused minors 93%, according to 2000 BJ's, it's a Bureau of Justice Statistics are assaulted by relatives, family and friends or other people they already know. I know, you don't want to talk about recidivism and statistics, Larry, but that means that so 93 out of 100 times that person is already known and that someone is not on the registry most likely.

Larry 55:27

That would be correct. And that, but yeah, that was like a well over 100 hundred, \$50 member the total number of signatures to this but it was it was phenomenal a cross section of advocates that signed off

Andy 55:38

Yeah, they listed a whole bunch of people. Yeah, there's a there's a whole list at the bottom of the article. Even Fred Berlin was at the did a presentation at the National Conference this year, and several others. And super awesome article of Reason is a really neat publication because when I first started reading it, I was so confused about like, are they left? Are they right? I was just absolutely baffled because I'd never heard of a libertarian before when I'd left. And they I don't know, I really liked their publication and they provide an interesting balance to what you would hear from a left or right leaning publication.

Larry 56:16

So well, fantastic, and are fine. Great job NARSOL.

Andy 56:19

Yeah, I like it. And our final article is a correction. This is from Vice News. A correction officer who called black inmate the N word is getting fired for the third time that is fired for the third time a deputy in the same Georgia County was fired after video of him repeatedly punching a black man pinned to the ground went viral. Now, why are we covering this letter?

Larry 56:43

I couldn't help myself because it's from my old stomping grounds of, of Georgia and, and we talked about the need for a law enforcement registry so that it would make it more likely that an officer couldn't jump around and inflict improper behavior, unbeknownst but this officer let's set it up properly. The counties we're talking about are Clayton and Coweta in Georgia, and they're not adjoining but they're not very far apart either. Clayton is more of a suburban Atlanta and then Coweta is a little bit further to the southwest. But after being fired from Coweta they go to work for the person goes to work for Clayton gets fired at Clayton and then is rehired by Clayton. Now it would be hard to imagine to conceive of Clayton not knowing that he had been fired previously, since they were the ones that fired him. So I'm not sure a registry would prevent that if agencies are willing to rehire people who have been bad officers. I don't know what to do about that. But the only thing that I didn't have the ability to figure out is if if the firing occurred because of the change of administration in the rehiring. I'm not clear on the timeline because a sheriff Victor Hill, who's been Sheriff twice now he ended up leaving office because of his own criminal problems. And he was acquitted, and he got elected again, I'm not sure if the victor was the fire or the rehire, but it's just ironic that did a person can be fired three times, at some point, Law enforcement, if you're listening in Georgia, don't hire this officer again. He's not appropriate for police work, let him find something else to do.

Andy 58:33

He may need to find something else I so I highlighted here the racist incident will mark the third time this individual has been fired from a corrections job in a decade. come on, man. We can probably do better, but I don't know that we can do better. They're like, the people that are working in as correction officers. It's not that NASA had stopped hiring. So this was their second choice.

Larry 58:56

No, it's it's one of those jokes I make when when people are talking about what they want to be in their career. I have never heard anybody say, Mom, I can't wait, When I get out of college. I've got to go to work in a prison or Correctional Facility. I don't think I've ever heard that. I have heard people say they want to be juvenile probation officers and work in juvenile justice. But I have never heard someone in 164 years of life say that they wanted to work in an adult Correctional Facility yet. that that was their first choice of work.

Andy 59:23

Larry, joining us right now is our guest for the evening. It's Dr. Christopher Pelloski. And Dr. Pelloski, earned his medical degree from Northwestern University Medical School in Chicago in 2001. And it was accepted into the radiation oncology residency training

program at the University of Texas Medical division. Is that right? medical division?

Dr. Pelloski 59:44
Yeah, MD Anderson.

Andy 59:46
Yeah. Okay, so MD Anderson Cancer Center in Houston and served on the faculty there, and the Ohio State University comprehensive, comprehensive cancer center. He ran his own full clinical practice, supervised his own basic science research laboratory. served as the OSU department's Residency Program Director, and as the director of pediatric radiation oncology. Chris is a survivor of childhood sexual abuse and subsequently suffered throughout most of his life with undiagnosed and untreated Post Traumatic Stress Disorder with disassociated features. After a federal CP conviction, he was sentenced to the federal correction institution Elkton, a halfway house and then he completed supervision probation in July of 2020. Dr. Pelloski has received numerous literary rewards for both his books about his experience in the criminal justice system and hopes to be a strong advocate for change in social policies and a better understanding of mental health issues. First and foremost, we invited Dr. Pelloski to examine a recent story aired by NPR on August 25 2020, there was a follow up piece on September 8, about the pandemic loosening in person registration, there will be a link in the show notes to the article. And the point is the story was not presented fairly and Dr. Pelloski reached out to NPR management, in addition to the matter with NPR, we will talk about his books a little bit later in the interview. Welcome. Welcome. Welcome, Dr. Pelloski. Welcome.

Dr. Pelloski 1:01:09
Well, thank you for having me on. I'm, I'm a big fan, longtime listener of the show, and pretty honored that you guys would have me on here, so so thank you, appreciate it.

Andy 1:01:23
There, you got a whole battery of questions to go over about this art, this whole thing from NPR?

Larry 1:01:30
I do. And thank you for being patient with us because we actually had this on the on the agenda for several weeks, and, and then we ended up not doing it because other things were were breaking and thought they were this this, this is press inaccurate reporting. And this is an ongoing thing where there was no real urgency. And in fact, I thought maybe we'll give NPR management a chance to respond. But we appreciate your patience and the fact that you're still willing to join us after waiting a month or however long it was. So thank you for being with us. So you, you, you you've, you've touched on an issue that's very important to me in terms of accuracy and reporting and what we can do about it as a society. And you wrote to NPR, what prompted you to write to the National Public Radio about about your concerns?

Dr. Pelloski 1:02:24
Well, you know, I was driving home from work. And it was a Tuesday afternoon, August 25. And I hear this story about, you know, the sex offender registry on NPR. And, you know, I was a pretty regular listener of NPR, you know, they don't yell at each

other, they don't have all these talking heads on there. So I'm like, oh, okay, they're gonna discuss maybe some nuances, some info, and I'm listening and, you know, their, their, their main thrust was that there are a lot of people that go, the whereabouts are unknown, or they're not registering, you know, they're not in compliance. And then they use the term absconded, you know, so there's thousands of them. And we should all be scared. And then, you know, she's going through some of these very disturbing cases. And as I'm listening to this, I'm like, this is NPR and it feels like I'm listening to some, like local news network, getting the listeners in the neighborhood, all scared, and it just, I was, I was so disappointed. It just stuck in my head. And so the next day, I just kind of wrote out this letter, and I sent it to the reporter, Cheryl Thompson, as well as the All Things Considered Senior Editor. Let's see, it's Courtney. I just kind of this, let it all out there how disappointed I was in the type of reporting. And, you know, they make they made this, or she made this argument that there's thousands of registrants and their whereabouts are unknown, and we should all be scared. Then later on, she kind of says, Well, the only time these absconded registrants are apprehended is when they have run ins with the law. And what was interesting is she kind of missed the whole point there is that there's thousands of people that aren't compliant. And they're only sort of discovered when they get in trouble with the law. Well, that means there's thousands of registrants that are really not causing any trouble, who have moved on in their lives and doing well. And that entire point was just missed, and instead They know they focused on some of the extreme cases. But those were individual cases, you know, really not looking at the population or the bigger picture. And it just, it was pretty maddening to listen to, and to see that even within their own data that they're presenting. They're missing sort of that obvious point. You know, and they say, Oh, well, the, you know, law enforcement isn't out looking for these people and trying to find them. And I would argue it's like, well, because a lot of law enforcement knows that it's not worth the time and energy because they're not the ones causing problems. They have a finite amount of resources, you know, and it just, it just struck a nerve. And I, you know, before I sent it, I shared it with Sandy Rosek of Marisol, and she ended up posting that letter on the NARSOL all website. And, you know, I've never heard back from either the reporter or the the editor of All Things Considered, and they've even run another segment. And in some parts of that they are they're kind of acting like vigilantes because they were hunting people down and saying, Hey, you know, go look for this guy. We found him, police man. And it. It was just, it was just really disheartening. You know, I haven't really listened to NPR since.

Larry 1:06:33
So, let's move on to the next question. Now, we all know that that people on the registry do have various issues with compliance. And my point is that I raise is that people are often non-compliant because they've built the compliance to be such so strenuously tedious, that it's easy to be non-compliant. And then they say, I got you. I got you here. Yeah, you didn't make it in within 24 hours of some key change that you had. So we got you. And NPR, if they are doing the balanced reporting that we expect of of them? Do you believe that they truly don't know that the registry is, is in addition to what they think of the person who goes out and snatches a child off the street, which that's the stereotypical person or the rapist. Do they not know that the registry is filled with people who've had consensual sex. Because there's only a

slight difference in age that might make it illegal. In some states, it could be a matter of days difference if someone is slightly under 18. Or it could be for indecent exposure, which we would call streaking, do they not know those things? Or do they not care?

Dr. Pelloski 1:07:52

I think they definitely know. I mean, you don't have to go digging very deeply. To know these things about the registry and who can end up on it. You really don't have to do much investigating to see the low recidivism rates. And I don't think they, I think they purposefully ignored that because they don't want to upset their listeners and their sponsors.

Larry 1:08:26

wait, wait, wait, wait, wait, wait, this is this is what we expect from commercial journalism, where profit is the motive. Are you telling me that NPR would contradict science because of financial reasons? Are they are they no different than CNN and Fox and all the other the commercial broadcasting that's really disturbing. Is that was that what you're saying?

Dr. Pelloski 1:08:50

That is what I'm saying. You know, I was kind of under the impression too like they're this unbiased arbiter of, of information and but now they're beholden to sponsorship dollars, you know, I thought the bulk of their funding came from Congress or the federal or state governments but the bulk comes from individual donations and corporate sponsorship. That accounts for almost 60% and so if you're gonna go out and you know, put out pieces that look remotely in favor of, you know, sex offender Law Reform work, hey, maybe we should look at this differently. There's that fear that you're gonna lose the you lose your listeners and lose your sponsorship. So I think they're just as beholden to, you know, dollars as CNN and Fox are and anytime you have dollars attached to a News entity's existence, that's gonna affect the content. And I think that's that's what's happened with this NPR piece.

Larry 1:10:08

Well, you provided us with a pie chart of their of their funding, I think we're gonna make Andy, we can make that available. Can we? Did you? Did you? Did you want to just hit the high parts of where their funding comes from? Because I don't want to minimize the importance of funding. Whether you're NPR, whether NPR, or whether you're a commercial broadcast entity, you have costs that you have to cover, you have personnel, you have assistance, you have all sorts of costs related to being on the air. But if we, if we talk about where their funding comes from, and they have to be beholden to their funding, then what would the answer be? If we truly want journalistic practices that don't ignore science? What would what would some options be? Because we can't, we don't want to use public dollars. There's only like, I think, but what the pie chart show like 8%, or something of their funding from, from, from what, what would be an alternative if we can't use public dollars, and they can't be beholden to their, to their sponsors and their donors, what, what would we do?

Dr. Pelloski 1:11:09

Well, for me, personally, I've sort of entered into this world of podcasts. And, you know, because I was on, I came off of supervision only as recently as the end of July. And so I didn't have you know, I didn't have a smartphone and but I, I've started

listening to various podcasts, and I'm now under this feeling that podcasts are like the last bastion of true unbiased journalism

Andy 1:11:42

Can you talk about podcasts for a second? I've never heard of this. Tell me about this real quick.

Dr. Pelloski 1:11:49

No, exactly, I've listened to your podcast, a few others that really get to an issue, really get the details that you would never get from, from really any source at this point. Everything has to be very brief. But I think these podcasts allow you to really get down, you know, into the, into the reads and really see what's going on.

Andy 1:12:19

Yeah, they let you get hyper targeted to a niche into a very, very focused, specific area.

Dr. Pelloski 1:12:26

Yeah, that's, I mean, that's, I think a lot of these the grassroots efforts, and, you know, organizations like NARSOL, where, you know, your content isn't dictated by your sponsorship, but, you know, it's an I understand there is a business like to get your to do programming, it does cost money, but I just feel like it's in even prior to this experience, NPR was like my last chance, or last hope to get what I thought was unbiased news. But now I, I just don't know what to do. Because anytime there's an event, I'll try to get news from multiple sources. And sometimes I'm like, is this covering the same event? Like, it's just, it's just really bad. And I feel like, That really hurts the sex offender law reform effort, because it's like, everyone knows all this stuff. But everyone's afraid to say it. It's really, I don't know, it's very frustrating.

Larry 1:13:36

Well, wait, wait, we covered what I had on my mind. And, and you've written some books, and we wanted to give you an opportunity to talk a little bit about your books. And so you've, you've written more than one book, tell us why you wrote the books. And let's, let's have you plug your books cuz we have 10s of thousands of people listening, ready to ready to purchase these books.

Dr. Pelloski 1:14:00

Well, you know, the first book was just, it's called Trauma, Shame and the Power of Love. And that really focused more on my journaling, going through my abuse therapy. And, and I showed it to some friends and colleagues, and they're like, Well, hey, you should, you know, this could help a lot of people you should publish it. And, you know, maybe one day when your kids are old enough, they can kind of read and understand what was going on. And what was also interesting is one of my, the one colleague who really helped me get it published quickly said, Well, you know, the, maybe the medical board can, can read, you know, what actually happened? Maybe they'll have a better understanding because the, the local news media certainly didn't do any favors at all. And so I did that. And, of course, that didn't matter the local news were there to put the heat on the Medical Board and the cameras were rolling and the board cited incorrect and inaccurate information from the news when everything started. And so that was kind of the first book, The second book is A Torturous Path. And I really wasn't going to write a second one. But after going to

prison and meeting a lot of the people that were in there with me and going through the post incarceration experience, I'm like, again, I have to almost feel like the story, everyone's story kind of needs to get out. There needs to be some type of counter narrative to what the news and what passes for journalism now is going on. So that's kind of the those are the reasons why I wrote these books.

Larry 1:15:59

And, and one more time gives a give the title both on are they available out there for our listeners?

Dr. Pelloski 1:16:08

Yeah, the they're both there's print, you know, like a paperback and an ebook version. It's on Amazon. And the first book is Trauma, Shame and the Power of Love. And the subtitle was the fall and rise physician reveals himself, kind of a mouthful. And then the second book is A Torturous Path, atonement and reinvention in a broken system. And they're, they're both available on Amazon. And, and surprisingly, they've won some awards, which I take that as a good sign that sort of the uninitiated people who don't know me would read it and learn a lot from it and put their name to it by giving it an award. So I, you know, that's, that's one of the goals is try to inform the general public people who may not even be aware of what the sex offense laws are all about, at least, at least think about it, even if they don't agree with me, at least they're considering it.

Larry 1:17:14

Well, I'm going to wrap up with one question and hand it off to Andy. How is your understanding of the sex offense laws evolved? I mean, compare where you were before you encountered the system to where you are now. And and what was transpired in that intervening educational experience?

Dr. Pelloski 1:17:35

Educational is understatement there. But uh, you know, the, I kind of grew up with that misinformation. You know, they frighteningly high rate of reoffending and recidivism brought up by, you know, Justice Kennedy. That kind of became instant fact, and you know, and I was a victim of, you know, childhood sexual abuse. So, I think I kind of I had like this, I don't know how to describe, but I was kind of down on contact vendors. And I was very defensive. Like I didn't do that, this was done to me, blah, blah, blah. But as time goes on, I realized that no matter what the sex offense was, the, the likelihood people are going to do that, again, is very low. The likelihood of them having prior convictions is very low. And just the overkill, the the whole approach to how sex offender laws have dealt with, it's just, it's, it's assuming everyone is like that evil, relentless, remorseless monster. And regardless of what the offense is, that's not the case. And I've, you know, over time, I've forgiven the people who abused me and realize, you know, they were probably suffering in some way or another as well. And, you know, it's kind of I've kind of gone through this learning process, and I've had to go through the legal system and have this like, personal catastrophe happen for me to kind of open my eyes so I'm aware of how difficult it is for other people who don't have that experience to kind of see the other side. And that's where I'm hoping like my books could come in and kind of fill in those gaps.

Larry 1:19:50

Well, we are very delighted to have you here and you indicated you wanted to be more of an advocate and there is plenty of an ample opportunity for you to to do more in the way of advocacy, from anything, anything from, from legislative advocacy to writing to speaking, I mean, it's it's out there and your credentials would be impressive. I would think anyway, maybe maybe they will go down the crapper after you have a conviction. But I would think that your lifetime achievement should not be negated by this one mistake.

Dr. Pelloski 1:20:23

Yeah, and I have, you know, started to get more involved. I'm a contributing author now for in NARSOL. I had my first article out in the NARSOL digest. I'm getting involved with other types of writing. But uh, yeah, I think, you know, starting to speak more, and get involved in the more the legislative process. I think that's on the horizon. But you know, I've only been out of supervision for a few months. So, that might take me a little while.

Larry 1:21:01

Well, welcome to the cause of advocacy. And and thank you for joining us. And Andy, did you have anything else?

Andy 1:21:08

I really, like the question you asked about the change of mind from before and after, I thought was an incredibly good question to ask. But also that when you do listen to podcasts, you are self-selecting yourself into a filter bubble of sorts. And unless you're like, the anti, the anti-registrant person to listen to this podcast and try and like it, the people that listen to this podcast, generally are already in our camp. So we're, you know, we're preaching the choir, so to speak. That's really all I wanted to add to the podcast movement thing.

Dr. Pelloski 1:21:39

Right. And that is one thing I you know, I want to avoid the echo chamber effect in my work as well, in some ways, that's kind of what NPR was doing to, you know, being an being an echo chamber.

Andy 1:21:57

Well, again, thank you so much for joining us. That is a we really, really appreciate you having you on. And, again, welcome to the advocacy movement.

Dr. Pelloski 1:22:07

Thank you very much. And like I said, I love the work you guys do.

Andy 1:22:12

Thank you. Yeah, thank you for becoming a patron to

Dr. Pelloski 1:22:15

Oh, yeah.

Larry 1:22:16

yeah. He came. He came in at \$1,200 a month.

Andy 1:22:20

Absolutely. Couldn't do without you.

Dr. Pelloski 1:22:22

Yeah. Yeah. Well, you know, mortgage are rates low.

Larry 1:22:27

that's a that's a joke we have about the stimulus payment where we're asking someone to donate their entire stimulus payment, but no one has taken us up on that yet. So, so thank you, sir. Good night.

Dr. Pelloski 1:22:40

Good night.

Andy 1:22:41

Bye. That wraps it up. Man. We finished it. I'm surprised that we got all that and I was trying to dump articles. And you said no, we can do it. Just keep it short. (Larry: And we did.) We did. Alright, so now we're gonna announce some new patrons, Nate, who was an existing patron and has been for quite some time, he has increased his contribution. Thank you so very much. And we got a new patron named Michael and a super extra special thank you goes to Anna, with a very generous contribution. Thank you to all of our listeners, and especially our patrons. Thanks, guys very much appreciate it.

Larry 1:23:12

And how do people contact the program?

Andy 1:23:16

They they do it by turning on their computer and preferably your monitor also, because it's hard to use it without seeing it. And you navigate your way using Netscape Navigator. And you wait for your modem to dial into America Online and you wait to the little noises and you go to registrymatters.co

Larry 1:23:36

Okay, then if they want to leave a voicemail, which we haven't had any recently that I can think of how would they do that?

Andy 1:23:42

They would pick up the phone. And so there's the rotary thing. So go to (747)227-4477 Do you remember those days of rotary?

Larry 1:23:54

I do indeed but what about if they want to contact us by electronic message?

Andy 1:23:58

They would go to registrymatterscast@gmail.com

Larry 1:24:06

And what's the best way of all that you could show your love for the registry matters podcast?

Andy 1:24:14

Send blank checks to 123 Main Street in what there was always like a certain town that they would use like in Colorado, it was like Pueblo, Pueblo, Colorado, that was where you would always send in like the sweepstakes forms. But go to patreon.com/registrymatters. And it is incredibly endearing and humbling that we have so many people that support us, and I think each and every one of you, I really appreciate it.

Larry 1:24:40

And that's the best way. You can do that for as little as \$1 and any amount I think you want it's free form. You could do whatever you want, right?

Andy 1:24:48

Yeah, I mean, \$1 is the minimum but you could certainly make it the maximum that you'd like to.

Larry 1:24:53

So and we're looking for 1000 a month from somebody.

Andy 1:24:59

It could happen at some point, Larry, I still very much appreciate having you here. And I look forward to having you here again.

Larry 1:25:06

Well, thanks so much for having me.

MacArthur Clip 1:25:12

And that is why I am here.

Andy 1:25:11

Did I do it right this time?

Larry 1:25:13

We're getting closer.

Andy 1:25:15

Alright, it's cuz I got a button this time. Thanks guys very much for joining us, Larry. As always, thank you and I hope that everyone has a great rest of your weekend and we will talk to you soon.

Larry 1:25:24

Good night.

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