



Registry Matters Podcast

Episode 174

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Andy 00:00

Registry Matters is an independent production. The opinions and ideas here are that of the hosts and do not reflect the opinions of any other organization. If you have a problem with these thoughts FYP. Recording live from FYP Studios, east and west. This is Episode 174 of registry matters. Larry, How are you this Saturday night?

Larry 00:16

Fantastic. I am still alive despite someone's best efforts.

Andy 00:21

Oh, best efforts. Do you want to like take, I don't know, 3, 4, 7 hours to tell us what has happened?

Larry 00:29

Well, I was I was on the wrong end of a rear end collision. I guess you're always on the wrong endeavor and collision. But I was on the receiving end of some blunt force trauma with a vehicle that as far as I can tell, that didn't try to apply to braking on a four-lane arterial. And it was very, very discombobulating to say the least.

Andy 00:51

I don't know the answer. I heard you talking just before pre-show with a friend of yours. Do antilock brakes? Do they still leave skid marks? And I'm almost inclined to say no, because the computer as soon as it detects wheel slippage, it'll stop applying the brakes. I don't know the answer that question. But I mean, it's an interesting question, how would they then get out the little thing with the wheel and then go track how long the skid marks are to figure out how fast they were going?

Larry 01:17

I think they leave intermittent skids. I think that they lock for just a brief second, and then there's like these notched locks, I think so there would still be some evidence of a skid, but it's not the continuous skid that causes the person to swerve, that causes a person to swerve. That was used to teach you to steer into the skid. But nobody could do that. So the anti-lock brakes still lock, but they're they're like, it's as quickly locking and releasing. So there would be some evidence. But I don't think he applied brakes because the impact was significant. As you can see from that picture I sent you I was lovely.

Andy 01:51

Yes, your car has a very big thing. And the other thing to note about that is your car doesn't have your rear end doesn't have crumple zone. So if you get dinged, the way you got dinged, you got dinged pretty hard.

Larry 02:03

Yeah, if the if the if there's been any passengers in the backseat, I wonder if it would have done them any good.

Andy 02:12

Yeah, who knows? Who knows. And then you also kind of dinged your face a little bit too. So I'm sure that you're even more attractive now than used to be?

Larry 02:19

Well, it was in a four lane but the four lane had a lane closure, which is what caused the accident, the guy was not familiar with the lane closure. And he was typically going to be driving in excess of the 45 mile an hour speed limit, which people go 55-60 miles an hour down 98th street. And what happened was, he wasn't paying any attention probably on his cell phone doing the texting thing, you know that that is the most efficient form of communication ever devised, rather than using voice. And he probably just did not see until it was too late when he had the impact is what I'm guessing happened. But it was it was certainly an experience. This is the second time in my life that I've had a rear end collision. They're wonderful. You should try Oh, yeah.

Andy 03:09

Oh, no, I've got dinged 20 years ago, actually twice, like twice very close distance apart, maybe a year apart. Two different vehicles, two different states, whatnot. But Alright, so enough of that, uh, well, what?

Larry 03:21

Well, well, I did, I did collide with a vehicle in front of me because the way the lane closure, it was stop and go traffic. So he pushed me into the vehicle. So I got the the impact from behind, and then I got the impact from hitting. So I did hit the steering wheel with my face and with my chin. And it was not, it was not dramatic damage. But there was some damage and it's very uncomfortable. There was a swollen lip, and there's, there's issues all over my body because of it. But anyway, they didn't get rid of me.

Andy 03:50

Damn it, that's like, I'm gonna have to possibly put a stop payment on that check. Alright, well, all right, tell us what's going on tonight.

Larry 03:58

Oh, we've got a discombobulated program tonight with several, several directions, we're going to be reviewing some letters from mostly behind the walls of prison. And we've got some articles. We haven't done articles for a while. Hopefully we can go through all them. And then we have the George Floyd conviction and some observations and some old clips about criminal justice. The way elected officials were looking at it back in the 90s. And the way those elected officials are looking at today and we have Supreme Court an important ruling not necessarily on our issue, but in terms of explaining where the Supreme Court is, and where they're likely to be for the foreseeable future in terms of criminal justice matters.

Andy 04:43

Excellent. Well, then let's start with this. I think this came over discord from one of our super longtime patrons, if I recall, right, it's Mike. He's had a question for Larry. That's you. I've seen a lot of interviews where people are saying that people should be convicted without a trial. This was mainly interviews with people about the trial in Minnesota, of course, do you think when people are talking about this, we're going down a very dangerous road, especially when a member of Congress is saying nothing other than conviction on all counts is acceptable. I had just a tiny little

blurb to put in there. When he posted this up, that was like, of course, we're going down a dangerous path that we are, you're getting trial by fire in the media and whatnot, you're guilty before you go anywhere before even like indicted, you're you're almost convicted of this. And yes, why not? Why do we have the Confrontation Clause; due process? Why is any that even there if we can just convict somebody long before we go to trial?

Larry 05:46

That's the unfortunate thing about this particular trial in Minneapolis. There were so many already questionable decisions. And then what he's talking about congresswoman Maxine Waters about her comments. I wish she hadn't made the comments. And I said, so I think even to you, but I've said yes, your comment. I wish I wish that she hadn't have done that. The judge said the same thing, the presiding judge did. But I just hope that people when they when they feel that way, that they will also be aware that there was a whole lot more comments from the conservative side, about what a travesty of justice this is. And how that the police officer shouldn't have been charged. And that all this is his dog and pony show to appease the angry mob and so forth. And so let's just be fair, in our criticism, I have no problem saying I find what congresswoman Waters said to be inappropriate. But she wasn't the only one. And, and there was plenty of rhetoric, some very, very harsh rhetoric coming from the other side, that's still coming from the conservative side. But to the question about, I'm all about due process. I'm concerned that the change of venue wasn't granted. I'm not sure that anybody believes that he got a fair trial in Hennepin County, Minnesota with all the publicity. The question is, could he have gotten a fair trial anywhere in Minnesota, and you want, you want these people to get a fair trial, you want them to get a fair trial, because you want the conviction to stand. You don't want it to be overturned, you don't want to risk the person being released on an appeal board, for some egregious error, you want the conviction to be solidly obtained, where it will be withheld. Ups upheld, not withheld, upheld on appeal. And a good prosecutor would want the very best trial that could be had. And I'm concerned about that mistake of not granting the change of venue that will be one of the many appeals issues that will be raised by the defendant, that he's not defended anymore, the convict.

Andy 07:50

Um, and do you have any opinion? I think we've talked about, I'm curious to know what your opinion is of the range of sentencing that he could get whether will they run them concurrent consecutive, he has up to 40 years that he could serve? Do you have an opinion,

Larry 08:06

The way I read the Minnesota news accounts and you take these accounts for accuracy for what they're worth, it seems like that the under Minnesota law that it all consolidates into the highest offense, so stacking them does not appear to be an option in Minnesota. So the 40 years looks like the top limit, because that's what the highest charge carries. And everything else would be subsumed into that 40 years. That's the way it looks like the news media has, has covered it.

Andy 08:36

I swear it was the the two second degrees are up to 15 years, and

then the other one has a maximum of so if we did (2) 15s and another 10 That's That's my understanding could be totally wrong. That's just what I was processing out of the whole thing.

Larry 08:52

So but I was understanding that the harshest charge carried 40 year max, but in a way that the way I'm reading the accounts is will be corrected by Minnesota listener. We've got we've got several there, but the highest charge, the lower charges are subsumed into the higher charge and they can't stack them.

Andy 09:11

Okay. All right. I guess we will jump on these letters from the peoples in the prisons and whatnot. Right.

Larry 09:19

Let's do it.

Andy 09:20

All right. And I think you wanted me to skip down to where, Hey, I got a quick question or two. I'm under the old law pre 72nd Legislature pre September 96. Did I say that right?

Larry 09:32

72nd Legislature?

Andy 09:36

Okay. If I wasn't told about registration in court when I took probation 26 years ago, can they impose it after the fact. Also, I purchased a packet on how to legally remove yourself from the registry. It was pretty interesting. It basically told me that I could tell them I am moving out of state to remove me from the registry. Then just never register anywhere else declaring myself homeless, this was info through the Safe Streets Foundation, and then they list the URL prisons foundation.org would like to know if it's legit. And if it is, just want to share. Anyway, guys, thanks, sincerely. Have you ever heard of a packet like that?

Larry 10:18

I have indeed so let's do that question first for this person, you will find yourself serving a very long period of jail time, if you follow that advice. So first of all, if you went in and told them you were moving out of state, they wouldn't just simply deregister you, what they would do is they would take as much information as you can provide them on where you're going. And they would notify that jurisdiction to expect you. That would also generate a report to the federal Marshal service that looks for an interstate movement of persons forced to register. So if you did not show up in the state, where you told them you were going, that would the loop would not be closed. So the state that you were registering in, it would still carry you on its registry, you would be non-compliant. The state that you were moving to, would never register you because you didn't show up. And the United States Marshal services with all the vast resources they have would begin searching for you. Now, the part that I don't know the answer to conclusively is if they found you in the state that you never left, if they would have a federal jurisdictional hook. And I don't know that they would. But they've been expanding the federal jurisdictional hook with some unfortunate bad decisions. But at the very minimum, I can guarantee you this, if you did not leave the state that you told them, You were leaving, and you did not

report in that state where you were if you say you had a 90 day registration obligation, and you simply tell them you were moving from that state to state B, and you didn't get yourself registered in state B. and then and then the Marshals found you in state A, they would, at the very minimum, the state would prosecute you under its laws, because you misrepresented the situation. And you would find yourself in that state's prison system, but you possibly find yourself in a federal prison cell. So do not follow that advice. Unless you enjoy serving prison time.

Andy 12:20

Jen in chat says she thinks she heard of someone in Florida get in trouble for saying they were moving. And then not that would that maybe that's maybe that's a Florida thing.

Larry 12:31

No, it's false information. You confirm that you're giving them truthful information. And now, if circumstances there could be circumstances with your best of intentions could go with a go wrong, and you don't move. But But when you go in and tell them you're moving that starts a whole machinery of machinations and procedures in place, and if you don't leave, you're going to find yourself in a world of hurt. Go ahead, try that advice if you enjoy prison time.

Andy 13:06

Let's see. All right, then. And then the other question there.

Larry 13:11

The first part is long as the state that you're in, has continuously upheld the registry as being a civil regulatory scheme, which, in this particular writer's cases, Texas, and that is exactly what they have done. They have not been able to prove that the Texas registry is punitive. They can impose a civil regulatory scheme on you, even though it didn't exist at the time. So the answer to that question is very sadly, yes. And what confuses people is they say you can't have any ex post facto laws, you can have ex post facto laws, as long as they're not.... that analysis only applies to criminal statutes. You can pass a civil action, and you can apply it retroactively.

Andy 14:04

That would be the case for pretty much everybody. They took their plea deal. They went to court whatever, some X number of years ago, before there was a registry in their state, and then they fire up the registry in that state. And they drag you into it. And why is that the case? Larry?

Larry 14:20

What because it's a civil regulatory scheme.

Andy 14:23

Right. I really hate that term. But I understand significantly better with when you put it that way.

Larry 14:30

Well, she she's on the right track. If the registry has evolved in Texas, and it can be proven to the satisfaction of Texas or federal courts. Now, I can tell you the federal courts, Texas is in the Fifth Circuit and the Fifth Circuit has proven itself to be very hostile towards any challenges related to registration. You can look at

how they ruled in the city of Lewisville case that were about 95% of Lewisville was off limits. And they found that was not unconstitutional, so in federal courts, you're not gonna get a lot of traction. And state courts, Texas, courts tend to be very conservative. So I do not imagine it's going to be easy to gain traction in Texas courts challenging this. So it's unfortunately I wish I could give her wonderful news she might want to consider when she gets out of prison, leaving that state there might be states where that she could live without really old offense and not have to register. And we don't analyze those cases here on Registry Matters. But there are there are states where that might be the age of the of the offense, the conduct is so old, it might not trigger a registration obligation.

Andy 15:40

Very well. Alright, then let's move over to the second letter from an individual it says I am currently incarcerated at SCI Mercer. I don't know whether it's South Carolina Institute, Mercer maybe Is that fair?

Larry 15:54

Nope. It's in Pennsylvania that state correctional institution, they name them that way a SCI and then the city.

Andy 15:59

Okay, well, no one would ever know what that is. All right. " I was recently shown your magazine and I was amazed by some of the articles that were in there. So I decided to, to write to you myself. I am writing to ask for your help with this subject. I am a convicted sex offender. PFR and I have been in the system for nearly six months now. When I was transferred here to Mercer from Camp Hill When I was transferred, I have noticed a lot of things that I thought was wrong. Here at Mercer, they really have nothing here to better ourselves to make us better people once we get paroled there is absolutely no school except for GED. There are no traders here. Like there is at other correctional facilities prior to the pandemic. There wasn't even trades here that what I think that says. The prison staff have no idea why either. So my question is, how are we supposed to better ourselves if they have nothing to help? Also, I have been speaking to several inmates who are close to being paroled. And their response is this prison likes to give hits for no reason at all, especially if you're a sex offender. I truly feel that it is not fair or right for probation parole to do this, because if a person does everything that the prison DOC recommends, and completes any and all classes and groups, then that person should be paroled at their minimum time. But in this prison, it's not that way. the parole board finds any little thing to keep a person behind bars, people are getting tired of the parole board's crap and max out which not be especially if the judge says parole at minimum, could you help us bring awareness to the subject by printing this letter in your magazine, this would be a huge help.?

Larry, I can like personally attested this one in my state where there were no programs, and they dangled parole in my face twice. And like for no reason I never got in trouble. I've always had a detail etc. And somehow I still made it all the way to the end of my sentence.

Larry 18:01

I really liked this question because I get to do a little bit of explaining political realities. And although I have an immense

amount of sympathy for people who are in that position, it demonstrates the total lack of understanding by most people about what all the things that state government does, and all the competing things that are needing state funding. And prisons rank fairly low on most states priorities, when you look at all the things that state governments do. Because as a general rule, prisoners don't vote, as a general rule, they're either not eligible or they or they're, they don't vote, even if they are eligible while they're in prison. And when you go out on the campaign stump, when you say, Well, I'll tell you what I'm gonna do. If I'm elected to the state House of Representatives, I can assure you of this, we're going to have some of the best rehabilitation programs in the whole entire United States. We're going to pump money into it like we've never done before. Just vote for me. And I'd like to see a show of hands of how many people or just applause or something to signify how you feel about that there would be no show of hands or no applause. Therefore finding the funding, but all the different things that the state has to do in Pennsylvania, they have to fund some level of education and I don't know the split between state and local funding. I don't know enough about how Pennsylvania is governed, but they have roads to take care of. They have all sorts of obligations with education, with environment, with you name it the state government does it, there's things that you don't even understand...When I look at the state budget of our tiny state here, and I'll look at all the all the agencies what store economy, they run employment, unemployment insurance. They have, they have things to do with workplace safety inspections, we have we just have on and on with agencies that you've never heard of that that do work. And they, they are a little bit higher on the priority than prisons. Prisons when they when they present their budgets the thing that gets the funding as security, we need staff, we need staff for security. And they start going down on the prioritization and programming falls way down. And when you have to balance your budgets, which most states have to do, doing beyond the bare minimum of what you have to do, to keep a prison constitutionally compliant is just not politically feasible. Therefore, his issue is that there's just not funding for these programs, which means he's in a catch 22, the parole board is telling him, if you if you better yourself, will let you out at your minimum. And he can't better himself, because there's nothing at that prison except for GED, which if he's already got his high school diploma that's of no use. So he's in a catch 22.

Andy 21:05

I gotta say, though, isn't this something of an investment if we pick a number 40 grand a year, I know varies, but 40 grand a year to incarcerate someone if they spend x 1000 bucks to train someone? And that helps them not return? Isn't that a kicking the can down the road in a positive sense of return on investment? Or is that am I just am I not in reality zone?

Larry 21:29

You're not in reality zone, because that's that's that liberal, wishful thinking. You can't quantify those things. We can quantify right now how many people we've got in prison, how much security we need, how many staff positions we have, if we bring in a bureaucracy of rehabilitation services, because they might not come back. That's all well and good. But they're here now. And I've got to fund them. I've got to feed them, I've got to do a medical care. I've got to keep the institution secure. And I've got to do all this stuff now with the funding I have. And but you go to the

legislature and say, and by the way, you need to increase our budget by another 25%. So we can do real rehabilitation, so that we in the out years, we'll have fewer people here. That's a really tough sell.

Andy 22:18

All right. Then, let's see here. This one comes. Do you want this is the deer Assemblywoman Timberlake. That's not what you want, where we're going next visit? That's the letter from this, I think,

Larry 22:34

No, it's the top page of that one.

Andy 22:38

I understand, I got you I got you. I'm sorry. I scroll down. It says "dear NARSOL, the New Jersey Legislature is considering lowering the provision for lowering the provisions of the no early release law which calls for certain sentences to be served at 85% to be reduced to 65%. However, as is the usual case, PFRs are excluded while all others are included. Once again, it just shows you that the state still does not want to allow these offenders early release or reduction of sentence to be served. Where I am housed is a treatment facility for PFRs. Yet others have more serious offenses and who do not get who do not get as thorough treatment, as sex offenders can be considered for early release early release if the bill is approved. Many of us here have sent letters to our legislative representatives requesting that we be included for the new provisions. The discrimination of an offender class, as usual, only continues, I thought I would share this with your organization, not because I'm a member, but also because of the hard work you all do on our behalf. I hope that the info is helpful. As always, thanks for all the work in the support and rest assured you will always have my support sincerely."

Larry 23:50

This one I like because I mean, we all know that every time there's something that's reform, that PFR is are largely excluded, either totally or significantly, as it was with the First Step Act at the federal level. New Jersey is rather unique, it's under Democratic control. But there are still Republicans present in the state. And those Northeastern Republicans tend to be a little more progressive. Believe it or not, there's still some progressives left. When you when you're on that Northeast Corridor there. There used to be a very hotbed of liberal and moderate Republicans and there's still a few of them there. So if it were me and I were trying to figure out a strategy, I would go to the Republicans and say, Hey, no, try to insert an amendment in this Democrat legislation. Because if we're really going to save money, we need to stop excluding so many people and see if you can get Republicanby-in and then you've got the Democrat Party on the defensive if they're trying to narrow this Because they're pretending they want to save money that this is a cost containment measure. So you get to appeal to the Republicans to say, Hey, here's an opportunity, we can save even more money. And I guarantee you, that no Democrats is gonna vilify them for wanting, I can't guarantee it, but I can almost assure you that no Democrat is gonna vilify you. And let's try to save even more money by not having this blanket exclusion in here. That would be my strategy, if I were in New Jersey to see if you could get some Republican support, because they just might materialize. I mean, it wasn't that long ago, they were governed by Chris Christie. And by comparing him to a

southern governor, he was pretty moderate. And you look at Hogan, which is not a Northeastern state of Maryland, he's fairly moderate. You can't get elected in these states if you're if you're like an Alabama Republican, you something like that could ever get elected in New Jersey in New Jersey. I mean, Kay, what's her name in Alabama? I forget her last name, but she could never get elected.

Andy 25:57

That's like Hutchens, is it?

Larry 26:00

Well, if you get the point, you know that that person couldn't be elected in New Jersey? And Kay Ivey I think her name is.

Andy 26:07

Yes. That's what I Will says In chat. Yes, Ivey.

Larry 26:11

So yeah, but I would I would approach the Republicans and to try that he's in a difficult position, because it is in prison. But he is already writing letters. If you see he wrote to an assembly person, Assemblywoman Brittany, Timberlake. And I would I continue that effort. And I don't think it's completely without logic. That's what I would do.

Andy 26:33

Oh, okay. Do you do you think that people behind the walls, writing to Representatives has minimal, anything, any impact?

Larry 26:44

It would be it would be minimal, but they have. If you have enough people, and you can make cogent arguments, that letter is a little bit on the long side. But if you can make cogent arguments to succinctly. I mean, I do read the letters that come to this office, I can't say that the senator reads all of them, but they do get read from prisoners, every single one of them get read. I go out of my way to make sure they get read.

Andy 27:07

And perhaps if something really is something special, then it gets passed along perhaps. That's correct. Sure. All right. And then we will move on to the next one. And this will be the one you're going to read because this one is special.

Larry 27:23

Because this one's number five, right? Yeah,

Andy 27:25

I happened to be the subject. God, I can't This is wow. hard to read. That's all I can say.

Larry 27:32

Okay, this is this is one I put in here because it goes to the notion of the truth will set you free.

"I happen to be subject to one. Laugh my way through this."

Andy 27:45

Alright, we'll go ahead and it'll be great for the transcriptionist to figure out right Will

Larry 27:50

I happen to be subject and one of the issues that your organization is looking to change. Specifically, I'm serving a lifetime special parole for a conviction of Iowa code 709.4, essentially statutory rape. This is due to me picking up an underage miner in a bar, who also happened to be drinking with her parents. When I found out her real age, I reported it to the police and basically got screwed. That was in 2008. I discharged class C felony in 2015. I was placed on lifetime parole. And since that time, I have been out of prison for maybe 16 months total. That's not very much since 2015. But I have violated my parole three times on technical, whatever he says, on technical violations that weren't criminal. One of the violation police even testified I saved a woman's life when I intervened and physically"

Andy 29:06

subdued her boyfriend he visits he she physically subdued her boyfriend who was something "stabbing" her stabbing oh crap

Larry 29:19

I was I was I was found to have violated curfew even though my next door neighbor and sent back now you have to admit that that's funny.

Andy 29:32

That's terrible he was next door at the neighbor's house and then I've always wanted like for real Larry like when it says be home by your curfew? Can you be in the backyard? Suppose you have like a 10 acre property can you be in the yard if you have to be in front of the TV in the on the couch... like alright. Any more to that you want to read and then discuss or that the end of it? Well?

Larry 29:54

Well, what we don't know is if he if he was already there being entertained or if he went there to render aid, see that the letters not written at a way that we have that information. But even, even regardless, it doesn't take much to violate PFR supervision. In most states, it's very rigid supervision. And the attorneys often don't tell them how rigid the supervision is going to be. And of course, if you're in prison, you don't care how rigid is going to be because you went out of prison. But if you have, if you're negotiating a plea, that might put you on probation without going to prison. The attorneys never tell you how bad it's going to be, because you never would take the plea if you knew. But, but anyway, this is one of those I just put in there because the devil got into me, I wanted to people say that the truth will set you free. If, if this is an example of telling the truth setting you free, then I don't know what to say. Because if he self-disclosed what happened when he found that the girl was underage, and then they locked him up for it, we could clearly say that the truth did not set him free.

Andy 30:59

Will legit Larry, there's there's somebody in chat here tonight that I've had this conversation with. And he is a very religious person. And he wants to make sure that he is following his guidelines. And he wants to make sure he's following probation if he doesn't want to lie. And he is stuck between a rock and a hard place that if you if you do step out of line, and then they go, Hey, we need you to take this polygraph. And anything you say, will be held against you, then you're forced to lie. If you happen to be home at a curfew

two minutes past when the curfew was done, you have to then lie convincingly, which is against your rules.

Larry 31:33

Yep. So But yeah, I don't like what he's spending more time on it, but doesn't always say set you free.

Andy 31:41

All right. Ready to be a part of registry matters, get links at registry matters.co defeating need to be all discreet about it, contact them by email, registry matters. cast@gmail.com you can call or text a ransom message 747 227-4477 want to support registry matters on a monthly basis, I head to patreon.com slash registry matters. Not ready to become a patron. Give a five star review at Apple podcasts or Stitcher or tell your buddies that 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.

Andy

We will then bounce down to these clips and we will come back and circle around to articles. Is that is that fair by you?

Larry 32:39

Sounds good. So we're gonna do the clips starting with which one?

Andy 32:44

The crucial reason? I think

Larry 32:46

all right. All right, let's do it.

Ari Melber/MSNBC 32:49

Over the past six hours, Americans have been taking in a rare occurrence in this nation. A police officer convicted of murder on the job. How rare? From 2005 to about 2015 a period including 1000s of police killings. believe your eyes as you look at the screen, the number of police officers convicted of murder for shooting a person over all of those years, all together was zero. But I can report for you that from 2016 on there were about one or two such convictions a year for police shooting deaths. And now, this year, we have the first such murder conviction of 2021 which is correctly seen as a rare development. Big front page news.

Andy 33:39

What do you have to say about that?

Larry 33:41

I am not sure he's accurate about thousands of shootings. I think there might be a little hyperbole there. But I don't have the statistics either. But the point is there have been an awful lot of police killings. They weren't all shootings, some of them got suffocated. Some of them got a rough ride. You remember the one that got the rough ride that they end up dying? Yeah, they didn't. They're not all police shootings but what I'm setting up here as the criminal justice reform, that we all claim that we want to see happen, and how we got to this position, and what it's going to take to move us towards reform. So we've got a whole series of clips coming at you. But this one was so just this, this killing was so egregious that we actually got a conviction. But okay, let's keep

going. The Minnesota Attorney General had an opinion.

CBS Morning 34:44

The prosecution team that led the case against Derek Chauvin has called the verdict, "A step toward justice". Minnesota Attorney General Keith Ellison spoke with 60 minutes Scott Pelly for his first and only interview since Derek Chauvin's conviction

Scott Pelly 35:00

There was one question that has gone unanswered in the trial and in the jury verdict, a question that even the video couldn't answer. And that is the question of motive. Why? Why would this officer assault George Floyd?

Keith Ellison 35:20

Well, that's a question we've spent a lot of time asking ourselves. And all we could come up with is what we could divine from his body language and his demeanor. And what we saw is that the crowd was demanding that he get up. And he was staring right back at them, defiantly. You don't tell me what to do. I do what I want to do. You people have no control over me. I'm going to show you. I also think that, you know, George Floyd was treated that way because he was he was suffering from anxiety and claustrophobia cooperating with the police in every way, until they tried to make him take his six foot four body and jam it into a very tight space in that car. And he kind of freaked out. And I think the fact that he was not complying, he wasn't, I wouldn't call it what he did resisting, I would call it he wasn't complying, because he was having an emotional reaction to getting into that car, even after he ended up on the other side of the car. He said, thank you to them. And he would have been, but they just, I think what happened is, you do exactly what we tell you to do when we tell you to do it. No excuses.

Andy 36:45

What did you want to glean from that information of the Attorney General?

Larry 36:50

Well, as he was saying, You can't know why a person does what they do. And unfortunately, you didn't need to know why did you just had the evidence that he did what he did. He intentionally kept his knee on the person's neck until his life was extinguished. But it seems like to me that that was the only thing I could agree with. I can only agree with the Attorney General. That was the only thing is he said it was conveying to the people that were saying, let up was you people don't tell us what to do. We're invincible. We don't answer to you. That's a sad day. When the people that employ the police officers have no say over what the police officers do, how they do their job. That's I don't know how we got to that point. But apparently, that's where the police departments think they are that they? Do they get to write their own rules and do exactly what they want to do.

Andy 37:44

And should the population step up and push back on what the rules are?

Larry 37:53

When I don't know that I have the complete answer. But one thing I can say with certainty is that we should get over and beyond this

notion that we don't control the police. I don't know if any other occupation where we tell the person, you get to make your own rules, you get to monitor yourself, you get to decide what equipment to use, you get to decide when to when to deploy it. And you got to make all these decisions. I can't think of another occupation. They don't do that at NASA, they don't do it at the post office, they don't do it at the Pentagon. I can't think of anything where we let people decide how they do serve the military, try try disobeying and find out what happens to the military. But in the police. That seems like that did you get to decide what you want to do. And if you violate the policies that they have, there's very little in the way of repercussions. And that's what this whole thing is about, is accountability. When you pull in an old lady by her hair, and you drag her across the street, and it's proven you did that, you have to be held accountable. We don't want our police officers who we pay their salaries and their benefits dragging 67-year old ladies around by their hair. We don't want them doing that that's not acceptable for our code of conduct. Just like when you're working in a supermarket, they don't allow you to grab the customers behind. They don't allow you to solicit phone numbers from the from the guests. They don't allow you to do a lot of things because it misrepresents their values. And, and I don't understand what this is not a complicated if you folks, the police work for us and we get to make all the rules.

Andy 39:32

And so now we will move over to those individual clips.

Ari Melber/MSNBC 39:38

This modern system grew out of a racist Jim Crow framework. It grew out of American policing that used a punitive crackdown on inner cities, which is measurably harsher than almost all other countries like the United States like other democracies, and many of these more recent controversial and harsh approaches to crime. They were passed by both parties. In the 1990s, then candidate Bill Clinton cast himself as tough on crime and made a point of flying home to oversee an execution.

Bill Clinton 40:12

I'm just going home going, Yeah, we've got an execution tomorrow and I always spend all day on those days at the mansion.

Andy 40:21

Are you saying? Are you saying? Are you saying that Bill Clinton goes home like waiting to press the button to stop an execution? Is that what that clips about?

Larry 40:31

Well, I think that the host took that out of context. And we're talking about 1992, almost 30 years ago. And communications were a lot different those days. But every state where the executions are used, they traditionally, back in those days, had a hotline to the governor to see if there was gonna be clemency, because lawyers are always making last-minute appeals to the governor. And they also have a hotline to the court, the state Supreme Court to see if there's going to be any judicial reprieve. And to make this sound like that, Governor Clinton was going home because he was ready to smoke a big fat cigar to celebrate an execution is ridiculous. That was not why he was going to Arkansas. He was going to Arkansas because he might be called upon to make a decision. And he wanted to be readily available to

make that decision, in 1992. And that's probably more likely a truth. But okay, keep going next clip.

Ari Melber/MSNBC 41:31

Some of the most powerful Democrats in office today, were there then. And they were for it. And they were touting how tough those policies would be.

Bill Clinton 41:45

The plan is not as tough, it is fair, it will put police on the street and criminals in jail,

Chuck Shumer 41:51

If you want to do what our constituents are pleading with us to do, which is make the streets safe, tough laws on punishment, smart laws on prevention, you will vote for this.

Hillary Clinton 42:04

This bill would have put more police on the street would have locked up violent offenders would have given more prison construction money. It's a very well thought out crime bill.

Joe Biden 42:30

More cops, more prisons, more physical protection for the people, you must take back the streets.

Andy 42:24

So that was that was in the middle there, that was Chuck Schumer. And like, I could hear it in his voice. But boy, does he look very different today. But that was also I remember who it was it was Chuck Schumer at the beginning. And then Hillary Clinton and then Joe Biden at the end.

Larry 42:39

Yep. The whole the whole list you've just articulated; that's where, but remember, that's where the people were, in 92, 93, and 94, the crime rate was higher, and the people were demanding tough action. And that's where the people were back then. And 100,000 additional officers was a big savings for the states because a lot of states misappropriated those funds or they used it in lieu of their officers that were supposed to add 100,000 additional officers because that would help fight the tidal wave of crime that we were they were having back then. But the point I'm putting that out there for is that the Democratic Party was a part of the problem, you can also be a part of the solution. Now when we go to the next clip, we're going to see how one party has evolved and has recognized that some of what they were supporting three decades ago, was not good public policy. And we got to see another party who has no intention of changing. So let's now go to clip three.

Ari Melber/MSNBC 43:49

More money for prisons, Biden was describing the call from then President Clinton. And they'd go on to tout that bill Biden called it the Biden crime bill as recently as 2015. Now today is President Joe Biden is leading on a very different approach. And it can be a sign of strength to change your mind or change your plans when the results demand it.

Andy 44:17

And where are we going with this more money for prisons and

Biden?

Larry 44:21

Well, that that's that Biden has had a change. He's recognized that what we were doing in the 90s needs to be adjusted. Now the next clip will show you that the people on the other side of the aisle have not had that epiphany yet, so go ahead with the final clip.

Ari Melber/MSNBC 44:40

And offenders weren't just stuck in jails, because of what they did. This is fundamental. It was because of also what politicians did. And some of those politicians are retired, others are still in office. Some have responded to the failures of this system by embracing reform. What I talked about the strength of being able to change your mind, others are still doubling down on mass incarceration today. Many Republicans right now trying to prevent even a debate and vote on this George Floyd bill in the Senate. It's the Mitch McConnell strategy for most things that are pushed by the other party. Just block it. While also again, when I talk about complexity and evidence, also, it's worth noting that there's at least one Republican senator now stepping out, saying it's time to negotiate on some parts of the George Floyd act with a veteran CBC leader.

Andy 45:31

So is that, the Republican Party is going to get on board with criminal justice reform stuff?

Larry 45:39

Well, it sounded like one might. But the point of it is, is when you say you want reform, watch who is pushing for reform now, and who is obstructing it. And as with the First Step Act, it was watered down by I keep going back to the same thing over and over again, for the regular listeners. A group of conservative senators led by Tom Cotton from Arkansas, caused you not to get the full benefit of the First Step Act. It is a group of conservative senators now less one, apparently, that is trying everything they can to prevent any meaningful criminal justice reform from happening. If you want the reform, you say, you're for, then you need to apply pressure to these Republicans, the Democrat Party has seen the light. But since the Senate is divided equally, and it takes 60 votes to get anything done, that one isn't going to be enough. So we need to get some Republican support if you are for what you say you're for.

Andy 46:52

And, okay. There's, there's a lot going on there with this Larry. I mean, there's a mountain of stuff going on here with this too. So it's just it's just not as simple. I know, I know where you're going. We have one party that's on board and we have one party that's not and we only have the two parties pretty much to deal with other than a handful outliers of independents like Bernie and whatnot. But Rand Paul, but yeah, a lot. There has to be a lot of concessions made by what do you do with a guy like Joe Manchin, Joe Manchin, and like the practically the reddest state, and he's a Democrat in the in West Virginia, where he may be four, but he might not be politically able to do it.

Larry 47:33

Well, Joe Manchin will be on board with him, he may not be on board with every single component, but he won't block criminal

justice reform. He'll do, you'll get the Democratic Caucus, but you are going to need 60. It's not anything you can do with budget reconciliation. So you're going to need 60. So I'm telling you, since you've got one who's saying it's time to start negotiating, find me nine more, and I'll help you get the job done.

Andy 47:55

Because who's the leader?

Larry 47:59

Right. That's my whole point. Okay, if you're for what you say you're for, then you have elected an awful lot of people that are against what you say you're for.

Andy 48:11

Gotcha. Oh, right. That, that closes out all the fine clips for the evening with no technical difficulties whatsoever [sarcasm]. Where do we go from here?

Larry 48:22

Well, depending on how much time we have left, we can go back to some articles that we've been. We've been skipping. Okay. I'd like I'd certainly like to do the Supreme Court one, because that one's very important. And I'd like to pontificate about the shackling of pregnant women, for sure.

Andy 48:39

Perfect. So let's do the Supreme Court upholds life sentence for teen killer. This is from Courthouse News. And there's another article in there as well. So I guess basically, what the Supreme Court ruled is that juvenile defendants can be held accountable at adult level. I think that's how it went.

Larry 48:59

Not exactly. It's life without parole sentences. The Supreme Court at an earlier time in a case out of Alabama, Alabama had decided that life without parole was unconstitutional for juveniles. This Supreme Court in a 6-3 decision with all six of the conservatives in that majority, overturned that case and said that, that this Mississippi person who committed this crime at age 15 can be held as a sentence with life without parole. And that does not have to be the specific finding that previous precedent had had required of incorrigible so the reason why I put it here, it doesn't directly impact PFRs. But it indirectly does because a lot of people particular politically conservative people are sitting around waiting for the Supreme Court to save us. And I have been trying to say actually, when it comes to criminal justice stuff, the more conservative the court is, the less likely they are to save you from anything because they're going to defer to the states. So what this Supreme Court did in a six to three majority with a blistering dissent from Judge Sotomayor, that they said that the state of Mississippi can do exactly what it's doing without, that, incorrigible finding. This ties back to the Ninth Circuit case with Steven May, which we felt so bad about. He has a 75 year sentence. And one of his arguments was the excessive nature of that sentence. But that's within the sound purview of the state of Arizona, and its elected officials, that it has decided that, that that sentence is okay. If you're waiting for the Supreme Court to save you, on harsh sentences, you're going to be waiting a very, very long time until we have a different court. So I suggest that you get serious about electing the right people who make the laws to

begin with, and communicating to them that you do not want these excessively harsh laws, because a conservative court is going to defer to the states who made these laws, and they're not going to second guess the people of those states. So that was the reason why I put the articles in here because there are so many people who believe the courts gonna save them, and particularly a conservative courts gonna save them.

Andy 51:20

Yeah, I'm not really a fan of where this one went. And I heard about NPR covered it. That's where originally heard about them. Um, can you quickly describe what Stare Decisis is?

Larry 51:32

Well, that's the like, Justice Scalia. We played a clip it's it's where that existing precedents guide you in decision making, so you don't have to start from scratch and invent the wheel every time. And so this court, basically jettisoned that notion, because they wanted a different outcome, this court wanted the state of Mississippi to be able to have the discretion to do what it did. But it's not going to stop at just death sentences. I mean, excuse me, life sentences for juveniles, it is going to be all challenges against the harshness of sentences. They have telegraphed to you loud and clear in a six three majority, that if you have an issue about the excessive nature of your sentence, that's not a problem for them.

Andy 52:19

I'm trying very hard, Larry, to frame this that we should let the states determine because that's closer to the people that people voted for the legislation, and DAs and whatnot. And that's how this sentence would have come about that. Otherwise, then we would have the Supreme Court be super let super legislators

Larry 52:41

Correct. But and Justice Scalia would tell you that today, there's nothing there required Mississippi to impose a life sentence without parole. They did that on their own volition. Justice Scalia, if he were alive today would tell you that there's nothing in the constitution that precludes that. Therefore, he's not going to invent something in the Constitution is not there. If you want the life sentence to go away, Justice Scalia would tell you to go to Jackson, and to convince the people in Jackson that you've elected that you do not want juveniles subject to life sentences. Do not come to him wearing a black robe and expect him to undo what you did to yourself. That's what he would say.

Andy 53:21

Changing gears just for a second, Richard in chat asks if Steven's attorneys have asked if considered asking the governor for commutation. I swear I think we covered that. It was either and like the governor is not going to do this because he probably wants to keep his job and would get voted out of office if he commuted the sentence of a PFR.

Larry 53:40

They have it considered that they've considered the prosecution integrity unit in Maricopa County, they've considered everything. Unfortunately, none of it's likely to work but they have an amazing legal team.

Andy 53:52

Alright, then there was that one you did you one of the shackling. We've covered this at least more than once, but it was from the Associated Press, "Broad support for North Carolina bill to bar shackling of pregnant inmates". Yeah, like how is it ever Okay, to Shack? Was it ever okay to shackle a woman that's pregnant?

Larry 54:19

Well, because it's a policy, the department that all.. what happens in most instances and prisons is they get transported to do the delivery. Some prisons do deliveries in custody but lots of times they're transported, the smaller the institution and county jail or whatnot. But it's their policy and we have officers who take their policies very seriously. That all inmates are to be shackled when they're in the hospital. And they look at that black letter and I say, well, it says all prisoners are to be shackled.

Andy 54:51

Therefore, you are a prisoner right?

Larry 54:53

Yep, that is correct. Now what really boggles my mind and you've heard this before. Why is it that we have to have a law to inspire you to rewrite your policy? Why wouldn't you just be able to, and I support the law. So don't misunderstand this. I support the law because you're not able to do that. But why wouldn't you be able to just say, our prisoners as a general rule, or to be shackled, with some exceptions, and maybe, since no one's capable of figuring out what those exceptions are, to articulate a few of them and then say this list is not all inclusive, and give the offer some discretion, but just what you claim, you want? You hear officer discretion, Officer discretion. We want officer discretion. Okay. Well, give your offer for some discretion, okay, if you really believe in officer discretion, that's what you hear police leadership saying, when they defend the officers action, they say, well, we have to allow them some discretion. Well, show us you really do mean that.

Andy 55:53

There are at least two women in chat. And I suspect I know one of them has had kids, I'm pretty sure the other has kids also. But can you I can't imagine carrying around a 10 or 15 pound bowling ball like in your abdomen. And you would be hostile to the point that you couldn't really run away. I don't I can't even understand the concept of shackling them. I suppose someone got irate and grabbed some scalpel or something and started stabbing people. And that's where this came from. That's just a guess. But I don't think that's a common thing that women are doing when they happen to be giving birth while they're incarcerated.

Larry 56:31

I doubt it would happen that way. I think it's just a holdover to policy. You know, our policies like handcuffing, they have policy, all prisoners will be handcuffed. So you take a 90 year old man, 90 year old woman, 80 year old woman, they've got very weak skin. They've got all these issues. They're so brittle their hands, and it's like you say, okay, Chief, I'm not gonna handcuff this old lady. I'm sorry, but your policy, but I'm not gonna follow it. But you need to give those officers that discretion to make that decision. As I said earlier, you claim you believe that officer discretion, give them some.

Andy 57:05

We've covered that before I was just saying in chat. It's like it's silly / funny to even bring it up just because it's one of those things that tips the scales of being ludicrous. We have something of let's say, we have five minutes left, pick one more article before we drop out of here. If you're okay with that, Are you in pain?

Larry 57:25

I can make it through this. We've got we've got to Connecticut prison defending the porn ban, which is in my claw, so let's do that one.

Andy 57:35

Alright, so this is also from Courthouse News. "Connecticut defends prison porn ban as boon to female staff". Like so it says conceding Monday that this case, not an easy one to take a lawyer for Connecticut prisoners unable to collect their playboy subscriptions, argued that the state has only anecdotal evidence that it's pornography ban made prisons a less hostile place for female staff. I would almost argue, Larry, that if the men that are in prison, had some sort of stimulation to relieve some stress, so to speak, that that might make life easier on the female guards. I don't know that that's true, it seems like it'd be true.

Larry 58:16

So well, this is an interesting one, because you don't have unlimited rights to receive printed material when you're in prison, because the prisoner administrators have a duty and a responsibility to keep the institution safe for the residents as well as the staff. And therefore, they can put place restrictions on inappropriate content. Now, how they determine that this creates an issue for the staff. I'm not concerned about it offending anyone that that is the least of my concern. And I don't have any hesitation saying that. If you're going to work in a men's prison, male or female, whatever, makes no difference. Or if you're somewhere between those two. I don't care that you're offended by what you see in terms of what the men are looking at. I do care about how the men conduct themselves when they're interacting with any staff member. And we would not want anybody to be escalated because of receiving porn, but I'm not aware of any evidence. And I think that's what this case is about. I'm not aware of any evidence that supports the notion that just because you have a playboy, if they still publish those, that somehow or another that you're going to be escalated aroused to the point that you can't be appropriate to a female officer. I don't know that there's any evidence for that. Otherwise, I would say let them have the magazines you want. The Prison Rape Elimination project is something that I take seriously. You want these guys these urges, they do need outlets, and I don't see seems like to me that that porn would be one outlet so that those urges would be less, less Maybe I'm missing something here wait to see what people say. But I'm not a big fan of more of banning adult magazines from prisons.

Andy 1:00:09

I agree, maybe you could make it to excessive degree because you can get some pretty hardcore ones that do exist, maybe those get not allowed. But I don't know, I have read plenty of articles from places like Men's Health and whatnot that the plumbing for a male is very important to keep healthy. And assuming that these

gentlemen want to get out of prison, or that they're going to get out of prison, and they want to have functioning junk on the other side of their prison sentence. Just see, it seems inhumane and unhealthy to then kind of keep everything locked up so to speak.

Larry 1:00:46

Can you be more specific functioning junk? I'm not familiar with that.

Andy 1:00:51

Well, you'll know the term from the TSA. It's like don't touch my junk man. Right. So you can use that metaphor. I know we're being silly and playing fun with this. And I totally know and I'm going along, but yeah, so touching male genitalia, like we want functioning male genitalia on the other side of this, there. That was that. That's what that PC is.

Larry 1:01:11

That's what functioning junk is. All right, I've got it.

Andy 1:01:17

All right, Larry. I think that we, we are done with no technical difficulties on the evening. I didn't say to the beginning, but make sure that you press LIKE subscribe. All that stuff on YouTube and miscellaneous other places, I guess like Spotify and Stitcher the only place that you can like podcasts. But that's the best way to find them anyways on a podcast app, but otherwise, you can find all the show notes and everything over at registry matters.co phone. Larry, we got a we got a Patreon we got a Patreon I got to go get that information super quick. Hold tight, hold tight. I know it's funny that he made me be specific about it. We had a Patreon Ah, it's being slow. I'm running. I'm running over my hotspot layer. So it's going slow. Because I didn't want my internet to crap out. We gotta we gotta do I wish you paid.

Larry 1:02:08

So yes, you people would fix your internet. I wish you people would fix your internet.

Andy 1:02:12

It's supposed to be happening. I talked to tech support last Thursday night and they said that they're doing quote unquote, a node split. And so hopefully that'll resolve everything. But we did get a new patron named Sean. Sean, thank you so very much, and very much appreciate your generosity. And otherwise, Larry, that's all I got. You can find everything over at <https://registrymatters.co>. And with that, Larry, I bid you adieu and I hope you feel better and recover efficiently.

Larry 1:02:40

Thank you. Thanks for having me.

Andy

All right, Good night.

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