



## Registry Matters Podcast

Episode 194

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Andy 00:17

Recording live from FYP Studios, east and west. Transmitting across the internet. This is episode 194 of Registry Matters. We've been doing Time Warp stuff, Larry. My brain is very confused about trying to pretend that it's this time versus that time. But this is actually Saturday night, September 18<sup>th</sup>. Right?

Larry 00:38

I think so.

Andy 00:40

I did receive a comment from someone that listened to our Patreon extra that we're going to actually talk a little bit about later, that they normally listen to podcasts at a very accelerated rate on podcast apps. You can accelerate them to 1.1 speed or two. This is compressing it by like 10 and 20. And this person normally listens to it at 40%. So you knock out an hour long podcast in like 40 minutes. I talk too fast for this speed that it turns into gibberish. No comment?

Larry 01:13

You think so, do you?

Andy 01:16

That's what they said. I don't have anything else that I can even comment on it. Well, Mr. Larry, what do we have going on this evening?

Larry 01:27

Well, we're all over the map. We've got questions from people that are in custody. I'm trying to figure out the politically correct term because I never get it right. incarcerated individuals. We have questions from people who are not incarcerated individuals. We have a letter to a state legislator to talk about. We have an update on a case out of Pennsylvania. And we have one article about a 12-year sentence for coupon fraud.

Andy 02:04

For coupon fraud? Way to get like Al Capone or something. Okay. Haha.

Larry 02:14

I think we have some comments about our polygraph episode that we recently did.

Andy 02:19

Yes, we do. Fantastic. Well, let's dive right in. Larry, the first thing that we have is a question from someone that is in Illinois. And he says:

### *Listener Question*

Dear NARSOL, my question for you is, your for your organization is the following. What are the rules and regulations and laws for the state of Illinois? Second question is if there are any states without

sex offender registration laws, if any. I would like the laws, regulations and rules for all of the United States or one that you're able to retrieve for me. Finally, any lawyers in the state of Illinois that represent PFRs, hopefully, pro bono, respectfully.

Wow, Larry, they're kind of asking for all of the wiki site that NARSOL has with all of the rules and regulations for all 50 states. I don't even know that NARSOL has all 50 states published in there. There are probably some gaps.

Larry 03:26

Well, I'm going to take the easy ones. Number 4, any lawyers in the state of Illinois that represent PFRs. Hopefully, pro bono. That's going to be a tall order. Probably not going to find that very easily. So we've done one question. Any states that don't have registration laws, there's no state in the United States that doesn't have a registration law. So we've knocked out two of them. Now, within the United States, there are states that have less onerous laws, but every state registers and every state has some portion or all of their offenders on the internet. But there's no state without a registry. So we've knocked out two of them. The rules and regulation for the state of Illinois, I'm going to send them. There in the DropBox folder. I'm going to send them to this writer. I get to plug another site that really annoys people. It's the KlaasKids Foundation, which most people would not find them PFR friendly because they are for more strict laws. But they have, as far as I'm concerned, the best resource. It's not a perfect resource, but it's the best resource where you can readily assimilate information, because they get it straight directly from the state itself. They're in constant contact with the state registrars and they get the number of people registered and the current iteration of the law. So I have produced a copy from that website, compliments of the KlaasKids Foundation, and I'm going to send that to him. So that takes care of the rules and regulations for Illinois. The rules for the entire country. I mean, that's just not doable. I mean, we would have to send you a UPS truck with all of that

Andy 05:07

There would be a lot.

Larry 05:11

So, but there's a lot of similarities in the registries, you know. When you take out the states that are eminently reasonable, then there's a lot of similarities beyond that, you know. They're just consistent with what you have to do. So if you if you've have gotten any information about registering in one state, it's very similar in another state.

Andy 05:32

And almost just states that are nearby are very similar to their neighbors, kind of sort of, generally. If you're in the southeast, they're all basically kind of crappy. With this one has extra restrictions here. This one has extra restrictions there.

Larry 05:50

Generally true. Now, in the case of like Georgia, the registry is not as harsh as the surrounding states. You've got Georgia legislators who think that Georgia should be similar to the other states. And in fact, there was legislation to make the removal process in

Georgia more difficult to make it more consistent with the surrounding states. Like for example, in Alabama, you can't be removed. But the states that do have removal processes, Georgia has a more reasonable process than the surrounding states. So amazingly, Georgia wants to be like other states when it comes to some things.

Andy 06:23

American exceptionalism, man. Let's be exceptional at making this just diabolically terrible across the board. Is that all for this particular question before we move on?

Larry 06:34

That's the best I can do. But I will send that to the writer in Illinois. The FYP Education Administrative Division will make sure that he gets that.

Andy 06:46

The FYP Education Administrative Division. Oh, wow, I didn't realize we had staff, Larry.

Larry 06:53

We have to make ourselves sound really official to FYP.

Andy 06:57

That's awesome. All right. Well, then question number two. Let's see here it says:

#### *Listener Question*

To the NARSOL Legal Corner. I am serving out a 25-year sentence in Kentucky Department of Corrections. When released, I'll be on conditional discharge for five years after serving 85% of my sentence. I have very little family left. And what family I do have is now in Illinois. I'd like to do an interstate compact to Illinois, but I have no access to Illinois law here in Kentucky. I don't know if Illinois has codes or statutes, or what the laws are on PFRs coming from other states on conditional discharge. I also have no access to Illinois registry. Please send me info to contact necessary people to get info I need on Illinois registry and laws. I know some states, you're better staying where you are at because of the registry laws. How do I find out if this applies to me going to Illinois from Kentucky? And thank you.

Larry 07:59

I like that question because it builds upon the previous question. But I can use the same resource, which I will. But it allows us to talk about the interstate compact, which is always an interesting issue for our listeners, particularly for our prison audience. He is very fortunate in that Kentucky does not charge an outbound application fee. And I did that research before the program. Oftentimes the state that you're in that you want to apply from, known as the sending state, they impose these huge fees. Kentucky's got it right. There's no fee for a parolee, there's no fee for a probationer. He is correct. He'll have to apply for the interstate compact, because if your post prison conditions include any reporting... it doesn't matter what they name it. They're calling it, like if you look above here, they're not calling it parole. They call it conditional discharge. That's one of the deficiencies in the old interstate probation / parole compact that was improved by this present compact, the interstate compact for adult offender supervision (ICAOS). Because every name that a state has may be

different. The key that determines whether you're going to have to use that vehicle of interstate compact is whether you have a reporting obligation. And if you have a reporting obligation, you're a covered offender. So he will be required to do the interstate compact. Fortunate for him, there's no fee. And when he gets to Illinois, if he's accepted, if he has sponsors - they have some strict residency rules, apparently, from what we've heard from our audience - But if he is able to be accepted, he will have the registration requirements of Illinois. Kentucky is no longer in the picture because he's not going to be living there, but he'll be required to comply with the registration statute as it exists in Illinois. And his supervision requirements will be what Kentucky imposed plus what Illinois wants to add that's consistent with how they supervise their PFRs. So he may pick up additional conditions, but he will definitely have the conditions that Kentucky gives on him for his conditional discharge conditions. When he signs that paperwork that allows him to leave Kentucky prison, those conditions follow. They don't go away. As I've said before, wouldn't it be magnificent if you could change your sentence by just simply crossing state boundaries. You can't do that. So those conditions will follow you.

Andy 10:33

Okay, and what are we able to send? And I know that this is coming from the NARSOL Legal Corner. So what is FYP going to be able to do? And what is NARSOL going to send on his behalf?

Larry 10:46

Well, NARSOL will send a letter saying that we answered this on the RM podcast, Episode 194. And then he will receive the transcript of 194, as well as the one that says Illinois SORNA in Dropbox. And that came from the KlaasKids Foundation website. And it'll explain the basics of Illinois registration. So that's what the two people from Illinois will get. They'll get this transcript, plus the Illinois page from the Klaas Foundation website.

Andy 11:19

Larry, you put two things in here related Illinois. This sounds like you're kind of cheating.

Larry 11:24

Well, I don't control who writes us.

Andy 11:28

Alright, this one is a very disturbing letter. This comes from an individual in Kentucky, it says, again:

#### *Listener Question*

To whom it may concern. Hi, I'm an inmate at the Luther Lockett Correctional Complex in LaGrange, Kentucky. My name is blah, blah, blah. I'm doing eight years on second degree rape. Since I have made it to prison, I have been treated badly. Other inmates steal all my things, call me names, and all kinds of different things. Plus, almost one month ago, I got raped by - it's been redacted - one of the inmates. And they do not have PC, (PC is protective custody). So I'm in the hole. (Andy: Which I think is protective custody, except for you probably have a bunkmate) and I've been in here for the last 23 days, with only a smock to wear. And I'm waiting to get shipped to a different prison. The inmate that raped me is a gang member. And I asked for PC and I got denied. So now I have to go to a different prison where I will possibly have to fight

because the inmates put a hit on me, maybe even get killed. I don't know. But I'm scared for my life. I do not find it right that inmates with any kind of sexual charge get treated very badly. They have to pay to walk the yard or do sexual favors. And if not, they get treated bad., get everything stolen from them. It's not right that we get treated like this, and now to protect oneself. Will you help me change this, please and thank you?

And oh my god. So there's PREA, there's the Prison Rape Elimination Act. And I'm not saying it doesn't happen. But that's a federal thing. Does that apply to the States?

Larry 13:19

Well, it's a goal for the states to get their precious resources as I understand it. If they can show that they've taken these steps to eliminate or reduce, you're never gonna eliminate, but to reduce prison violence, in particular rape. I feel bad for this guy. I don't know what we can offer him. I put this in here, mainly because I want to pose the question. I've never been to prison. But I find it appalling what the hierarchies are in prison, and I know what this podcast isn't going to change any of that. But I find it appalling that the people who kill are at the top of the pecking order, the food chain. They're admired, as I understand it. And the people they have this hierarchy of disgusting individuals, and PFRs are at the very bottom of the pecking order in terms of what he's describing. This is not all that uncommon. I'm not saying it's common. It happens in every prison, but I hear quite a bit of this. And what really puzzles me is prisoners are forever filing grievances about due process and presumption of innocence and ineffective assistance of counsel and that they should be treated... They constantly complain about collective punishment. You name it, prisoners are complaining all the time. If you want people to respect you, why is it that you - this is the rhetorical question for you people behind the walls. I would like you to write and tell me how these hierarchies come to be. And why is it that you demand to be treated with respect and with due process and all this, but yet you don't treat anybody with any presumption. A person gets arrested even pretrial, and they get thrown into county jail. If it's determined that it's a sexual charge, they get beat, and all sorts of things because they're automatically presumed guilty. But yet you turn around and you say, don't presume me guilty. I'm entitled to this. I have no idea how to explain it. I think you've been to prison before. Do you have any insight as to where this culture comes from? And how it is that they demand that they be treated, but yet they don't treat anybody with the same thing they demand for themselves?

Andy 15:28

The answer that I have is, is certain, like my experience, and then all of those around me. I made, like, I don't know, maybe they were camps that had a high number of people there with these kinds of charges. So like, then it was just like, it wasn't a one off. But I never had a problem. But is that because I'm tall and maybe broad shouldered? I don't want to say that the person that we're talking about looks soft because I know nothing of this. But they decided to target this person. And I mean, once you get the guys of gangs, once you're on their radar, you are... like, he's gonna have problems probably in every place that he's at. And he's, that's all I could really speak to is I made friends, I guess you could say. I had store call. So like, I didn't pay the piper. But I just was, hey, you need a soup? Man, look, don't go hungry on the

weekends. Georgia only feeds you four times a week. So if somebody needed a soup, I always had an extra soup in my box to give people. So I was generous in that regard. And maybe that kept me off the radar. I kept to myself, I didn't bother anybody. But once you end up on there as a target, I don't what to tell you.

Larry 16:44

Well, I'm gonna have to, think I heard you say that Georgia only feeds you four times a week? There's 21 General meals. So 21 meals a week that GA reduces that to four a week from 21?

Andy 16:55

No, I'm saying, well, it's four days a week. So you get three meals. I'm sorry, I only mean that on Friday, Saturday and Sunday, you get breakfast and dinner. You don't get lunch. Because since nobody's working, no one's going to education, all you need to do is just lay there in your bunk. So like you don't have any of the extra calorie requirements so we can drop you at a 600 calorie lunch or 400 calorie lunch.

Larry 17:19

So there's no lunch on Friday or Saturday or Sunday in Georgia prisons?

Andy 17:24

Correct. Correct.

Larry 17:28

I did not realize that.

Andy 17:29

Yeah. And pretty much all programs, I guess is what they call them, everything, as far as any vocational classes, any GED classes, none of that stuff happens. Which again, like I said is I think that's just an excuse to have fewer staff to keep you just locked in you're in the dorm or in your cell, not cell, but just in the dorm for the weekend. There's not any extra yard call or anything like that. It's just completely like everything's a holiday and everything is shut down. For the most part. It's, like I said they're shutting down on having lunch, which all they're giving you is four slice of bread, two pieces of Bologna or something like that. And like four ounces of some sort of fruit cup. It's really not that much of a lunch anyway.

Larry 18:14

Well, I tell you, you should have thought about that before you got locked up.

Andy 18:19

Without a doubt. I will tell you though, that at some point in time, when I was in the army, I remember driving through I want to say it was Texas, and saw people on an actual chain gang. And like 10 guys all strapped together with like hoes and they were beating on the ground, you know, doing farming kind of stuff. And I was like, yeah, that's what those people should be doing for breaking the law. That's karma for you, right?

Larry 18:48

So well, I have slightly a different view. I mean, when we put someone in a cage and they cannot fend for themselves, we have a duty to take care of them. That includes their safety, their nutrition and their health. And that's part of the cost of caging

people. When you don't allow them to take care of themselves, you have to assume that responsibility. So feeding them is one of the things that's required.

Andy 19:16

I gotcha. Um, the other thing, so the Prison Rape Elimination Act, as far as I understand it, is something that this person should be able to file some kind of very heavy grievance. I don't know what it is. It's not a charge, not charge. I mean, maybe you're charging the prison. They're in charge of protecting you to a certain degree. That they should be aware of this, and they should be able to respond to it to keep you to some degree safe. It is prison, so it's not always going to be safe. But that's what that whole act is. At least here, they made a big stink about it. If you have problems, then you should be able to talk to somebody and elevate and escalate that really quickly. Certainly not an expert and don't want to even be considered this. But I'm pretty sure there's a chain of command. There's a procedure that you should be able to get assistance in this regard if you've been raped.

Larry 20:11

Isn't that only gonna bring more problems to him though? Because doesn't he become a snitch, then? He goes to the man for protection?

Andy 20:19

Well, then how did he end up asking for PC? And then they say they don't have PC? So he just said, I need PC because I don't feel safe. He didn't say? And we don't know the details of this. Like, yeah, then then you get labeled a snitch. And that certainly becomes far worse for you as well. Ah, all right, I'm deeply sorry for this person.

Larry 20:36

But my point about prisons is that if we're going to cage as many people as we do in this country, and we are the top in the world, I mean, the graphs of nations, that we identify ourselves as being similar to, we are so far beyond anything of our comparable allies in terms of our rates of incarceration. If we're going to do that folks, be prepared to pay the bill for it. These people cannot protect themselves. Everybody in prison is not a mean gangster. They're just trying to serve their time. If you're going to put people in these cages, be prepared to pay for enough staff to oversee them, to keep them safe, be prepared to pay for the health care, be prepared to pay for their nutrition, be prepared to do these things. And if you're not prepared to do this, then you might want to talk to your elected officials about having fewer people in custody, because one of the things that makes prisons difficult to manage among many, is overcrowding and too many people. Every system in our prison breaks down when you have overcrowding. They're designed for a certain number. And actually, ideally, a prison will never run at capacity. Because when you're running at full capacity, that's stressing everything. In security classifications, although you may have 1000 cells for just round numbers, of those capacity of 1000 beds, doesn't mean that those beds allocate to the type of inmates you have. So you may need more beds for one type of classification and fewer for another. You see what I'm saying? (Andy: I do.) So you may end up having beds that are empty, bunks are empty because they're in the wrong classification.

Andy 22:12

That almost mean you need 10 or 20% extra capacity in the whole system, where Georgia is running at like 105 or 110 percent of capacity.

Larry 22:23

Correct. Prisons ought to not be at capacity. And folks, if want everybody locked up, it's gonna cost you some money to do it.

Andy 22:33

Okay, then well, we are going to move on. PREA. That's all I gotta say is PREA, Prison Rape Elimination Act. And maybe on that I'm being naive as to how effective it is. And anyway, so we'll drop that. Here we have a letter that you put in there. This is a letter from a constituent in the New Mexico. My name is redacted and I live in Albuquerque, New Mexico. I am a senior at New Mexico Highland University under the social work program. And I'm also an advocate for Casa Fortaleza, a nonprofit organization for sexual abuse awareness and prevention. I'm writing regarding New Mexico statute 30-1-8 for ages 18 and older, which sets a six-year statute of limitations for commencing criminal prosecution against sexual offense. I'm aware that in the 2020 New Mexico New Mexico government session, you proposed to revise the bill for the statute of limitations for sexual abuse of minors, but did not obtain a majority vote. It is sad to hear about the outcome since data suggests that sexual assault and rape continue to be a public health and a public safety problem in New Mexico. In 2018, New Mexico ranked as the seventh nationwide for most rape and sexual assault cases, and 3,640 sexual assault incidents were reported to law enforcement agencies. In 2013, the cost of reported rape alone in New Mexico was close to \$219 million. On the other hand, in 2018, only 34% of sex crimes in New Mexico were reported to law enforcement. According to the US Bureau of Justice Statistics, it is believed that only 15.8 to 35% - that's a big range - of all sexual assaults are reported to the police. Victims find themselves in denial, shock or still are confused about what happened and fail to report the crime to law enforcement. Hence, because sexual assault and rape crimes are underreported, New Mexico statute 30-1-8 is not effective for all. Jessica, my eldest sister, as an example, was raped in 2009 by a Christian pastor when she was 37 years old. He claimed to be a man of God, and there was much confusion in Jessica's mind after the assault. It was not until recently in 2019 that she reported the abuse to the police. However, the police report noted that the case was out of the criminal statute of limitations. Supporters of New Mexico statute 30-1-8 argue that a longer interval to commence a criminal charge against the offender can alter the physical evidence, while a reasonable time gives the offender a just conviction. However, an expiration date to a sexual assault also denies the victim time to seek justice through the legal system. Consequently, the statute should be amended to unlimited statute of limitations on sexual assault crime. Can we amend this law? In this way New Mexico citizens will know the problem is being attended to by their state legislature. Thank you very much for taking the time to read this letter and your consideration. Boy, oh, boy, Larry, I know that you are going to have some things to say about this.

Larry 25:40

I am indeed. I agree with her on the underreporting. I can't confirm the numbers. I don't know that. But there are a lot of sexual crimes that are not reported. Sometimes, they only become

a crime after the person is coached to believe that a crime is committed. And sometimes they are not reported because of the things that she listed. But regardless of the reason why they're not reported, I will say this: a fair trial becomes more and more difficult with the passage of time. Our system is intended to be fair turn to not only to you, the victim, it is intended to be fair to the accused. We're trying not to cage people without solid, reliable evidence. As time passes, that evidence is not solid and reliable. Witnesses die, their memories fade, physical evidence is lost or tainted. So many things go wrong as a case ages. Alibi witnesses if they're not there. And I think that I ended up coming down on the side of Judge Moore in Alabama. Was it judge Moore that ran for senate? Somebody ran for Senate. (Andy: Yes. His name was Doug Moore.) Yeah, that had...

Andy 27:06

... A 40 year allegation of consensual sex with a minor, or at least a relationship. An inappropriate relationship with whatever. He was 30 as the DA in Alabama, and the girl was 15, the family was all on board with it, but they wanted to call him out for being a dirtbag.

Larry 27:22

And I said the same thing. So it's not political, although there'll be listeners out there that will try to say it's political. It's about fair trial. Our process is supposed to be fair to all the parties, not just the victims. As a victim, that's hard to understand, because I've been a victim of violent crime. And I've struggled with that. I really did. Because I couldn't understand why the accused, the person that was accused of assault was getting so much consideration. I was very young, and I didn't understand it. But before we put that person in a cage, and ultimately, the grand jury no-billed him. But Before you put that person in the cage, they're entitled to the presumption of innocence, robust defense, and they can't get that robust defense as the decades wear on. So for whatever it's worth, I will be opposing this letter writer. But there will be enormous pressure from the victim's advocates. This is an example of the mail that comes in on a regular basis, prior to and during the sessions. And this is an issue. If you find yourself on the wrong side, it's politically almost suicidal, if you find yourself on the wrong side of the issue. Because they come in crying and telling how their life was forever destroyed. Because they didn't report this. And it held back their success. And I mean, it's just unbelievable the things that they say. And you can't say anything. The lawmakers can't say anything to question them. Because that would play very well on YouTube, don't you think?

Andy 28:59

Oh, yeah, yeah, yeah.

Larry 29:02

So this is a difficult position. The legislators of all the states that still have statute of limitations are under enormous pressure now because of some high profile cases. Some of the states have already eliminated them. You know, we talked about Illinois with Dennis Hastert, the former Speaker of the House. And you've got all these high-profile cases with Dr. Nasser, and what was the coach's name in Pennsylvania?

Andy 29:29

[Jerry] Sandusky.

Larry 29:30

Sandusky. You've got all these people that have caused these overreactions in my view. My opinion is the abolition of the statute of limitation is an overreaction.

Andy 29:41

Didn't New York make it 50 years or something like that?

Larry 29:46

They did indeed change it. I can't say specifically, but this is a nationwide thing. Your state if it hasn't done it, will be facing this type of effort. We're no exception. And I just wanted people to know that this is the type of thing as a PFR, if you're already convicted, you may think it doesn't matter. But it does even if you're already convicted. Because guess what? There may be old allegations lurking in your past that may be able to put you back in prison. So rather than having this thing about going to Hooters and staying under the radar, you ought need to be paying attention to this because this may come back for you.

Andy 30:29

I think I probably shouldn't chime in, because I'll get all the hate mail.

Larry 30:33

Well, I'm sure I'll get some, but yeah, we're on the constitution, I mean, to me, this is a constitutional issue, although the statute of limitations is not in the Constitution. But what is in the constitution is the presumption of innocence and the fundamental fairness, and you can't have a fair trial with evidence that's decades' old. You really can't

Andy 30:56

I gotcha.

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Andy 31:47

Well, Larry, we are going to now talk about this thing from Pennsylvania. So you people put this document in here today and didn't give me any time to read it and tell me that it was coming up. And this is a case named *Lacey Stradford, et al. v. John Wetzel, Secretary Pennsylvania Department of Corrections*. I thought this case sounded very familiar. So I checked out our FYP archives. Yes, just a little while ago in 168. Recorded back in March. I'm guessing that you want to update some folks on aspects of this case since it was just a few months ago. What was the piece about?

Larry 32:26

It was about different things related to PFRs.

Andy 32:31  
Oh, great. That's helpful.

Larry 32:32  
We discussed it on episode 168, which everybody didn't hear or everybody didn't read. So, as we discussed from the district court's opinion, the plaintiffs claimed that although they had been granted parole, that they're release from prison, and placement and DOC-operated halfway houses, had been significantly delayed because of the DOC's policy of considering community sensitivity to a criminal offence in making these placements. And because the consideration of community sensitivity, disproportionate delays of placement of parolees with the sex offence classification, the plaintiffs have been subject to prolonged incarceration following the grant of parole. So this means that they have been approved for parole, but the parole board has decided that the community sensitivity is too high, and they just can't place these people anywhere. So these individuals with that classification have had to endure a prolonged incarceration. So that's what this case was about.

Andy 33:33  
I see. And I read the order and it contains several components. The first of it is the order prohibits the Pennsylvania Department of Corrections from considering the community sensitivity or opposition when deciding on CCC or CCF placement. Can you remind me and the audience what that is?

Larry 33:53  
Community Corrections Center or Community Corrections Facility.

Andy 33:57  
I see. Okay. Well, that helps. And then you have more to go on with that, don't you?

Larry 34:05  
So, yes, they have been ordered to stop doing what they had long done with PFRs. So the court had previously held that DOC's policy of considering community sensitivity and delaying the release of parolees with a sex offense classification on that basis violates the equal protection clause and the 14th Amendment. The court further noted that the DOC's concern with community sensitivity is not a legitimate basis for delaying PFR's release following a positive parole action. So that's the first component of this order. They order them to stop doing that.

Andy 34:40  
I vaguely recall that the district court's opinion regarding community sensitivity was based on a decision from the US Supreme Court. Do I have that right?

Larry 34:51  
You do. That's exactly what they said in the opinion that we talked about back in March and I believe it was on page 15 from my notes. But yes, the district court's opinions stated that the Supreme Court has recognized that mere negative attitudes or fear unsubstantiated by factors which are properly cognizable are not permissible basis for treating one group differently from another. And they base it on a case out of city Claiborne and I didn't look that case up, but that was in the decision. So I don't

know the details, but that was the court decision that they based that upon.

Andy 35:28  
All right, well, then, Larry, if I recall correctly, the DOC asserted that it has legitimate interest in ensuring that no one CCC and surrounding community be required to house a disproportionate number of PFRs. The DOC also claimed, without evidence, that if it were to release PFRs without delay at the same pace as other offenders, the CCCs would be overburdened with PFRs, which would in turn overburden the communities in which the CCCs are located. If the community's sensitivity to this category of individual cannot justify the differential treatment of one PFR, then it follows that it cannot justify the differential treatment of multiple PFR. Isn't that what the next segment of the order addresses?

Larry 36:15  
Yes, it is. The court ordered the Department of Corrections secretary to direct the Bureau of Community Corrections, the BCC to review at this time the DOC's pending release on parole list and to reevaluate individuals that have been on the list for the greatest length of time since a referral was made to the BCC following the issuance of a positive parole action.

Andy 36:43  
Does this mean that the people will *finally* get out of prison?

Larry 36:51  
Depends on what you mean by the word finally. I do not expect the Pennsylvania Department of Corrections will be in a rush to effectuate this order. If you read the following sentences of the order, you see there's additional opportunity for them to stall, which is exactly what I expect they do.

Andy 37:10  
So just to clarify, these are people that have been told by the Department of Corrections that they can parole out and parole is in my mind is like, you're still in prison, but they have let you out. So you're not inside confined inside the walls, but you still have a lot of those same sorts of rules. Anyway, and they all have to go to one of these, like a halfway house kind of place?

Larry 37:33  
Well, apparently, that is where most of the people end up going, since I'm not in that state. But apparently that's where people... that's their transition to the community when they make parole. But these are people who have met all the therapeutic obligations, as we discussed in 168. They've done all the things and they've gotten the parole favorable recommendation; they've been approved. But in order not to inconvenience the communities and disturb their sensitivity, they've decided to continue to hold him in prison because of those community factors where they've been ordered to cease doing that and to expedite these people's release. I don't think they're going to do it. That's what they've been ordered to do.

Andy 38:15  
But if they're not letting them out just because they don't have a place to go... I mean, I guess parole is a privilege. I think that's

probably where this goes, isn't it that it's a privilege for them to not be confined inside the walls?

Larry 38:27

Well, they do have a place to go. They will not put them in the CCCs that have beds because they don't want to disturb the community sensitivity. It's not because there's not open beds, it's because they don't want too many PFRs in a particular CCC or CCF.

Andy 38:43

Interesting. It seems like this is almost like what we talked about, what we will talk about... when you get placed on civil commitment: "Hey, today's your day that you're getting released. Oh, wait, we're sending you across the street because we're not done with you yet." This sounds similar, Larry.

Larry 39:04

Absolutely. It's a tragedy, but our state's even worse. It is a privilege to be released before your sentence expiration. In our state, your sentence expires and they continue to hold you. So at least that's one step above us. Pennsylvania, your parole is of discretionary act because you serve a percentage of your time. In New Mexico, you serve *all* of your time. And then there's a period following your prison sentence that's called parole, but it should be more appropriately called supervised release. And you're already in that period of supervised release. But if they do not like where you're going to live, then they continue to hold you in prison. That is unconscionable in the United States of America, but it happens here. There are dozens and dozens and maybe even well over 100 people that are trapped in prison here.

Andy 40:02

That's a lot of people Larry because you probably don't have all that many people in prison for there to be that number like disproportionately represented.

Larry 40:12

Well, our entire incarcerated offender population hovers between 6,500 and 7,000.

Andy 40:19

Georgia has got that almost tenfold. Almost. Okay, um, all right. Larry, I have a question for you. I received a phone call from a friend and I actually have a similar, I've been thinking about the same question. But the difference here for this is he is on unsupervised probation, whereas I've had my sentence terminated. So I'm no longer on supervision at all. The question that he brought up, though, is Halloween is kind of around the corner. And can he decorate? And I said, and he was having an argument with his fiancé about it. And she says, I don't want you to get in trouble. And he's like, I can do what I want. Because I'm on unsupervised probation. And I said, you're both right. What I believe is going to happen is that I think the sheriff's office is going to come around with that little handy clipboard and they're gonna say, hey, on Halloween, five o'clock curfew, don't have lights on, don't have decorations, no candy, blah, blah, blah. I am certain that the sheriff's office is going to come around and do that for me and for him. And you cannot abide by them, because I don't see that they have any jurisdiction over this. But I don't think that it would be the best of ideas to do this.

Larry 41:33

I agree with you. But let's talk about where is he? What county is he?

Andy 41:39

He is in I think it's a Spalding County. Now he used to live in a very rural county and just moved a little bit north of there. So he's kind of like in like, you know, not a metropolis, but a suburb of a metropolis.

Larry 41:53

Well, if he is in Spalding County, I tend to agree with you. But I think that that may lend to his benefit. Because Spalding is one of the two counties that were sued about Halloween with the requirement to erect signage on Halloween. The National Association for Rational Sexual Offense Laws (NARSOL) filed a suit a couple years ago against Spalding and Butts County. And the Butts county litigation is on appeal. But the county of Spalding decided to settle. And they paid out a significant attorney fee award as part of the settlement. And I think that the county attorney would be a little gun shy if this were to come to their attention. That they're imposing another intended requirement, because as far as I know, there's nothing in the Georgia statutory scheme that in any way prohibits a PFR from decorating or participating. It's only the supervised offender population. But you are correct. We get reports from counties throughout Georgia, that they show up regardless of their supervision status. And they tell them you're not allowed to do these things. And people say yes, sir. And that's probably often the best course of action. But in this case, he may benefit from the settlement, because Spalding may be a bit gun shy to impose that on anybody else.

Andy 43:18

Interesting. In all of that, I didn't think of that answer that they may be a little bit well, maybe we shouldn't go mess with those people because we do have somebody gunning for our back. But what was the other county? That was Butts County. Like they may still like come out guns blazing, like nope, sign this here. Right?

Larry 43:38

Butts is determined. Sheriff Gary Long, who was reelected last year. Sheriff Long has made it his mission to fight this issue to the Supreme Court because he put his hand on that Bible. And he swore he was going to protect the citizens of Butts County. And he is determined that he's going to have this all the way to the Supreme Court if that's what it takes. So we are determined that we're going to fight this as well. We be being the organization that I serve on the Board of. We're going to fight this all the way Supreme Court if need be as well.

Andy 44:11

That's a cheap endeavor, isn't it Larry?

Larry 44:15

It's gonna be very expensive, but you can't invent requirements. You did put your hand on the Bible, but remember the oath was to enforce the law not to invent the law. And therefore, you're out of line Sheriff Long. And we're determined to shut you down. And we're also determined to shut down, we're actually targeting Cobb County. We're working on putting together a lawsuit because Cobb County, which is a suburban Atlanta, they are telling PFRs

that they have to do things they don't have to do, including giving their work schedule. That is not a part of the Registration Act. Now your probation officer can very much demand your work schedule because they may want to visit you at work, and they have that prerogative, but you do not have to give your schedule. It's done in the Georgia statute. But that's just one of the many things that Cobb County is imposing. We were hoping it would get better with the elections. We have not gotten any evidence that it's gotten a lot better with the new sheriff that was elected that replaced the previous sheriff, Neil Warren in Cobb County.

Andy 45:15

Very interesting. So I guess we will follow up with you the first or second week of October and tell you if anybody has come to visit, because like I said, I am positive that the sheriff is going to come knock on my door about it. But you do know of people, like, I'm not I'm not exaggerating that there are people that are just on the registry, not on supervision, that get rounded up on Halloween and/or have insane curfews and can't go out and express themselves. Right?

Larry 45:48

Right. I hear it all the time.

Andy 45:50

Okay, I just want to make sure and you, if I'm not mistaken, I'm not trying to put words in the mouth. But answer, you believe that this is a First Amendment violation for freedom of expression?

Larry 46:01

Absolutely, I do. I believe it is more than that. It is that and association. You have the right to associate with whomever you choose on a holiday. And association of interacting with people that are under adult supervision, knocking at the door, that is your prerogative to express yourself and to associate with them. And there is no law in Georgia. Now, they will very likely in the upcoming session of the General Assembly, they will propose such a law. We anticipated that. And they may very well pass that law. We have already anticipated that. And we will challenge that because we don't believe it's constitutional either. We do not believe that you can do that. But we're not going to be surprised if they pass a law that says that you can't participate in Halloween.

Andy 46:49

Very bizarre. I mean, it seems like all of us, forgive me, all of us should change our religion to something pagan-oriented that that has like Halloween as their day of holiness. And then we claim it as a religious testament just like the guy did. Packingham posted the religious message on Facebook. That's, I'm pretty sure that's how that got elevated so quickly is that he posted a religious message. And he was only on the registry. Had he posted something like Hey, Mom, everything went great. I don't think it would have had the same sort of impact that he said, praise God that of that that went down for Packingham. So if we all convert to a religion that has Halloween as the day of holiness, then maybe we can make a claim.

Larry 47:36

I never thought of that.

Andy 47:40

Okay, Larry, let's move on. What? Go ahead.

Larry 47:43

I did hear from an attorney in South Georgia that said that, in his particular county, which I don't want to name at the moment, but he said that they do tell everyone on the registry to show up for housekeeping. They want to supervise them on Halloween. It's not a large County, so wouldn't be a lot of people. But they do that. So it's not uncommon.

Andy 48:06

But it's lucky this year. Halloween is on Sunday. So like last year, I'm pretty sure it was on Saturday or Friday. Wait, is this a leap year? This is 21. No. So last year, it was not, it would have been on Saturday night last year. Like that, that impinges on everything right there. If it's on Friday or Saturday, like go have fun. Like I don't think they're going to bother you on Friday or Saturday. They're gonna bother you on Sunday night.

Larry 48:29

So, well, we're thinking about doing one of those Halloween marathons. If we can find a person to assist us with the long marathon. We didn't do one last year because Halloween was greatly curtailed because of pandemic related concerns. But we're thinking about doing one. Do you know anybody that might want to help one of those together?

Andy 48:47

Help in what capacity?

Larry 48:51

Production?

Andy 48:53

I don't know anybody that does production work like that at all.

Larry 48:57

You don't? Well, that's what my concern is. We were thinking about putting one of these together.

Andy 49:01

Okay. It'll be a Sunday night, man. I don't care. Let's move on, Larry. So that was that question about Halloween lights and curfews and all that stuff. And then I received a couple comments from people about the polygraph episode that we did. I've totally lost track of numbers. I think it was last weekend. So it was 193 that we did the polygraph. And so that was where we partnered with one of the affiliates and we did a phone call over zoom and we took some questions and stuff like that. We talked about the polygraph. But a friend of mine wrote in and I think you're gonna get a big kick out of this Larry. Or he called me we talked about this. He said, he said, the day before he was going to go take a polygraph, he would have a friend come over and like swear man and be all official and say, Look, I need you to give me a polygraph test. And the friend would be like, Alright, I'll give you a polygraph and go through and answer Some questions and whatnot. So then when he goes in for the real polygraph, and they go since your last polygraph, have you abided by all the rules and your special conditions and he would go Hmm, in my mind, my last polygraph

was last night. So yeah, I've been a perfect person in the last 12 hours. That's an excellent strategy.

Larry 50:20

That is funny. I don't know that I would recommend it, but it is funny.

Andy 50:26

In my mind, Larry, if you can convince yourself of the thing, then you're not lying. This is I like, this is just my own little like tactic of dealing with stuff. But if you believe that you're not lying, if you can believe that what you're telling yourself is true. So if your last polygraph was last night, then you're not lying. And then we received another comment from a person that's here in Georgia. He has a conviction from another state. Says, Hey, Andy, just passing along some info I got today. I, because I'm still after 19 years on supervision CSL from New Jersey Nets community supervision for life and mandated to take polygraphs in New Jersey for 11 years. I never took a poly when I moved to Georgia. It was mandated every six months until I inquired about it. Like why would you inquire about it? And then it became magically annual. I was scheduled for a Polly next week. The polygraph company called me and said I was no longer required to take a polygraph because I'm not in therapy anymore. And I haven't been in therapy for a decade. And I verified this with my DCS officer. Just info. So like, you told me a story recently about like, let sleeping dogs lie, Larry. Like don't go poke that bee's nest. And if you're not required to do something, don't bother them.

Larry 51:45

Yeah, but we have a hard time convincing people of that. I don't know how we are on time, but I can tell the story about the social security person.

Andy 51:53

That's the story I'm referring to. I was not trying to out anybody.

Larry 51:57

Yeah, so got an old client from way back that had taken disability and gone back to work in '98. '99, and then got back on disability benefits. And for some reason, it's an overpayment during some of that period of time, then the person went back to work again in 2020. And by going to work, that disturbed the file, because they had to look at are you entitled to another trial work period? Several components of the file had to be closely examined, and they saw that those payments were made in 1999, 2000 that shouldn't have been. So they assessed an overpayment. So then that fired up us again, as representatives, to try to negotiate a settlement on the overpayments. So we submitted an offer and compromise which had been sitting since April or May. And the person just could not live with it anymore. I have to have an answer. Are they going to take my offer and compromise? Well, while it's being considered, the payments that the person was making toward the overpayment, the reimbursements were suspended. They were paused. But Social Security had forgotten to submit the offer to the right department, because of the level of the overpayment. There's various levels that each aspect of the administration can approve. So \$1,000 or less is one level, then as you go up in amount, there's various levels. And this had to go to about the highest level of approval, because the amount. And so when we checked with Social Security, they said, Yep, you did have

a pause in your payments while we were making the decision. And the decision was never going to be made, because it never did get submitted to the right unit. But now that you've brought it to our attention, we will submit the request and if it's denied, you need to start back making payments. So the person could have conceivably gone for the rest of their life without making any payments, but they had to know. They just couldn't live with it, couldn't live with it. So now they know.

Andy 53:54

Couldn't live with it. So those are the two comments we got a lot about... Go ahead.

Larry 53:59

A lot of stress goes with people when they have things pending. And I'm not a psychologist or expert to know how difficult it is, but it really bothers people when they have things pending and they just can't let it go.

Andy 54:13

Very well. Um, and then I guess we can... let's do this article real quick that you put in there. Virginia woman, This is from MSN. Virginia woman gets 12 years in prison for one of the biggest coupon scams in US history. Um Larry? Coupons? Coupons!? This isn't Al Capone and like doing all kinds of prohibition kind of things and tax evasion whatnot, but this is coupons.

Larry 54:41

It is but it was a huge scandal and I don't know what the answer is. I only put it in her really to pose a question. The victims were defrauded of millions. Kimberly Clark Paper Company Products, 8.9 million, might as well say 9 million dollars. Procter and Gamble, 2.8, might as well say 3 million. Unilever, another manufacturer of consumer products, two and a half million and Henkel, which makes cleaning supplies, 1.7 million. So it was a large scam, but as I've said about Martha Stewart when she was in prison, we should put people in prison that we're afraid of that would hurt us if we're out walking our dogs. I want to recover these millions of dollars. And to me, that's the best solution. But you know, this couple, the husband got seven years. I guess he was a lesser part of the scam. But she's been sentenced to 12 years in federal prison for that, which she'll serve 85% of. So it's not just PFRs that get harsh sentences. 12 years is a long time for making phony coupons. But the volume of it is what got the 12 years. It was a large scam.

Andy 55:52

I gotcha. Still. All right. Larry, let's do something. We have an episode that is coming up that Patrons have already listened to. And it is an interview that we did with an individual who is now living in Germany. His name is Steven Whitsett. And I have received personally a whole lot of feedback from it from people. And like I said, so I think I released it on Wednesday, and it went out to Patrons. So only our Patrons are able to hear it. And on top of that, they got the full interview. Whereas the non Patreon listeners are only going to get the first hour-ish of the interview. And I wanted to get some feedback from you on what you thought of the interview. And then I also wanted to share some of the comments that people have given us as far as feedback.

Larry 56:47

If it wasn't my favorite interview in the time we've done this podcast, it was very close. It was an awesome interview. The guy was articulate, very well researched, he understood what he was talking about, about German law and European law. He was very reasonable in how he described his experience with law enforcement and his experience with the correctional system in Florida. He gave credit for what they could have done to him versus what they did do to him. I just found him to be amazing. He should be at the top of the list for guests if we can get him back.

Andy 57:26

One of our, I think he may be patron number one, says holy poop and I adjusted what he says. You make me proud to be a Patron. You guys are working hard at getting info out and grow your audience and our team. This Steven Whitsett River episode was awesome and also gave me inspiration and hope for better days. Bravo and encore. Can't wait to hear him again. Best episode ever. I'm sure River got some new subscribers after being on your podcast. He got at least one. Yours truly. Just an awesome podcast. He was. He was a lot of fun. He was certainly very articulate. I ended up speaking to him a handful of days prior to to get everything set up to make sure that all the tech and all that stuff would work and all that. And like instantly, just like a connection, we got along. We're similar ages, we have sort of similar backgrounds, we were both in the Navy back in that timeframe and all that stuff. So we just we had a very, very it was just an easy conversation, where some people you have to like push really hard or pull really hard but he was just super awesome. And then another one of our Patrons, a regular who's actually listening to us in chat tonight he says I freakin' love this guest. Hell yeah. More of this fella. So I think I'll leave it at that. I have a few other ones that I could if anybody wants to know. But I assure you, you will not regret. Go over to patreon.com, sign up for the Registry Matters podcast. And just even a buck a month will get you there. You will not regret becoming a patron to hear the bonus content that comes along with this episode. With that, Larry, I think we are ready to go over to Who's that Speaker? You probably don't even remember who the last one was.

Larry 59:11

I remember everything we've ever said on this podcast.

Andy 59:13

Everything? Alright, well last week, or actually it was two weeks ago. I played, well maybe it was last week. I really don't remember when this was. It was this one.

Ronald Reagan (Audio Clip) 59:24

Run by the strangest collection of misfits, Looney Tunes since the advent of the Third Reich.

Andy 59:30

And yeah, that was last week. We played that while we were doing the polygraph episode. And I was kind of surprised that we got a whole bunch of responses because like you recognize the voice Larry, but I don't know that anybody would recognize the quote per se, but that is, of course, who was that, Larry?

Larry 59:49

That was Ronald Wilson Reagan.

Andy 59:51

That is correct. We got like a bunch. So Carl was the first one to write in. And he got the answer. That's Carl in Missouri. Thank you so very much. This one is a little bit off the beaten path, this new one. And, um, so yeah, we're not going to do it next week because we're having a little bit of a schedule conflict. So there won't be this. So in two weeks, we will figure out who wins this one. But this is the Who's that Speaker? this week.

Who's that Speaker? 1:00:22

Speaker 1: Bible says two men ought not lay together. Speaker 2: Well neither two women, but I like to watch 'em do it.

Andy 1:00:27

Why did you pick this?

Larry 1:00:34

Well concentrate more on the first speaker where it says the Bible says that... that's who we're trying to identify. I put that in there because that is a distinct voice. And I'd be very surprised if we don't have multiple people get that one right. But yeah the second voice was just for kicks and giggles because of his reaction.

Andy 1:00:52

Yes. And I think that may... so many of the people in our sphere have had some sort of same sex type of crime. And in the case of Mr. Whitsett, his crime involved same sex and, like at the height of gay fear. I don't know if that's the right term. But uh, like, that's, anyway, that's what that's a reference to, at least in my mind. So what you got to do is, email registrymatters.cast@gmail.com. Tell me who you think that is. And the first person to get it right will win a prize of me telling your name on the program next time we go around for this. Larry, I don't think we have anything else. We're right at the right time slot. Is there anything else you want to cover before we get out of here?

Larry 1:01:42

Do you want to promote the NARSOL conference and the special guest that we're going to have thanks to our loyal Patron. We have awarded that prize and that person's coming to the conference. And it's going to be an awesome experience.

Andy 1:01:55

That it is. So yes, our generous Patron offered up to help sponsor someone to go to the conference. And that has been taken advantage of and when I had the dialogue with the person, and he tells me his name. And I see the last name. It said like the Von Behrin, and it was kind of coincidental because we had just done the polygraph episode. So we talked about Von Behrin during that program, and Von Behrin is the person from Colorado who pled the fifth about taking a polygraph, I believe.

Larry 1:02:32

That is correct.

Andy 1:02:34

And so I was like that one? He goes, Yeah, that's the one. So if I'm not mistaken, Larry, we are going to pull off, we're going to do a live program at the NARSOL conference, probably Saturday night, which I think is the 10th. It might be the 11th of October, in

Houston. And he's going to be our special guest. So we'll do a live program with him, which is going to be awesome. But then also you asked about promoting the NARSOL conference. Like a whole bunch of the people that listen to this podcast are going to be there. So by all means, come up and say hi, I'm sure you know what I look like by now if you've been watching YouTube videos, and there's a whole mess of speakers. There's Emily Horowitz is going to be there. Jill Levinson, Paul Dubbeling, of course, you're going to be there. I don't know. Are you doing a presentation?

Larry 1:03:17

Not this time, but we will be doing the recording. And I believe that since the conference kicks off on the eighth on Friday, that would be Saturday night, the 9<sup>th</sup> and then we'll include it on Sunday, the 10<sup>th</sup>.

Andy 1:03:33

I gotcha. Yeah. So that would be the 9<sup>th</sup>. You're right. I agree with you. But certainly, I guess tickets are still available and hotel rooms are still available.

Larry 1:03:42

Yes, the overwhelming demand. The hotel extended the cutoff date. And we signed an addendum to have more rooms added to the block and they've extended it through September 30. You get a hotel room with a buffet breakfast up to two individuals for \$104 at the Marriott. This is not at the Dewdrop Inn, but it's at the Marriott at the Houston Hobby Airport. If you're going to come to the conference, book in our block. You get the perks of the free parking and the breakfast that's included. And if you're going to fly on an airplane, use Southwest Airlines, they don't rip you off. They don't charge you ticket change fees. They don't charge you cancellation fees. They don't charge you bag check fees but go to southwest.com. You won't find them on any of the third-party bookers. So people tell me all the time, well, Larry, I didn't find any Southwest flights. Well, you didn't go to southwest.com. That's the only place you'll find Southwest flights.

Andy 1:04:41

I have been poking around their website personally lately for flights. Also I will tell you like personal experience, we did this at the conference a couple years ago. And it's a really I mean, it's a certainly nice hotel, big atrium thing. So the restaurant and all that stuff's like in the center. It's a great place to meet people. People that are active in the movement. And you're certainly going to walk away with a whole bunch of information and get recharged that this is something worth fighting for and with people that are actively fighting it. (Larry: Absolutely.) Larry, we got a new patron. This came in actually at the somewhere during the polygraph episode last week, and we got a new patron named Michael, and we are at 99, Larry! We're at 99 patrons. And when we hit 100, I was practicing today, you can see my saxophone right there. I will be playing a saxophone solo with a song of your choice, and then I will play a song for Patrons. I gotta probably promote that thing again and get people to vote. I'm pretty sure I know which song they're going to pick. And thank you very much, Michael, for becoming a Patron. And here it is Saturday night. That's when we normally record the podcast at 7pm. Eastern, and you can find all of the show notes over at registrymatters.co. You can leave voicemail at 747-227-4477. Email me at registrymatterscast@gmail.com and support us on Patreon which is patreon.com/registrymatters. With that, Larry, I bid you a happy, happy, happy weekend for the rest of it. And I will talk to you tomorrow or Monday or Tuesday or sometime very soon. I hope you have a great night.

Larry 1:06:27

Thank you for having me back.

Andy 1:06:29

Of course. Bye.

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**Glossary:**

PFR – Person Forced to Register

NARSOL – Nasional Association for Rational Sexual Offense Laws

AWA – Adam Walsh Act

BCC – Bureau of Community Corrections

CCC – Community Corrections Center

CCF – Community Corrections Facility

ICAOS - Interstate Compact for Adult Offender Supervision

PC – Protective Custody

PREA - Prison Rape Elimination Act

DOC – Department of Corrections

CSL - Community Supervision for Life

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