



## Registry Matters Podcast

Episode 229

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### Disclaimer

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Andy 0:19

Alright. Recording live from FYP studios in North Carolina. I'm confused. This is episode 229 of Registry Matters. We are at the NARSOL conference. And, unfortunately, Larry couldn't be with us for a whole multitude of reasons. One of which is he's kind of scared of a big aluminum tube and this thing called COVID, you know? But I have an esteemed panel here. I've assembled the premier ladies in the movement. And so I'm joined by Brenda Jones. And also Kristin Russell and Emily Horowitz. I've been trying to get you on this for three years, Emily, and you have said, "Oh, I'll do it, I'll do it."

Emily 1:05

I wanted to have like a book or some reason to be on it, not just to like talk. And it's not even done yet.

Andy 1:11

It's not done. When is it coming out?

Emily 1:14

January 2023.

Andy 1:16

Excellent. So six-ish months away. And the title is?

Emily 1:19

"From rage to reason. Why we need sex crime laws based on facts, not fear."

Andy 1:24

Facts, not fear. Alright, so we will come back to that here in a minute. And Kristen Russell, you did a presentation. You've done two, I believe. You did a small workshop, which was cool. You had like interactive slides going on where people were interacting and voting and stuff like that. Tell me real quick, if you would, what was that presentation about? What was the goal of you having the audience answer poll questions?

Kristin 1:51

Well, I got them involved to see what their perceptions are of offense rates and recidivism rates to see how they compare to reality, but also to show them the comparison to what the public thinks and what judicial officers think as well.

Andy 2:06

And is there a like a summary too? Because you said in it that the rates of offenses by minors is declining over the last 20 or 30 years? I forgot the number? What is the perception that they're increasing?

Kristin 2:21

Yeah, the perception tends to be that they're increasing or have remained the same. And people tend to really overestimate the numbers in general.

Andy 2:28

Very good. And Brenda, thank you. You've been here a dozen times probably? You've been on the podcast probably a dozen times.

Brenda 2:39

I've been here a few times. I'm on your Discord a lot.

Andy 2:41

You are there. You hand out a lot and you probably keep everybody in check. You're kind of like Mom, kinda sorta.

Brenda 2:47

I have been known to come on to Discord and I go alright everybody, we gotta clean it up now.

Andy 2:51

Right, right, right. How do you think the conference has gone?

Brenda 2:55

It has been seeming really good to me. We've had a really good turnout. And people have really enjoyed all the presentations and have stuck around for all of it. It's a nice well-behaved group. (Andy: That it is. The emcee was commenting that everybody sat down and was quiet. So, he was able to give them all the instructions. But everybody seems to be really enjoying meeting and mingling and listening and learning.

Andy 3:21

And it's record numbers in live stream.

Brenda 3:23

It is. What did you say it was?

Andy 3:24

83 is the last number that I saw get registered.

Brenda 3:28

We're up at about 160-ish, I think.

Andy 3:31

What's pretty normal? I guess New Mexico was like, the bad press went out and everyone came to the conference.

Brenda 3:37

Yeah, it was really big. This one we had, I think about 200 registered. But you know, some folks weren't able to make it. But we had 160 here, which you know, considering we're still kind of coming on the downslope of COVID and stuff like that, it's a very, very good turnout.

Andy 3:53

Excellent. So the reason why I assembled- I thought about this two or three weeks ago and invited another person who actually wasn't able to attend. But I wanted to have kind of an open dialogue back and forth, because the three of you are not even like one degree involved, impacted by the registry. And obviously, the two of you down there, Emily and Kristen, you're both PhDs in the field doing research, for no good reason. It's not like it's not your kid. It's not your boyfriend or girlfriend or it's none of that. So I'm super interested in, particularly, has there been blowback? I know, Brenda, you've said like, when you first went to the legislature, I think, something along the lines was like, "Ew, why are you here?" Something along those lines

Brenda 4:40

Well, I don't know. We didn't get blowback so much as just shock, which is frequently what happens when a group first gets together and decides to show up at a legislature to, you know, fight bills. Prior to that, you know, they just passed whatever law they wanted and figured nobody cares. And then we started showing up at that the hearings, and they're like, Who are these people? Why, you know, where's this coming from? And it had, you know, an immediate impact because it's like, oh my god, there's people that don't like this stuff. And you know, it actually had some impact right away. But that year, it was definitely the year of the sex offender as they called it, because there had been a high profile case that year. So you saw many bills that year, and Adam Walsh Act passed that year. We couldn't stop it. But we got rid of some of the worst of it as a result of our advocacy.

Andy 5:35

Remind me what year? (Brenda: That would have been 2010.) 2010. And how long had you been involved in things up to that point? (Brenda: Six months.) Okay. So the question that I want to follow up with is, did you notice a dramatic change in how things were, but if you only had six months, you were still trying to figure out like, the light was too bright, and you were rubbing your eyes.

Brenda 5:57

Exactly. I was a deer in the headlights. (Andy: Perfect.) And in fact, what I can tell you because this relates to the podcast, is that that was the year that I met Larry. (Andy: Correct.) So we date back to then. And he literally remote controlled me from New Mexico in Maryland. And he was saying, well, here's what you need to do. Go look for these people go find those people. Let's, you know, do this, do that, do that. And I'm just kind of like wandering around with my little bullet points to talk to people. But he did a lot of helping. And I can remember, like I say, that was the year they were gonna pass the Adam Walsh Act. And I've been involved for six months.

Andy 6:37

And she holds up five fingers.

Brenda 6:39

But I had been involved just long enough to know that the Adam Walsh Act was bad. I didn't even know what the laws had been or anything like that. But I knew it was bad. And Larry's going Brenda, you're not going to be able to stop this. And I said, But Larry, we've got to stop this. He's going I'm sorry, not going to work. But yeah, like I say, we got in there, we stopped residency restrictions. We

stopped, you know, we did a lot of a lot of good, but we didn't stop the Adam Walsh Act. We had to wait for the court decision to get that.

Andy 7:10

Have either of you two, Kristen or Emily, have you done any research into how detrimental residency restrictions or work restrictions are to the success or failure of a person that is impacted by the registry? The term that we typically use on the podcast is PFR, person forced to register? Do either of you want to speak to how- if you have research? I don't know, personally, if you do, Emily?

Emily 7:36

I mean, I talk a lot about the research. My research is more, especially right now, about the impact of the registry on people's lives, on individual people's lived experiences of how people suffer. But there's a whole- I mean, there's decades now of research that shows residency restrictions, presence restrictions, travel restrictions, all of these make peoples' lives more difficult, and they make people suffer without protecting anyone or helping anyone. They only create more violence. And so like my work is how to convince people of this. I've been working on this for like, since 2005 for 17 years.

Andy 8:13

Oh, have you really? I didn't know you were doing it that long.

Emily 8:17

2007. Yeah. And I kind of at that time, thought things were kind of getting better, people were, like, you know, becoming more aware. There was a lot of criminal justice reform happening. And I've been really disappointed that things seem to be getting a lot worse, particularly since about 2014, 2015.

Andy 8:35

Do you have an opinion, a professional opinion, since you are a PhD on why... Is it just solely- I don't mean solely- is it significantly just an ignorant public that says, not in my backyard? Thank you for keeping me safe. That's why they're getting worse versus here's the mountain of evidence that says that these things do nothing?

Emily 8:58

Well, the evidence just keeps growing and growing. I mean, there's no peer reviewed articles that show the registry has ever protected anyone or ever helped anything, right? There're so many more effective things we could do. It's just a waste of money. It's just cruel, mean spirited, nasty laws that make people feel better, that make politicians feel like they're doing something and they don't do anything. But I think the struggle is there's all this research, we don't have to do any more research. They weren't started because of research. They were started because of like, fear and hysteria and anger. And it was, like, you know, they're motivated by good things, right? Everybody loves children. You want to protect children. That's not a question, right? Nobody is in favor of sexual violence. But these are so misguided. But the struggle is trying to get people to see that and to see the human beings that are hurt and destroyed by these laws.

Andy 9:53

Absolutely. Anything that you want to pile on there with, Kristin?

Kristin 9:57

Yeah, actually. So I did a research study a couple of years ago where that was kind of my question is we know that the public kind of drives these policies. And so my thought process was well, can we convince them and educate them about it and will that change their minds? And so we did a little experimental study where we had people, we had two groups, and we had one read a random psychology article. And then the other group read this article that we put together, where we told them all about the registry, and its lack of effectiveness and also all of those unintended collateral consequences. And then we tested what their attitudes were afterwards. And what we found is there really wasn't a big difference. Despite reading all the information, seeing all the statistics and research behind it, it didn't really budge them very much. Thankfully, there was a little bit of a little teeny bit of hope. There was a slight budge, but it wasn't like anything really statistically significant. But a lot of those people said like, like, basically, well, I believe you, but I still feel better that it exists.

Andy 11:07

There's a very regular listener, and he has like a niece, who's like, "Well, no, Uncle, I don't want you on it. But I want all of them on it. You're not bad. Those people are bad." So it's always the stranger that's behind the bushes that's going to snatch the kid on Halloween night. Which, Brenda, has that ever happened?

Brenda 11:29

I think not. No. Never.

Andy 11:32

Just checking, just checking. Um, so it's funny to me that we have paperwork and paperwork and study and study and study and all of this that says this does nothing. But our electoral process, the election process, that it's about getting some votes in, and the politician you win a whole lot of easy, easy, low picking fruit kind of stuff to then we're gonna go pick on this group of people. We live in this post fact world, too. And I'm just baffled as far as an idea of how do we then sway the public at all? Unless we can get into the legislature before something happens and derail it before it actually becomes a law, so then the politician doesn't have to answer to the public for it, necessarily. I mean, because if the bill doesn't make it over from the Senate to the house, well, then it just didn't make it and nobody had to really vote and call themselves out on it. But so, we're just stuck in that kind of space. And I'm not saying that your research is not worth it, because it's certainly incredibly valuable. But if it doesn't help... I don't know, Brenda does the research, does that end up in the legislature to be used as evidence in any capacity to say, "This is dumb?"

Brenda 12:47

I can speak to my experience. And when we go and testify on any piece of legislation, we will focus, of course, on whatever specific bill that's targeting. We did have a residency restriction bill that came through last year as an example.

Andy 13:09

But you don't have that now?

Brenda 13:11

Oh, no, no, it's a bill. So no, we have no residency restrictions in Maryland. But there's been a lawmaker that's just determined and has tried a couple times. So, you know, we put together our bullet points, here's why it doesn't work. And for every bullet point, we will refer to some okay. It'll just be a link. You know, because no lawmaker is going to sit there. But we've got the links there. So if their aides want to go look it up, they can go look it up. So we will use that. So we will point out those things. They'll get up and testify. They got up and testified and said, "Well, you know, they were saying that that it causes homelessness, but we went and looked and there's less homelessness in the states..." Listen to this now, listen to this, ladies. Okay. "There is less homelessness in the states where there is a residency restriction." (Andy: How's that possible?" No, no, no. Listen. All he said was there is less homelessness in those states, not people on the registry who are not allowed to live somewhere, are more homeless. So it's like, a logical disconnect here. So I didn't go and verify their facts. But they claimed that they went and looked in whatever state it was that had a residency restriction and, "Look at this, there are fewer homeless people in that state." Like, what does that have to do with a residency restriction? So there were several of those. So yes, we had to point those out. Logical fallacies, that's the word I was looking for.

Andy 14:39

Yeah. Sure. Sure. And you move down the path. Thank you for the segue. I'm super big on trying to remove as many biases out of myself, and I know that I can't. I can never walk around as a woman. I just can't. You know, I can't live that life even if I want to. No, just playing, haha. So I try as hard as I can to remove those, and I'm aware as much as I can. So how do we... what would what would the panel say to do we run like New York Times articles, big full page ads, USA Today, run advertisements on television trying to do anything of the sort? I've seen Kelsey Grammer do Marsy's Law stuff. That's got to win hearts and minds against us. Marsy's Law is not one of our favorite things. How do we change the minds of people who are already set in their ways and not willing to learn something new?

Kristin 15:48

I mean, this is completely opinion based. (Andy: Yeah, of course, of course.) But one thing I've learned that seems to get people to understand, at least like what I'm researching... because, you know, people are like, why would you research this topic? So, I think the biggest thing for me is humanizing it and putting faces to these numbers and these kind of, you know, these people that they're seeing in such a negative light. The problem is is, like, what you mentioned earlier, though, is that they can separate that one person now that they know the story from all the others. So that's an exception to the rule. But I really think some sort of media, and I know, there's a few documentaries out there, but honestly, I feel like if there were panels being done, and documentaries being done that allow people to understand the human costs better and to really understand people's stories, and, you know... But to bring all that research into those stories too so they see the impact not only on the people, but on, you know, the country, I don't know that that would sway enough people, but I would hope it would sway some.

Andy 16:57

I wonder. I don't know, maybe 20-ish, or maybe even 30 years ago, they started introducing homosexual characters on TV shows and movies and just gradually made it more normal until the point that it's like, I know, a gay guy, too, or gay gal or whatever. I can't imagine the scenario of a TV show like friends where, "Oh, yeah. Hey, John is here and he's on the registry. But he has..." I can't imagine that becoming just a normal plotline in a TV show. Any ideas, Emily? come on.

Emily 17:35

Well, no, I mean, like, I think I talked about this when I gave my talk, my work now is I really want to humanize people and registries. Tell stories, tell lots and lots of stories. So you can't just say like, it's my uncle Bill, or my cousin Josh, tell all the stories, even people who've done things that, you know, make us really uncomfortable. Who are they? What have they've done? And you really have to emphasize beyond the research. Well, you know what, they were punished, they went to prison, they were on supervision. Supervision is not a cakewalk. You know, if you get off of that, if you complete treatment, I find that that can be as powerful as the research. Yeah, we're not anti-punishment. Every single... I interviewed over 100 people for this book. I've talked to people since 2007 that have been on the registry, and even the ones who say they're innocent, who say, "Look at you got to read my, you know, whatever, my papers. The woman said, she lied." But they're like, "I don't care about prison. I don't care about supervision. It's the registry. That's what I'm mad about." And that stops people from repenting. People can't engage in active repentance when they're so angry, when you're over punished.

Andy 18:43

I'm convinced that if two things... Like the lowest hanging fruit. 90% of the people that are impacted, like the 100 people in the room- Did I exaggerate Brenda? (Brenda: Oh, not at all.) Okay, good. The people in the room that are listening live that if we had a nonpublic website registry system, and there were no living and work restrictions, I don't even know that NARSOL would exist. We would still fight back against the scope creep. But if your neighbor doesn't know to look at your name on the site and start throwing eggs at your house, or worse, if you don't have that level of problem... like the place will employ you. But your probation officer, the state officer says, "Sorry, you can't work there. It's 999 feet from... but just one more foot. "Nope, sorry. You can't work there." I gotta think that the majority of our problems go away.

Emily 19:42

You can get rid of a public registry, residency restrictions, presence restrictions, you'll get rid of some problems. But the problem with the law enforcement only registry is that work is such a huge problem, and background checks, and the surveillance that happens, that's all gonna be picked up.

Andy 19:58

You posted it question couple of weeks ago, about if it's a civil regulatory scheme, then why, when you are going to do a job interview and they do a criminal background check, does your civil regulatory scheme record populate for that employer to then evaluate? Like, you're done, and now it's this civil regulatory scheme.

Emily 20:23

Right. And I also say, like, in terms of residency restrictions, if they did have a law enforcement only registry and there are no residency restrictions, landlords still do background checks. Well, that's gonna come up. So, you still have the record. And I think it's like dangerous to say... But yes, of course...

Andy 20:41

It would be better.

Emily 20:42

I think, obviously, it should be abolished, but I get that that's not going to happen right away. And anything that makes it better is really good. And the public registry is like, a f\*\*\*ing nightmare. (Andy: Yeah, I agree.) It's just the stupidest thing in the world.

Andy 20:55

Um, but Mike then added, "But the record has an end date." So, how do you mean that?

Mike (Audience Member) 21:04

The registry doesn't have an end date, it keeps going and going. So after your criminal conviction is over with you, you have a final date there. Registry's just keep going on and on.

Andy 21:15

But you do have a felony forever. You don't ever un-felony.

Mike 21:19

But some places only look back 7 years.

Emily 21:22

For background checks.

Andy 21:23

But the registry will then continue on indefinitely, more or less? (Emily: Yeah. Yeah.) And it's a civil regulatory scheme. (Mike: Yes.) And I'm with you, and I don't really have a whole lot of- I haven't put much brainpower into that other than to go, "Well, that's garbage also."

Emily 21:39

But it even comes up on credit checks, right? So when people buy a car... Yeah.

Andy 21:43

And the rental property that I have when I've done background checks, like that is a bullet section that comes up after they give me their credit. They tell me what their average bank balance stuff is. And then poof, are they on the registry? So, I also am a huge fan of CBT, cognitive behavioral therapy. And I'll just tell you a quick little story that I'm a big fan of a podcast called Freakonomics. And they had done an episode that says, "Why do we make sex offenders, pay, pay, pay, pay? It's June of 2015, or '16, is when that episode came out. And so, then they had another episode that I learned about immediately after my treatment session that we covered CBT, cognitive behavioral therapy. And so, we go through the treatment class, and he starts talking about, "So basically you like, ask a question of the universe. And you list some possible answers." I was like, that's genius. And then I get in my car, and the next episode that queues up on my podcast player is

how we can reduce crime on pennies on the dollar, whatever it was, and it was about CBT. And I'm a huge, huge fan of this idea that can we figure out a way in society in general- And then also, then there was a recent article that Vox published that for... This was in Liberia. So I don't know how the currency exchanges over to Liberia, but for dollars, can we get people to come up with an alternate plan for their life, instead of putting them in prison after they've committed the offense? And I think the problem becomes that you're asking someone who may offend to come up with an alternate plan of their life, as opposed to something that, okay, you've now committed the offense, whatever that is, we're going to do this as a diversion tactic. But the cost difference is orders of magnitude- We spend, what 50 grand per person per year because they did something we don't like, and we could perhaps educate them previously, to the offense for dollars. But no one would embrace this operation as a way to do criminal justice. Because I guess, because it's a business perhaps? (Brenda: It's scary. Yeah.) Because we're making... Well is it scary because we're going to dismantle lives and the jobs of officers and law enforcement and registry officers?

Brenda 24:12

You can follow the money, I would say, and yeah, you know, people would lose their jobs. But there's also just the, "Oh my god, they're not going to be behind bars, and they could go ahead and do a thing. And how do you know it's going to work, right? So I mean, there's just that public element as well, right? So I mean, these ladies can probably guess that.

Kristin 24:33

I mean, I suspect that an argument against that would be the lack of mental health resources we already have in this country.

Andy 24:39

Without a doubt. Without a doubt.

Kristin 24:42

I feel like they would just turn around and that would be the argument against that is that we don't have enough people to provide the resources. We don't have enough resources available. But we do have a lot of prisons

Andy 24:51

We do. And I mean, I guess it's something you can see. You can measure prison, but I don't know that... I mean, you could compare the United States to another country and look at our incarceration rates, recidivism rates, are Europeans inherently less crime oriented than the United States? Do we just prosecute more? Do we just incarcerate longer and sh\*ttier?. So the United States is just more inhumane from the prison side of the whole criminal justice system in general?

Kristin 25:23

Yeah. I mean, it's more punitive than rehabilitative. But also, like, I feel like there's that mentality that drives a lot of our policies, right? We were talking about those misperceptions. And I think there's that idea of I'd rather, you know, lock them up and throw away the key as opposed to having them in my community and getting treatment, because I don't feel safer if they're in my community getting treatment. I do feel safer if they're locked up. I feel like that's a public attitude that has to be addressed, because

it's not just the public that has that attitude, right? Like, from the research we're doing, we see people in mental health, people in criminal justice have a lot of those perceptions as well.

Andy 26:01

But there's even a huge disconnect that a lot of us have experienced. We go down to the registry office, and we say, "Hi, I'm here," and they're like, "This is so stupid. You're not the guy we should be watching." Like, why do we waste these resources? I know, go talk to your legislature. You know, but like, is that officer then going to vote against the registry, and now they're out of a job? I'm inclined to think that they're not going to vote against their self-interest.

Brenda 26:25

They're not going to go down to their legislator, I can guarantee you that.

Andy 26:27

Exactly. Exactly. I'm trying to figure out how we can impact this, collectively. And I know that's why we're here at a conference like this, to inspire, to educate and all that stuff.

Brenda 26:40

Andy, if I could, we're talking about humanizing. We're talking about stories. And one of the projects that NARSOL has launched, several years ago, we launched a site called Humans on the Registry, which was supposed to be kind of like Lives of New York. It's just stories of people on the registry. We expanded that a little over a year ago now, and we're trying to do videos. And so the people are telling just a little piece of their story. And we try to make a point in those stories- we try to follow the model where we, you know, we focus on them as human beings, and a positive image of them. You know, so it's like, we don't spend 10 or 15 minutes on a YouTube video going, Oh, woe is me, my life is horrible, because ain't nobody gonna give a crap. So we focus on, you know, I'm a dad, and you know, I'm an entrepreneur. You might start by saying, you know, I had an offense 20 years ago, and I've rebuilt my life, and now I'm selling books, or, you know, whatever it is. But they focus on the stuff they're proud of, and that has meaning as an ordinary human being, right. And so then, you know, they might mention a bit of the hardships, but first, they hopefully, they come across as your Uncle Harry, or, you know, the guy next door, or, you know, other people that, you know, that are not scary. And we've been trying to do those people, they have to volunteer, and they have to actually, you know, go on the camera for that. And then we also have somewhere you can just tell a piece of your story, and then it's just kind of in the background. So we've been trying to work on that as an attempt, if we can get that out to the public, you know, they start seeing these stories. The hope is that eventually there's enough of those. And I know, there's at least one other group that's been doing that as well, a little bit. I think they're just getting started. I just wanted to kind of plug that.

Andy 28:50

Absolutely. Emily, you wrote, and you had an article published recently, a couple weeks ago?

Emily 28:55

I did, and I think I know which one you're talking about.

Andy 28:58

I hope so. Is there more than one? I mean, you shared it with me.

Emily 29:03

Yes, I did have an article.

Andy 29:05

It's like 10,000 words. (Emily: It's long, yeah.) It's very long. I was like, Oh, my gosh, it keeps going.

Emily 29:09

I sent it to my friend, and he wrote back "Awesome" in like, one minute. I'm like, you did not read it.

Andy 29:14

When you sent it to me, it had to have been at least five minutes after I said it was awesome.

Emily 29:18

It was long. But I was glad it was long, because it's hard to talk about this stuff in like little, you know, blips.

Andy 29:24

But again, even in that article, though, there's links and sightings all over the place. Like you make a statement and it's like, here is where to take you to where there is something supporting what you're saying. It's not just Emily saying the thing. (Brenda: Emily's a scholar.) I'm aware of that, a tenured professor even.

Emily 29:40

I am a tenured professor. It's very impressive.

Andy 29:43

It is very impressive. That's why I'm like so excited that you'd be here. Tell me about the article.

Emily 29:50

Well, no, but what is interesting, what I'm happy about is the article was not published in... it was published in a magazine called Inquest, and they're subtitle is "Decarceral Brainstorm." And it's a publication that's published by, I think, some institute at Harvard Law School that is looking at decarceral solutions like dismantling the carceral state. It's looking at all different issues. So there was an article before mine, by Leigh Goodmark about how domestic violence policy doesn't prevent domestic violence. And by locking up men for domestic violence, you're just perpetrating more violence. You're preventing repentance, because you're, you know, slamming these guys so harshly, so over the top, destroying their lives. You're not fixing the problem of violence, and the women who are affected are not being helped, and you're creating more violence. You're not doing anything to stop it. And she's like a leader who's worked on domestic violence for decades and decades. And she's saying these laws don't work. So I was very happy to be in that publication, because I want to bring sex offender- people who are convicted of sex offenses, I'm sorry, into that conversation, to say like, these are also a population that are being over-punished.

Andy 31:01

Is there an alternative to that scenario, though?

Emily 31:07

Yeah, I mean, I think there's some groups that you should have on your podcast, people who are doing like restorative justice for sex offenses, particularly in like communities of color, where they see, like, men of color are being, you know, given these incredibly harsh sentences for domestic violence or for sex offenses, and the women in those communities just see it as like more evidence of mass incarceration and just being drunk on punishment, and the same people are being over-punished, over-punished. And you're not creating any healing or any repentance or any justice, right? It's just vengeance, vengeance, and we're just drunk on punishment.

Andy 31:44

It's like Old Testament vengeance kind of. Describe from your point of view what restorative justice would do? (Emily: ....Do wanna...?)

Brenda 31:59

We know it's restorative justice, but do we have... yeah.

Andy 32:01

And I'm asking that from a position of I have had someone beat it in my head that this is not the path. So I'm asking to have academics tell me why not.

Emily 32:13

I don't mean, just like, restorative justice circles where you have the victim and the perpetrator coming to terms. I know, there's like a lot of debate about that in terms of sexual violence. But restorative justice in the sense that over-punishing somebody and putting them in the criminal legal system, subjecting them to prison, subjecting them to parole, to GPS, to polygraphs to all of this oppressive, horrible stuff doesn't lead to healing, and there's no evidence that it helps victims, or prevents more violence going forward. So by restorative justice, I just want justice, fair punishment that doesn't destroy lives and where people who are hurt, they don't benefit from this, right. But yeah, I don't mean like, the literal- I mean, in some cases, that's like a really good thing, right?

Brenda 32:55

For those who don't know what- I don't work with it as much either. But if you're not familiar with the restorative justice circles, there is the idea that, you know, the person who has perpetrated harm has an opportunity to work with either directly with the person they harmed, or potentially with other community members who have been harmed in a similar way, they have an opportunity to be confronted a bit and to offer an apology, and to, you know, work something out like you would normally do if you've harmed somebody, you know, and to have that opportunity for dialogue. It doesn't work for everybody. Some people aren't sorry, or other people are too pissed off. And you know, so it doesn't always work. But in a situation where they do, then there is that opportunity then to move beyond the hurt to some healing, like, you know, like, like you said. And then in the better circles, part of it is also coming up with, among that group, that community, what will the consequences be? If you've had kids, sometimes, you know, we don't we don't punish around here, we come up with, you know, consequences that match the,

you know, whatever the issue is, right? And so it's a case of let's get the consequence to match what's going on. And if everybody agrees with it, it's very, very successful. And there have been some states that have tried to move toward that, at least again, I know people hate this, like, at least for some of the lower-level offenses, but they have included some of those lower level sexual offenses as well. So I hope maybe that at least clarifies a little what it could look like, but not, again, for everyone.

Andy 34:37

Does that require a change at the legislative level?

Brenda 34:41

It can. I think they do it at some other levels. Because I think it... Would it be similar to the kind of negotiation that can go on sometimes? (Kristin: The mediation) Yeah, the mediation that can go on sometimes, like prior to somebody filing- you know, before they file something against you, they have an opportunity to talk and work something out. So I think it can be done in advance.

Andy 35:04

The scenario would come up where something along the lines of a statutory rape situation, somebody comes home and the kids are doing what they're not supposed to be doing. The DA finds out, no one can stop that train, because now the DA is essentially bound by law to go prosecute. (Brenda: Potentially, yeah.) So but this would be another way for them to, instead of prosecuting to the fullest extent of the law, blah, blah, there could be an alternate path. (Brenda: Yeah.) The mandatory minimum people, ones that are in favor of this would not like this, they would fight it tooth and nail. Emily, one thing that I've always wanted to talk to you about is- and we've talked about it. Talk about it publicly, I suppose- is you had a debate with an amazing woman. And it was so much fun. I don't want to call the person out. It doesn't matter.

Emily 36:00

I've only had one debate.

Andy 36:03

I didn't say it was gonna be hard for people to find it. What was it like 2016 or '17 or so? So you got on stage with the Wicked Witch of the West?

Emily 36:14

Marci Hamilton.

Andy 36:15

Okay, fine. You said it. I wasn't gonna say it. Marci Hamilton, she is some sort of like- one of the things that she said was like, they don't age out. So no one committing a crime at the age of 20, they will not change the way that they think about their life when they're 50 or 60. So all of us sitting here in this room, ranges from, I don't know, who's the youngest? Like, Richard, you're probably the youngest. (Richard (Audience Member): I was there.) You were actually at the debate? I did not know that. (Emily: That's so nice. Thank you for being there.) You've stayed in my house, and I didn't know? It was pretty awesome.

Emily 36:53

I will say this, like, I don't like to speak publicly. I don't love debating. I have a lot of anxiety. But when I was preparing for the

debate, I said to my friend, and he's a really smart lawyer, I said, Alright, let's practice. Let's debate. You take the side of registry, and I'll be against the registry, and you'd be for the registry. And he said, "Emily, there's no way you're gonna lose, because there's no argument for it." And there really isn't. That's why like, there's no argument for the registry, except like, I hate these people. They're monsters. You know, let's just, lock them up and throw away the key. There's no rational argument. It's not about justice, or rationality.

Andy 37:31

And I know you're not active on Twitter, but I bet she has more Twitter followers than you because what she's saying is popular. What you're saying is not popular, where she's, you know, she's scratching that itch of touting them as monsters. And she is just a fearmonger-er, and you're speaking truth. But that's not accepted. Right?

Emily 37:54

Yeah, I mean, it's very hard to make an argument for it. Like I teach a class on sex offenses. And I tell my students, like, I'm not going to give you a bad grade if you write your final paper arguing in favor of the registry. But don't, you know, say it's because there's evidence, just say, it makes me feel better. (Andy: Sure.) It makes my, you know, makes me feel like I'm a good person. I hate these people. Don't make an argument, because there are no articles. I know every single article, you're not going to find one that I haven't seen. And they're, you know, then they never do, but I don't think I really convince them.

Andy 38:27

Well, Brenda, I'll lob this in your direction, because Larry will say that public policy is not evidence-based, something along those lines. It has nothing to do with the evidence of it. Because if we all drove 20 miles an hour down the highway, no one would die in car crashes. I mean, not nobody, but it would be much, much less. So by us going 70- and obviously, intersections are bad. Left turns are really bad. If we could get rid of left turns and intersections, nobody would die in cars. But here we are back to I would like to propose that these things go away because there's no evidence to support it. But our legislative processes and based on evidence.

Brenda 39:04

Yeah. Legislatures, again, you put the evidence in there, but your focus has to be on the things that the legislators care about. So they'll say show me the evidence. But yeah, and I remember what somebody was saying that was one of you guys or someone else, they'll talk about "show me the evidence." But what you have to show is the bottom line, you know, is this going to hurt your budget? Is it just generally bad public policy, right? So you point out that you're spending all this money and it's not having any impact, or, you know, you can mention who it's going to harm. You know, so you point out other things. You can drop a story in there, the stories make a difference, right? But you have to keep them short. You usually don't have much time. So you point out reasoning, but you have to do it at their level, and their level is not going to be swayed by recidivism rates, or, you know, that directly. So you have to bring it around to where they're at. And I'll say this as well that a lot of what goes on that's positive in the legislature... And I'm not speaking always, it's just from my experience, because I'm, actually, I'm nothing like, Larry, I can tell you this. But he's

pounded a lot of it into my head, as Andy probably knows. But a lot of what we're doing now in the legislature that does have an impact tends to be behind the scenes, right? Or even under the table. So you build a relationship with them, you find the ones that, at least behind closed doors, will say, "I'd like to support you, but..." Right? You build that rapport with them. And then you find a way to give them cover. So you find a way, you know, to say, "Here's some questions you can ask when we're at a hearing." Right? You give it to them in the background. So you don't have to go out there and be the bad guy. You're not the pedophile lobby, and neither are they. But they can go out and ask pointy questions that make people go, "Hmm, maybe that's not such a good bill." Right? So that's the kind of stuff you have to do to up the game and try to prevent at least bad laws.

Andy 41:26

And you used the R word. And I heard you use the R word, Kristin, in your talk yesterday. The recidivism word. I'm almost positive you used that. What were you speaking about at that particular point? That the recidivism rate is...?

Kristin 41:41

Recidivism rates in general are really low?

Andy 41:45

But it's more than one. I believe you said something along those lines that it's not zero. (Kristin: Yeah.) So that's where the families, the moms and so forth would be like, "Yes, but it's not zero. It's not a non-threat at this point. So I still have to be concerned about it to some degree."

Brenda 42:01

I had somebody that I called. This was early in my advocacy career. I called someone and I was still enamored of those numbers at that point. And I used the 3%, or something. And they came back to me with what they said, "Look, are you telling me that I'm going to put my kid in a room full of 100 people and say that they're safe, when three out of that 100 could do something to them? If I'm aiming a loaded gun, with, you know, 100 bullets in it and say, don't worry, only three of them are going to fire? Do you feel safe with that?" And I went, good point. Larry had already started on me at that point, but I hadn't fully absorbed it. So, you know, and Larry was like, "That's a failed argument. Just don't even try it on me."

Andy 42:52

I accidentally came across the funniest quote from Dr. Oz, the guy running for the Senate in Pennsylvania, and I don't remember what show he was on, but I used it for the Who's that Speaker segment? And he said, "Well, I got to think that even if like 3% or 4% of our kids are dying from COVID, we got to get them back in school. I think that's probably acceptable losses." Something along those lines. And I was like, oh my gosh, he just said three or four percent. How many kids are of school age? I'm guessing 1/3 of the population is student age. So that's 100 million under 18-year-olds, and you're gonna tell me that 3% of them is acceptable losses? That's 3 million children a year. I was like, No, we are not going to accept 3 million kids just dropping like flies. Unbelievable. So there's the 3% or 4%. That's why I picked that quote out because it was exactly right on target. But, like, he's running for Senate, and he was able to say that. Can you imagine somebody

saying, "No 3% or 4% recidivism for sex offenders? That's okay." That guy would not get elected. Right? What do you think?

Kristin 43:59

Absolutely. I think one thing that was really interesting to me, because I've had the opportunity to talk to some legislators, typically on different topics, but I always try to bring this up as some of my work to kind of just gauge where they're at and whether or not they'd be open to having a conversation with me about it, and I've had people literally tell me like, "Reelection. I'm not going to touch this topic." Nobody wants to be the politician that got rid of something that makes everybody feel good, and makes them feel safe. So, they kind of always tell me like, "You gotta start somewhere else, because it's not here." And I think that's really frustrating because they're the ones that have the power to make the change.

Andy 44:40

Which means you have to take into account where in their election cycle you're talking to them, whether that be like a sheriff, that be your legislators, anybody like that. You have to consider that as part of the calculation of asking them to pull some strings, whatever you're asking them to do, but that's part of the calculation.

Kristin 44:58

I think the points Brenda was making are really important that you almost have to help give them the tools. You can get them to understand, but give them the tools to somehow, you know, shut down these bills, or bring these things into the awareness of the other people that are, you know, voting without them being the one that's really championing.

Brenda 45:19

Ask the pointy questions, but they don't have to go out there and say, "Well, I think the registry is really a bad idea." Oh, gosh, you're dead. Yeah, it's just like, you will not be reelected. And so they can't afford that. And I've often said that, if, you know, if you've got somebody in your camp, you want to keep them in the office, right? So telling them, "Oh, you just need to be strong and go out there and make a case." You're saying go out there and commit political suicide. You don't have them in a position of power to help you anymore. So you have to work with them where they are. Yeah, exactly.

Andy 45:51

I don't want to keep everybody here all night. We've been at this about 45 minutes. Does anybody in the audience have any questions for Emily Horowitz, Professor, tenured professor at St. Francis college? You roll your eyes when I say that.

Emily 46:12

I didn't roll my eyes. I'm very happily employed at St. Francis.

Andy 46:15

I think you're awesome. It's fantastic. And Kristin Russell, thank you. You're also a PhD. Where did you go to school?

Kristin 46:20

I went to the University of Nevada, Reno. (Andy: Oh, cool) I'm currently at Prairie View A&M University as an assistant professor.

Andy 46:27  
Excellent. And Brenda, you are also a PhD? (Brenda: Oh. No.)  
Okay.

Brenda 46:31  
My husband is. Does that count?

Andy 46:32  
That does. Definitely does. Any questions? (Audience Member: I have a quick question.) Yes, sir.

Audience Member 46:38  
As you guys are the researchers, do you face any backlash for researching this area?

Kristin 46:48  
Absolutely. Yeah, um, I know, you have a lot of stories, so I'll keep mine short. But I've gotten pushback from colleagues, for sure. And when I was going through my PhD program, I was told by faculty members not to pursue this if I wanted a career.

Andy 47:04  
You're still employed though, right?

Kristin 47:08  
Thankfully. Maybe they're not paying attention today, so we'll see. But no, they're actually very supportive of the work that I'm doing. And I found myself in a good place. But I was warned, you know, that that's something I had to think about when I was doing my research. And, you know, I was posting a lot on social media, and I'm pretty active in my opinions on this topic. And I've, you know, they took my phone number off of things, because there were people calling me at one point and calling our office and talking to my boss one time. And I got a lot of nasty emails from people who just don't understand why I would use, you know, my position to do this kind of work, and why would I be fighting for these individuals? And they say a lot of rude things. But sometimes I engage back if it seems like it's someone I could have a conversation with. But for the most part, I just, I feel like I'm pushing the right buttons. So I'm so proud of everything I'm doing.

Andy 48:11  
Emily, have you had any specific issues? I don't want to call you out if you don't want to say what it is.

Emily 48:16  
No, but I definitely feel like, like, with colleagues too, especially like, post MeToo, post Title IX stuff... I wrote a book that came out in 2015. And, like, you know, it was okay. But since then, it's gotten a lot worse, just in subtle ways. Like, you know, people not being very friendly or not, like wanting.... Yeah.

Andy 48:42  
Are you recognized as you walk down the streets of New York?

Emily 48:45  
Haha. (Andy: I know, I was being silly.) Yeah, people that I work with or, like, even people that I know socially... somebody that I know in my neighborhood, somebody said she said, "Oh, I know what you work on." I said, ohh. And she said, "I don't agree with it.

But it's your right to do it." But it was very, you know, people Google.

Andy 49:16  
I don't google my neighbors, like, ever. I'm not, I don't know, like randomly, who's this person that lives next door to me? I looked them up, and this is what you do. And now I'm angry at you?

Emily 49:28  
Yeah, she's pretty angry.

Andy 49:31  
That's bizarre. It's almost like you being on your own personal registry.

Kristin 49:35  
I'll say one thing that's been really interesting is people always come at me for not looking at victimization. They're like, "If you're going to look at this topic, why aren't you caring about the victims?" (Andy: Sure.) And I always find myself being like, You think I don't care about the victims? I'm doing the work I'm doing because I care about sexual harm. Because the work that we're doing in helping change policies and bringing this stuff, you know, to people's attention is the work that needs to be done as well, because it's not helping. (Emily: It's not helping anybody.) It's not worth it.

Andy 50:03  
So then perhaps the angle is that I'm doing research to figure out what would be effective. And maybe we can go with that instead of wasting resources this way?

Emily 50:14  
I said this in my talk. You don't want to... I say this all the time. If we were studying serial killers, nobody would say, oh, like, "Don't you care about people who are murdered? Are you in favor of murder?" They think it's like super interesting. And, you know, lots of people in sociology- it's sort of not that interesting to me personally- they study serial killers and stuff. There's not that many of them. But everybody studies serial killers. Students love it. Right?

Andy 50:35  
Podcast series come out and it breaks the internet.

Emily 50:39  
That's right. It's like a super popular subject. Nobody would accuse you of being like, you know, in favor of murder, right? Like I always have to say I'm against sexual victimization. Everybody is against sexual victimization. There's nobody who's in favor of it. Everybody likes children. I really resent... I love children. Children are great. Sexual harm is terrible. And I really resent at this point that I still have to say that.

Kristin 50:59  
Every single talk, I start by explaining what my views are on sexual harm, and I connect... If we have positive impacts, if we can help people reenter society better, if we can help support them in rehabilitation, that does reduce offending. And that's what you want, right? You want to reduce victimization. So then they don't

typically have an argument back to that. They're just like, "Oh, but..."

Emily 51:26

We're social scientists. Louis Coqonte, who's one of the most prominent sociologists in the world, he said it's okay to study. We study things. You can study whatever you want. If you want to study perpetrators, that doesn't- why would you assume that means you don't care about victims? It's the stupidest thing I've ever heard in my life.

Andy 51:42

I can tell you that I do not like insects. I would never study them because they're gross. I'm petrified of them. I'm not studying them. I'm just using that as my own little personal, like... anyhoo.

Emily 51:52

I will say like in 2016, I spoke at a college. And that's when I saw the tables were turning. I spoke at a college and I thought everybody was gonna be cool. This girl started crying and saying like, "You don't care about victims. This is so triggering for me." And I was like, What in the world are you talking about? Like, I didn't say... but it really struck me. Wait a second. Things are, you know, changing in our culture and getting a little crazier, because I'd never, like I said, I'd been doing it for 10 years at that point and nobody had ever accused me of such a thing.

Andy 52:20

Sure. Any other questions from anybody?

Audience Member 52:23

May I do simple promotion?

Andy 52:25

I suppose.

Audience Member 52:26

So. I'm from New Hampshire with an organization called Citizens for Criminal Justice Reform. The website is ccjrn.org. And back in 2013, one of the board members, Phil Horner, started a series of stories that's called the Land of Oz is on the website, click on it, and you will get some very interesting humanizing stories. It's called Land of Oz.

Emily 53:00

That's interesting. Thank you.

Andy 53:05

Well, anybody else? Anybody? Yes, sir.?

Audience Member 53:08

Yeah? Well, this is kind off the wall. All three of you ladies are intelligent highly knowledgeable on psychology. Wouldn't you agree that it'll take something spectacular to happen for sex offenders that gets the public's attention. For example, in Vietnam, the monks, they pour gasoline and light themselves fire. They lost, the South Vietnamese country, lost, you know... all the people basically left. And then of course, we lost. But what I'm saying is we don't have to go up to Tallahassee or something and our gasoline ourselves, but...

Andy 53:54

Some people have proposed things along those lines.

Same Audience Member 53:57

In this country, we only do things when were are shocked. Just like the murders of Adam Walsh, Megan, that shock value helped them pass all those laws. Just a hypothetical.

Andy 54:15

I would imagine- I bet you that there will be agreement here- I bet you if every one of us went to our state capitals and set ourselves on fire, the public would be like, good riddance.

Emily 54:27

Look at gun control. All those kids were shot, and nobody...

Andy 54:29

I'm sorry? (Same Audience Member: They would bring marshmallows.)

Brenda 54:34

You make a good point. There have been We used to track up to a certain point, I forget, the name. (Emily: Vigilantes.) Yeah, but there have been vigilante killings for the last 15-20 years. And we've tracked every one of them. And where we can, advocates, once we do something about it and had any voice at all, you know, we tried to point it out. We tried to make the most of it that we could. Innocent people who somebody thought was on the registry, we've had some of those. You know, they just happen to live at an address where somebody used to live. And that alone is definitely not enough. I don't know what catastrophe it would take. I'm not sure. Yeah, I mean, it would for

Same Audience Member 55:17

Right. Pearl Harbor and it took the Trade Center thing to get the country motivated. So, I mean...

Brenda 55:25

Yeah. Yeah. Well, I hate to detour on to politics, but killing, you know, 40 to 80 children hasn't helped us turn around gun laws yet, so I'm not sure. So it's gonna be a challenge, that's for sure.

Andy 55:40

Yes sir?

Audience Member 55:42

I'd like to circle back around to the response that the lady had when you were sharing in college. And I've done a number of presentations called Sex Offender Sense. One of the things I've done is I've always started out by letting folks know that there was no intention on my part to revictimize anybody who may be an untreated victim. I'm pretty aware of the fact that there's a lot of people, I think some of the reason we have such strong response from individuals is we have untreated victims out there, a lot of silent sufferers. And I suspect the numbers are greater than what we know, because, particularly with sex offender laws becoming so destructive to the family structure and to the social fabric, the stories I've heard over the years have just been horrendous about how children are treated, how offenders are treated, and you know, the dynamics are just bizarre. But I just, I always try to preface and just have empathy for people who have an interest... I

can't imagine the courage it takes to be sentencing [one word unintelligible] and, you know, to process some of this information.

Brenda 57:07  
Yeah, yep. That's good.

Andy 57:11  
Anything else before we close it down? Anything? I thank everybody that decided to join. I really appreciate it. It's nice to have a crowd of hundreds. (Brenda: Hundreds. Multiply.) Hundreds I gotta keep the spirit of Larry. There have been hundreds that have walked in since we started it now. Oh, yeah. Yeah. Yeah. We got to do the little raffle drawing here afterwards. For people that are in attendance, there's a there's a gift being

given up. Emily, thank you so very much. I really appreciate it. I hope we can do this again sometime. And Dr. Russell, thank you again. Thank you so very much, and Brenda, you're always welcome. And I really appreciate all the insight that you guys have provided. Thanks everyone so much.

\*Audience Applauses\*

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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  
DCS – Department of Community Supervision  
IML – International Megan’s Law  
SOMP – Sex Offender Management Program  
BOP – Bureau of Prisons  
STARC - Secure Treatment and Rehabilitation Center

CAGE – Citizens Against Government Entrapment  
PV – Parole / Probation Violation  
SMART Office - Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking  
MSR – Mandatory Supervised Release  
ICAC - Internet Crimes Against Children  
ACLU - American Civil Liberties Union  
ACSOL - Alliance for Constitutional Sexual Offense Laws  
ALI - American Law Institute  
NCIC – National Crime information Center  
CBT – Cognitive Behavioral Therapy



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