



**RM246: Interstate Compact Transfers**  
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Announcer 00:00

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Andy 00:18

Recording live from FYP studios, east and west, transmitting across the internet. This is episode 246 of Registry Matters. Good evening, sir. How are you?

Larry 00:29

Doing well. How are you?

Andy 00:32

I'm doing very well. I have a quick question for you. I would like if you could articulate this. If someone said, hey, I need to go to the grocery store and get a couple of things, what would a couple of things mean to you?

Larry 00:43

It wouldn't be an exact number, but it would be what you could easily carry in your hands. It wouldn't be much more than that to be considered a couple.

Andy 00:53

Would twenty be a couple?

Larry 00:54

No, that would not qualify as a couple.

Andy 00:57

Okay, I was just curious, because it turned out to be a whole lot of items. My next question--have you heard of a website called twitter.com?

Larry 01:05

I'm vaguely familiar with it, yes.

Andy 01:09

Have you followed the shitstorm of all that's going on? So much in the last, I don't know, like week or so.

Larry 01:17

Last I heard there's been a lot of internal stress over the new ownership and the new management, and people were given an opportunity to adapt to the new Twitter and accept how things are going to be under new management. Or they could tender their resignations. That apparently that hasn't gone over well, and apparently last I heard there was a lockout at corporate headquarters.

Andy 01:44

Yeah, they shut down. I've heard that it was all offices are closed until Monday. And maybe that was even Thursday that that happened. The reason why this even matters is because with the podcast we don't really do a whole lot on Twitter. But I am super interested in this product called Mastodon. Have you heard of that?

Larry 02:08

No, I don't know what that is.

Andy 02:12

Okay. There is a product out there that is Twitter-esque. It is similar. You make connections with people. You have a very short amount of text that you can write. But it operates very differently. It's open, and you can run your own server. Registry Matters could run our own Mastodon instance, which is what they are called. A little over a year ago, I helped NARSOL migrate to Mastodon so that we can have our own little social media platform where we don't have to worry about a rule like where Facebook says if you've been convicted of these kinds of crimes, you can't be here. So we set up our own social media space so that our people can be there. And in the last two weeks, Mastodon has completely exploded and 1000s and 1000s of people are creating accounts on Mastodon. We're an isolated place so we can't be attacked by outsiders, and we can't communicate with them. But Mastodon is taking over, and I don't think it'll be a while--I mean that in weeks or months, Twitter will look like Myspace. That's my opinion. And I'm just amazed that we are watching some radical shift of 350 million people transition from one place to another in a matter of weeks. It's amazing that this happens in real time.

Larry 03:35

Well, most of this is over my head because it's in an area that I don't really have much of a grasp on. But I do have historical reference points that we talked about in pre-show--the acquisition of Eastern Airlines by Texas Air headed by Frank Lorenzo, and then the ultimate demise of Eastern Airlines. I can't understand why you would put--I mean, didn't he pay some really huge amount of money to acquire this?

Andy 04:08

45, 44--something billion dineros.

Larry 04:12

Right, and why would you want to destroy the platform?

Andy 04:19

Yeah, I like it. But that would be some really interesting conspiracy theories. Did he go in there to shut it down? He has 90 million followers. And I don't think that that would go well. He didn't go there to lose that pipeline to communicate with them. He is something of a free speech absolutist. And all these tech companies are going to great pains to allow what we would consider free speech in the United States. You can't do hate speech. No underage images. There are things that are going to be illegal. But those rules change when you're in Pakistan or in Tibet.

Like I mean, all of those rules are radically different. And they have local offices that manage those kinds of rules in their own country so that they don't violate local laws.

Larry 05:15

Well, I'm confused on the investment part, because when Mr. Lorenzo acquired Eastern, and previously acquired Continental, he had an agenda, which was to bring down the operating cost of the legacy carriers Eastern and Continental. And he intended to make them competitive with the new deregulated airlines that were coming up with a much lower cost structure. I can wrap my brain around that. But I can't figure out what Musk's agenda is because in terms of speech, traditional broadcasters have always regulated speech with the exemption of political ads, which there's very little broadcasters can do but run those as they are produced. That's the rules. But in terms of all other program content, they decide what's appropriate, what's not appropriate, what the language barriers are, what the clothing barriers are. In fact, if you look back in the days of the commercial television networks, I Dream of Jeannie, she couldn't show her belly button. There have always been standards on what's acceptable. And you were never able to assert, well, I shouldn't say never. You rarely could assert that you had a right to say something on a commercial platform. It was up to the broadcasters to decide whether they wanted to grant you access to the airwaves. We did have some time period of time where there was some equal in fairness doctrine, but that's long been gone. I don't understand what the all the brouhaha is about. There has been regulation on speech for a very long time. It's not the government doing it. It's the private sector doing it. And ABC, CBS, NBC, those networks, CNN, Fox, they all regulate the content. Try going on Fox as a liberal pointy-head, and you'll find out. I mean, tell them you have a right to put your view as a liberal on Fox, and tell me how well that works out for you.

Andy 07:25

The last person they had that was a liberal on there was a Colmes, what was his first name?

Larry 07:32

Alan Colmes.

Andy 07:34

That's probably the last guy that had a liberal point of view on their program.

Larry 07:37

And you cannot assert a right to be on Fox nor NBC. You can't assert that right. They determine what content they distribute to their customers. These are commercial enterprises. They're not government-owned enterprises. It's not the government stopping anybody from having access.

Andy 07:58

So long story short, though, thank you all for listening to Registry Matters. And I am a big fan of what is called an RSS-based podcast and not going through Stitcher, or any those gate-walled kind of like gated community kind of things. If you download the podcast from us directly, I thank you very much. And that keeps it from having some corporate entity control. And someone presses a button and says, no, we don't want your content here. You can always get it straight from the Registry Matters website, as far as

I'm concerned. That's the best way to get it by using a podcast app and clicking subscribe. And that was our little five-minute rant about some current events. I think it is amazing. And I hope it continues to go that way. With all that said, Larry, would you give me the rundown of what's going on tonight, please?

Larry 08:48

Well, being a holiday season that we're in, typically the flow of cases and decisions become slow because courts are working at a half throttle through Thanksgiving and Christmas, if that, even if they're working at half throttle. Without any major decisions that we were aware of, we decided that we're going to talk about some current events. And we're going to bring up something that just constantly gets inquired about. And that's interstate compact transfers for people who would like to go from one state to another, and the nuances of that. I looked back, and I thought it had been well over 60 episodes since we've really had any meaningful discussion. That's more than a year. So we went through our archives and figured out how to put together a program. We have recently gotten a question, and I just blended my prior answers together without having to do as much work in prep. But I've got a program planned for talking about those transfers. People keep asking about this.

Andy 09:51

We go all the way back, Larry, I think it's Episode Two. Episode Two is polygraph. So probably not. Episode Three was interstate transfer stuff too.

Larry 09:59

So yeah, well, we talk about it periodically, but the audience comes and goes, and we have new listeners that have never been with us before. We've got a lot of new listeners in the last 60 episodes since we've talked about in a great detail. So we've got new people listening for the first time that will hear this kind of stuff, and you'll get to ask me why all these things about it. It just doesn't make any sense, but why?

Andy 10:25

All right, well, first up, then is an article. It isn't really an article--this is a press release from the Office of Justice Program. The US Department of Justice is where this comes from. The website would be ojp.gov. The Justice Department awards 20 million to help register and track PFRs and to Protect young athletes and protect sexual violence. This is fresh news from the Office of Justice Programs Office of sex offender sentencing, monitoring, Apprehending, Registering and tracking. Today announced it was awarded approximately 20 million smackeroos to help states, US territories, and tribal communities register and track PFRs and protect Americans from sexual violence. What do you people have to say? Why would you put this in here?

Larry 11:21

Well, to illustrate, it's all about the money. It's ironic to me that we hear all this banter about, particularly from the red states, they want smaller federal government. But you look who's lining up to get this federal money? It's plenty of the red states that want a smaller federal government. How can you want a smaller federal government and have your paw out to get money from a government that you think should be smaller?

Andy 11:49

Does seem a little inconsistent, though. The article says, "The Office of Justice Programs' Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking today announced it has awarded approximately \$20 million to help states, U.S. territories and tribal communities register and track sex offenders and protect Americans from sexual violence." What do you people have to say?

Larry 11:

Not much except for it's all about the money. The states want the money from the federal government which most say is too large.

Andy 11:55

It does say "it's important for the professionals charged with protecting the public to have information about where people convicted of sexual offences live, work and attend school, said Deputy Assistant Attorney General Maureen A. Henneberg. These awards will help jurisdictions provide across the country update and maintain registry systems access necessary training and resources and provide young athletes with greater protection against sexual abuse and predation." Like, hmm, is this a thing that's necessary? I mean, I get Larry Nasser was a pretty evil kind of cat. But I don't know, do you think that this is even necessary?

Larry 12:35

Of course, I don't think it's necessary. I think it's unconstitutional. And when something's unconstitutional, then whether it's necessary or not becomes irrelevant to me. But I think in this press release, there's a lot of talking points. There's very little evidence to support this. And all these cases, like Nasser, and I mean, we can't go through a litany of them, like with what's his name at Penn State University?

Andy 12:58

yeah, I've lost his name, too. But go ahead.

Larry 13:01

These people have been reported, and there's been complaints filed about them. It's not that a registry would have done any good. We already had existing infrastructure in place if we had just simply paid attention. In the case of Penn State, an assistant coach walked in on it happening. Remember that, right?

Andy 13:23

I do. I do. And that was the head coach that I think walked in on it. And like, I don't know that they swept it under the rug, but they just turned around like, oh, never mind, I'll walk back out.

Larry 13:36

I didn't remember it being Paterno. But I do remember a much younger assistant coach. They reported to Paterno and Paterno was the head coach at Penn State. And he and the university president Graham Spanier didn't think that there was anything that needed to be done. And this type of stuff or registry wouldn't do anything to stop this. What we have to do when these things are reported is we have to try to find corroborating evidence, and I would think an assistant coach would be somewhat corroborative.

Andy 14:10

Can you elaborate on the way that this reads? So this is additional money to help them know about where the people that are on the registry are? Like the thing that tells them where they are? It's giving them \$20 million, and that's all 50 states and seven territories. So it's not like everyone's getting a double in pay or anything or a double in their budget. But this program already exists, doesn't it?

Larry 14:37

Well, the Smart Office as it's referred to, they have a variety of things that they can provide funding to jurisdictions for. They can provide funding for the round ups, where they go out do address verifications and look for violations. There's funding available for that, which yields a lot of overtime for police agencies. And they provide technical support for developing better software to monitor and update--stuff that's all over my head. But there's a lot of money for tech support to get systems up to where they communicate with one another across state lines. There's just so much money available. This is a vast operation. It's not going to go away, folks. It's not going to go away. It's been around for too long now. And it's ingrained in the psyche of the system of funding. And there's nothing we can do about it. When you create a bureaucracy, you have to go with it. This was created in 2006 when President Bush signed the Adam Walsh Act. And it's been around what was it 16 years now.

Andy 15:37

I'm just really stuck on this one line, though, where it says people convicted where they live, work and attend school and depending on your state, your where you live is already there, but where you work and attend school, depending on what state you live in--those things are already there. Just go look them up. Go ask your law enforcement person. Where does John Doe live, work, and attend school. Why don't they go here? Okay, so you don't need additional money for it.

Larry 16:04

Well, anyway, that's follow the money. And that's what's happening here. This bureaucracy has been created with the Department of Justice. It now has to find stuff to do to justify its existence. They do not want to go out of business.

Andy 16:19

Sure. Interesting, huh? Okay. Then we will move over to the next one, which comes from the Marshall Project. And the title of this article is "Mississippi auditor: Mississippi Prison Company must pay \$2 million for no show workers." That 2020 investigation by the Marshall Project exposed how prison operator MTC billed the state millions for Ghost workers. I don't believe in ghosts, Larry.

Larry 16:53

Well, a Mississippi State auditor demanded a private prison operator for getting paid nearly 2 billion after the company improperly billed the state for 1000s of prison guards shifts that were never actually worked. Now you have to admit that's funny.

Andy 17:07

I do think I could bill them for every penny you can bankrupt Mississippi because its budget is probably like a few 100,000 bucks anyway because it's like probably almost the poorest state in the

country. "The audit found that Management & Training Corporation, the country's third-largest private prison company, did not notify or credit Mississippi's Department of Corrections when staffing at a prison run by MTC fell below minimum requirements, as agreed to in their contract. The auditor is demanding about \$1.4 million for unfilled shifts between 2017 and 2020, and just under \$600,000 in interest and recovery costs."

Larry 17:50

The Marshall Project also exposed a ghost worker problem at the two other MTC prisons. Using monthly invoices and data on vacant positions, the news organization estimated that between 2013 and 2019, the state paid MTC about \$7 million combined for no-show workers at the Wilkinson County Correctional Facility, south of Natchez, and the East Mississippi Correctional Facility, near Meridian. When asked Monday if payment would be sought from MTC for ghost workers at those other facilities, a spokesperson for the state auditor's office wrote, "Our work is not over." Now that's also funny.

Andy 18:31

This is also the state, if I'm not mistaken, where we talked about where the sheriff pocketed a bunch of money for the food, for leftover money in the budget for the food. He actually like just took the money home with him. That was early off in the podcast.

Larry 18:47

That was actually in Alabama where the law allowed the sheriffs to do so. But yeah, this is not Mississippi. But now this isn't the state that promises you how frugal they are and how they watch every penny and the taxpayers' resources are precious. And we can't have people take advantage of the Temporary Assistance to Needy Families Program or SNAP benefits. And they have some of the strictest work requirements of the country. Maximum unemployment benefits in Mississippi last like 12 weeks. And they have like I think they implemented drug testing of beneficiaries and they are so frugal. Man, are they frugal when it comes to not wasting money? But the audit does not discover that frugality when it comes to this is it?

Andy 19:30

No, definitely not. You probably have heard of a show, but you've probably never watched it--Saturday Night Live.

Larry 19:45

I've heard of it. Yes.

Andy 19:50

Okay, way back, and I want to say original cast, there was a skit that they did, where there was a little scam run by a college. They were trying to bring in the students but there was just a facade of the buildings. And when the parents would come on tour, they would just see the facade. And they were like, wow, this is a really great campus. And so the parents would pay all the money and they'd split the money with the students. And they would give them a piece of paper saying they graduated college. And that's similar to this.

Larry 20:07

So well, I'm picking on this particular state and states that proclaim that frugality because they are very aggressive when it comes to trying to ferret out fraud. And their benefit structure is so low in Mississippi, their aid to needy families is like \$200 a month, \$280 a month or something for a family. And they are so aggressive about that. Now, I agree that we don't want fraud in any of our programs. But that includes all of our programs. And there was a former legislator, I think he was Speaker of the Texas House at one time named Ferebee. And Mr. Ferebee was the member of the Democrat Party. And he said that we need to apply that principle of conservatism across the board. And I agree with Mr. Ferebee on that. If we're going to be frugal than we need to apply this frugal management and oversight, not just to programs that help individuals, but to corporate programs like this. I would like to hear Governor Tate Reeves, if this is, in fact, legitimate. And I'm assuming that the State Auditor's Office is running a legitimate operation. I would like to hear what Tate Reeves has to say about this. I'm assuming that he has an opinion. And I'd like to hear that he finds this behavior unacceptable.

Andy 21:27

Moving right along over to The Appeal's article. The title of the article is "Women bear the brunt of New York's prison care package ban." That's got to be care packages, and they're banning those. "New York's new restrictions on prison care packages are imposing unique burdens inside women's prisons. Earlier this year, the New York State Department of Corrections and Community Supervision (NYSDOCCS) began rolling out the new prison package policy, which officials claimed was necessary to prevent drugs and other contraband from entering facilities. Under the newly enacted rules, friends and family members can no longer directly send or hand-deliver food packages. They must now purchase all packages through vendors, with the exception of two non-food packages sent by mail each year." What's wrong with that? So tell me what do you think's wrong with this?

Larry 22:39

Well, according to the article, "these restrictions on food packages threaten the health and well-being of all people in prison. But advocates say the policy is also doing disproportionate harm in women's prisons by compounding existing inequities. People in women's prisons already tend to have more precarious outside support systems than men" Now I can vouch for that. I have asked enough people that have worked inside correctional facilities. When you go into a men's prison on visiting day--this is all pre-pandemic; I don't know anything about post-pandemic--but it's long wait time just for screening. The rooms or visitation rooms are packed. You can go to women's prison; you can set off a Gatling gun and not a soul would hear it. There's something about the women--they do not seem to attract the loyalty of their former mates to stick with them. Women will show up at a prison and stand in line and endure all sort of unthinkable burdens to show support for their loved one. But I would have to say the fellas just don't do the same thing. So that's the point is--that women already struggle with having support on the outside that stick with them. So apparently, they believe that this will pose some additional hardships.

Andy 24:01

To continue. "During a recent visit to see her daughter, a woman decided she had to make a change. 'I'm sitting across from her; she was starving.' She placed a food order with GROONO/S, a New York-based vendor. She paid \$212 for around 24 pounds of food after shipping and handling, close to double what she'd paid in the past. She said, 'Half of that stuff in there was not worth \$10.' Now that's not funny. Do you agree?"

Larry 24:33

I agree that's not funny. I'm not privy enough to know what's really going on in prisons, in terms of new security challenges. And I always have some sympathetic sympathy for trying to administer a prison because of the difficulties, all the moving parts. But I'd like to think that there's a way to allow people to have some connection to things on the outside rather than having to go to through it only by pre-selected items that are inflated in price. Probably not fivefold, though probably not all that healthy. But you look at the at the menu. Again, I don't have a lot of experience in prison. But what's the menu like? Is there anything healthy at all in a prison menu or a commissary?

Andy 25:20

Minimally. Everything is super high starch, Doritos, anything like that. But even still, the selection is super small, and the portions are quite miniscule. As far as anything healthy, they don't want you healthy. Because if you got healthy and strong and then you'd be able to overpower the guards, so they want to keep you starving and weak and frail, looking almost like a concentration camp resident. Do you ever go look at like ramen noodles--how much they are?

Larry 25:54

Aren't they like 30 or 40 cents a cup?

Andy 25:58

Well, maybe? I'm thinking they're more like in the 20 or 15 cent range, if you buy a case at a Walmart kind of place. But they'll be like 75 cents on the commissary, which is kind of ridiculous. And if you buy just a tiny little, like, two ounce or maybe a four-ounce package of tuna, that'd be like \$8. It's ridiculous. And all this back to a couple articles ago, where you said follow the money. That's why they signed contracts with these Securus and JPA kind of places. And then they lock it in, and they split the revenue with the prison. The prison is like sweet, we get to burden the families with paying all this extra money for bringing in "zum, zums and wham, whams", as the term was used where I was.

Larry 26:45

I would be more comfortable with that. I wouldn't be completely comfortable, but I'd be more comfortable with that if the proceeds from the excess prices went into an inmate welfare fund, which indigent inmates could access. But from what I understand that seldom happens. An indigent care package from the mail I received from people behind the walls, the indigent care packages don't really amount to much.

Andy 27:14

No, it does not. So I'm pretty sure that this just goes similar to the way that the phone system funds, that money gets kicked back. It doesn't go into buying more rec facilities or anything like that. It

goes completely to offset the cost of running the prison as if it were almost like a profit center.

Larry 27:35

That's my understanding. And it seems the people in prison generally do not have vast wealth pools out in the community to draw from to pay for inflated phone calls to pay for inflated commissary. And now the state of New York is taken out of the equation. You might have somebody who could go to Walmart and ship you the approved items. I know they're going to have requirements about what type of underwear you can receive, and they're not going to let you have everything to your liking. But you would at least be able to get it at a more reasonable price, including the shipping you would probably do a lot better than what they're charging you for their stuff.

Andy 28:19

Absolutely. All right. Well, then our final article is "Course correction: The return of Prison Education" from the Texas Observer. Are we turning a corner Larry, the article states restrictions under President George HW Bush. That was number two or is that the first one?

Larry 28:38

Right.

Andy 28:40

Okay, so Bush One signed a law making people sentenced to death or to life without parole ineligible. State prison systems were also put under the microscope to make sure financial aid was being used only for educational purposes. And political opposition to funding Prison Education grew within both parties. So the issue became part of the 1994 violent criminal by Violent Crime Control and Law Enforcement Act, a sweeping piece of legislation that set the tone for years of harmful tough on crime, rhetoric and legislation. The exclusion of prisoners from the Pell program had strong support in Texas, including from us, Senator Kay Bailey Hutchison.

Larry 29:22

Yes, Senator Hutchinson was from Texas, and thanks to an order by the Biden White House, the funding will become available next July to people behind the walls.

Andy 29:37

And as the article goes on, "For more than two decades, many people served time in prison with no access to higher education. Even if they could afford classes on their own—either through family contributions or by tacking on costs to parole fees—the lack of federal funding had discouraged colleges and universities from offering courses. Once-flourishing programs dwindled, with offerings at fewer facilities. In 2015, the Department of Education under President Barack Obama launched its Second Chance Pell program. It opened the faucet to let the funding stream begin to flow—or rather, drip—once again to some incarcerated students." It's ironic that the state of Texas is taking advantage of this funding opportunity. Don't they always say like, don't tread on me. And I don't want no nothing from the federal government. Federal government bad. They won't even connect their power lines to other states, Larry.

Larry 30:30

Well, but in this case, it's a good thing, because as I've talked in the past, you need conservatives to get buy-in to this. If you've just got the Bernie Sanders of the world wanting to pay for college education, you got nowhere because the conservatives say this is an abomination to the taxpayers, that they can't even afford to send their own kids to these overpriced universities, yet we're paying for college. But when you get buy-in from Texas, I mean, that's pretty good. Because again, nobody's going to vilify the conservative in Texas for providing educational opportunities to their inmates, even though they're claiming federal funds to do it. They're not using Texas funds. But no one's going to accuse Texas Department of Corrections for being soft on criminals. So this is a good step. It really is.

Andy 31:18

Oh, tell me could you come up with an example of more education not being a path to a better life? Is that possible? Yes. If you get a master's degree in basket weaving, I don't think that's going to lead you to any level of prosperity. But otherwise, more education is like always better. So if the people that are already challenged by society by having these marks and tattoos is what the picture on the cover of the article, more education would give them more opportunities. And that would make them more productive citizens in society.

Larry 31:53

And we need every worker we can find. Remember, the last jobs report were 10.7 million workers short. And we need these workers desperately. And we need their tax revenue because the baby boomers are joining the ranks of the retired, and they need to be supported.

Andy 32:13

Present company included.

Larry 32:15

Yes, definitely.

Andy 32:19

All right. Anything else before we hit this main event?

Larry 32:22

The main event? Let's see. I think that's covered it. So the main event? Let's do it. What does it mean? If it again?

Announcer 32:30

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Andy 33:18

Well, I'm going to read this as if it were like a question presented to you. So it says I am in Alabama and would like for my nephew to

come live with me when he is paroled next year. He is currently serving time in Colorado, and we'll have supervision of 10 to life, I think. Is it possible for that to happen? Do you recommend that he even parole here at all? To Alabama? Is that something that we should even consider doing? (Laugh track) And you may continue there.

Larry 33:58

Oh, I just love that laugh track so much. If I could laugh that well. Well, we really can't recommend a particular course of action because we don't have all the details. We lack many details. So I'd be hesitant to recommend that.

Andy 34:17

We haven't really--you mentioned like 60 episodes, and then maybe around like Episode Three or something like that, that we talked about ICAOS, and we get questions all the time here at FYP. Right?

Larry 34:29

We do, and we ask for some variation on the question regularly, because it's really confusing for those who are uncertain of information. And to answer. Your nephew can certainly seek to have his supervision transferred to Alabama or any other state through a formal process that exists for transferring state-imposed probation or parole. The process is accomplished through the Interstate Compact for Adult Offender Supervision and that's what you were referred to as ICAOS.

Andy 35:00

I did the process sort of like once or twice, but how does someone go about doing it? Do they call up the state? So you'd like, "Ring, ring. Hey, Alabama, I'd like to move here. Please, can I have the paperwork, please?"

Larry 35:16

I would not recommend doing that. Because that is not the way the process works. Applications take interstate transfer submitted only by supervising authorities, not the offender. So do not contact anybody yourself. Because that's not the way it works. And the offices are going to be maybe cordial, maybe not. But you need to start the process. If you're on probation with your probation officer. If you're in prison, looking to parole, you need to start it with whatever process exist in your state. To help you with reintegration, I'm assuming you have some sort of case management, but you start there.

Andy 35:54

So tell me, I've heard you mentioned this before, though, why you wouldn't call them directly? Why not?

Larry 36:01

Well, because the process is not set up that way. It's done electronically between corrections officials, and the two states, and all you're going to do is get minimal information. And they're going to tell you to have the probation officer, or the prison submit the application.

Andy 36:18

And it's not a certainty like, you don't put it in and be like bang, bang, bang, you win, and you get to move. There's uncertainty.

And wouldn't Colorado want to get rid of him? And have him become someone else's problem?

Larry 36:30

Yes, we have talked about it being an uncertain process. On an intellectual level, yes, I'm running a corrections department and I can offload by offenders to another state, I would much prefer them be offending in another state than in mine. I mean, I can't be any more selfish than that. I would prefer that, wouldn't you?

Andy 36:52

I can see why. You, as the administrator of your state, there is an almost certainty if the person is not in your state that they cannot reoffend in your state if they are no longer here. I don't see how someone could like ventrilo-offend. So I can't wait till the transcriptionist figures that one out, right?

Larry 37:12

But it's not always the case that they want to get rid of you. So you cannot assume that they will gladly put an application in for you. But I think there's a good chance that they'll put an application and help you submit the application. When I say help you, they put the paperwork together. And there's a whole list of things that need to go to the state that you propose to move and transfer to. But they will put that packet together, they will have you signed the documents, they will submit them electronically. There's nothing you can do other than cooperate with the people that are in the position to make him facilitate the transfer.

Andy 37:47

And a question just popped up in chat. This, does this only apply to PFR types? Or is this everyone on supervision?

Larry 37:55

The interstate compact applies to everyone on supervision, if you want to move your supervision via parole or probation, any type of community supervision is eligible, almost any type. We could get into the nuances of a certain case with a pair of supervision less than a certain number of months, and those amounts are not eligible. But most cases are eligible. Misdemeanors can be transferred also.

Andy 38:21

And let me ask you this, why are you particularly qualified to even talk about this on any level?

Larry 38:29

Because I am.

Andy 38:33

Okay, so you're here because just because you do training on this type of thing, don't you?

Larry 38:45

I do. I actually do. I've studied the interstate compact transfer process in great detail. And I help the attorneys and my state be more familiar with the process. So yes. I haven't done any training in a few years now, but I have provided training. And it's a very complicated system. And most attorneys you're going to go to are not going to understand it. They know it exists, but they won't be

able to walk you through, and they won't be able to locate the rules that are applicable to your circumstances.

Andy 39:16

In the past, I've heard you pontificate that very few states desire to supervise another state's PFRs for fear of potential liability should that person reoffend. Could you describe that in more detail, please?

Larry 39:27

Well, I guess I could do it by telling a story. But they're concerned about having to face an angry media to explain how the person was able to commit a new offense while being supervised. But the very essence of this current compact that we're operating under the interstate compact for Adult Offender supervision, which replaced an older agreement between the states that was enacted in the 1930s. It came about for the very reason that a person was actually roaming in Colorado, without having been transferred by the old interstate compact for probation and parole. The ICP Colorado didn't know he was there. And he was doing great harm in the state of Colorado. And the state, I forget which one had sent him there, they had just told him you go out there, behave yourself and check in with us monthly by telephone. So the states realized collectively that they needed more structure so that other states couldn't dump their problems on them. Because if you don't know they're there, it's very difficult to provide supervision.

Andy 40:28

What do the states do when they receive an application requesting supervision? Are there like timelines? Is there anything of that nature?

Larry 40:36

Yes, well, there's a whole process. The packet of information is sent to them. But in the case of a PFR, they're actually looking for a reason to deny it. And some of those are just relatively minor. This means the person seeking transfer should have someone outside do as much homework as possible prior to applying. You really need to know if the proposed residence meets with requirements of the receiving state. For offenders under similar supervision, for example, the house could be too close to school park or place where children gather. And they could deny that. And they have 45 days. So you're sitting in prison, and Colorado won't release you until you have an approved place. But the state doesn't want you, so they take the 44 days, and they submit the response back on the 45th day, and they went out measured it and you were two feet within their prohibition zone. For people that they supervise, they have an internal policy. For example, in Alabama, I'm assuming they do, I don't know for sure. But they have an internal policy. They wanted to be within a certain number of feet of all those places. They respond back that the request for transfers denied, and then you get to start all over again. You have to come up with another place address an Alabama, you have to resubmit a brand new packet, or you have to find another location. And you could be sitting there for a very long time.

Andy 41:57

And this still throws me. We'll just say Colorado doesn't have living restrictions, so this wouldn't be an issue for you. But Alabama does. Are you then going to have to follow those living work

restrictions moving to that other state even though where you are would not necessarily do that.

Larry 42:19

That is correct. You will be subject to those conditions. If you choose to move to Alabama, you will not be able to escape their laws and policies to supervises you.

Andy 42:31

Right. And how can an offender seeking transfer deal with that whole 45 day, and at the 23rd hour hearing, nope? How do they deal with that?

Larry 42:42

Well, lots of research but researching the registration laws isn't enough because supervising authorities can and often do impose restrictions greater than the laws applied to those who are just simply required to register. Not already formal supervision. So for example, Alabama, I do believe has restrictions because we just talked about the McGuire case that went to the 11th circuit. But say Alabama didn't have restrictions. But supervising authorities will have restrictions that they've imposed on everybody who has a sexual offense. So they wouldn't impose any lifting restrictions on a regular offender. So this is not a problem for most offender categories other than this. So then you're obligated if you want to move to Alabama, you sign on that interstate application transfer that you will abide by their special conditions. And one of their special conditions is you cannot live within X number of feet of something. So therefore, you're obligated to follow that even though you wouldn't necessarily have had that restriction. Had you stayed in Colorado, and you could always stay in Colorado. They'd be happy if you did.

Andy 43:46

Right? You can say well, I don't want to follow those conditions. Oh, great, then just stay home. Oh, wait, no, wait, I want to move. Sorry. You said you didn't want to follow our rules. Um, so if you're talking about these two different states which have their own rules and laws and all those other stuffs, which state controls your supervision?

Larry 44:06

Well, in short, it's a dual control. The state sends you those conditions and they follow you. They don't go away. But the state that you're going to, they can give you additional conditions. So we can dig a little bit more into it later in this segment. But you have dual control in terms of your conditions and supervision. The conditions Colorado will follow him to Alabama. Alabama's conditions are applicable to him as well.

Andy 44:35

To play devil's advocate, though, it could work in your favor. If you were going from a state like Alabama that has really crappy restrictions, and you were going to a very less restrictive state and the handlers there might go, we're not going to do all of that extra garbage that they do in the source state. So you could because they're not going to do it to other people. You could end up in a better situation transferring to a more lenient state.

Larry 45:03

You could if it was statutory stuff like related to the registry. If you go from the state of Alabama where you could where you have to pay fees to register, and you have to pay notification community notification, you're not going to do that in Colorado. So if you moved to Colorado, the registry law and Colorado would apply, and Alabama's would go out the window. But if the Alabama paroling authorities had imposed certain conditions on you, unless those were unconstitutional in Colorado, Colorado would have to abide by those. So if you are given conditions of supervision, and you sign up leaving prison in Alabama, Colorado is obligated to honor those. If they had imposed themselves. But if they look at a condition at something that's not constitutional in Colorado, they will notify Alabama we cannot enforce that. That is not something we'll do here. And in Alabama has to decide to remove it, or they have to say withdrawal the request for transfer.

Andy 45:59

I gotcha. And then so that's covering which states control supervision. And so which one controls your registration?

Larry 46:10

That's easy. That's easy. The person's registration will be determined by the state they live in. In most instances, I'm not going to get into nuances not the state of conviction, which means Colorado does not control the registration, if he should transfer to Alabama. But now there are some nuances. There are a few states that say the registration, the duration of the registration will be that state or the state where the person's conviction occurred. And they will try to apply whichever is longer. So if you go from a state where you have a lifetime registration, and you go into Utah, you wouldn't necessarily have that. But Utah law says, for example, that you'll have the longer term of requirements. They don't want you to gain an advantage. But as a general rule, the registration term and duration, all the nuances of registration are going to be determined by the state you live in. Other than the duration, Utah doesn't put any other condition of the convicting state. They tell you how frequently to report, what information you must disclose, and all that. But they don't want you to gain advantage by coming to Utah. So they say you'll register whatever period of time you had in the state that convicted you.

Andy 47:20

To move along. Then we also, along with this question, get the next question, which is, which state would be the best for me to move to? And it's probably easy to answer where you shouldn't go. So we must warn everyone that Alabama has some really, really, really, tough registration requirements. In fact, Alabama requires registration for the duration of your existence on this planet. And I'm not sure, Larry, I don't think there's a removal process in the Alabama place.

Larry 47:54

Good point. I don't recall there being one. It is crucial for the audience to understand that registration obligations are separate from supervision requirements. Please don't blend those together. Because a registration is one set of statutes. Your conviction, and your supervision is either imposed by a court if it's probation, or it's imposed by the policing authority. And those are separate conditions that everybody wants to blend together. And they're not the same.

Andy 48:25

It's really easy to do because like, I mean, they all do just happen to you at the same time. It's kind of like license and registration, please. You should just have them both at all times. And it seems like your registration and your supervision seem to be one in the same from the point of view when you're first getting out of prison before you learn all of the rules. So I've heard you people say that both states can impose conditions of supervision. And this confuses me. And I want to circle back to which state controls the supervision.

Larry 49:01

You've been constipated about this the whole time we've been doing this podcast.

Andy 49:05

Oh, absolutely. It's totally true. It really hurts my brain of how like threading this needle and navigating this maze. It just seems like whatever that they want to do, that's the rules. And it's just weird.

Larry 49:19

So well, the primary control lies within the conducting state. They determined the duration of supervision, as well as fines and whatever special conditions they have chosen to impose. But there is a but because the interstate compact requires that the receiving state--that's the state in this case, Alabama--if he manages to go there, that they honor the rules imposed by Colorado, whether or not they would have imposed them. And they get to impose special conditions consistent with how they supervise a PFR. So in terms of the supervision, Colorado calls the shots in terms of how long he's going to be on supervision. Or they can release him from supervision. But Alabama gets to determine if they want to supervise him more stringently than what Colorado specified in the document that they sent with the offender or prior to the offender's arrival. So it's a dual control, but the primary control is with the convicting state.

Andy 50:19

You also have said that the receiving state might impose conditions as well. So how does that then work? Go into another state, and they want to add stuff to you?

Larry 50:31

Well, they will tell you when you get there, most of the time, they will tell you when you get there. And that's the unfortunate thing. Because unless you have direct contact with someone who has been supervised in that particular office, you're not going to know, but they are permitted to do that the special conditions, if these are consistent with what they would impose on convicted offenders convicted of those offenses. So you, you get to Alabama, and they look at PLC, and they're looking at that list of parole conditions Colorado impose. They don't see curfew, for example, listed. They see the standard conditions that you take your urine test, and that you get treatment and so forth. And then they say, by the way, and you've got a curfew here 6pm Until you and 26, come on in and you say well, I didn't have one in Colorado, and I said, well, but you're in Alabama now. So we added, we're adding that special condition, because that's what we start, we start people here on a phased integrated program progressive program here, in the first phase of supervision, here, you're going to have a

curfew. And you're going to need to see your PIO, check in with your Pio three times a week. While they say they see they said in Colorado, I would have to check in once a month Well, again, we supervise people more closely here, you're going to have to check them, there's nothing you can do about those conditions. Because they get to do that, they're not enlarging your duration or your supervision, he had to attend tend to live, he still has tend to life. But they're setting forth additional terms that they're permitted to add. Now, they can't do that if they don't do that to the vendors that they supervise with similar offenses, they can't do that to dissuade him from wanting to be in Alabama. But if he is going to Alabama, and they supervise their offenders with these conditions, they simply have handed him a new sheet of paper and they say here are your Alabama special conditions. And at that point, he can tell them, he really doesn't like those. And they can say well, we'd be happy to provide you reporting instructions to go back to Colorado and they'll do that. I mean, they may not be as kind as I just said that. But he's free to go back to Colorado.

Andy 52:42

Seriously, you said that significantly more time than I've ever heard anybody talk to me. That totally sucks that they can. They're not changing the duration of it. But they are changing, I guess you could say the intensity of it. Right. Right. Okay, let's shift gears for a few months. Let me ask you this question really quick that someone asked. We're just common in Alabama, I think you have to ask for permission to leave the county. Do you know about that? That is correct.

Larry 53:11

That's a part of their registration statute. If you're under saw when you're under supervision, you're going to deal with that anyway, is a condition of travel. But that's a part of the registration statute. Yes.

Andy 53:21

So everybody that's even just passed supervision just on the registry in Alabama. If you leave the county, you get to tell the registration people.

Larry 53:31

That is correct. You get to notify them you had to get you have to get a permit. But now you just have to follow a travel plan as a result of the McGuire case.

Andy 53:38

Good grief. Um, so let's shift gears. I remember when we discussed in the past that you've cautioned that a person can end up stranded in a state where they have no connection. Can you please explain that?

Larry 53:50

Gee, you remember that?

Andy 53:52

I did? I do? Absolutely.

Larry 53:55

This can occur when a person does a play in a state where he or she has little or no connection. For example, if the person lives

near a state border and the offense was in the other state, that's how they can happen.

Andy 54:09

Can you walk me through that.

Larry 54:12

So the person can be stranded in the state of conviction, once he or she does to play because of the ICAOS rules, a person convicted of PFR type of offense has to wait for approval to live with the address that he or she may have already been living at their entire life. Now a regular offense Other than this, they don't have to do that if you can show them credible evidence that you were living at an address. So you get probation. You go. You go clean out your case in the other state and the judge says you to probation right there on the spot. The supervising authorities can't go ahead, give you the reporting instructions with that credible evidence that that's your lifetime address. But they can't do that with a PFR offense because they might be putting you in a dress that's in an exclusion zone. And they they're not allowed to do that. So they are Well, ICAOS rules permit the receiving state 45 days to investigate that. So you're stranded there. So you want to go back to your home, you show up your driver's license, you show up your recent paycheck stub, you show up all this stuff. And they say, yes, we believe that your address, we can't let you go back to it. Why not? Ah, are you serious? We can't, because the rules and the lawyer didn't tell him that the lawyer didn't have any idea that so the person when they do a plea for a PFR offense, if they're going to go straight to probation, they need to have deep enough pockets to have temporary lodging while they while they wait for this process to take place.

Andy 55:42

So you're a series that an attorney constrained their clients by not knowing the law. And I know that I imagine the next thing you're going to say is that you think that that's funny?

Larry 55:53

Well, no, actually, I won't say that's funny, because I've done enough training to know how many times that happens. But it occurs more frequently than you think, and it's really sad. And I do try to provide those players when I do training, because an attorney, they're thinking about when they're negotiating a plea, they're thinking about everything other than this, they're thinking about trying to get the sentencing memorandum, right. They're trying to get the PSR. Right. Make sure they're arguing with probation about things that should or should not be the PSR. In the pre-sentence report. They're arguing with the prosecutor about a plethora of things and where you can live, they just assume if you've got stable houses that you can return to your home. So that's not anything that comes up in the plea negotiation process, unless you have a very astute attorney that's attended one of my trainings, or they're just very astute in terms of knowing this. But the average attorney is never going to bring this up. So yes, it happens too often you can be you can be stuck

Andy 56:49

Back to the person in prison. How can that person get the ball rolling?

Larry 56:52

Well, as I stated earlier, he needs to go Colorado's bound to have some reentry people, I don't think they just opened the gate, and you swing out the door. So step one, is he just to get with a caseworker there to prison, and say, I would like to transfer to Alabama. And if the person knows anything about Alabama, they're probably going to do a similar thing that we did at the beginning of this segment, but they will start the process rolling for him.

Andy 57:19

Um, and who sets the original conditions of supervision?

Larry 57:23

Well, that's going to be determined by when Colorado grants him parole. From his indeterminate sentence, he he's serving an indeterminate sentence that I think he's going to have an indeterminate parole, if I understood the question, right. They're going to tell him what he has to do, he's going to have certain hoops, he had to jump through to be the eligible for parole, probably completing a treatment program in the prison, one of the one of the many things, hopefully, we'll jump through, and they will set down conditions that he will fix his signature to those conditions. And then the next step will be for him to see if he can find a place to go. So they can let him go out the gate.

Andy 58:00

And I'm assuming that if he agrees to be bound by the special conditions imposed by the receiving state, then that would be a condition of his transfer.

Larry 58:08

You're correct. Each person seeking answer state transfer, whether they read the documents or not, that's one of the documents sent there. There's one called waiver of extradition. And that's in there. It really is confusing to people. And there's another one agreeing to abide by special conditions to waiver of extradition confuses people because it doesn't waive your right to a probable cause hearing. We're not going to really dig into that on this episode because of the time. But you will sign an agreement to abide by special conditions. And if you refuse that, it's very unlikely they would submit the packet. And if they do submit the packet, the person in the state is going to probably notice that document is missing, and they're going to notify Colorado that we're missing this, and it's going to hold up your application. So you're going to do that before you go anywhere.

Andy 58:56

And I'm pretty sure we've covered this, but just to make sure--can the state of Alabama increase his length of supervision?

Larry 59:03

Not directly, because the state that imposes sentence determines length, but that's 10 to life. But Alabama could end up indirectly increase the sentence if they report to Colorado that he is non-compliant. Remember since it is an indeterminate supervision, he's going to have to apply through Colorado's process to get off that indeterminate supervision. So if Alabama is not giving him reports, it's difficult to conceive that the Colorado authorities would release him from that indeterminate period.

Andy 59:34

And in the couple of times that we've talked about ICAOS before, you are then saying that while you're on supervision, you can't just pick up and pack up and pick up and move to the state of your choosing. And that seems to go against that. We're a free country, blah, blah, blah. You don't have a freedom of movement between the states anymore.

Larry 59:53

That is correct. You do not have that freedom to make that choice when you're being punished. You get to be punished in the jurisdiction where you committed the infraction. It's good public policy because we can keep people productive if they have a better support structure. There's a number of valid reasons for transfer. But you just can't assert such a right. I think there's an exception with interstate compact for people who are actively in military service. But tell me, I think you've got some experience of that. If you pick up a significant offense in the military, are you going to continue to be serving active duty?

Andy 1:00:30

You're not going to be serving. You might be serving your time in a military establishment, but you're not going to be serving time in the military? So I don't think so. Do states impose a fee for doing this whole thing?

Larry 1:00:49

Yes, several states do. There's a list on the interstate compact website. But Colorado does not impose a fee for parole transfers. And they do impose a fee for probation transfers. In this case, he won't have to pay the application fee. And at least that's according to the last fee schedule that I have from the interstate compact, and it's a few years old.

Andy 1:01:10

And this next thing. It seems like almost any attorney, you can pay for the fee to do the ICAOS, but you're not guaranteed acceptance, just like you can pay for an attorney, and you're not guaranteed to win.

Larry 1:01:22

That's correct. There's no guarantee of acceptance. In fact the odds are the state you're applying to does not want you or any PFR to transfer in. This makes it extremely difficult. But transfers are approved.

Andy 1:01:36

Would you recommend that someone try to get a lay of the land of where they're trying to go first see a rules before they start doing this whole process?

Larry 1:01:47

I don't stringently recommend that they do not do it. I'm kind of neutral. When you call our probation office, if they're anything like my state, they're not going to be all that hospitable. But you really don't have anything to lose by calling them. But I don't think you're going to get much help. I mean, honestly, they're not wanting to help people get to transfer in. They're just not wanting more cases. And I don't think you're going to get a lot of help from the probation officers. But it doesn't hurt to ask a hypothetical without saying you want to transfer somewhere. You could just

say, I would be curious what some of the conditions are for someone who might be supervised for a sexual offense. And they're going to say, why do you want to know? Why the curiosity?

Andy 1:02:34

So we're just about out of time. I want to ask you one other kind of question in here. Do you think that in doing this that Alabama will deny him, and Colorado would say, yeah, go ahead. I do think that's kind of likely that one side is like, I can get out and the other side's like, don't come here.

Larry 1:02:57

I have a feeling that Colorado is going to be more than happy to assist him with the application. I have a feeling that Alabama is going to very, very diligently look to find a reason to deny him. That's just my feeling based on life experience. But that's what I suspect. That's going to happen. But people do. We've got a listener who recently managed to achieve it with a loved one, so it does happen. And Alabama was the state it happened in from--I forget what state? But yes, it does happen.

Andy 1:03:28

All right. And we are just about out of time. Every time we cover this, it just always makes my head kind of spin around. And maybe in the near future, we could talk about a revocation. And when you get when you do get transferred, and you get revoked, and you have to go back, right?

Larry 1:03:47

Yep, we could talk about that revocation and retaking process and probable cause hearings, those things that nobody ever seems to get. But yet they're established and called for in the interstate compact. But no one seems to be able to get a probable cause hearing.

Andy 1:04:00

And if you don't think I have enough information to really ask, but a long time and very, very dear patron of ours is asking about a friend of his that is in prison in Georgia and wants to transfer to Tennessee. Is there anything that we could offer about doing that transfer any details specifics there?

Larry 1:04:20

I don't know a lot about Tennessee, but if it's a patron, I'd be more than happy to try to help.

Andy 1:04:28

We'll cover that maybe after the show's over. Larry, we are definitely out of time. And I can't thank you enough. Any parting words? Are you setting up a Mastodon account?

Larry 1:04:40

I have not, but I wish everyone happy, happy turkey day. We're not recording Thanksgiving weekend as I understand it, correct.

Andy 1:04:49

That is correct. We will take the weekend off.

Larry 1:04:52

So Happy Thanksgiving to all of our audience, and we will be back in two weeks.

Andy 1:04:59

Very good, sir. So find all the show notes over at [registrymatters.co](https://registrymatters.co) And we'll see you in a couple of weeks and again, as I said, I hope everybody has a great Gobble Day, and we'll talk to you and stay warm and enjoy all the food and all those things. And don't go shopping on Thursday--most places are closed. And I hope you have a great night Larry, and I'll talk to you soon. Good night.

Announcer 1:05:26

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