

Registry Matters Podcast

Episode 255

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Chemical Castration: Little Success, Lots of Side Effects

Announcer 00:00

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Andy 00:19

Hey, everybody recording live from FYP studios, east and west, transmitted across the internet. This is episode 255 of Registry Matters. How are you this evening?

Larry 00:32

We're doing awesome. How are you?

Andy 00:35

I'm fan-freakin-tastic. As Will in chat said, there are no hairs on frogs. But I'm fine to the frog hair out there.

Larry 00:47

I'm glad to hear that.

Andy 00:48

But before we get going, make sure you press that like and subscribe button and all those things to make sure that the algorithm knows how to find you and send you stuff like this. And push it out to other people so that we can grow our audience and be a big happy family. Larry, would you do me a favor and tell me what we're going to talk about tonight?

Larry 01:06

Well, I would have done that. But my computer screen is gone. So I'm going to have to do it from memory. Can you imagine that?

Andy 01:12

I don't know if your manager can handle it.

Larry 01:17

Well, I was had too many open windows that I couldn't find it. But we're going to be talking about chemical castration, and we have an expert here. And we're going to look at a Republican sponsor bill in Georgia that makes prostitution a felony. Also, we were planning to look at a case from Mexico Supreme Court regarding grounds for a stop and seizure. And that is probably going to be kicked out to another episode. And then we're going to be looking at some articles if time permits. We have some good news, and we have at least three articles we're going to try to cover.

Andy 01:43

Fantastic. Oh, and you know, I can't go without saying in the Georgia bill they're going to talk about pimping, which I think is one of the funniest words that exists. That's on the docket for

tonight. And so we are going to have a guest join us. And as usual, we like to protect those in our ranks. So I'm going to call you Travis, ok? So anyhow thank you, first of all, for coming and joining us on the program. Can you tell me why we should listen to you? Because it's fine if Larry says all this gibberish about things, but he's not an expert in pharmacology. So can you lay that out and tell us why we should listen to you?

Travis 02:31

Well, I have a BS in biochemistry and later went on to earn my doctorate in pharmacology from the number one ranked pharmacology school in the country. I've also practiced as a clinical pharmacist and pharmacologist for nearly a decade, with my experiences covering a wide variety of plaque practice settings that includes everything from critical care to ambulatory care to drug design and development. And I'm also a longtime fan of the show, and it's an honor to be here.

Andy 03:05

Fantastic. And so I mean, you said it was like the number one school. I was going to ask you if it's like one of those you signed your name on the dotted line at the end of the document and then you've got a degree and all that.

Travis 03:15

No, it wasn't one of those, but it was a pretty long and arduous journey.

Andy 03:24

So, you know, like, I got my bachelor's degree, and did you go through like the undergrad, Masters, and then extra time to get what in my mind is a PhD. But you're telling me it's the same thing with just different title?

Travis 03:43

Well, it's a PharmD degree. I mean, it's like the difference between a PsyD and a PhD in psychology, so to speak. So basically, I'm licensed as a clinician, with experiences as a researcher.

Andy 03:56

Can you give me the drugs? Can you fill that out for me?

Travis 04:00

I am licensed to fill prescriptions. In some states, like in North Carolina, I could have prescriptive authority.

Andy 04:16

All right. Okay. Well, the reason why I asked is because I talked to you a week or so ago, and I said we should have had you on a couple of weeks ago, we talked about this bill in New Mexico. And Larry, can you remind me what's the status of the bill in New Mexico? Is it gone? Is it just kind of on hold for the time being?

Larry 04:33

House Bill 128 is still pending. The committee chair has not seen fit to schedule it for a hearing. It was scheduled, and it got delayed by the request of the sponsor. And now it's waiting to be scheduled again. You know, it could be scheduled at some point, I'm guessing but it's not moving now.

Andy 04:56

And many of the legislative bodies in the United States have a fixed time window. They're not year-round legislators. So how much time do you have left on yours?

Larry 05:07

We are running a 60-day session this year. This is our longest term, and we have 30 days on the odd years. So it alternates. But since we are about three weeks into it, okay, this bill is doomed if it doesn't get moving real soon. It's got at least four committees to clear to go through our process. It's not like in many states, where they just assign it to one committee. In each side of the rotunda here, it's going to get two committees, and possibly a third one. If it has significant financial impact, it's going to go to the appropriations and finance committee. So this, this bill is soon going to be on life support.

Andy 06:03

Okay. All right. Well, then, Travis. So the reason why you're here is to flesh this out further and to dig into it on. Is it effective? This is what neither Larry nor I are remotely qualified to cover. So first, these are words that most humans can pronounce, but you probably can. So what is the drug that is used for this chemical castration. I don't even like saying that phrase. But what is the name of the drug used?

Travis 06:33

Well, there's several drugs that can be used. However, I believe in the New Mexico legislation the drug is medroxyprogesterone acetate. It's also in an injectable depo formulation of poor depo medroxyprogesterone acetate or DMPA. And this is marketed by the brand name Depo Provera, which is marketed in the US as a birth control injection.

Andy 07:02

This isn't anything used for morning after stuff. It isn't Plan B, anything like that?

Travis 07:11

Not necessarily. I mean, this is actually like a long-term injectable birth control med.

Andy 07:19

Okay, okay. Is it okay if we just call it Depo Provera, or even Depo from this point forward? Just because I don't want to try, and I can't even say that word.

Travis 07:32

That's fine. It goes by many names. Depo, Depo Provera.

Andy 07:46

All right, can you outline to some degree what the efficacy of the drug would be when used in the application for the PFR that we're talking about.

Travis 07:56

So to date, the research has not been great in this area. There are some small studies that suggest efficacy. But for most people on the registry it probably be overkill, the best data I found came from a meta-analysis looking at 29 eligible comparisons of a treated group and a control group, containing data for 4,939 treated and 5,448 untreated sexual offenders. While the study did find statistical significance, in the end the sexual recidivism rate was 10.1% in treated sex offenders vs. 13.7 % in the control groups. There are some smaller studies which have seen more dramatic results, but again these studies were in small populations and there was an inherent selection bias. Specifically the people selected as participants tend to be the most violent and extreme PFRs who have very high propensity for paraphilia, and these are not representative of most PFRs. Yet other studies I found showed reduction in recidivism of less than 5%

Andy 09:34

And when this is used on a PFR, what is the dosage range? In comparison to what a normal application would be for this product is, is this going to be a higher dose to make it do what it does? And then we're going to talk about side effects after that. So is the dose higher than normal for this kind of thing?

Travis 10:02

The dose is higher. And part of the reason it's higher is the increased frequency. So just to give you an idea, in a female patient that's using this drug for contraception, the usual dose per the package inserts that the FDA approved is 150 milligrams, given intramuscularly every three months. Now, for a PFR this is going to be 100 to 500 milligrams. So already, the highest end of the range is four times a normal dose. But this is given weekly as opposed to every three months. But anyway, the increased frequency and increased dose means that you are getting higher overall drug exposure relative to normal uses. I mean, there are some oncology uses that would approach this dose. But in general, it's a pretty hefty dose.

Andy 11:14

And once a drug has FDA approval, I think it's pretty easy to cross pollinate that into use for something else, because it's being used for women and birth control. Is there still a regulation hurdle that they must cross for FDA usage to treat PFR like this?

Travis 11:37

Well, potentially. But the thing about it is, there was a Supreme Court case a while back--Larry could probably comment on this. But in the Supreme Court case people that were on death row were saying that these meds that are being used as an injection, or purposes of execution, were not FDA approved for that. And the Supreme Court ruled that the FDA

has enforcement discretion on that. So it isn't necessarily illegal to prescribe a medication "off label" as it's called. But with that being said, there are potential issues with that. If there aren't very good studies, in this case, and I mean, honestly, who's going to sign up for this study? You know, what I mean? I mean I can see males dropping their hands very quickly for this to say, no not me, you know? So it becomes kind of a conundrum there. We don't have much data. But part of the reason is, you know, who's going to, in their right mind, volunteer for this. I read the first time that this was actually used for chemical castration, or a drug was used for chemical castration was back in 1944. So it's been happening a lot, but there haven't been any very, really well-organized studies with a sufficient number of people to draw the best conclusions.

Andy 13:20

We'll then dig into that, what does it matter about the sample size, can't you just grab, like, grab somebody by the scruff of their neck off the street and go, hey, come here and test them, and you'll learn whether it works or not just from a handful of people?

Travis 13:33

Well, when you have a limited sample size, it becomes too difficult to determine the effect of that drug will have on the larger population. Also, if you're if you have just a few people, the chances of having a lot of diversity in that group of people is less. And you know, there are instances where, due to genetic reasons, one subgroup of people will actually have adverse outcomes to medication, while another group of individuals will be fine. And you know that kind of ranges into pharmacogenomics, which is an up-and-coming field now. But so, more generally, the more people you have, the more internally and externally valid the study results will become. And you're able to parse out, you know, just which differences are statistically significant. You generate in what's actually called power behind the study, which is the ability of statistics to actually see a difference between the two groups. Also, two things you really need to calculate in any drug trial are something called number needed to treat in order to get your desired effect and the number you would need in order to have harm done. And you know, without really large and robust numbers, it's hard to tell what that is. And it's very possible that you could have the number needed to harm is very small, whereas the number needed to treat to prevent one recidivist IQ outcome is actually very large, in which case, it would not be very effective.

Andy 15:21

And we just talked about the dosage being, like significantly higher. Are there side effects for the drug? Even I guess for normal use, there's going to be side effects. But what happens when you get four or eight times the dose? There probably even more side effects?

Travis 15:42

Yes, that is, that is actually very true. In fact, in pharmacology, we have an old saying that we use, which is every drug,

regardless of the drug is going to have three effects. One is the effect that you want. The other is the effect that you don't want. And the third is the effect that you don't know about. And so there are many possible side effects with depo Provera as associated with chemical castration on PFR's. These include things such as hot flashes, cold sweats, cardiovascular disease, migraines, liver disease, osteoporosis, severe anemia, are just a few of the more common ones. And these effects tend to generally mimic a lot of what you see in individuals that are going to clinics suffering from low testosterone. And so particularly, you know, cardiovascular effects. You know, as you know, the testosterone hormone actually does have a lot of issues, potentially. The other issue with this being a depo injection is the drug is injected into the muscle. And a depo is formed, which actually slowly releases the drug into the bloodstream. And the downside of that is if a bad side effects were to happen, such as cardiovascular effects, which would include things like high blood pressure, high blood sugar, you know, altered cholesterol and lipid metabolism, altered glucose metabolism, and even shortness of breath had been reported. So you know, if these things start to happen, potentially, you can't really turn these side effects off quickly, because it's a long acting, injectable formulation. This can also be, particularly some of these that I mentioned, the altered lipid metabolism, shortness of breath, the high blood pressure, these can be problematic in patients who have type one or type two diabetes, or even heart failure. So potentially we could be doing a lot of harm just in general medications. You know, if it's one size for all treatments and all treatment options, you know, really, I would be out of a job. So really, you know, I think it is a bit short sighted of the legislature's to actually consider this without actually considering individual circumstances as well as individual health and an individual's health parameters, which may cause this to maybe do more harm than good.

Andy 18:22

Tell me, let's just say hypothetically, that it does work and forget all the side effects, but what does it do? Does it eliminate your drive? Does it eliminate interest? Does it give you ED? What does it actually end up doing?

Travis 18:39

It kind of reduce your drive and interest but also can give you ED as well, so yeah.

Andy 18:47

Okay. So Larry, to move that part over when we were just talking about the miscellaneous different outcomes. One of our longtime listeners asked, what about the medical side effects, especially if PFRs, who are already diabetics, and they have a degree of degenerative bone disease? Doesn't it start to move into the area of Eighth Amendment challenges of being unconstitutional, cruel and unusual punishment kind of thing?

Larry 19:17

My non-legal opinion would be yes, I would like to never have to use this. I would like for the people who are in the

legislature, particularly on the conservative side of the aisle to hold true to the values that they're espoused all through the three years of the global pandemic. And that is the government doesn't force people to adjust anything into their body, or certainly would not inject anything in their body against their will. I would like for them to hold true to that value. But yes, I think there would be a constitutional claim. Hopefully we don't get to that. We're not going to get to that in New Mexico. But this bill is going to make its way around the country. It was not something that was invented here. It's already on the books in Alabama and in seven or eight states around the country. And it's going to make its way to your state. And you need to be prepared. And you need to have a plan of how you're going to deal with this comes to be a proposal in your legislature.

Andy 20:11

And we frequently talk about this here, Larry about, it doesn't even matter whether it works or not, because we know that we drive 20 miles an hour, there will be less casualties on the road. So if the population wants this, then we will, as the population, get it.

Larry 20:34

Possibly, you have to empower them with arguments that are credible, other than recidivism, which is not credible. But you have to empower them with arguments that are credible. And in my mind, a constitutional argument is far more persuasive than the recidivism argument because if it lowers recidivism by that miniscule amount of points that he was talking about, you have fallen into their trap when you go down that road, because you're actually asked if it has saved if it saves one. It's worth it. You never concede that point. Listen to the people who defend the Second Amendment. It doesn't matter how many 1000s and 10s of 1000s carnage we have, they never concede one iota that if it saves one, it's worth it. They have a successful model. Why won't we follow their model report rather than going down the recidivism rathole that doesn't work?

Andy 21:29

Guns are different, Larry. That second amendment stuff.

Larry 21:34

Well, having stuff put in your body against your will is also a constitutional violation potentially.

Andy 21:40

Very good. Travis, is there anything else? We went through that really quick and I thought it would last a little bit longer. Is there's anything else that you want to dig into there?

Travis 21:50

It's a pretty deep topic and depending on which drugs are being used for chemical castration, you know, there can be different issues. But potentially, you have the potential to be doing more harm than good with this. I have seen these drugs used for this type of thing. But, you know, I don't know

necessarily that it is dropping recidivism rates really all that much. And, you know, Larry does make a good point that the Constitution constitutional challenge is probably the way to go. But particularly for registrants who we know that people are on the registry for a whole host of reasons. Some of these things include such egregious infractions, such as public urination. I don't know that necessarily something such as chemical castration is really the way to go with this.

Larry 23:09

Gotcha. Well, in the case of New Mexico, that offense would not be within the zone of offenses that this would be used. It would be used on contact offenses, but on no noncontact offenses this would not be used. But my point is bigger than that I don't care about recidivism when it comes to this. Because you lose the argument. And people around the country are going to fixate on that every time this comes up, because that's what the sponsors will say is it reduces recidivism. And I would have less problem with it if it were a voluntary option, where you received what is it called, what's the term for knowledgeable consent? Informed consent?

Travis 23:54

Informed consent, yes.

Larry 23:55

If you're told, look, we've got this potion of drugs and your crime was going to land you in prison by the sentencing guidelines. It's going to land you in prison for a long period of time, but in exchange for having less prison time, or maybe having a probated sentence, would you be willing to undertake this type of treatment? Then you get to evaluate if you want to have these side effects, because you've been informed about what they would be. And we went through a whole list of possible side effects. And then you get to decide. If you'd rather sit in prison eating your delicious cuisine for the next 10 years, or would you like to serve a two-year stint in prison and have eight years in community supervision? Then I would have less problem with this.

Travis 24:51

I agree and I think that potentially this is something where, you know, the patient's physician and their pharmacist would all potentially talk to them to see what potential side effects these patients are this person is most at risk for. And depending on, things like that, that may also, you know, help make that decision one way or the other. Like you said, a voluntary option probably, at least makes this a little more palatable. I mean, even so there's so many things that are wrong with these studies. A lot of times in these studies nobody would volunteer for these on their own. You know, I mean, let's face it, who would step up to the plate? Certainly not me. But with that being said, you know, if, if it's an option, then at least it's a little more palatable, I think. And depending on the person, you may have less likelihood, for instance, for cardiovascular disease if you're already in pretty good, physical shape and you're eating right. If you don't have a family history of diabetes, you know, things like that. And I feel like, you

know, this is only part of the equation, because I feel like someone that undergoes this chemical castration, you know you're not just injecting this into someone's arm every week. In order to not be committing malpractice, in my opinion, you're going to have to be monitoring the their labs, monitoring a lipid panel pretty often, just to see where things are. And then, here's the other thing. What happens if you get a patient into this situation? And suddenly they are in a health crisis? If I need to stop this drug in the hospital, to prevent this person, or from having a heart attack, you know, what's the recourse there? That's a whole other issue. And I think this legislation hasn't really looked at that.

Larry 27:21

Certainly not. Well, we are really delighted that you shared your wealth of knowledge, and when we're going to talk about medications and stuff, we know who our resource is now.

Travis 27:35

Glad to be here. Thank you so much for having me. It's been a real honor to work with you guys. And I'm more than happy to answer any medication or pharmacology related questions you guys have along the way.

Andy 27:49

I'll try to give you more notice next time, too.

Travis 27:51

All right, that sounds awesome. Perfect.

Andy 27:54

Thanks so much, buddy.

Announcer 27:58

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Andy 28:47

All right, man. Shall we move on, sir?

Larry 28:50

Yeah, we got a feature story number two tonight. I guess that's where we're going next. Right?

Andy 28:56

I believe so. You people wanted to put in something here out of the state of Georgia? It's Senate Bill 36. I don't know why do you want to talk about this tonight? Are you having a senior moment about PFRs? Does this have anything to do with PFRs?

Larry 29:14

Well, now, I would say that Senate Bill 36 definitely has to do with PFRs. But that doesn't mean I'm not having a senior moment. I'm having more and more of these days.

Andy 29:26

I guess what are you 170? Where are you at now? I always lose track of your birthday.

Larry 29:31

178.

Andy 29:34

Okay. What is the status of Senate Bill 36 as of today?

Larry 29:40

Senate Bill 36 has passed the Georgia Senate and has moved over to the Georgia House of Representatives.

Andy 29:51

And what is the significance of Senate Bill 36. What will it do? If it makes it into law?

Larry 29:58

Well, it will elevate prostitution to a felony in many instances, which will result in much longer incarceration periods and higher incarceration rates in Georgia.

Andy 30:12

So let me set this up. An AP article states, "Georgia state senators want to make it a felony for anyone to pay a prostitute for sex or for anyone to facilitate prostitution by pimping. The Senate voted 33-16 on Tuesday to approve Senate Bill 36, sending it to the House for more debate. Right now, a first offense of pimping or paying for sex, legally called pandering, is a high and aggravated misdemeanor under Georgia law, requiring at least 72 hours in jail. The bill makes both crimes felonies punishable by 1 to 10 years in prison. A second offense for either is already a felony. But a judge would now be required to sentence someone to at least a year in prison unless a prosecutor recommends less." I take it that you people do not approve.

Larry 31:02

I do not support this. And nor should anyone who claims to be a political conservative and fiscally responsible. They should support this either.

Andy 31:14

So according to the article, Sen. Randy Robertson, a Cataula Republican sponsoring the measure, argued that "making first offenses felonies would deter sex trafficking." Opponents, all Democrats, disagreed, arguing there's no proof that long prison terms would deter anyone.

Larry 31:57

Well, yes. The article also stated, "The measure is one of multiple bills advancing this year in Georgia to impose longer sentences." This is but a real irony because Georgia is clearly under solid conservative Republican control and their only answer to addressing crime is making more offenses felonies which carry harsher penalties. Felony sentences are served in prisons funded by the state of Georgia vs. misdemeanor sentences which are served in county jails in instances where incarceration is imposed.

Andy 32:29

So let me get this straight. Misdemeanor sentences are served in the county, and felony are served at the state. Why do you even care?

Larry 32:36

Well, because of whose budget is going to impact, and in Georgia, and in most states, that's the case, to my knowledge. Now, it's not the case of Alaska. But Alaska is kind of an outlier. The misdemeanor has to be the highest crime of conviction for that to be the case. In other words, if you have a felony conviction, and you have two misdemeanors already, that you get prison time, you're going to get sent to the Georgia Department of Corrections. But if there's a misdemeanor conviction, and that's all there is, the person will serve their time either on probation or in the county jail, so it doesn't have a direct impact on the Georgia state budget. But now, again, I'm going to keep harping on this because I'm trying my best to educate the people who listen to us. If you're going to vote conservative, and the conservatives that you vote for claim to be fiscally responsible, and they claim they guard every dime of your hard-earned tax dollars with their life, remind them that they're increasing the budget for the Department of Corrections. And for every machination, it's not just a Department of Corrections, you've got to get the person to prison first. So you have the investigation, which they will go up in because these investigative resources are felony level offenses. So you've got more staff hours in law enforcement doing investigations, then the prosecutions and felony cases are more complicated because the risks, so the prosecutorial services will be additional funding against the state budget. You've got the judges who have to be paid for, then you've got the public defense resources, you've got all the probationary resources. There are all these things, moving parts, that you're driving up the cost to all the while proclaiming to be a fiscally responsible person, that you vow to take every dollar of expenditure of public resources very seriously. So this is what I'm telling you. If you're going to vote the way you're going to vote, remind them of what they claim they are. This is not a fiscally responsible thing to do but go ahead.

Andy 34:42

Well, I was going to see if we couldn't talk about incarceration rates if you don't mind, do you? Okay, I remember that sometime. In the past you did a presentation at the NARSOL conference where you discussed incarceration rates, and this is where that dude stood up. And heckled you, isn't it?

Larry 35:02

Yep, yep.

Andy 35:05

So where does Georgia rank as far as the incarceration rates in the United States?

Larry 35:09

Oh, Georgia ranks very high. According to this resource, and I've we've got a link to it in the show notes, Georgia is near the top. The United States, and its rate of incarceration, when compared to other nations the numbers are quite staggering. On a global scale, the incarceration rate in the United States is far greater than in other countries. So listen carefully. The population United States consists of 5% of all the people on earth; however, we have 20% of the people that are incarcerated are locked up in the United States. So that's tells you something. And data from 2021 shows that 664 people of every 100,000 are incarcerated United States. Now we'd like to claim that we're most like NATO countries like the UK, and France. Now compared to NATO countries like the UK, they're at 129. Remember, that's versus 664, for instance, at 93. Iceland is at 33, per 100,000. And even more shocking is that 24 states have higher incarceration rates than the national average. And I've listed the top 10. And they were Louisiana, at 1094 per 100,000, Mississippi 1031, Oklahoma at 993 per 100,000, Georgia at 968. And the lowest of the top 10 is Texas at 840 per 100,000.

Andy 36:35

Ah, so as I'm looking through the list in the top 10 states, there's something that I find in common, and they do mostly seem to be in the south other than let's see here, Oklahoma, kind of not really south and Arizona, I wouldn't really call it is in the south, but I wouldn't call it a southern state and then Wyoming, but most of them are all in the south. And come on, Larry, you can't deny that this is not a red versus blue issue. These are these are red states almost entirely.

Larry 37:06

There you go again. Yes, you are correct. But the reality is that most of these states in the top 10 had high rates of incarceration when they were under team blue a few decades ago. And all these states, with the exception, possibly of Arizona, were democratic strongholds. Even Wyoming used to have Democratic governors. But a few decades ago, these states are all in our table, and they still had high incarceration rates, it's a matter of conservative versus liberal ideology. The states with the lowest rates of incarceration are New Hampshire, Vermont, Minnesota, Rhode Island, Maine and Massachusetts. In many respects, New Hampshire is a conservative state politically as well. It's just that the population of the states tend to be much better educated and have attitudes that reflect the common good. They recognize that the common good is not achieved by locking so many people up. On the other hand, the states in the Bible Belt are much more likely to be punitive because they believe in an eye for an eye.

Andy 38:05

And I know that you're not really a big fan of making recidivism arguments when you oppose legislation. What do you think that they should argue in Georgia on this one?

Larry 38:16

Well, I'm actually a data fan, I'm making the argument of recidivism when it's appropriate. And this may actually be such situation. It would be interesting to know how many customers, I'm focusing on the John's, of prostitution are in fact, recidivist offenders. I don't know that information. So it'd be interesting to know that beyond that there are certainly fiscal arguments that can be made. Unfortunately, those arguments often fall on deaf ears when you make them to conservatives, because they tend to ignore the fiscal ramifications of their actions, which is that they support. But being tough on crime is fundamental to most conservatives. So they tend to ignore that. But I would like to just remind folks, these are your constituents, when you make these felony charges, is going to be your constituents calling you up telling you I'm now a felon. And there's going to be people that you that you're the community with it that you've been willing to acknowledge as donors and supporters, and all of a sudden you're going to have to treat them as they have cooties because they're a felon now.

Andy 39:16

I'm sorry, wait, if they have what? Cooties. Can you say that when you go talk to you, Mr. or Mrs. Politician, can we talk about people with goodies? What do you think the societal cost? Is that a valid argument to bring?

Larry 39:35

It is, and I do make those arguments myself with limited success. Unfortunately, our citizens in the US are not wired to look at societal costs such as damage, the damage to fail to conviction does to a person's lifetime earnings, which in turn impacts the ability to be self-supporting and pay taxes rather than being a tax consumer. Those type of arguments should work with conservatives. And remember I say should because that's what they espouse. They want people to be self-supporting. And they claim that they want people not to be a consumers of tax resources. Well, you've just diminished these people's earnings potential significantly, if you give them a felony conviction for this type of behavior. So just think about that the societal cost.

Andy 40:24

And as I understand it, that this bill has made it to over to the house, do you think that it can be stopped in the house? I'll take that as a no. [Clinton Laugh Track]

Larry 40:44

Well, it was, it's certainly a longshot to try to stop it in the Georgia House. The Republicans are in control of the chamber. If they all vote in lockstep as they did--and we're going to go through some of that data--if they do what they did in the

Senate, there's little hope in defeating on the floor of the House. The best strategy is to kill it in committee, which may not be possible, because you need to win over some key Republicans to do that. Remember, the Democrat Party can't help you in Georgia much, because of the numerical position they're at. Although their numbers have improved, they still can't run the show. They don't have the numbers. But for example, a committee chair might be able to give you some delay or sway some members that are in relatively safe Republican seats, that even though they would tend to want to be tough on crime that you can afford to vote against this, and we can table this thing, or let it die in some other fashion. But not a single Republican voted no. Every Democrat except two voted no. Now, of course, the Democrats were in such an insignificant number in the Georgia Senate is making a difference. But they did vote no. And a couple of Democrats voted yes. So they did not vote in unison. Two Democrats looks like voted yes. And otherwise, this is a Republican thing that's happening in Georgia. I'm sorry to break your heart, folks. But you're going to have to win over some Republicans if you're going to kill this. And you're going to have to convince them that this is not good public policy to make fellow inside of people who are buying the services of a prostitute, you can call it anything you want to, you can call it human trafficking. You can call it all the things you want to call it. But we're talking about prostitution here.

Andy 42:59

And would it take a good group of people doing advocacy work to get this to stop? And if that's the case, then what's the level of advocacy in Georgia?

Larry 43:12

As I understand it, the Georgia advocacy team is sitting in Georgia Department of Corrections right now.

Andy 43:20

Don't know that that's entirely true. But so what do you think the odds are with this being pushed back?

Larry 43:27

Well, I would be, I would be delighted to try to work with people. Remember, I don't know the nuances of how it works in Georgia. But there's a lot of similarity. They run a 40-day session, as I understand it, so that the time is always critical in getting things moving. I think they have a crossover date. If you can keep something from crossing over, that diminishes the chances of getting to the finish line. Then you can take something that has crossed over and you can add amendments. So just because something hasn't crossed over doesn't mean it's dead. But it diminishes those chances dramatically. But the people are going to have to break out of their shell and make different arguments than what they are comfortable making. And the arguments that they're going to make, they're going to have to be much more polite than what I've done so far on the show. You would not want to be as condescending as I have been, like you need you need to be clear these people, we voted for you because you promised to

be the guardian of the purse. We already have a very high incarceration rate in our state. We do or we're doing very poorly on recidivism of people because Georgia offers for a little in the way of reintegration help. They give them \$25. And I think, some kind of clothing when they've released from prison. That \$25 has been the amount for about 50 years now. And we were not doing very well. And we can't afford to keep making more felonies. And then you go through those societal costs. You go through the fiscal costs. You go through all the things that are going to be impacted by this in terms of all the moving parts, and you try to get them to hold true to their fiscal conservatives. And if they don't, then you remember that at the polls, you remember that at the polls, you don't give them a pass. You do like Larry does your hold your team responsible for what your team is not doing what you want. And you let your team know continually. You're disappointing me. I do that all the time with my team. But my team satisfies me more often than they disappoint me. But I have disappointments with my team as well. And I'll let them know. And I work on getting them to moderate their views where I disagree. And one of them is on the statute of limitations. I've made an amazing amount of progress over the last few years in getting them to be excited about changes in statute limitations. We've got bills on the statute of limitations pending this legislature. Our odds are getting better, better that we're going to kill them again this year. But I trust that people don't take what I'm saying offensively, because this is intended to be informative. This is a real time moving example of what's happening, and how the people that claim to be one way politically will act differently. We just gave two examples. We gave it about the castration bill, the chemical castration. I'm using that argument if we have a floor hearing, or if we have a committee hearing. I'm going in and I'm going to use that as an argument. I'm going to say, my Republican friends, I would like you to vote consistent with what you preach for the last three years about the big bad government, forcing people to put things into their bodies. I would like you to hold true to that view today. You've got the opportunity to do it. That's what I will actually say.

Andy 46:41

All right. We are we are at a point where we can talk about some articles. Larry, are you prepared for this little section?

Larry 46:50

I have got three of them.

Andy 46:53

The first one would be another one from the AP news. "California voters could decide whether to reinstate voting rights to people in prison on felony convictions under a newly proposed constitutional amendment. If the voters approve, California would join Maine and Vermont, as well as the District of Columbia, as the only states where felons never lose their right to vote, even while they are in prison, according to the National Conference of State Legislatures. The California bill was introduced Monday by Assembly Member Isaac Bryan. It proposes an amendment to the state constitution."

Larry 47:32

Well, yes, it does. And it's great because Brian's proposal doesn't include any exemptions based on the crime committed, which means that PFRs as it stands right now, before the amendment gets butchered, that it would apply to everyone.

Andy 47:48

And you have another article from Minnesota, what are they proposing?

Larry 47:53

Well, it's not quite as bold. You wouldn't expect it because California is a bastion of liberal pointy headed do gooders, but the Minnesota bill is proposing to allow people to vote upon their release from prison while they're still on supervision. And that's a positive step, because that's not permitted in my state. And we're supposed to be somewhat progressive, but we haven't been able to achieve that here. Although we've tried. We haven't been able to achieve that here. We get a lot of pushback from the conservatives, and even some conservative Democrats say well, do the people need to pay their debt in full before they can fully be restored? And I said, great, but then let's fully restore them to everything including extinguishing the registry obligation. Of course that goes over like a lead balloon. But yes, we have not been able to achieve that here. So yes, if Minnesota does restore the right upon discharge from prison on parole or probation or whatever, that would be a good thing.

Andy 48:53

Okay, then. And then another article that you plopped in here tonight is where a proposed bill would pay incarcerated workers minimum wage. "A Washington state lawmaker who has spent time in prison wants the state to pay incarcerated workers minimum wage for doing their jobs. State Rep. Tarra Simmons, D-Bremerton, is sponsoring House Bill 1024, called the "Real Labor, Real Wages Act," to raise the wages to the state minimum of \$15.74 per hour, The Seattle Times reported." There these leftists go again. Where do they think the money will come from to pay these wages? All the liberals do is tax and spend.

Larry 49:46

Yep. Tax and spend state. Representative Simmons actually served 30 months in prison for a low-level drug and def crimes about a decade ago, at least according this article, and said when she was in prison she was forced to work the graveyard shifts for less than 42 cents an hour.

Andy 50:08

What? Come on, man, if she should have thought about that before she got herself locked up, right?

Larry 50:16

Well, she's been punished, right? According to Simmons, "No one should be coerced into providing their labor, and Washington should not profit from involuntary servitude."

Andy 50:33

Do any states pay that much? I'm thinking the answer gotta be No.

Larry 50:37

Oh, my state does not. But according to the article, Colorado is the only state that pays minimum wage for incarcerated labor. Similar legislation has been reduced this year in New York, and is still previously in Arizona, Arizona, Arizona, California, Maryland, Mississippi, Nevada, Texas and Virginia. Now, Maryland is pure as the wind driven snow I've heard. I can't believe that they would have voted no in Maryland. But it's failed in a number of states that has been tried.

Andy 51:11

And do you think that it will pass in this fine state of Washington?

Larry 51:15

Oh, probably not. According to the article, "There will be a significant fiscal impact to the state's budget. In the last fiscal year ending in June, more than 1,600 incarcerated people worked 218,335 hours at Washington Correctional Industries. The program contributed \$46.2 million to the Washington state economy. If passed, the bill would cost \$97.5 million annually."

Andy 51:43

I got to think, Larry, that if something like this were to make it that they would then have you essentially paying for your prison sentence, you're not going to just take 15 bucks an hour and drop it in the bank, you're going to end up paying room and board. So you're going to end up bringing home, I don't know, \$1 an hour some number like that. Once you pay for your room and board, don't you think?

Larry 52:06

Well, I would hope that doesn't become the case. I would hope that this would be a part of any reentry fund. I would be very supportive of requiring that the inmates save the bulk of it. And I don't have the formula. The article references how much commissary canteen stuff cost in particular personal items. But I would hope that if you're pegging on minimum wage, that they're building up for their release and reintegration. And that would be my argument, I would make up and say, yes, we are paying them. But we're not going to need to put them in halfway houses, they're going to be able to go transition directly from incarceration to housing they've provided because they have saved their money. They did kind of involuntarily, but they've saved their earnings. And they're going to use that for their transition. That would be one of the arguments that hopefully would resonate with some conservatives, because you know, they don't like to spend money on reintegration, as evidenced by how little of it that they do.

Andy 53:01

Yeah, no doubt. And that's 97 million bucks is definitely a large chunk of change. So I was looking at the motive trying to figure out what the motivation would be. And she said that the bill was partly inspired by a jury awarding \$17 million to immigrants held in the Tacoma Detention Center who earned \$1 a day.

Larry 53:23

Well, that's a good inspiration to do that she's probably looking at her argument would be logically that we can't afford to have this because that immigration center would not have the inmate population that the state prison system has statewide. So her argument would logically be that we can't afford the consequences of such a lawsuit. If we were to have to pay back pay going back at there would be a class action, that I have not talked to the representatives, I have no idea. But that would be one of the arguments I would make if I were trying to sway people that were hesitant. And you know, this is the right thing to do. Because if we do this ourselves that we don't have to deal with some enterprising law firm that comes in here from out of state, and they have unlimited resources, and they take us to task over the fact that we haven't been paying our prisoners.

Andy 54:10

Do you think that this is good policy to pay workers in prisons?

Larry 54:15

I do. I'm not sure about the amount. I would need to see more data on that. But absolutely, I want prisons to look as much like being on the street as possible. And on the street, you do have a job, you do receive a paycheck. I would like for this money to be subject to Social Security, taxes and all the things that people do in normal life. Because when you're in prison, I don't want you to forget about normal life because what 90% plus people are going to come out of prison someday. So I want you acting and being familiar with reporting to a job, being on time being paid, saving money, doing the things that a responsible citizen does. So I think it is good public policy, but I don't know about the amount. I'd have to see some studies, I'd have to thoroughly evaluate how much this is going to cost New Mexico, because it's relatively a poor state. But if we're talking about adding something, let's cut it down to one field, let's say we're 1/5, the size of Washington, we're talking about spending \$20 million a year for prisoner's salaries, that's a significant amount of money. To give an example, I'm working on a bill this year, it's outside the PFR zone. But you've seen what I'm working on to get people who are on GA disability, which is general systems for the disabled. This is a very small state-funded program. We spend about \$6 million a year on it. I want to double that to \$12 million a year basically give them double the money because they haven't had a raise for 25 years. That amount hasn't been increased, which is \$245 a month. I'm going to have all sorts of pushback, to find 6 million new dollars to fund people who have disabilities, and who, if they get on federal benefits are going to reimburse the state for the money that they were that they received while

receiving state benefits. If you think I can go in and get this legislature to appropriate \$20 billion to pay inmates, you've been smoking some weird, wacky weed, I couldn't do it.

Andy 56:15

And isn't this, this is almost like funding education, though. It's something that you must wait a generation almost to get a payback. This is similar if you help get the people locked up, if you're treating them as if they were on the street where they have normal financial responsibilities of paying their electric bill and paying their rent and so forth and going to work every day and showing up being respectful for your job and all that. Doesn't that then pay the dividend of that person not coming back? Next go around when the revolving door comes back around. So wouldn't this like, what do you guys pay 40,000 bucks a year per person to be locked up, I'm getting somewhere in that ballpark is what the number is. So isn't that a return on investment?

Larry 57:01

It is, but it's in the future. And right now we're dealing with the present, in which I need \$20 million to pay the salaries. So we have a lot going on the list of things that are competing for big bucks. The State Department of public safety--which is state police and law enforcement--they need a huge increase because they can't keep officers on the street. The Department of Corrections, they say that they are they're severely understaffed, and they need a huge increase. Every college and university in the New México state university system is saying the same thing. We need money to fund K through 12 public education. And pre-K for that matter. They're saying they need a whole bunch of money. And you've got all these other things that the state does. They're saying they need more money. It's very difficult to say, and I'll tell you what a humble do. In addition to all those things, I'm going to find a way to pay our prisoners \$20 million so that they have jobs, and they have money to buy canteen, and whatnot. That just doesn't sell well, but it's going to cut recidivism. Well, how do you know that, Larry? Well, we just do intuitively. What kind of data do you have? Fella don't really have any. So it's liberal lefty thinking, right? That we're going to we're going to pay these people big money to the detriment of all these other legitimate needs. And somehow another, they're going to use it wisely. Not going to come back to prison. Yeah. Go out and sell that to my constituents. Larry, what am I going to tell my constituents. I can't fund all these critical things, and I'm going to give it to prisoners.

Andy 58:46

Thank you for putting out that excitement, Larry. I appreciate it. Now, I'm going to read from one of our patrons if you don't have anything else. I will read a comment provided by one. [Sure.] So this is Eugene and he commented "On episode 247, You answered my concern about church attendance. I found an article that suggests that many states can and do limit church attendance. In VA, the process to get permission is degrading and lengthy. It applies to all PFRs on probation, I believe. Perhaps some POs disregard the rules or law. I do live

in a rural area and the minister must drive to the PO's office which is far away. I met with the minister and PO there. I had to tell her what my charges were and the details of what I did, which was uncomfortable for me and the minister. They must do a background investigation on the minister. We all had to sign a contract form, which tells the minister the general nature of my crime and what rules we must follow. My complete list of restrictions, signed by me and the PO does not mention church attendance. I was invited by a neighbor to attend their weekly dinners on church property, and I decided to check with my PO. I have no question. I just wanted you to know."

Larry 1:00:07

Well, I think you misspoke there that the minister must undergo background investigation. That's funny.

Andy 1:00:14

I must have misread it. But yes, that person must get background checked also.

Larry 1:00:23

I got that. Can you admit it? That's funny. That's ridiculous.

Andy 1:00:27

That's not funny. So you've got this person who is in charge of leading a congregation. And now this person must have a background check so that they can attend their church?

Larry 1:00:40

Both theoretically, I suppose you could be a perv yourself as I just because

Andy 1:00:45

I'm sorry. What kind of person is the minister, Larry?

Larry 1:00:49

Potentially a perv.

Andy 1:00:52

All right. All right, transcriptionist. There you go. So I didn't expect you to throw that word out there.

Larry 1:00:59

But, but now, I've never said that the states don't limit church attendance, they do it in a number of ways. I've emphatically said that I believe it's unconstitutional. I believe that there is absolutely no basis for the government, we have a separation of church and state, I believe there's no basis for government to interfere with that relationship. It's totally up to the church, who they want, worshiping among them. But the poor, we have the problem, it breaks down if we have very few churches who want to make that challenge, because the church has better standing than you do as to PFR. No jury gives a crap about you as a PFR. But if the church were to say, let me tell you something big, bad government. What we do and who we have here of worshipping is totally our business. And the day you set foot in here is the day that we will throw your ass off of

our property. We will not tolerate any intrusion. And if you come back again, we'll seek an injunction from the court to prohibit your officers from coming in here and interfere. We have a constitution protecting us and what goes on here is our business. Now, there's that's not an absolute what goes on in there. It's not their business. At all situations, if you were having rituals where you were torturing people that would be illegal and unlawful and the church was having. So I'm not trying to be silly. But in terms of who worships that's entirely up to the church. But the churches actually yes, because it's easier for them to say, well, you know, we could, we would be welcoming all of you, but we don't want you to get in trouble. What would you like to do a quarter? No, I don't want to do a court challenge. The churches are being somewhat disingenuous about this. But if we had a church, and we had the right plaintiff, I think we could challenge this. Now, having said that, when it comes to people under supervision, you have somewhat less freedoms. And it's more likely that a restriction imposed upon you, particularly if it was uniquely tailored to your offense, withstand constitutional scrutiny, but they can't tell you not to go to church, even if you're under supervision, but they possibly could tell you not to go to a certain church. Very good, sir.

Andy 1:03:07

Is there anything else on the show that you wanted to cover and talk about before we skedaddle?

Larry 1:03:15

Nope, I'm looking forward to next week. We're going to go back to the New Mexico Supreme Court case about whether a person has been seized or not. And whether there's articulable probable cause if we don't have any big breaking news, because it is fun. I did quite a bit of work on it in prep for tonight, but we didn't have time.

Andy 1:03:35

Yeah, no kidding. I'm going to try and snag some clips from that debate that I talked about last week with Emily Horowitz on the Intelligence Squared podcast. I hope I don't violate any copyright laws by grabbing them, but I want to capture some of the ridiculous things that dude said and get your opinion of them.

Larry 1:03:54

Sounds good. The worse they could do is lock you up.

Andy 1:03:58

Fair enough. And I've already done that. So I guess I could do it again. But please, if you want to find all the show notes, all the links everywhere you need to go over at registry matters.co And you can find all the phone numbers and the links to go to Patreon and all those other things Discord server links, YouTube links, everything that you need will be presented to you over there at registry matters.co. And if you want to find the transcript, go to FYP education.org. And if nothing else, sir, I will talk to you in a handful of days.

Larry 1:04:29

Good night.

Andy 1:04:31

Take care. Bye bye.

Announcer 1:04:34

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