



Registry Matters Podcast

Episode 256

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Don't Fall for the Scam: Law Enforcement Doesn't Call Before an Arrest

Announcer 00:00

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Andy 00:32

Well, here we go. Recording live from FYP studios East and West, transmitting across the internet. This is episode 256 of Registry Matters. How are you people this evening?

Larry 00:43

We are doing marvelous. It is a warm, balmy 55 or 56 degrees today.

Andy 00:51

Wow, that's kind of kind of nice. Larry, do you know that we are no longer an eight-bit podcast?

Larry 00:56

We're no longer a what?

Andy 00:59

An eight-bit podcast.

Larry 01:03

I guess so. But I don't know what that is.

Andy 01:06

So if you're looking at the screen, so there is 0,1, 2 and 4, and 8, 16, 32, 64, 128, 256. So if you started at zero, you would get to 55. That would be eight bits. So we are now a nine-bit podcast.

Larry 01:27

I really appreciate knowing that.

Andy 01:30

You'll be able to sleep tonight.

Larry 01:33

Absolutely.

Andy 01:35

Oh, hey, one other thing before we get going. And this will be super quick. Have you heard of ransomware?

Larry 01:40

I have indeed.

Andy 01:42

Okay, and did one of your nearby municipalities or libraries or something like that get hit, and they were shut down for months or something.

Larry 01:53

The county I live in was hit with ransomware. And they told the people that they could take their ransomware and shove it. And they pulled the plug on several vital county operations.

Andy 02:05

Yikes. So on my way to lunch today, my boss says, Hey, man, we've been hacked, ransomware encrypted, everything. Like all the spreadsheets that they use to run businesses. It's like a massive CF, clusterF, SH-show at my day job. How about that? That's good stuff.

Larry 02:31

And can you admit that that's funny?

Andy 02:34

This is definitely not funny. But the owner says, I guess we will start over. We're still going to make product, we're still going to do internet sales. So we will figure it out. All right, then. I figured I'd share that with you. Because I figured you would think it was funny. [I do.] All right. Well, make sure that you go find all the likes and subscribe buttons on the YouTube thing. And that helps us grow and build a large community of like-minded you people. So do me a favor there, sir, would you be so very kind and would you tell me what we're doing tonight?

Larry 03:10

We've got so much to do. I think we should get right to it. We're going to be talking about getting a scam operation in Georgia. We are going to be taking some questions--at least two, maybe three. And we have some clips to play of your favorite people on Earth. And I'm just looking forward to going through this. It's going to be, what do you call it, fantabulous or something like that.

Andy 03:35

Fantabulous sounds good. We can use made up words like that. Fantabulous. All right, well, then I will turn off the screen rotator thing and I will get ready to play clip one. Are you ready for clip one?

Larry 03:48

Clip one? Yes. This is Senator Graham, right?

Andy 03:54

Yes, this will be Mr. Lindsey Graham, interviewing some new judge or something like that.

Larry 03:59

Yes. This is for a nominee by the President to serve as a United States District Judge in the Southern District of California. Now we have played clips of Senator Graham before when he was attacking the US Supreme Court appointment of Ketanji Brown Jackson, along with many others like Senator Hawley. And we're going to play this just to let you know where he is politically on issues that are important to us. It's your choice if you keep voting for him in South Carolina. That's the only place where people can vote for him unless he runs for something else. But listen to what he's saying and decide if he's on our side or not.

Andy 04:43

All right. Hope this is the right button.

Senator Lindsey Graham 04:49

Okay, what was in your paper? You suggested limiting residency requirements of sex offenders with certain statutes. They can't live near schools and other things. You did agree with that? Is that correct?

Marian F. Gaston 05:05

Thank you again for the question, Senator. I did co-author that position paper, in which a group of us asked the legislature to take a look at several proposals, including residence restrictions. Our fear at that time, along with the fear of our allies in the victim rights community and in law enforcement, was that in some cases, the residence restrictions were actually hindering public safety, which, of course, was the opposite of what was out of the goal.

Senator Graham 05:38

How does it hinder public safety?

Marian F. Gaston 05:42

In some instances, residence restrictions resulted in convicted sex offenders being homeless, which presents a huge challenge to law enforcement--

Senator Graham 05:52

The statutes don't deny people a bill to live at all. It's just restrictions around schools and places where children gather, is that correct? [Yes, sir.] I think here's a line. "Difficult as it might be, laws that regulate where sex offenders may not live, should be repealed or substantially modified in terms of public safety." And I still don't understand how that makes you homeless?

Andy 06:23

Larry, how can how was that such a hard thing to understand that if you can't find a place to live, that you may end up to be homeless out of that?

Larry 06:33

Well, his point is that, in his mind, he doesn't know the breadth, or at least he's pretending not to know. We have to give him the benefit of the doubt. He may not know the breadth of the restrictions and that there's so many circles around so many things. In his mind, the circle is just around the schoolhouse. And you've got all this territory you can live in other than right next to the school. Of course, he is neglecting the fact that many people did not offend against minors, and all that stuff. But as the United States Senator, you should have a competent staff that could brief you on this thoroughly so you would understand this. This is a continuation of Senator Graham's grandstanding when it comes to this issue, because he believes these views are particular in terms of the people of South Carolina. But I'd say people across the country are largely aligned with him in terms of that issue. But now here you have an appointment for a judge who has dared to write about the efficacy of residency restrictions. And now it is being used against her. And she will probably be confirmed anyway, because the Democrat Party has a majority in the United States Senate. And they don't even need a supermajority. They just need a simple majority, so she'll likely be confirmed. But if this is the type of judge you want, you might think really hard about voting for people like Senator Graham. Now we have a second clip coming. That's even more telling of where Senator Graham is.

Senator Graham 08:13

Are you ok with registering sex offenders. [Pardon me?] Are you okay with a registry for sex offender? So the public knows what this person did.

Marian F. Gaston 08:20

Sex offender registration is the law, Senator.

Senator Graham 08:22

And are you okay with that?

Marian F. Gaston 08:25

Whether or not I am or not--

Unknown Speaker 08:30

It is really important to me, because the point I'm trying to make here is the argument that the laws restricting where a registered sex offender can live leads to homelessness makes zero sense to me.

Andy 08:49

She is completely dumbfounded at the end that he doesn't understand how that could lead to homelessness.

Larry 08:54

So well. I'm dumbfounded how our people can continue to vote for people like this. If they pay the least bit of attention and listen to what they're saying. And take them seriously at what they're saying. He's telling you right now and among other clips we've played, that he has no forgiveness for people who have done any type of sexual transgression. The last series we played was related to the porn sentencing. And he said they deserved to be in prison for an awfully long time. And if you want the reform you say you want, you are voting for the wrong person.

Andy 09:38

I can't argue with you there, man. Not at all. Shall we move along? We have a ton to cover so we need to keep moving along.

Larry 09:47

So yes, we have another clip coming out from Justice Scalia. The point of this is to put it in perspective of the last few episodes, particularly the one about Missouri and the Supreme Court. We've played Scalia so many times. It's been months since we've played anything directly. But he is the architect of textual interpretation. And a lot of our people believe that they want textual interpretation. This very short clip tells you how he views textual interpretation, and what his job is or what his role is as a judge. So let's roll this fifty-seven second clip.

Justice Scalia 10:33

You really can't judge judges, unless you know the materials that they're working with. You can't say, oh, this is a good decision. And this was a good court, simply because you liked the result. It seems to you that the person who deserved to win won. That is not the business judges are in. We don't sit here to make the law to decide who ought to win. We decide who wins under the law that the people have adopted. And very often, if you're a good judge, you don't really like the result. You would rather that the other side had won. It seems to you a foolish law. But in this job, it's garbage in garbage out. If it's a foolish law, you're bound by oath to produce a foolish result. It's not your job to decide what is foolish and what isn't. It's the job of the people across the street.

Larry 11:28

Now, the people and context he's referred to on the other side of the Capitol wall is where Congress operates. Justice Scalia is telling you in his brand of judicial philosophy, he doesn't decide the way things ought to be. He decides the way things are. You've got a law in Missouri. The law was clear to the majority of that Supreme Court with only one dissent, that they intended for people to be registered for life in certain circumstances. And they were not going to second guess the will of the people. And if you want judges

who look at purpose of law, you're going to have to lean towards a different type of judge than Scalia. Just want you to know that. If you think that he's your savior, he isn't. He's your savior on a couple of things, particularly the Confrontation Clause. He was marvelous on the Confrontation Clause. He looked at it and said, well, it says that your accuser shall come into court, and they shall be subject to cross examination. That's what it means. And some of the liberals were saying, no, we can't have that kind of confrontation. It revictimizes the victim. He was right about that. But folks, he was wrong more than he was right. So when I look at a judge and their judicial philosophy, his philosophy yielded the wrong result more often than it did the correct result. I'm all for textualism. If it wins my case, I love it.

Andy 13:15

I like the way that he presents things, though, that if we want laws to be clear and specific, then we need to go make sure that they are clear and specific. And if they're vague, it's our fault. And we get what we paid for so to speak. Buyer beware.

Larry 13:30

He's correct about that.

Andy 13:33

That's all part of the political process that we get to pick and choose and form how our government is situated.

Larry 13:54

Well, but it overlooks the human condition. Our period of legislation here in New Mexico just ended on Thursday. We have well over one thousand bills pending, not counting memorials, resolutions, and things of that nature that must also be debated and discussed. We have a 60 day session. Now you're a mathematical genius. Tell me how much attention can 1000 pieces of legislation be given in 60 days with weekends mostly not used for legislative purposes.

Andy 14:30

It sounds like about eight seconds there.

Larry 14:32

Right, for stuff that could be more precisely drafted with a lot more give and take and thinking about the unintended consequences. And longer sessions or maybe a year-round session. You could get more into the weeds, but as legislating goes we're in a hurry up mode almost from day one and as the legislature moves toward to the latter half of the session. We're in panic mode, trying to see what we can get done. And you just don't have enough time to think of all this stuff. Exactly what happened in Missouri. No one thought about it, I'm sure. There was nobody there to point out what that language, what type of result it could yield.

And they don't connect the dots. They give the Attorney General unlimited resources, whatever the AG says they need. The citizens are more than willing to give it to them. And then they express shock when the AG files on appeal on everything and challenges everything. They say, what can't they use a little bit of discretion? Well, no, they can't, because you've given them the resources so they don't have to make value judgments on what they challenge. Therefore, they can be everywhere, challenging everything.

Andy 15:47

Do me a favor and set this next one up. I would not do it with a lot of tact.

Larry 15:52

Well, this is primarily for sympathy. This clip from a television TV station in Alabama, a video source in Alabama of an inmate who died from exposure in a modern jail. I am sad for the family. This appears to be a person that had it together at one time. And it's like I'm just flabbergasted that this happens in this day and age. I think it happened like in January or late or December of 2022 or January 2023.

Announcer 16:30

Walker County leaders are now talking about explosive allegations of abuse and neglect inside the county jail.

2nd Announcer 16:36

As we first reported last night, a federal lawsuit claims inmate Anthony Mitchell froze to death in the jail. The I-team Cynthia Gould is here with what she learned today in Jasper. Cynthia.

Reporter Cynthia Gould 16:49

Brenda, officials from Alia are handling this investigation. A spokesperson says due to the sensitive nature of the ongoing investigation, the agency does not have any details to share. But many in Jasper today demanding answers now. These images of Anthony Mitchell came from the family's attorney taken before a downward spiral of meth addiction and what they call serious medical and psychiatric issues. This photo from January 12 is when Mitchell was arrested after a family member called for a welfare check. The sheriff's office said Mitchell fired a weapon at them. Mitchell's face was spray painted black. His weight according to relatives had dropped one hundred pounds. Two weeks later, this secretly recorded video by a jail supervisor shows Mitchell appearing lifeless, carried out of jail headed to Walker Baptist Hospital. There an ER physician notes Mitchell's internal body temperature was just 72 degrees. The doctor suspects Mitchell died of hypothermia. He froze to death.

Andy 17:59

I still can't figure this out. You said something about maybe they put him in a cooler, and I'm thinking it could have been during that cold snap. And maybe he's in a jail that doesn't have very good heat and wasn't blanketed enough. Or maybe even they took them away from him something like that. That's insanity.

Larry 18:16

It looks like a modern facility. Jasper is in Central Alabama. As I recall, I think I've driven through there a number of times on Highway 78. Anyway, it looks like a modern adult facility. And it is your job when you're running in jail that if you have a heat failure, you have to call the National Guard Armory, you have to find blankets, you have to provide for them. Remember, these people are locked in a cage. You have to you have to care for them. You must provide for them. And you must protect them. And if you can't do that, then you need to let them out of the cage so they can do just for themselves.

Andy 18:57

72 degrees, that's not what was done, and yet--

Larry 19:02

Well, that's room temperature at normal room temperature should give it twenty-five. For the body temperature, it wouldn't be that low. I'm not a medical expert, but it sounds like to me that he was in a freezer.

Andy 19:15

And if he was super unruly, that's where they would put him hey, we need you to chill out for a little while. Literally.

Larry 19:25

They would put him in a freezer, really?

Andy 19:28

How would he end up in a freezer? He didn't get there by himself, Larry.

Larry 19:33

But I'm saying as a disciplinary, I've never heard it that they have put people in the hole but I've never heard of putting people in the freezer. I've heard put them in restraint chairs, a number of things, but I've never heard putting somebody in a freezer as a disciplinary measure.

Andy 19:45

You've offered that up of him being in some sort of chilling facility, and I'm wondering how did he get there? The only other place I've got is that without enough climate control, like the first place that I was at, you mentioned before show about the diagnostics place. Like that's like if you saw the Green Mile with Tom Hanks, that's the kind of place that

that jail is. And it's open air and just bars and not a very good heating system. And in the wintertime when it gets a cold snap that that was going on, right around Christmas, where pipes were freezing all over the south. Like, it's cold as the devil in those places, and you struggle to stay warm. I don't know if it's death level cold. So how else do you get to be 72 degrees?

Larry 20:36

I don't know. Well, that facility you're talking about in Jackson, Georgia, was built in the 1960s. Are you telling me they didn't have heat in the 1960s? I think it was built in like 68.

Andy 20:45

I'm saying it's not well insulated. And yes, they have heat, but still there are windows that are broken and it is exposed. And it is not cool. And when I was there, it got flippin cold on a handful of nights. And they're like, wear two jumpsuits, wear seven pairs of socks. Here's an extra blanket that they pass out. And like it's just a miserable experience. And you're saying that this is a more modern facility. Okay, great. So they have, it's all enclosed, and probably AC and heat, of course, heat. But how else do you get to be 72 degrees? You threw out that they put him in some sort of chilling apparatus, and I will take that, but he didn't get there by himself.

Larry 21:25

Well they put him in there. That's the speculation of the attorney of the lawsuit that they put him they put him in a freezer or certainly a cooler. But either one is not acceptable. We don't do that in this country. The Constitution doesn't permit us to do that.

Andy 21:41

And if there won't be any consequences for this--

Larry 21:44

Oh, there will be consequences. I'm hoping that there will be consequences. And I'm hoping that it costs Jasper a lot of money.

Andy 22:01

All right. Well, we'll move on from that. So here is a question that was submitted. So this is a question for you, sir. After the presentation of the Missouri Supreme Court holding that essentially eliminated the registry tier system and the possibility for any PFR to EVER succeed in petitioning to be removed from the registry in accordance with the 2018 law because one provision that referred to SORNA was left in the statute, Larry said the only solution was to get the legislature to correct this mistake that flies in the face of the clear intent of the bill to allow PFRs to get off the registry with clean records.

My question is where does one begin? Contact the sponsors of the 2018 bill who are no longer in office? One is an attorney. Contact current office holders who may not be aware or interested? Contact defense attorneys who specialize in sex crime accusations? I have emailed a local anti-registry group leader to be sure she knows about this. I feel so distressed on behalf of my loved one.

Larry 23:06

I can understand why you would feel that way. I don't believe we established that no one can ever get off. I don't think that we establish that. What we did establishes that certain people cannot get off. And that wasn't not the apparent intent of the 2018 law. Without spending a lot of time on it, that's one of the problems when you have a petition process. The best system to create is to follow the Adam Walsh Act. And you're doing political pitches when you're trying to do this. So the second part of the question is where does one begin? You would not be able to begin with former lawmakers unless, of course, they're serving as lobbyists now, which does happen. If Missouri doesn't have a block of time that they're not allowed to lobby, when they're no longer in office by their own choice or by the constituent's choice or by term limitations. Often, they return as lobbyists because they're familiar with how the thing operates. And they get paid buku bucks to move legislation or to defeat legislation that's not good. And they can make a good, healthy living. So it could be that you would contact them a former legislator. But if you do that, you're going to need some money because they do lobbying for clients who pay them. So organizations that have little money often don't have professional lobbyists. But you've got to build your arguments on this. You've got to provide political cover. And as always qualify this. Look, folks, I don't make the rules. I simply sit here and tell you what they are. But I don't make them. You've got to convince them there's a need for the change and give them the political cover that they need. And the political cover they need is that they're not going to be vilified in election cycle. Well, Republicans are not going to get vilified on this issue because Republicans are already awarded the benefit of the doubt when it comes to crime and public safety. So they won't get vilified. But the Democrat Party will. Fortunately for this person the Missouri Democrat Party is really irrelevant in Missouri. So you don't have to worry about them very much. You've got to give them cover. So I would start by reaching out with a lawmaker and figuring out if my senator and my representative are in a position to help. It would take a very long time to tell you all the considerations, but they might be on a key committee that has jurisdiction over this type of legislation. And I would start by talking to them. But when you go in the front door, the first mistake our advocates make is they go in with contempt and disdain. And you just shot yourself in the foot when you do that. You need to go in with a combination and understanding of

the position they are in. And you say, look, I understand, this is not going to be a popular issue, you can go out and run on and do civic speeches. But we've got a serious problem here in Missouri. In 2018, a law was passed that was intended to allow people to exit the registry. Now, we've discovered by the Supreme Court's interpretation of the law that there was a provision left in the law that was overlooked, and it needs to be removed. And our challenge is how do we get that out of the law without you having to take a political risk. When you say those magic words, they have a lot more respect for you. If you can bring yourself to do that, they have far more respect for you, which is to figure out how to get this out without you taking a political unnecessary risk. And then their ears perk up because they understand you understand the game that's being played and how the system works. And my first line of attack, is I always hang my head on Adam Walsh Act. Anytime a state is doing something that's not required by the Adam Walsh Act, I say, Look, you say that tough federal legislation, and our registry complies with the tough federal SORNA requirements. We are all about public safety here in Missouri. But within the Adam Walsh Act, you don't have to have a petition process. It's not required. So therefore, as I said many times before, you want to get rid of petition process. That is, step number one. That's a long stretch from where you are right now, Missouri, but you want to get rid of petition process, you want people to time out as a compromised position, you would say, if it's politically, if it's necessary, we would allow the state to file a petition. And we would place the burden on the state to show that this person presents an elevated danger to the citizens of our state. And the person who's been petitioned against will be provided pro bono legal services, if they're eligible under the indigent defense Act, or Missouri wherever they their counterpart would be. And that way, you've shifted the whole game around to where the system has to file the petition, and they have to show that the person presents a danger to the community. And that will fly just fine. Because the Adam Walsh Act doesn't require that there be a petition process. So then you have to have these people rolling out and just timing off the registry. And the state will eventually be challenged on having enough resources to file petitions against everybody. Now they'll try, I have no doubt they'll try. But these are the type of arguments you would have to make. And when you start making these arguments, the first thing they're going to ask is how are you going to help me build support? Because I hate to break the news to you, with one thousand pieces of legislation pending, they're not going to have a whole lot of time to go out and try to build support for reforming the sexual offense removal process. They're just not. So you're going to have to become an expert in lobbying. A crash course in making the rounds in the Capitol and trying to build support for what you're what you're wanting to accomplish. It will probably take you several years. For example, I'm wanting

to move our registration to the Department of Motor Vehicles. We call it the Motor Vehicle Division of the Department of Taxation and Revenue. Since it is a civil regulatory scheme, it does not belong in law enforcement. I've already drafted the bill, but I have not been able to build the support in the three plus years since I've drafted the bill. To gain any traction was my idea. So you have to have patience. I'm going to spring this bill when I have enough support that at least it cannot be extinguished. I have legislation that it does not belong with law enforcement. It's a civil regulatory scheme. And I'm struggling to do the same thing that I'm recommending that she do. She's probably got a full time job, probably doesn't have time to do this. But that's what you got to have to do. You got to start working with either a professional lobbyist, or you're going to have to become one yourself. And you're going to go pro bono, right? Professional lobbyists are not pro bono. You're talking about tens of thousands of dollars.

Andy 31:06

You know, those are leading you into the question, right?

Larry 31:10

So yes, those are good paying jobs. And it requires a fair amount of expertise because the things I just described requires knowledge that the average person doesn't have. They're going to know who to go talk to. They are going to have access to those people. More than you will as an unknown.

Andy 31:34

Okey dokey. Anything else there before we talk about this scam thing?

Larry 31:40

Well, I hope the Scalia clip I played gets put into the context of this problem. The people on the political right should be jumping for joy, and oozing with enthusiasm about this Missouri Supreme Court ruling because they went exactly by the text, exactly by the text. This is a classic textual interpretation. And the only way you can fix it, when you have a court that goes with textual interpretation is through a legislative remedy. There'd be another way to fix it. You could put a more liberal court in power that believes in looking at legislative intent, but that is scorned by the textualist. They don't look at legislative intent, but they look at the actual text. And we conclude it based on what the words mean, and the text. And the words mean, according to Missouri Supreme Court exactly what they say.

Andy 32:42

And I assume that a cat like Lindsey Graham wouldn't be in favor of this kind of legislation.

Larry 32:50

I have not heard anything that would suggest that he would be an enthusiastic supporter of helping people get off the registry. I have not heard that in any clip we have played. Now I know you folks keep hoping for it. And our people tend to keep voting for people who are working counter to their interest. And I have kind of given up on some of them. Because I say--do you not realize they're voting contrary to what you say you're for? And they say, yeah, but Larry, I have to look at the big picture, which is kind of insulting, as if I don't look at the big picture. I also look at the big picture. And the big picture to me as that the people who are more progressive are more in alignment with issues that are important to me. And therefore I'm also looking at the bigger picture. Oftentimes, they're the one issue voters, they will vote on one issue alone, and you've got some very good friends that tell you that they would only vote for a person if they're against abortion, and other key issues, or prayer in the schools or you name it or same sex marriage. Those are not the type of people that are well rounded individuals if you're going to vote on one issue like that. I do look at the totality of all the issues that I deem important in my life. And I vote on those issues. Not just one single issue. I don't vote on the PFR registry alone.

Announcer 34:13

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Andy 35:03

All right. Well, this email came in and it was like I had to scroll on my phone for like 10 minutes because it was a pretty long in depth description of the shenanigans that's being played out there. Darn it. I don't have a screen for this one. So you just have to bear with me. So we got this email and the writer states, ""I am a PFR living in Georgia. Recently I was scammed by someone claiming to be with my county's sheriff's department, and they called and alleged that they had mailed me a notice that said that I had needed to report to the sheriff's department by a certain date to provide them my DNA because it was needed to update CODIS. They said that the date to report by had already passed and as a result, a warrant was out for my arrest for failure to maintain the registry requirements and for failure to appear (and they listed the GA codes for both. Does this sound familiar to you people?"

Larry 36:05

Yes, it does. I think we have done an episode or two about scams. And it does sound familiar to me. I've actually known a person that has happened to.

Andy 36:17

Yeah, I have a close relationship with one too. But I don't know that we've ever gone into it to this degree other than doing like a public service announcement saying that this is a thing going around, watch out for it. Right?

Larry 36:27

Well, I've written about it in the in the newsletter for the NARSOL organization. That's what I've done.

Andy 36:34

Well, he went on. "Of course, I was scared out of my mind. It all seemed very real. The call back number that they gave me had an extension number and a waiting message/music that even said my local sheriff's department's name." Now you have to admit this was an above average scammer.

Larry 36:59

I have to admit that that is very good scamming. It was indeed.

Andy 37:06

He said, "my first question [to them] was, if the notice was sent by mail, it was sent certified receipt or signature required. They claimed that they didn't know. They led me down a long road of very convincing gaslighting, intimidation, and emotional manipulation. They mentioned that I still needed to report to the sheriff's department, at which point I would be arrested and put in the county jail to await trial." Larry, can you admit that that's frickin' like poop-your-pants scary?

Larry 37:34

Oh, I can definitely admit that. I agree that such a call would be scary for sure. "after they hung up and called back several times, and I was sh---ing my pants, calling my family and friends and pleading for help and said the scammer finally baited him into asking for my options."

Andy 38:00

He said that they told him he was compliant with the arrest that they would allow him to post bail before turning himself in to the sheriff's department. Posting bail before he turned himself in should have been a warning. How did they justify that?

Larry 38:21

They told him he could avoid being booked and put in custody in the county jail to await trial. So that's how they did it.

Andy 38:35

Um, so it even it gets even better. "They sent me a text from the same number that they had been calling from with a QR code and a very official looking message that said, 'This is your bonding ticket, provided by Fulton County Sheriff's Department Financial Department. Be sure to print your verified receipt.' Now this is my first time hearing this. I haven't heard of them doing a QR code. I've heard them tell you to go buy these different kinds of prepaid cards and this and that. I've never heard of them sending you some kind of QR code.

Larry 39:04

I've not heard that either. I don't really know what is. I mean, I know what I sees, but I don't know what it does, or that opens something up for you to follow online. But our target had had enough by that point. He called the Fulton County sheriff's department, and they transferred him to the sex offender unit. He stated that "once I described the situation to them, they said that they could not disclose if I had any warrants out for my arrest. It's important to emphasize that the sheriff's department stated that they wouldn't give that heads up information to me if they did; they would just come arrest me, and finally they confirmed that it was a scam."

Andy 39:46

He said that "they seemed to be aware of it happening to several people on the registry, and they warned me that the next step would likely be that they would try to get me to pay them money before showing up to the sheriff's department." What happened next?

Larry 40:00

Well, he said "the next time that the scammer called me back, I listened to what they directed me to do, and sure enough they wanted me to stay on the phone with them until I got to the secured location so that I could pay them my bond money. I then asked point blank if I was being scammed and they said that they didn't know what I was talking about and that this was very serious. So, I told them that in accordance with the US wiretapping laws, that I was giving them notice that I was going to start recording this conversation, and immediately they hung up, and when I called the number back the number was disconnected." Now, that's funny. How did the number get disconnected that fast?

Andy 40:44

I don't know. I'm trying to put these things together. Like there's so many layers of what's going on in these scans. For them to be able to mean, I don't know, that they would already be logged into whatever interface they're using to flip numbers around, and then they just turn it off. It's a

little bit beyond me. This is devastating both financially and emotionally. He stated, "I didn't sleep that night. They had gaslit me and emotionally manipulated me so well that I still wasn't sure if it was a scam or not. The next day I called my local police station and filed a report. At first, they were reluctant to file a report because I did not lose any money in the scam, but upon pressing to request that it be filed an officer called me and took down my entire statement and filed a police report." Do you expect that the police report will do any good?

Larry 41:40

No, I really don't. I don't see how it could be a higher priority for law enforcement, to bus scammers, especially those scamming PFRs. But these are tough, according to conversations I have with law enforcement, these are tough to crack. Oftentimes, they're not even in the United States time they're doing them. And they need federal and global intervention. And it's just not going to be a high priority. So I do not expect much to happen.

Andy 42:06

Well, now, let me ask you some more direct questions about how this thing goes down. How do they call this individual? I don't think it said that they called his cell phone or home phone. But nobody has home phones anymore. And it's pretty hard to find someone's phone number. It's just not in your face. Turn to page 742 of the of the white pages to find someone's phone number. How do they find your cell phone number? How do they know they would have to go target and build these huge databases to know that you're at this Fulton County. One, how would they set up? We're going to only do Fulton County on these days, so that we have the system set up to do the recordings of the messages. It feels, Larry, that it's an inside job.

Larry 42:51

I cannot understand how you would feel that way. I don't know that I would go that far. But it certainly could be. I think it is the product of the technology. There's a lot of low-cost information out there. I'm not a genius at all. But I can find phone numbers for people fairly easily. And these scams pay well. I mean, it's a couple thousand to three thousand a backup. And if you are successful one out of every 150 times.

Andy 43:21

Yeah, you don't have to have a really high hit rate to make money.

Larry 43:23

I suspect that they're using a lot of the online access to information and getting phone numbers. And it would be interesting to know if this person has a very common name

or somewhat uncommon name, if your name is John Smith, or Randy Jones, and you live in Fulton County, Georgia, it's going to be a little bit more difficult to pinpoint your phone number through the free resources. But it'd be interesting to know the commonality of the surname. Because I think it could be an inside job, but I think they're using a lot of free and low cost information that's out there.

Andy 43:59

Okay, let me let me redirect that part of it, though. Not necessarily like the information isn't available, but they seem to know the vernacular and the way to speak like law enforcement. Again, I'm not saying that that is specific. Like, you can watch enough YouTube videos and see how they actually operate that way. If you have a military background, this might also be something that you can just kind of improvise. But they sometimes have radio chatter in the background. Again, it's not hard. It's just all of the layers that go along with it that make it seem far more realistic than just getting a phone call from somebody in another country, trying to tell you that you have to pay your IRS bill.

Larry 44:42

I'm told it's very compelling. I have not received such a call. I have a friend who was not on the registry, and she got a call saying that there was a warrant for arrest, and she called me, and I told her, they won't make a call like that. And that was several years ago, and she hasn't been arrested yet. But the PFRs present a more viable target because with my level of sophistication, I think I could hire someone to give me a list of every PFR in Fulton County. And I think I could go through the list and pair out the uncommon surnames. And I could probably come up with phone numbers on them in fairly short order without having any inside information into the Fulton County Sheriff's Department. I think I could do all those things. And I could start calling people. Now, could I mimic all the stuff that they're doing with the radio chatter? No, I would need some resources for that. But I'm confident you could do it with recordings. And you wouldn't necessarily have to replicate a real live command post.

Andy 45:44

No, I don't mean it that way. But they have all that stuff sitting there ready to create the image of what is happening. And for this guy to call back, and someone says, hey, you're calling the Fulton County Police Department and all that, like, that's a lot of legwork on the front end for them to call somebody to make it a whole believable thing. That's all that it comes down to. They're painting a very believable picture and manipulating the crap out of you for a scam.

Larry 46:21

So I feel bad. And he wanted to make sure that we are putting the word out. We have, and we are, and we did that when you get a phone call folks. It is a scam. They're not going to let you buy your way out of being arrested.

Andy 46:39

Very good. So a couple weeks ago, I think it was early in February that a podcast came out. It's actually one that I listen to on a regular basis. It is called Intelligence Squared. And one of the people known in our circles is named Dr. Emily Horowitz. And she's a sociology professor who focuses on sociology and criminology. And I hope that I have that right. And she did a debate with a constitutional expert he said. And his name is Cary Federman. And so it's like 50 minutes long. I strongly encourage you to listen to it because it's an incredibly good program. But she debates well. And I know that you listened to it earlier Larry. He starts almost like attacking her saying that you're lying. And she just keeps her cool. And I'm really impressed that she's able to do that. Because I would be like, f-you man, stop telling me I'm a liar. It would trigger me, you know?

Larry 47:37

Yeah, she was very cool, and the moderator was very good. That's a very good program.

Andy 47:44

And so I grabbed a few clips, and I wanted to get your feedback. And I have the buttons on my little button pusher all over the place. So hopefully I don't mess any of these up. So it's going to be Cary Federman first, and then I have a couple of clips from Emily on the backside. Here's the first one. And I'll have a question for you on the other side.

Cary Federman 48:07

So to the question, does the registry do more harm than good? I answer, good. This does not mean that there aren't some things about the registry that I find difficult to accept. But my positive argument is that the registry and sex offender laws themselves in general are products of an enormous amount of deliberation between parents, citizens and legislators. They are not products, for example, of referenda, which tend to oppress so called out groups, because they lack deliberative principles. Sex offender laws are the products of an intense negotiation between parents of raped, abducted, and murdered children and state legislators.

Andy 48:47

Sorry, I think you may have missed the beginning of that part. But I think you know what he was saying.

Larry 48:52

I do. I heard the podcast. I've good.

Andy 48:56

Okay. Um, so the thing that I wanted to bring to you is he says that there's a crap ton of debate, and I don't think there's a lot of debate. I think it's a very one-sided thing. Parents are pissed off and the legislators say sure this is an easy win and I get to say that I'm tough on crime. I don't think there's a lot of debate. And this is the "lock them up and throw away the key because somebody did something registry." Thoughts.

Larry 49:20

I agree with you. There has been very little debate on these registry laws, and it is considered politically suicidal if you don't vote to support them. There's just intense fear and far little debate. Now, we have been able to change that in my state through the years where there's a lot more debate and we've had some success and getting some modest changes done to the registry, but very, very little debate. Now, I agree that it's part of the democratic process. If they were opposition to the registry, the democratic process would yield a modification. There's little opposition to the registry. The registry opposition primarily comes from the registrants and their families. A few liberal do-good advocates. By large the opposition to registration is very minimal.

Andy 50:09

All right, then clip number two, pretty short one.

Cary Federman 50:14

These laws are enormously democratic, and they are the enormous product of deliberation.

Andy 50:20

Again, okay, democratic in the sense that they went through the legislative process to make a bill drafted and then went before the governor or the President to be signed. But the work on our side is woefully missing from the democratic process.

Larry 50:41

That is correct. Our side has minimal presence. In some instances, you might have the Defense Lawyers Association of the state. Sometimes the public defenders show up and express some modest opposition. But the register community for some reason, they don't show up. They do not hire a lobbyist. They're not lobbyists themselves. They don't show up like the gun people do. The gun people can fill our capitol to beyond its capacity, and other issues as well. The legalization of marijuana, they were able to do the same thing. But there was not a lot of discussion, because it's one-sided. And the people do show up are woefully

inadequate in terms of what they say. They do not use the right phraseology. If I could just get people to utter the words "civil regulatory scheme." And the civilly regulated should be a part of the regulation process. Every other civil regulation involves the entity or the group that's being regulated. I can't think of something that's regulated that says you're not welcome to participate. But with sexual offender registration, since we can't utter the words, we can't have that conversation about why are we not at the table? I don't understand that.

Andy 52:05

And then I also added as a good public policy?

Larry 52:09

The registry? Is the registry itself good public? Yes, of course not. It is not good policy, because it's unconstitutional. And I agree with the NRA on one thing. If something's unconstitutional, it presents a problem. Now, I'm not saying I'm against all gun control. But we do have a constitution that severely limits what the government could do in terms of gun control. And the registry of having people's liberties restricted after they've paid their debt to society, and forcing them to be reporting to police giving up information, sharing their life after they've paid their debt to society is eminently unconstitutional. That is where I will always focus. You will never get me to go down the track that where this discussion went on this podcast, because it's not an effective argument.

Andy 53:03

Alright, so clip number three.

Cary Federman 53:05

I don't doubt that the registry has some problems. But I view the registry as a tool of deterrence. And deterrence theory is not overly concerned about raw numbers. You know, in other words, if it's deter, I mean, I mean, Emily's argument in some sense. I mean, she makes the claim that sex offending declines with age. Every crime, literally every crime declines with age.

Andy 53:32

That starts to hit down on the recidivism argument. We've talked about this. Has someone ever been deterred from committing another crime because they're on the registry? And the answer is got to be yes, someone has, but by far and large, it obviously doesn't, because people keep still keep committing crimes that aren't on the registry. And then in some cases of people that are they also commit, so it's not deterring everything.

Larry 54:02

You fall into the trap when you go on that line of discussion. A regulatory scheme. I don't think it's supposed to be a

deterrent, per se. I mean, we have the regulatory scheme, for example, when we issue your driver's license. Theoretically, that is somewhat of a deterrent, because we want to deter people who don't have the requisite training and abilities and eyesight for being on the road. But when you go down that deterrent, whether it deters or not, it probably does deter some. And if it doesn't deter some, it may inform people in the community that would have been victimized if the person had been allowed to be secret. That's not my concern. You're allowed to be secret after you have paid your debt to society. You don't forfeit that right. So I'm not concerned about the recidivism. We will lock you up again when you recidivate again. I'm not going to get going in that discussion because I listen to the to the podcast very carefully. And I don't think Emily won over very many points with his audience because she fell into the trap of arguing about recidivism over and over and over again, rather than arguing about the Constitution.

Andy 55:27

Clip number four, this one's my favorite one.

Cary Federman 55:29

Because precisely because for one thing, people do need to know that there are sex offenders in their neighborhood.

Andy 55:37

And I wrote a note to Larry, I said that I put this one here, just because of FYP, you know?

Larry 55:43

That is a myth about the right to know. Arguably you might have a right to know, while a person's being punished when they're in community supervision, because they're technically a product of the court and judicial system. So arguably, there might be a right to know. But when their punishment has ended, you have no more right to know. Driving is a privilege. Why don't you go on the board of vehicle offices and tell them that you have the right to know. Give them a license plate number and ask them who owns that vehicle and tell them you have the right to know. And see what they tell you.

Andy 56:19

Oh, and I put this one in here just for you, Larry.

Cary Federman 56:22

Well, alright, so technically speaking, the registry is a civil remedy. It's not punitive. And I'm always gonna say it is punishment. It's not punishment. So any effects of this civil regulation are purely civil. They have no, no relationship to the eighth amendment at all, actually. So these are civil regulations. They're not punitive, but they are deterrence. You can have a civil regulation that deters.

Andy 56:49

It's not punitive, Larry.

Larry 56:51

Well, I mean, he's quoting from Smith versus Dell, obviously, those are some comparable decisions. Well, I don't know what to say about that. Because the first generation of registers were very non-punitive or mostly non-punitive. Most first-generation registries, even in the tough states, were not. Even the Alabama's Registry was not that punitive. And the first iteration they hit, Alabama was registered as one of the most punitive if not the most punitive in the United States. But clearly, he doesn't know what he's talking about. That was a perfect opportunity for her to say, Well, if that's the case, why have so many courts across our country disagreed with you? What about in Michigan? What about in Pennsylvania? What about in Maryland? What about in Ohio? What about in Indiana? She could have gone on and on and on. But she was too fixated on recidivism. But that would have been a point to talk about. And he would have said, what about the Supreme Court? Well, the Supreme Court hasn't heard a case on registration for more than 20 years.

Andy 58:00

And clip number six.

Cary Federman 58:02

So post-conviction civil commitment laws are, after a sex offender commits his crimes and then serves his time in prison about a year before he is about to be released the Attorney General of the State can file for a post-conviction civil commitment of this person, which is purely civil rights and civil and regulatory. It's not punitive, this person will be brought before a medical board and psych evals will be given. And if there's a judgment for a civil commitment of this person, that he remains dangerous to others in the community, he will be committed. It's not a lifetime commitment. It's on a yearly basis. There's due process all the way up and down. And that's one way to deal with a problem like this.

Andy 58:50

And when I told you about this last week, or maybe two weeks, you burst out laughing when I told you what he said about civil commitment.

Larry 58:57

And I liked that. What he says about due process up and down and they get reviewed every year. Wouldn't that be great if it were true?

Andy 59:03

Every year, and there is a medical community involved and all this stuff, and it's about treatment, it's about making sure that you're healthy.

Larry 59:11

So yeah, it's tragic if he really believes that. And sometimes I give these people the benefit of the doubt. I think that they have never bothered to immerse themselves in the facts. It's kind of like, how many years have we been conversing now? It's well over five.

Andy 59:27

Oh, my God forever. All of time.

Larry 59:29

We have been conversing for a number of years. And people are lacking on facts, and they will just spew stuff out because it sounds good. But it lacks facts. You know, my favorite one is unemployment went through the roof when Jimmy Carter was president. And the problem is, it didn't. That's the only problem with that myth--it has been repeated so many times. And if you've heard all this about due process and you'd never studied the civil commitment process you would think there is a fair amount of due process. It is very robust. At least I know it is in my state. We do not have PFR civil commitment here. So I can't tell you what kind of robust process we would have. But there is nothing robust about the processes that I hear.

Andy 1:00:13

Right, right, right. And then to close it out, I captured a couple of things that she said.

Emily Horowitz 1:00:19

They are also very expensive, and they take away from punishing and preventing new sex offenses. There's been revelations in recent years about gluts of sexual assault kits that are not tested in police stations, yet enormous resources are put into this registry, which is not doing anything in order to prevent sexual abuse. We've done a good job with decreasing the rates of sexual abuse since the early 90s was a result of social changes, less tolerance for abuse, awareness and economic factors, just like with all other sorts of crime, I'm not against punishment. People who commit sexual crimes should be punished and held accountable, but not for the rest of their lives, not publicly not once they serve their time.

Andy 1:01:00

Can you talk to me about the unfunded mandate that you've talked about at the county level?

Larry 1:01:05

Sure. Most of our states shift the primary responsibility for the registry to the counties. And with the exception of one state that I know for sure, that does provide some funding, and that's the pure wind driven state of Maryland, where they do provide the county registration, the local law enforcement, some financial resources, it is largely an unfunded mandate. But it's an it's a welcomed unfunded mandate. Because since law enforcement largely runs for office, particular sheriffs, I think there might have been some places where police chiefs are running for office, but certainly sheriff's run for office. It's a welcomed unfunded mandate, because it gives them the opportunity to show proactive community involvement in terms of keeping their citizens safe. But it is enormously expensive. And the funny thing is a lot of what the law enforcement does, it's not mandated by the law. In some cases, things are mandated. But in many cases, they go beyond what is mandated because it plays well to their constituents. Sheriff Long in Butts County, Georgia, is an example of that he didn't have to do any of the stuff he did that cost his county well over \$500,000, probably closer to a million when you count the county's defense, as well. But it plays very well with the voters. And I happen to know, a family who lives in Butler County, and they're just as high on Sheriff Long as they've ever been. They think that this was crazy litigation. We didn't have to do it. I said no, we didn't have to. We wish he had responded to the letter that we that we had delivered. Sure. But we had to do it because he didn't respond to the letter. We wish he had settled without going to court like his neighboring county did. But he didn't. You're right. We didn't. He didn't have to do all this, we had to do it because we didn't have any other option with his intransigence. But yes, unfunded mandates are common with registries, because the actual processing of the registrants goes to the county, or to the local police, and they don't get funded. Other than Maryland, I don't know of another state that provides that funding similar to the Maryland model.

Andy 1:03:15

And then finally, and I know you are going to say nasty things, but I think she's just pretty awesome.

Emily Horowitz 1:03:20

The most recent analyses show across the whole field finds them low, and they decrease over time, and that it makes little public safety sense to focus all of our efforts and resources on what is a relatively small population.

Andy 1:03:33

And she is speaking about recidivism rates there because they're low. Why should we spend all this money on something that has a low recidivism rate?

Larry 1:03:42

Well, I agree with her, in terms of the recidivism rate is low. It's just not a winning argument in a public forum, but it's a valid argument. It's just not a winning argue.

Andy 1:03:53

Gotcha.

Larry 1:03:56

I was wondering if we could do the final question on the next episode. And I'll answer it off the air for the submitter.

Andy 1:04:05

Sure, I'm okay with it because we're at 1:04 or so now. We can close the show. People are requesting in chat, Larry, that we keep going for a two hour show. And I'm like, I don't personally have it in me for this evening to do that. It's been a very long day for me already.

Larry 1:04:21

A two-hour show? We used to do two hour shows.

Andy 1:04:25

I said that like it was regularly 90 minutes or an hour and 45 minutes. Something like that. I don't know that we ever crossed two.

Larry 1:04:32

Well, our transcriptionists before the present one was so happy when we cut it down because they were so long.

Andy 1:04:41

Well, very good. Anything you want to say anything closing out before we close this happy party down.

Larry 1:04:48

I apologize if I've run anyone off this week. But I've tried to do what I've tried to do for five plus years now. I try to give the best information I can as I understand it from my life experience. And I tried to be accurate with the information I have. And when people send in corrections, we make those corrections if we've given inaccurate information. So we are doing the best we can.

Andy 1:05:12

Well repeatedly people say, nah, man, don't sugarcoat it. Don't tell me what you think I want to hear. Tell me what I need to know. That's what we're doing here--telling people what they need to know whether they like it or not.

Larry 1:05:26

Well, we would have tens of thousands more subscribers if we were telling them what they wanted to hear.

Andy 1:05:32

We could tell them that the Social Security money Joe Biden is putting it in his pocket or something like that, right?

Larry 1:05:37

Oh, that would certainly drive the listenership.

Andy 1:05:41

Oh, and just so you know, Larry, in case you're not informed, Joe Biden is responsible for the cost of eggs going up.

Larry 1:05:49

Of course. As I have explained before, there's this huge operation center in the basement of the White House. And every day, when he gets up, he goes down to the operations center, and he schedules airline cancellations. He schedules baby formula production. He schedules train derailments. I mean, he just pulls lever after lever after lever. And one of my conservative friends last week, he said, Well, what about the train wreck in Ohio? And I said, What about it? He says, well, why did they let the people go home? I said, well, just tell me what you would have said if the government had not let them go home? What would you be saying? You'd say that there's insufficient evidence to deprive people of their personal property. And you would be criticizing them. You hate this president so much, that you're going to find fault no matter what they do. But now they're saying that the people should not have been allowed to go home. But can you imagine what the discussion would have been with Sean Hannity. And on the conservative side, if they had said, By the way, you people can't go home. We got some testing to do. And sorry about that. I was like, hey, folks, you know, Biden did not cause the train wreck. And local authorities made the primary decision to do the burning of the stuff. I don't think the Feds made that decision as I understand it. But anyway, A lot of presidents get credit and blame for things that they don't have anything to do with. The baby formula shortage was the result of factories closing. The contamination of the eggs was because of avian flu and the massive eradication of the chickens.

Andy 1:07:38

Yeah, a billion birds get eradicated. Anyway, find all the show notes and everything you need over at registrymatters.co or fypeducation, support our podcast at Patreon for as little as \$1 a month. It really helps to keep everybody going and happy and pay the transcriptionist. And that's at patreon.com/registrymatters. I got nothing else, sir. If there's anything else that you want to say, then feel free.

